

(Summary Published in the Butler County Times-Gazette  
on the 21<sup>st</sup> day of July, 2018.)

THE CITY OF AUGUSTA, KANSAS

ORDINANCE NO. 2136

AN ORDINANCE AMENDING ARTICLE 2 SECTION 136 OF  
THE MUNICIPAL CODE OF THE CITY OF AUGUSTA  
ESTABLISHING OWNER RESPONSIBILITIES FOR THE  
REMOVAL OF ANIMAL EXCREMENT AND PROVIDING  
FINES FOR VIOLATIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF AUGUSTA, KANSAS:

Section 1. Amending Section 2-136 of the Code

Section 2-136 of the Code of the City of Augusta, Kansas is hereby amended to read as follows:

“Section 2-136. ANIMAL WASTE

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. The owner of any animal shall not allow animal waste to gather and remain on the premises of the owner in such quantities which create unsanitary conditions or objectionable odors.

(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 an 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. Repeal

All ordinances or parts of ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 3. Effective Date

This ordinance shall take effect and be in force from and after publication in the official city newspaper.

Passed by the City Council this 16<sup>th</sup> day of July, 2018.

Approved by the Mayor this 16<sup>th</sup> day of July, 2018.



SEAL

  
MAYOR, MIKE L. RAWLINGS

ATTEST:

  
CITY CLERK, ERICA JONES