

# City of Mesquite

Department of Neighborhood Services

## Animal Services Ordinance Amendment

### Summary of Highlights

(Full proposed draft Ordinance projected to be available on October 23, 2020)

Current Ordinances	Proposed Amendments
No person shall abandon any animal or cause such act to be done.	<b>Abandonment</b> shall include failure to reclaim or failure to formally surrender an animal to the Animal Services Division.
No current language defining a “Dangerous Animal” including a “Dangerous Dog.”	Defines “ <b>Dangerous Animal</b> ” to include a “ <b>Dangerous Dog</b> ” in accordance with Chapter 822 Subchapter D of the Texas Health and Safety Code. Will include provisions for report, determination, appeal and final disposition. ( <b>Dangerous to Humans</b> )
Current ordinance defines “Vicious Animals” (the old terminology and process for what is now defined in state law as “Dangerous Dogs”)	Defines “ <b>Aggressive Animal</b> ” as an animal that has on at least two separate occasions, without provocation, attacked or bitten any domestic animal; or any dog which the Animal Services Division has reason to believe has a dangerous disposition likely to be harmful to domestic animals. Will include provisions for report, determination, appeal and final disposition. ( <b>Aggressive to Animals</b> )
Animal Limits of 3 adult dogs and/or 3 adult cats.	<b>Animal Limits</b> of 6 adult animals in any combination.
No current ordinance providing relief for ongoing nuisances in a one-year period.	Three or more <b>ongoing nuisance</b> violation convictions could result in mandated surrender or removal of the nuisance animal from the City.
Nuisance animal violations include: <ul style="list-style-type: none"><li>• Excessive noise, odors, or unsightly appearances;</li><li>• Allow an animal to defecate on public or private property without immediately removing.</li></ul>	<b>Animal nuisance violations</b> now to include: <ul style="list-style-type: none"><li>• Unsanitary conditions;</li><li>• Animals defecating without removing;</li><li>• Animal slaughtering;</li><li>• Dead animals on property; and</li><li>• Noise violations which includes a complaint process.</li></ul>
Microchipping is not addressed in current ordinances.	<b>Mandatory microchipping</b> of any animal impounded.
Annual City Registration of every cat or dog over 3 months old with proof of current rabies vaccine.	<b>Proof of current rabies</b> shall be made available to Animal Services upon request.
Holding period for impounded animals is 72 hours.	<b>Holding period</b> for: (the Day animal impounded is Day 0) <ul style="list-style-type: none"><li>• Impounded stray animals with no means of traceable identification is 3 <u>business days</u>;</li><li>• Holding period for impounded animals with any type of traceable identification (microchip, collar, tag) is 5 <u>business days</u>;</li><li>• Impounded animals 3 months or younger with no means of traceable identification shall have no holding period;</li><li>• Impounded cats with no means of traceable identification <i>may</i> be sterilized and returned to the area found within 3 days.</li></ul>
Any impounded animal, which appears to be suffering from serious bodily injury or disease and which is in great pain or suffering or which appears to have an infectious disease which is a danger to humans or to other animals may be euthanized.	Any impounded animal...  may be euthanized <b>or transferred to a nonprofit humane organization.</b>

