

**ORDINANCE NO. 1151-10**



**AN ORDINANCE REQUIRING CANINE FECAL MATTER TO BE REMOVED**

WHEREAS, the City of Foley has found and determined that animal waste is unsanitary, a nuisance, and detrimental to the health, safety, and general welfare of the community;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Foley at its meeting on the 20<sup>th</sup> day of December, 2010 as follows:

Section 1. Definitions. That the following terms will have the following definitions in the context of this ordinance:

DOG: Any type or species of domesticated animal in the canine family.

OWNER: Any person or persons, firm, association or corporation owning, keeping or harboring a dog, or any person having custody, possession, or control of a dog at any particular time, or in the case of a person under the age of 18, the person's parent or legal guardian. A dog shall be deemed to be harbored if it has been fed or sheltered for three (3) or more consecutive days.

PUBLIC PROPERTY: All parks, recreation areas, playing fields, school grounds, sidewalks, easements, rights-of-way, and the traveled portion of public streets and roads owned or available for use by the public at large.

PRIVATE PROPERTY OF ANOTHER: Real property owned by any person or entity other than the Owner or Responsible Party of a particular dog.

Section 2. Removal of Feces Required.

If any dog shall defecate upon public property or upon private property of another, the Owner shall immediately remove or cause to be removed all feces of said dog. If such feces is not so removed, then the Owner of said dog shall be deemed to be in violation of this Ordinance.

Section 3. Exceptions.

The provisions of this section shall not apply to a guide dog accompanying a blind person.

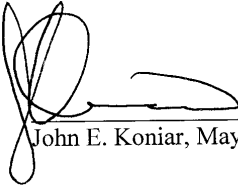
Section 4. Penalties.

Violation of this Ordinance shall be punishable by a citation to appear in court. Failure to appear at assigned court hearing may result in issuance of an arrest warrant. Violators of this ordinance shall be fined up to \$25 for the first violation, \$50 for the second violation, and \$100 for each subsequent violation.

Section 5. Effective Date and Repealer.

This ordinance shall become effective thirty (30) days after its passage and publication. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

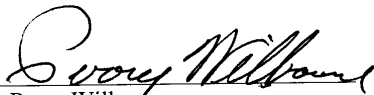
PASSED, ADOPTED, and APPROVED this 20<sup>th</sup> day of December, 2010.



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John E. Koniar, Mayor


ATTEST:



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A. Perry Wilbourne  
City Clerk/Administrator

"I certify that the foregoing Ordinance was published in the Foley Onlooker, a newspaper of general circulation in the City of Foley, in its issue of Friday, December 31, 2010".



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A. Perry Wilbourne  
City Clerk/Administrator