

Sec. 6-10. - Defecation of dogs on public and private property.

- (a) An owner, harborer, or other person in possession of a dog commits an offense if he knowingly permits, or by insufficient control allows, the dog to defecate in the city on private or public property and fails to remove and dispose of any excreta the dog deposits.
- (b) An owner, harborer, or other person in possession of a dog commits an offense if he:
  - (1) Knowingly permits the dog to enter or be present on private property located in a public place; and
  - (2) Fails to have in his possession materials or implements that, either alone or in combination with each other, can be used to immediately and in a sanitary and lawful manner both remove and dispose of any excreta the dog may deposit on the property.
- (c) It is a defense to prosecution under subsection (a) or (b) that:
  - (1) The property was owned, leased, or controlled by the owner, harborer, or person in possession of the dog;
  - (2) The dog was specially trained to assist a person with a disability and was in the possession of that disabled person at the time it defecated or was otherwise present on the property;
  - (3) The owner or person in control of the property had given prior consent for the dog to defecate on the property; or
  - (4) The dog is a police canine being used in official law enforcement activities.

(Ord. No. 2000-460, § 1, 12-19-00)