



Issue: Pet Waster Ordinance Amendment

Date: October 15, 2021

Submitted By: Matt Crouse, Director of Parks and Recreation

Background

In current review of Chapter 6, Article I, Section 6-6 of the Nixa City Code 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.

Analysis

Where staff knows that people walk their pets and enjoy the company of their pets in a public space, and therefore understand that the pet and owner could violate this code, it is recommended that action be taken to ensure that the intent of the code be clarified.

Recommendation

Staff is recommending that the verbiage be added that would state that if the responsible person in charge of the pet does not immediately clean up and dispose of the excrement properly and in a sanitary manner, then they would be in violation of this city code.

Thank you for your consideration and I would be happy to answer any questions you may have.

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.**
4

5
6 **WHEREAS** City staff has requested a proposed change to Section 6-6 of the Nixa
7 City Code; and
8

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
12

13 **WHEREAS** the City Council desires to adopt the amendments as set forth herein.
14

15 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
16 **NIXA, AS FOLLOWS, THAT:**
17

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.
26

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.
33

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.
44

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.

51
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.

55
56
57 **ADOPTED BY THE CITY COUNCIL THIS 25TH DAY OF OCTOBER 2021.**

58
59
60 ATTEST:
61
62 _____
63 CITY CLERK PRESIDING OFFICER

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

67
68
69 ATTEST:
70
71 _____
72 CITY CLERK MAYOR

73
74
75 APPROVED AS TO FORM:
76
77 _____
78 CITY ATTORNEY