

ORDINANCE NO. 4199

AN ORDINANCE AMENDING SECTION 6, ARTICLE I, OF THE CODE OF THE CITY OF WELLINGTON, KANSAS, BY ADDING SECTION 6-11 WITH RESPECT TO ANIMAL DEFECATION AND SECTION 6-12 WITH RESPECT TO ANIMALS IN MOTOR VEHICLES.

WHEREAS, the governing body has determined that it is necessary to take into consideration the problems caused by animal waste and animal defecation in certain areas.

SECTION I

Section 6, Article I of the Code of the City of Wellington, is hereby amended to include the following:

Section 6-11 Animal Defecation

- (a) It shall be unlawful for the owner, harbinger, or keeper of any animal to allow such animal to defecate on any public property or the private property of another person without such other persons' consent, and to fail to immediately remove said defecation from said public or private property.
- (b) Violation of this section shall be an ordinance infraction which will be subject to a fine of not less than twenty dollars (\$20.00) and no more than one hundred dollars (\$100.00).

Section 6-12 Animals in Motor Vehicles.

- (a) It is unlawful for any person to leave any animal in any standing or parked vehicle in such a way as to intentionally, knowingly or recklessly endanger the animal's health, safety or welfare. An animal control officer or police officer is authorized to use reasonable force to remove the animal from the vehicle whenever it appears that the animal's health, safety or welfare is or will be endangered if the owner of the vehicle cannot be located after reasonable attempts. The animal shall be taken to the animal shelter or to a veterinarian if the animal is in distress. A written notice bearing the name of the officer removing the animal, a telephone number where he or she can be contacted and the location where the animal may be claimed by the owner shall be attached to the vehicle. Any person violating this section shall bear the full cost and expense incurred by the city in the care, medical treatment, impoundment cost and disposal of the animal, including the removal from a vehicle in addition to any criminal penalty that may be imposed under this section.

- (b) Instances where occupants of motor vehicles are involved in a traffic accident or other vehicle related incidents which result in animals being left uncontrolled or unattended, animal control or police officers of the city are authorized to take welfare custody of such unattended animals. In the interest of the health, safety or welfare of such animals, officers are authorized to transport such animals to the city's animal shelter. Information shall be provided to the animal's owner as to the animal's disposition. Animal owners shall bear full cost and expense incurred by the city in the care, medical treatment, impoundment cost or other associated costs.
- (c) Violation of this section shall be an ordinance infraction which will be subject to a fine of not less than twenty dollars (\$20.00) and no more than one hundred dollars (\$100.00).

SECTION II

This ordinance shall take effect and be in force from and after its publication in the official city newspaper, as provided by law.

PASSED AND APPROVED by the Governing Body of the city of Wellington, Kansas, this 20th day of September, 2016.

Shelley R. Hansel, Mayor

(SEAL)
ATTEST

Carol S. Mericle, City Clerk

FORM APPROVED:

Michael C. Brown, City Attorney