

SPONSORED BY:

COUNCILOR JOLLY



ORDINANCE NO. 2017-01

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE ENTIRE CHAPTER 6, ANIMALS; ARTICLE I, IN GENERAL; SECTIONS 6-1 THROUGH 6-26; ARTICLE II, DOGS AND CATS; SECTIONS 6-27 THROUGH 6-33; ARTICLE III, COMMERCIAL ANIMAL ESTABLISHMENTS; SECTION 6-34 ADDING ARTICLE IV, SECTION 6-35 THROUGH 6-50; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to amend Chapter 6 as set forth below.

Now, therefore, be it ordained by the City Council of Neptune Beach, Florida:

Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Altered Animal means any animal that is spayed or neutered.

Animal means any live vertebrate creature including mammals, birds, reptiles, amphibians and fish, but not humans, and/or as defined in F.S. § 828.02 ~~means any domesticated mammal, reptile or bird, which, if improperly kept, could create a nuisance.~~

Animal Control Officer means any individual employed, contracted with, or appointed by the City of Neptune Beach and designated by the City Manager as being ~~The Animal Control Officer is responsible for enforcing ordinances and State Statutes relating to the control, impoundment, and disposition of animals. for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.~~

At Large means that an animal is: (1) without restraint or confinement; (2) or wandering, roving, or rambling unrestrained; or (3) in the absence of control of a person in charge, off the property of its owner, unless restrained by a leash or tether of twelve (12) feet or less in length. The animal must be under the physical control of a responsible person while off the owner's property. The animal is considered at large when her/she has entered upon the property of another person without authorization of that person, or the animal has entered onto public property, street or right-of-way. If the animal owner's property whether owned or leased is located within a community association or other common property arrangement, it shall also be considered off the owner's, leaser's, or renter's property if the animal leaves the owner's curtilage and onto common property, unless such property is clearly designated as an "off-leash" area (i.e., dog park). An animal on a retractable or other trolley leash system shall be considered "at-large" if the leash is extended beyond twelve (12) feet in length, since adequate physical control cannot be maintained over the animal.

~~(1)~~

~~Off the premises of the owner of the dog, and upon public property or other private property without the permission of the owner or occupant of such private property, and not under control, custody, charge or possession of the owner or other person responsible for the dog, either by leash, or chain;~~

~~(2)~~

~~Off the premises of the owner of the cat, and upon public property or other private property without the permission of the owner or occupant of such private property, and not under control, custody, charge or possession of the owner or other person responsible for the cat.~~

Business Day means Monday through Friday but excluding official holidays recognized by the City (New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving and Christmas). Unless a provision in this Chapter specifically refers to "business" day, any reference to "day" shall mean a calendar day.

Cat means all domesticated feline's not feral or wild cats

Community Cat means any free-roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats shall be distinguished from other cats by being sterilized and ear tipped.

Control means the provision, ownership, care and/or custody of an animal or animals (see "Physical Control" defin

Cruelty means any act of cruelty upon an animal as defined in F.S. Ch. 828.

Dangerous dog means any dog that according to the records of the appropriate authority:

- (1) Has aggressively bitten, attacked, endangered or has inflicted severe injury on a human being on public or private property;
- (2) Has severely injured or killed a domestic animal while off the owner's property more than once;
- (3) ~~Has been used primarily for in part for the purpose of dog fighting or is a dog trained for dog fighting; or~~

Is a dog trained for dog fighting or is being used or has been used for the purpose of dog fighting; or

- (4) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one (1) or more persons and dutifully investigated by the appropriate authority.

- (5) Severe injury means any physical injury that results in one or more broken bones, multiple puncture bites, or one or more lacerations requiring sutures, or an injury requiring reconstructive or plastic surgery.

Dog means all members of the canine family that are domesticated.

Domesticated means tame, usually by generations of breeding, and living in close association with humans as a pet or work animal in such a way that creates a dependency on humans so that the animal loses its ability to live in the wild

Duval County Health Department, or DCHD, means the Health Department, Rabies Control and the Health Director or the Director's designee.

Enclosure or Outdoor Enclosure means any structure with at least three walls, a roof, and floor in adequate condition as not to endanger the safety of the animal and as to provide necessary protection of the animal from weather conditions. An enclosure must be properly located so that it does not allow for standing water to pool inside or surrounding the enclosure following any weather event or other water intrusion. For pets not declared dangerous a residence may be considered a proper enclosure; different rules as specified in this chapter apply to a "proper enclosure" for declared dangerous dogs. Section 6.14

Feral means a wild animal that exists in an untamed state or that has returned to an untamed state generally not socialized to human contact and is no longer considered domesticated. Feral animals shall include, but not be limited to cats, dogs, fox and hogs.

