

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF MESQUITE BY ADDING NEW SECTIONS 4-10(c), (d) AND (e) REQUIRING PET OWNERS TO CLEAN UP AFTER THEIR PETS IN CITY PARKS AND ON PRIVATE PROPERTY; PROVIDING FOR AN EXCEPTION FOR SERVICE ANIMALS; AMENDING CHAPTER 10.5 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 10.5-20(b) IN ITS ENTIRETY AND ADDING A NEW SECTION 10.5-20(b) THEREBY CLARIFYING THE MEANING OF "PROPERLY DISPOSES"; 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 upon private property and park 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 adding new Sections 4-10(c), (d) and (e) to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

Sec. 4-10. Nuisance animals.

- (c) It shall be unlawful for any person owning or having control or custody of any animal 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.
- (d) For the purposes of this section the term "properly disposes" shall mean the collection of animal feces and the disposal of said feces in an appropriate waste receptacle.
- (e) 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 a person with disabilities.

SECTION 2. That Chapter 10.5 of the Code of the City of Mesquite is hereby amended by deleting Section 10.5-20(b) in its entirety and adding a new Section 10.5-20(b) to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

Sec. 10.5-20. Animal waste.

- (b) For the purposes of this section the term "properly disposes" shall mean the collection of animal feces and the disposal of said feces in an appropriate waste receptacle.

SECTION 3. 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 4. 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 5. 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 6. That the present ordinances of the City of Mesquite are inadequate to regulate nuisance animals and animal waste 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 16th day of August, 2004.



Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney