

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 4, "ANIMALS," OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY MAKING CERTAIN ADDITIONS AND DELETIONS IN SECTIONS 4-1, 4-14, 4-51(a), 4-57, 4-58 AND 4-101 THEREBY AMENDING AND ADDING CERTAIN DEFINITIONS; AMENDING REGULATIONS REGARDING ANIMALS SUBJECT TO IMPOUNDMENT; ADDING PROVISIONS RELATED TO THE TETHERING AND CONTAINMENT OF DOGS; AND INCLEMENT WEATHER REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE THEREOF.

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, Texas, as amended, is hereby amended by making certain additions and deletions in Sections 4-1, 4-14, 4-51(a), 4-57, 4-58 and 4-101 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

1. *Sec. 4-1.* Amend Section 4-1 by amending the definitions of "owner," "restraint" and "running at large" and adding definitions for "shelter" and "tether" to read as follows:

Owner means:

- (1) a person having title to an animal or a member of that person's immediate family, or that person's servant or agent; or
- (2) a person who has, harbors or keeps or who causes or permits to be harbored or kept, an animal in his or her care; or
- (3) a person who permits an animal to remain on or about his or her premises.

Restraint means secured by a leash or lead, or kept within a confinement area within the real property limits of its owner as provided in Section 4-58 of this chapter.

Running at large means not completely confined within a building, a confinement area as provided in Section 4-58 of this chapter, on a tether in the owner's presence as provided in Section 4-57 of this chapter, on a leash or held in the hands of the owner.

Shelter means a structure that is capable of adequately providing cover and protection from heat, cold and other environmental conditions.

Tether means a leash, chain, cable, cord, rope or any other means or act of restraining a dog to a fixed point so its movement is restricted.

2. *Sec. 4-14.* Amend by adding a new Section 4-14 to read as follows:

Sec. 4-14. Inclement weather requirements.

- (a) It shall be unlawful for an owner to keep a dog outdoors or to allow a dog to be kept outdoors in any of the following circumstances:
 - (1) The outdoor temperature is below 32 degrees Fahrenheit.
 - (2) A heat advisory has been issued by a local or state authority or jurisdiction.
 - (3) A hurricane, tropical storm or tornado warning has been issued for the jurisdiction by the National Weather Service.
 - (4) The dog does not have access to shade, dry shelter and a tip-proof water supply.
- (b) It is a defense to prosecution that the owner is present with the dog and, temporarily and actively, transporting the dog between points of shelter, allowing the dog to relieve itself or exercising the dog.

3. *Sec. 4-51.* Amend the section by deleting Section 4-51(a) in its entirety and adding a new Section 4-51(a) to read as follows:

- (a) It shall be unlawful for the owner of a dog to permit the dog to run at large within the city limits of the City. The dog must be under the control of the owner by means of a leash or chain of sufficient strength and length to control the actions of the dog. At all other times the dog shall be confined to the premises of the owner within a confinement area, inside of a building or tethered in the owner's presence as provided in Section 4-57 of this chapter.

4. *Secs. 4-57 and 4-58.* Amend by adding new Sections 4-57 and 4-58 to read as follows:

Sec. 4-57. Unlawful restraint of dogs.

- (a) Tethering of dogs is prohibited.
- (b) It is a defense to prosecution that:
 - (1) The owner is physically present within the outdoor area where the dog is tethered;
 - (2) The dog is in view of the owner at all times; and

(3) None of the following prohibited conditions exist:

a. The tether shall not:

1. Be less than five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail;
2. Be less than 10 feet;
3. Be greater than 10 percent of the dog's weight;
4. Be attached by means of a pinch-type, prong-type or choker-type collar or by a collar that is unsafe or not properly fitted;
5. Inhibits the dog's free movement or causes injury or entanglement;
6. Be used on a dog under six months of age;
7. Be used if the dog does not have access to shade, dry shelter and a tip-proof water supply; or
8. Be used if the length of the tether allows the dog to touch the fence or cross the property line or cross onto public easement.

Sec. 4-58. Outdoor confinement area requirements.

- (a) When a dog is kept outdoors, the owner shall provide both a confinement area and an adequate dog shelter within this designated area.
- (b) The confinement area required by this section shall be a fenced yard or outside dog run with fencing materials of sufficient height, durability, strength or spacing to ensure confinement within the enclosure. The confinement area must comply with the following requirements:
 - (1) When the confinement area is a fenced yard, an open area of at least 100 square feet for one dog, plus an additional 30 square feet for each additional dog, must be provided.
 - (2) When confined in an outside dog run, an enclosure of at least 100 square feet for the first dog, plus an additional 30 square feet for every additional dog in the same enclosure, must be provided.

- (3) A dog run confinement area shall be constructed of a chain link or similar material with a solid floor or ground.
 - (4) A dog shelter shall have at least three sides, a top and a solid floor, and must be adequately ventilated. The dog shelter must be large enough for the dog to enter, stand, turn around and lie down, but small enough to prevent the loss of body heat during cold weather. The interior must be kept dry and protected from the elements at all times.
 - (c) A person commits an offense if the person fails to maintain a confinement area sufficiently to ensure confinement of the dog within the enclosure.
 - (d) A person commits an offense if the person fails to provide a dog shelter within the confinement area with sufficient natural or artificial shade to protect the dog from direct sunlight.
5. *Sec. 4-101.* Amend Section 4-101(b) by deleting subsection (6) in its entirety and adding new subsections (6) through (8) to Section 4-101(b) to read as follows:
- (6) Any animal that is primarily kept outside and has not been provided access to proper shelter as defined in Section 4-1, and/or who has not been provided with daily access to potable water and food;
 - (7) Any sick or injured animal that has not been provided necessary and immediate veterinary care; or
 - (8) Any animal violating any other provision of this chapter.

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 validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Five Hundred (\$500.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 5. That this ordinance shall take effect on July 1, 2018.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 2nd day of April, 2018.

Stan Pickett
Mayor

ATTEST:

APPROVED:

Sonja Land
City Secretary



B. J. Smith
City Attorney