

## ORDINANCE NO. 651

### AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING TO TITLE 6 OF THE GIG HARBOR MUNICIPAL CODE RELATING TO ANIMAL CONTROL AND ESTABLISHING A MISDEMEANOR FOR FAILURE TO REMOVE AND DISPOSE OF FECES DEPOSITED ON PUBLIC PROPERTY.

WHEREAS, accumulation of fecal matter from animals on public property is an unsanitary and noisome condition which interferes with the public's use of sidewalks, parks and other public areas; and

WHEREAS, creation of this nuisance rests with animal owners who do not remove their animals' feces in public areas;

NOW, THEREFORE, THE CITY OF GIG HARBOR DOES ORDAIN;

Section 1. Language in the City of Gig Harbor Municipal Code, Chapter 6.06, is hereby added to read as follows:

#### Chapter 6.06

#### ANIMAL FECAL MATTER

##### Sections:

- 6.06.010      Control of Animals
- 6.06.020      Removing Fecal Matter
- 6.06.030      Possession of Removal Equipment
- 6.06.040      Set Aside Areas
- 6.06.050      Violation - Penalty

6.06.010 Control of Animals. It is unlawful for the owner of any animal to cause, permit or allow such animal to roam, run, stray, or to be away from the premises of such owner unless the animal is under tethered control.

6.06.020 Removing Fecal Matter. It is unlawful for the owner or handler of any animal to fail to remove fecal matter deposited by their animal on public property or public easement, or private property of another, before the owner leaves the immediate area where the fecal matter was deposited.

6.06.030 Possession of Removal Equipment. It is unlawful for the owner or handler of any animal to fail to have in their possession the equipment necessary to remove their animal's

fecal matter when accompanied by said animal on public property or public easement, or private property of another.

**6.06.040 Set Aside Areas.** The above prohibitions shall not extend to areas set aside and designated by the city as areas where animals can be off-leash for exercise or training.

**6.06.050 Violation - Penalty.** Any person violating this section is guilty of a misdemeanor, and upon conviction shall be punished:

- A. By a fine of not less than twenty dollars or more than fifty dollars for the first offense;  
or
- B. For the second and subsequent offenses occurring within one year, a fine of not less than thirty dollars or more than one hundred dollars.

The minimum fines provided for by this section are mandatory minimums, and shall not be either suspended or deferred except in cases in which the court determines that the defendant is indigent and unable to pay any fine.

**Section 2. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 3.** This ordinance shall be in force and take effect five (5) days after its publication according to law.

APPROVED:

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Gretchen A. Wilbert, Mayor

ATTEST:

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MARK E. HOPPEN  
City Administrator/Clerk

Filed with City Clerk: 9/3/93  
Passed by City Council: 9/27/93  
Date Published: 10/06/93  
Date Effective: 10/11/93