

ORDINANCE NO. 3533

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE BY ADDING SECTION 10-26 THEREBY PROHIBITING DOGS FROM CERTAIN DESIGNATED AREAS WITHIN CITY PARKS; 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 prohibit dogs from certain designated areas within city parks.

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

SECTION 1. That Chapter 10 of the Code of the City of Mesquite is hereby amended by adding Section 10-26 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

CHAPTER 10

OFFENSES – MISCELLANEOUS

ARTICLE I. IN GENERAL

Sec. 10-26. Dogs prohibited in designated areas within city parks.

- (a) When signs are posted giving notice to such effect, it shall be unlawful for any person owning or having control or custody of a dog to permit or allow such dog to enter upon any portion of a city park, including city/school district park sites, designated as an area prohibited to dogs.
- (b) The City Manager shall have the authority to designate any portion of a city park, including city/school district park sites, as an area prohibited to dogs by posting signs on one or more of the zone's boundaries.
- (c) It is an exception to Subsection (a) if:
 - (1) the dog is a police service animal under the supervision of a police officer in the performance of his official duties; or
 - (2) the dog is a "service dog" 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or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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 5. That the present ordinances of the City of Mesquite are inadequate to prohibit dogs in designated areas within city parks 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.

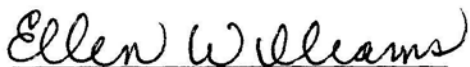
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of October, 2002.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. J. Smith
City Attorney