

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 2884

**AN ORDINANCE REQUIRING THE REMOVAL AND PROPER DISPOSAL OF
DOG EXCREMENT**

Recitals.

The City Council determines and finds that solid dog waste on certain public ways and in certain public places constitutes an aesthetic nuisance and a possible danger to pedestrians and to others and should not be tolerated. The Council also finds and determines that the owners or possessors or persons in charge of any dog in specified areas should be required to remove any solid dog wastes and to properly dispose of same. The City Council further finds that disposal and proper removal of dog waste will be fostered by requiring that owners, keepers or harborers of dogs in such areas be required to possess suitable equipment for the riddance of such waste.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE CODE OF ORDINANCES IS AMENDED BY THE ADOPTION OF A NEW SECTION 6-12 TO READ AS FOLLOWS:

(a) The terms "dog" and "owner" as used in this section shall be as defined in section 6-57 of the Code of Ordinances of the City of Grand Junction.

(b) No person owning, keeping or in charge of any dog shall fail to prevent such dog from defecating upon any public property, sidewalk or way within the areas or boundaries as specified in this ordinance.

(c) It is an affirmative defense to a charge of violating this section 6-12 that the defecation occurred on private property and that the prior express permission of the owner or all tenants thereof had been obtained.

(d) It is an affirmative defense to a charge of violating this section 6-12 that the owner, keeper or person in charge of such dog immediately removed or cleaned up such deposit and disposed thereof by depositing it in a toilet or a receptacle ordinarily used for garbage or in an otherwise lawful and sanitary manner.

(e) No person shall fail to possess a shovel, scoop or other suitable equipment for removing dog excrement while the dog and the owner, keeper or person in charge of the dog are upon any public property, sidewalk or way within the jurisdictional boundary of this ordinance. For the purposes of this section 6-12, an animal control officer, police officer or other officer or agent of the City of Grand Junction having jurisdiction to enforce this code may make a *prima facie* determination as to the sufficiency of any scoop, shovel or removal device. The owner, keeper or person in charge of the dog shall be relieved from the obligations of this subparagraph (e) if the dog is: used or participating in a parade, exhibition or demonstration authorized by the City of Grand Junction; or the dog is being actively used or is participating as an operative in a law enforcement search, investigation or other official law enforcement activity; or the dog is being transported in an automobile, truck or similar conveyance and the dog remains confined within the automobile, truck or similar conveyance at all times while being transported on or within the specified areas. Law enforcement officers shall be required to properly remove and dispose of excrement of law enforcement canine(s) after completion of any search, investigation or official law enforcement activity.

(f) Violation of subparagraph (b) of section 6-12 constitutes a separate and distinct offense from violation of subparagraph (e) of section 6-12.

(g) Every person convicted of a violation of subparagraph (b) of section 6-12 shall pay at least a minimum fine, none of which may be suspended by the Court, according to the following schedule: first conviction - \$25.00; second conviction - \$50.00; third and each subsequent conviction, \$100.00. In applying this schedule the date when the actual violation occurred shall control, regardless of the date of conviction and the record of the violator for three years prior to the date of the current violation shall be considered.

(h) Every person convicted of a violation of subsection (e) shall pay at least a minimum fine, none of which may be suspended by the Court, according to the following schedule: first conviction - \$25.00; second conviction - \$50.00; third and each subsequent conviction, \$100.00. In applying this schedule the date when the actual violation occurred shall control, regardless of the date of conviction and the record of the violator for three years prior to the date of the current violation shall be considered.

(i) This ordinance is applicable in, and the jurisdictional boundary is designated to be, all public parks within the City of Grand Junction and including the Main Street "park" described as the area around Main Street bounded by the eastern edge of the right-of-way of 1st Street, the western edge of the right-of-way of 7th Street, the north edge of the right-of-way of the alley north of Main Street and the southern edge of the

right-of-way of the alley south of Main Street and those portions of the Riverfront Trail, and other trail section or lengths, as designated by the resolution of the City Council so long as such trails, sections, or lengths are within the City's limits and the trail users are given notice by the use of the appropriate signs.

(j) Any person who is blind, as that term is defined in 26-2-103, C.R.S. 11B, and uses a guide dog shall be exempt from the provisions of this ordinance.

(k) The City Clerk shall cause the foregoing provisions of this ordinance to be codified within the City Code at section 6-12.

(l) All enforcement personnel charged by the City Manager with enforcement of this ordinance, including animal control officers, police officers or other officers or agents of the City of Grand Junction, having jurisdiction to enforce the City Code of Ordinances, are hereby directed to issue warnings only for violations of this ordinance for ninety days after the effective date of this ordinance.

Introduced on first reading this 6th day of December, 1995.

PASSED and ADOPTED on second reading this 3rd day of January, 1996.

/s/ Ron Maupin
Mayor

Attest:

/s/ Stephanie Nye
City Clerk

effective date: February 4, 1996