

ORDINANCE NO. 376

AN ORDINANCE AMENDING  
OCEAN VIEW CODE RELATING TO CHAPTER 68 ANIMALS

WHEREAS, pursuant to Section 2.313 of the Ocean View Charter, the Town Council of the Town of Ocean View has all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute. This grant of powers includes the power to adopt ordinances for the protection and preservation of town property, rights and privileges; for the preservation of peace and good order; for securing protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the Town; and

WHEREAS, the Town Council has, from time to time, ordained that certain conduct is adverse to the protection and preservation of town property, rights and privileges; and

WHEREAS, the Town Council has, from time to time, ordained penalties for violations of the various provisions of the Ocean View Code.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN VIEW, to read as follows:

**Section 1.** Amend Chapter 68, Animals, by adding thereto those matters underlined and deleting those matters ~~struck through~~ as follows:

Chapter 68: Animals

§ 68-8. Removal of excreta; exemptions.

~~It shall be unlawful for any person owning or possessing a domesticated animal to let his or her domesticated animal discharge such animal's excreta upon any public or private property, other than the property of the owner of any such domesticated animal, within the Town of Ocean View if such owner, keeper or walker does not immediately thereafter remove and clean up such animal's excreta from the public or private property. This section shall not apply to a person who is visually or physically handicapped.~~ It shall be unlawful for any person to knowingly permit a dog, cat or other domestic animal owned or subject to the control of such person to defecate upon any street, sidewalk or park, or upon any public property, or upon any private property within the Town of Ocean View without the consent of the owner or tenant of such private property. In the event that any dog, cat or other domestic animal deposits its excrement upon any public or private land within the Town of Ocean View, such owner of said dog, cat, or other domestic animal shall remove immediately, in a sanitary manner in an airtight

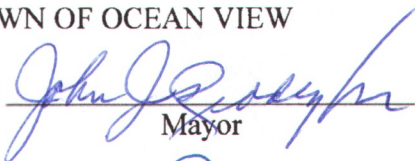
bag or other closed or sealed container, any fecal matter deposited by said dog, cat or other domestic animal.


The provisions of § 68-8 shall not apply to any person who by reason of loss or impairment of eyesight is accompanied by a dog described as a "Seeing Eye dog" or other dog educated by a recognized training agency or school and which is used as a leader or guide dog.

§ 68-9 Violations and penalties.

~~Any person convicted of violating a provision of this article shall be fined not more than \$25.~~ Any person who shall violate the terms of this article shall be fined not less than \$25 for the first conviction, by a fine of not less than \$50 for the second such conviction within one year of the first conviction and by a fine of not less than \$100 for each subsequent conviction within one year of the first conviction.

TOWN OF OCEAN VIEW

By:   
Mayor

Attest:   
Town Clerk

First Reading: 3.9.2021

Second Reading: 5.11.2021

Adopted: 5.11.2021

#### Synopsis

The proposed amendment to Chapter 68 Animals clarifies the regulations surrounding the removal of animal feces and the penalties for failure to remove animal feces.