

ORDINANCE NO. 19-XX

AN ORDINANCE AMENDING OLATHE MUNICIPAL CODE SECTION 8.10.010
PERTAINING TO ANIMAL NUISANCE AND REPEALING THE EXISTING
SECTION.

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

SECTION ONE: Section 8.10.010 of the Olathe Municipal Code is hereby
amended to read as follows:

“8.10.010 Nuisance Prohibited.

(A) It shall be unlawful for the owner or harbinger of any
animal to cause or permit such animal to perform, create or engage
in any animal nuisance. Any animal found acting in any way
forbidden by this title, in the determination of the animal control
officer, shall hereby be declared a nuisance and its owner or
harbinger shall be subject to citation.

(B) “Scheduled Fine Animal Nuisance” is when:

- (1) A dog is in public and not controlled;
- (2) An animal ~~moles~~~~ts~~~~or~~ disturbs a persons by
chasing, ~~barking~~, snapping, or lunging;
- (3) An animal creates noxious or offensive odors;
- (4) An animal is on public property and obstructs or
interferes with vehicular or pedestrian traffic;
- (5) An animal impedes solid waste collection by
ripping a solid waste bag or tipping over a solid waste
container; or
- (6) Any violation of O.M.C. 8.06.010, 8.06.100,
~~8.08.095~~, 8.10.020 or 8.10.030 occurs.

ATTACHMENT A

(C) "Mandatory Court Appearance Animal Nuisance" is when:

(1) an animal barks, whines, howls, brays, cries or makes other noises excessively so as to cause annoyance, disturbance or discomfort to any reasonable person of normal auditory sensitivity ~~who resides in~~ at a residence structure which is within one thousand (1000) yards of the property on which the animal is kept or harbored;

(2) an animal creates an insect breeding and/or attraction site due to an accumulation of excreta;

(3) an animal threatens or causes a condition which endangers public health, safety, or welfare;

(4) an animal bites or attacks ~~other~~ another animals;

(5) an animal bites or attacks a person, or

~~(5)~~ (6) any other violation of this title, which is not a scheduled nuisance as defined in subsection (B), occurs."

SECTION TWO: Existing Section 8.10.010 is hereby repealed.

SECTION THREE: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED by the Governing Body this _____ day of _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

ATTACHMENT A

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.