

ORDINANCE NO. 3532

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 4-10(c) IN ITS ENTIRETY AND ADDING NEW SECTIONS 4-10(c) AND (d) THEREBY REQUIRING PET OWNERS TO CLEAN UP AFTER THEIR PETS WITHIN CITY PARKS AS WELL AS PRIVATE PROPERTY WITH THE EXCEPTION OF SERVICE ANIMALS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Mesquite, Texas, has determined that it is in the best interest of the City and its citizens to require pet owners to clean up after their pets within city parks as well as private property in the City with the exception of service animals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Chapter 4 of the Code of the City of Mesquite is hereby amended by deleting Section 4-10(c) in its entirety and adding new Sections 4-10(c) and (d) to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

**CHAPTER 4**

**ANIMALS**

**ARTICLE I. IN GENERAL**

**Sec. 4-10. Nuisance animals.**

- (c) It shall be unlawful for any person owning or having control or custody of any animal:
  - (1) to permit or allow the animal to defecate within city parks including designated city/school district park sites or upon the private property of another person without the consent of the occupant or owner of that property unless the owner or the person having control or custody of the animal immediately removes the feces and properly disposes of it;
  - (2) to walk an animal within city parks, including city/school district park sites without carrying at all times a bag, wrapper or other suitable container or instrument for the removal and disposal of animal feces; or

- (3) to fail to dispose of the feces in a sanitary manner.
- (d) It is an exception to Subsection (c) if:
  - (1) the animal is a police service animal under the supervision of a police officer in the performance of his official duties; or
  - (2) the animal is a "service animal" performing duties of assisting the disabled.

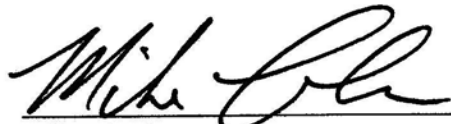
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

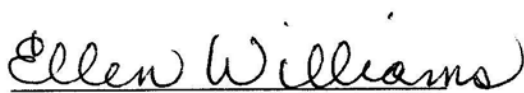
SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punishable by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 4. That the present ordinances of the City of Mesquite are inadequate to regulate nuisance animals creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of October, 2002.

  
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Mike Anderson  
Mayor

ATTEST:

  
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Ellen Williams  
City Secretary

APPROVED:

  
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B. J. Smith  
City Attorney