Current Ordinances	Proposed Amendments
<p>Animal care and treatment includes violations for tethering and outdoor confinement area requirements for shelter, food and water.</p>	<p><b>Animal care and treatment</b> shall include:</p> <ul style="list-style-type: none"> <li>• <b>Docks of tail</b> or removal of <b>dew claws</b> of any animal over five (5) days of age, or <b>cropps the ears</b> of an animal of any age, unless he/she is licensed to practice veterinary medicine in the state;</li> <li>• Transfers ownership or otherwise physically removes from its mother any dog, cat, ferret, or rabbit less than six (6) weeks old, or any other <b>un-weaned animal</b>, except as advised by a licensed veterinarian;</li> <li>• <b>Fails to notify</b> the department within twenty-four (24) hours after a motor vehicle being operated by him/her strikes an animal;</li> <li>• Euthanizes, <b>kills or attempts to euthanize or kill</b> an animal in a manner other than one allowed in this chapter;</li> <li>• Places or <b>confines an animal</b>, or allows an animal to be placed or confined, in a motor vehicle, conveyance, or trailer without providing adequately for the necessities of life, including air, food, potable water, sanitary conditions, shelter, or protection from the heat, cold, or other environmental condition, or under other circumstances that may cause bodily injury, serious bodily injury, or death of the animal;</li> <li>• Causes or allows an animal to <b>remain in its own filth</b>;</li> <li>• Owns or has care, custody, or control of an animal having an <b>infestation</b> of ticks, fleas, heartworms, or other parasites, without having the animal treated by a veterinarian or following a proper commercially available treatment regimen for the infestation;</li> <li>• Owns or has care, custody, or control of an animal having an obvious or diagnosed illness, injury, or communicable illness transmittable to animal or human, without having the animal <b>treated by a veterinarian</b> or following a proper treatment regimen for the injury or illness;</li> <li>• <b>Fails to provide basic grooming</b> for an animal, affecting its quality of life;</li> <li>• <b>Causes, allows, or trains an animal to fight</b> another animal or possesses animal fighting paraphernalia or training equipment;</li> <li>• Fails to adequately provide an animal owned by him or under his care, custody, or control with <b>necessities of life</b>, including food, potable water, sanitary conditions, shelter, or protection from the heat, cold, other environmental conditions, or other circumstances that may cause bodily injury, serious bodily injury or death of the animal;</li> <li>• <b>Mutilates</b> or allows to be mutilated any dead animal for reasons other than food preparation or taxidermy. Dissection in compliance with medical or veterinary research, veterinary necropsy, and educational use of dead animals shall not be considered mutilation;</li> </ul>

Current Ordinances	Proposed Amendments
Animal Care and Treatment continued.	<ul style="list-style-type: none"> <li>• Attaches or allows to be attached a <b>collar or harness</b> to an animal that is of an <b>inadequate size</b> so that it restricts the animal's growth or causes damage to the animal's skin;</li> <li>• <b>Tethering</b> as amended in 2018;</li> <li>• <b>Teases, taunts, or provokes</b> an aggressive reaction from an animal.</li> </ul>
No sterilization requirements in current ordinances.	<p>The City encourages, and in some cases requires, <b>spaying and neutering</b> of animals as follows:</p> <p><b>Impounded for the first-time.</b> When an animal has been impounded for the first-time, the owner is eligible for a refund of the Impoundment Fee, if the owner shows proof of written documentation that the animal is currently spayed or neutered or has been spayed or neutered within thirty (30) days of the animal being reclaimed. See Appendix D for applicable fees.</p> <p><b>Impounded for the second time.</b> Any animal that is impounded a second time <b>may</b> be sterilized at the discretion of the Animal Services Manager, at the owner's expense, prior to the owner reclaiming the animal. This subsection shall not apply if the animal was at-large due to forces of nature, fire, or the criminal act of a third party who was not residing at the animal owner's residence. See Appendix D for applicable fees.</p> <p><b>Impounded for the third time.</b> Any animal that is impounded a third time <b>shall</b> be sterilized, at the owner's expense, prior to the owner reclaiming the animal. This subsection shall not apply if the animal was at large due to forces of nature, fire, or the criminal act of a third party who was not residing at the animal owner's residence. See Appendix D for applicable fees.</p>
No current language regarding breeders.	A person commits an offense if he advertises, displays, transfers ownership, or offers to transfer ownership of more than twelve (12) animals or more than <b>two (2) litters</b> , clutches, or other groups of offspring (whichever is greater) of any <b>breeding</b> animal during any twelve (12) consecutive month.

\*This is a summary of highlights of the upcoming ordinance amendment proposal to Chapter 4 "Animals" of the Mesquite City Code and are not all inclusive. The proposed amendments are subject to revisions and updates based on Community Input, City Staff Recommendations and City Council Approval.