ATTACHMENT A

ORDINANCE NO. 19-18

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 harborer 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 harborer shall be subject to citation.

(B) "Scheduled Fine Animal Nuisance" is when:

(1) A dog is in public and not controlled;

(2) An animal ~~molests or~~ disturbs a person~~s~~ 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.

(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 animal~~s~~;

(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SECTION TWO: Existing Section 8.10.010 is hereby repealed.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:

_____
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.