

**SEC. 7-4.8. DEFECATION OF DOGS ON PUBLIC AND PRIVATE PROPERTY;
FAILURE TO CARRY MATERIALS AND IMPLEMENTS FOR THE REMOVAL
AND DISPOSAL OF DOG EXCRETA.**

- (a) An owner of a dog commits an offense if he knowingly permits, or by insufficient control allows, the dog to defecate in the city on private property or on property located in a public place.
- (b) An owner of a dog commits an offense if he:
 - (1) knowingly permits the dog to enter or be present on private property or on property located in a public place; and
 - (2) fails to have in his possession materials or implements that, either alone or in combination with each other, can be used to immediately and in a sanitary and lawful manner both remove and dispose of any excreta the dog may deposit on the property.
- (c) It is a defense to prosecution under Subsection (a) that the owner of the dog immediately and in a sanitary and lawful manner removed and disposed of, or caused the removal and disposal of, all excreta deposited on the property by the dog.
- (d) It is a defense to prosecution under Subsection (a) or (b) that:
 - (1) the property was owned, leased, or controlled by the owner of the dog;
 - (2) the owner or person in control of the property had given prior consent for the dog to defecate on the property; or
 - (3) the dog was a service dog being used in official law enforcement activities.
- (e) This section does not apply to a service dog that is specially trained to assist a person with a disability and that was in the custody or control of that disabled person at the time it defecated or was otherwise present on private property or on property located in a public place. (Ord. 26024)