



City of Nixa  
Parks and Recreation  
PO BOX 395  
701 N. Taylor Way  
Nixa, MO 65714

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**To: Mayor Steele, Nixa City Council**  
**CC:** Jimmy Liles, City Administrator  
**From:** Matt Crouse, Director of Parks and Recreation  
**Re:** Pet Waste Ordinance Amendment

October 4, 2021

As the city prepares for the dog park to come online to the community an update to Chapter 6, Article I, Section 6-6 of the Nixa City Code needs to be amended to help align this ordinance with the use of city property for the purposes of a dog park.

Currently the owner or responsible party of an animal may not allow the animal to defecate on public property, right-of-way, or private property not owned or leased by the owner or responsible party. Where we know this already occurs, the change we are proposing would amend the ordinance to require the owner or responsible party to immediately cleanup and properly dispose of the excrement in a sanitary manner.

This amendment is most likely what was originally intended in the ordinance, however, is not exactly how the ordinance reads. This change would more clearly define the offense to help ensure the pet owner or responsible party immediately cleanup any pet waste created by their pet when in public spaces or on property not owned or leased by that person.

Respectfully,

Matt Crouse  
Director, Parks and Recreation

1           **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING**  
2           **CHAPTER 6, ARTICLE I, SECTION 6-6 OF THE NIXA CITY CODE**  
3           **TO PROVIDE A DEFENSE FOR VIOLATIONS OF SUCH SECTION.**  
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6           **WHEREAS** City staff has requested a proposed change to Section 6-6 of the Nixa  
7 City Code; and  
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9           **WHEREAS** the intent with the proposed change is to accommodate the use of the  
10 City’s first dedicated dog park and to allow responsible animal owners to avoid violations  
11 of Section 6-6 of the Nixa City Code; and  
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13           **WHEREAS** the City Council desires to adopt the amendments as set forth herein.  
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15           **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
16 **NIXA, AS FOLLOWS, THAT:**  
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18           **SECTION 1:** Chapter 6, Article I, Section 6-6 of the Nixa City Code is hereby  
19 amended by repealing Section 6-6 in its entirety and adopting in lieu thereof a new Section  
20 6-6, which shall read as follows:  
21

22 (Note: Language to be added is indicated by being underlined. Language to be removed  
23 is indicated by being ~~stricken~~.)  
24

25           Sec. 6-6. – Animal defecation.  
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27           No person owning or responsible for an animal shall permit the animal to defecate  
28 on any public property or right-of-way or upon any private property not owned or leased  
29 by the person owning or responsible for the animal. The owner or responsible party of the  
30 animal shall be responsible for the removal of any excreta. It is a specific defense to a  
31 charge of violating this section that the persons charged immediately removed the  
32 excrement and properly disposed of it in a sanitary manner.  
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34           **SECTION 2:** The City Attorney, when codifying the provisions of this Ordinance,  
35 is authorized to provide for different section numbers, subsection numbers, and different  
36 internal citation references than those provided herein when such section numbers,  
37 subsection numbers, or internal citation references are in error or are contrary to the intent  
38 of this Ordinance.  
39

40           **SECTION 3:** Savings Clause. Nothing in this Ordinance shall be construed to  
41 affect any suit or proceeding now pending in any court or any rights acquired, or liability  
42 incurred nor any cause or causes of action occurred or existing, under any act or  
43 ordinance repealed hereby.  
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45           **SECTION 4:** Severability Clause. If any section, subsection, sentence, clause, or  
46 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect

47 the validity of the remaining portions of this Ordinance. The Council hereby declares that  
48 it would have adopted the Ordinance and each section, subsection, sentence, clause, or  
49 phrase thereof, irrespective of the fact that any one or more sections, subsections,  
50 sentences, clause, or phrases be declared invalid.

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52 **SECTION 6:** This Ordinance shall be in full force and effect from and after its final  
53 passage by the City Council and after its approval by the Mayor, subject to the provisions  
54 of section 3.11(g) of the City Charter.

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56  
57 **ADOPTED BY THE CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.**

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59  
60 ATTEST:  
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62 \_\_\_\_\_  
63 CITY CLERK PRESIDING OFFICER

64  
65  
66 **APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.**

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69 ATTEST:  
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71 \_\_\_\_\_  
72 CITY CLERK MAYOR

73  
74  
75 APPROVED AS TO FORM:  
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77 \_\_\_\_\_  
78 CITY ATTORNEY