

(First published in the Times-Sentinel _____, 2012)

ORDINANCE NO. 637

AN ORDINANCE REQUIRING THE REMOVAL OF ANIMAL EXCREMENT FROM PUBLIC RIGHT-OF-WAY, PUBLIC PROPERTY AND PRIVATE PROPERTY; PROVIDING CERTAIN EXEMPTIONS TO SUCH REQUIREMENT; AND PROVIDING PENALTIES FOR VIOLATING THE PROVISIONS OF SAID.

NOW BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN PLAIN, SEDGWICK COUNTY, KANSAS:

SECTION 1. ANIMAL OWNER RESPONSIBILITY FOR REMOVAL OF ANIMAL EXCREMENT.

The owner of every animal shall be responsible for the removal of any excreta deposited by his or her animal(s) on public rights-of-way, public property or private property.

- (a) It is unlawful for the owner or person in control of an animal to intentionally, knowingly, recklessly or with criminal negligence allow or permit such animal to defecate on any public property or improved private property other than that of the owner or person in control of the animal. The fact that the animal was at large at the time it defecated on any property shall constitute prima facia evidence that the owner or person in control of the animal allowed or permitted the animal to so act.
- (b) It is exception to the application of this section that:
 - 1) The owner or person in control of the animal immediately removed and cleaned up such animal's feces from public or private property; or
 - 2) That the owner or person in control of an animal has a physical disability or visual impairment and the animal is a service animal trained by an accredited institution to provide assistance to physically disabled and/or visually impaired persons.
- (c) Violation of this Section shall be punishable by a fine of not less than \$10.00 plus applicable court costs. The Municipal Judge shall have authority to order community service in lieu of a fine and/or costs and to suspend the fine and/or costs or any portion thereof."

SECTION 2. This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED BY THE GOVERNING BODY ON _____, 2012

Larry Lampe, Mayor

ATTEST:

Ronda Mollenkamp, City Clerk