

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY MAKING CERTAIN ADDITIONS AND DELETIONS IN SECTIONS 4-1, 4-14 AND 4-101 THEREBY AMENDING THE DEFINITIONS AND REGULATIONS PERTAINING TO INCLEMENT WEATHER REQUIREMENTS FOR DOGS KEPT OUTDOORS AND OUTDOOR WATER SUPPLY; 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 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 deleting the definition of “shelter” and adding definitions for “freeze warning,” “heat warning” and “National Weather Service” to read as follows:

*Freeze warning* means a freeze warning issued by the National Weather Service when significant, extended freezing temperatures are expected.

*Heat warning* means an excessive heat warning issued by the National Weather Service when intense, extended heat conditions are expected.

*National Weather Service* means Southern Regional Headquarters of the U.S. National Weather Service which issues weather forecasts, including warnings of hazardous weather.

2. *Sec. 4-14.* Amend by deleting the title of Section 4-14 and subsections (a) and (b) in their entirety and adding a new title to Section 4-14 and subsections (a) through (c) to read as follows:

**Sec. 4-14. Inclement weather requirements; outdoor water supply.**

- (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) A freeze warning has been issued by the National Weather Service and the temperatures forecasted by the warning are present.

- (2) A heat warning has been issued by the National Weather Service and the temperatures forecasted by the warning are present.
  - (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 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, allowing the dog to relieve itself or exercising the dog.
  - (c) It is a defense to prosecution that the dog has unimpeded access to a climate-controlled structure or to shelter capable of providing cover and protection from heat, cold and other environmental conditions.
3. *Sec. 4-101.* Amend Section 4-101 by deleting subsection (6) in its entirety and adding a new subsection (6) to read as follows:
- (6) Any animal that is primarily kept outside and has not been provided access to proper shelter and/or who has not been provided with daily access to potable water and food;

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 and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,  
on the 16th day of July, 2018.

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Stan Pickett  
Mayor

ATTEST:

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Sonja Land  
City Secretary

APPROVED:

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Paula Anderson  
Interim City Attorney