Harbor means the act of caring for and keeping an animal or the act of providing a premise or residence to which the animal returns for food, shelter or care for a period of at least ten days, or at the point where the caregiver is providing the primary source of sustenance for the animal; whichever time is shorter. Should the City establish a program for the maintenance of feral or community cats, those persons maintaining those cats will be regulated in accordance with such program.

Home Quarantine means –Aa period of time no less than 10 days that an animal is to be kept at the resident care takers home. This is in lieu of quarantining the animal at the Neptune Beach Animal Control facility following an animal bite. Home Quarantine is used when a bite occurs and the animal is current on their rabies vaccination or at the discretion of the Animal Control Officer for safety and health reasons of animal and people.

Inoculation means vaccination with a currently available vaccine recognized to prevent rabies in the vaccinated animal.

Microchip Identification –ismeans an identifying integrated circuit microchip placed under the skin of an animal. The chip is about the size of a large grain of rice typically located near the shoulder blades or back of the animal's neck.

Nuisance means any wrongful thing done or permitted which injures or annoys another in the enjoyment of his legal rights, with particular reference to the breeding of flies, the creation of odors and other obnoxious circumstances caused by the keeping of animals, any fecal material left by an animal, or habitual, objectionable noisemaking, chasing after vehicles and persons or damaging or destroying of property by an animal.

Owner means any person, firm, corporation or organization owning, harboring, keeping or having control or custody of an animal or, if the animal is owned by a person under the age of eighteen (18), that person's parent or guardian. There shall be a rebuttable presumption that the person's name appearing on the animal's registration or radio frequency identification device (RFID), commonly known as a "microchip," is the owner.

Poultry means domesticated fowl of all kinds such as chickens, turkeys, ducks, geese and the like.

Physical Control means adequate restraint domination or power to influence/oppress the actions of the animal to prevent the animal from engaging in biting, aggression towards people or animals, straying, being at-large, as defined herein, or other behaviors regulated by this ordinance or state law by the use of a proper leash or similar device attached to an appropriate collar or

harness. To maintain effective physical control the animal must be on a leash not to exceed twelve feet (12) at its maximum extension. ~~Animals on longer leashes or similar devices extended beyond twelve feet shall be considered not under physical control and may be subject to being treated as at-large for provisions of this ordinance.~~ Nothing in this definition is intended to prevent dogs being on training leashes or while engaged in other appropriate activities under adequate control, ~~responsible adult supervision~~ where care is taken to assure control as needed is available to prevent violations of this ordinance. Likewise, nothing in this definition is meant to limit the use of a Service Dog, however, that the Service Dog is otherwise under the handler's control and the handler requires the use of Service Dog that is not physically restrained.

Quarantine or Ten-Day Quarantine means confining an animal for observation of any symptoms of rabies, which confinement is typically for a ten-day time period from the date of the bite, scratch or other potential rabies exposure, unless a longer time period is required pursuant to State regulations and guidelines.

Rabies means acute, often fatal, infectious disease of the central nervous system, also known as hydrophobia. Rabies is transmitted when the virus is introduced into bite wounds, open cuts in skin, or onto mucous membranes.

Service Dog means a dog that is trained to do work or perform tasks for a handler with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work done or tasks performed must be directly related to the handler's disability and may include, but are not limited to, guiding a handler who is visually impaired or blind, alerting a handler who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting a handler who is having a seizure, retrieving objects, alerting a handler to the presence of allergens, providing physical support and assistance with balance and stability to a handler with a mobility disability, helping a handler with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding a handler with mental illness to take prescribed medications, calming a handler with Posttraumatic Stress Disability during an anxiety attack, or doing other specific work or performing other special tasks. A Service Dog is not a pet. The crime-deterrent effect of a dog's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition.

Stray means any animal that is found to be at-large, whether lost by its owner or otherwise, or that is on the common areas of ~~apartments, condominiums, trailer parks or other~~ multi-residential premises, and that does not have an identification tag and for which there is no identifiable owner; however, if the City establishes a program for the maintenance of feral cats or community cats this provision shall not apply to qualified animals in those programs.

Sufficient Food means access to proper food for the species of animal on a regular, ongoing basis in quantities sufficient to maintain a regular body weight as designated by objective

measurement tools such as "Body Condition Score (BCS)" systems. As an example, regular body weight would be the "ideal" level (4 or 5) on the internationally recognized veterinary and animal welfare Purina Body Score System Chart. Animals under active, current veterinary care may deviate from the scale based upon the expertise of a licensed veterinarian.

Sufficient Water means access to clean, potable water on a regular, ongoing basis in quantities to prevent the animal from exhibiting signs of dehydration.

Transporting means shipping, carrying, importing, exporting, receiving or delivering for shipment, transportation, carriage or export of any animal.

~~Vaccination means inoculation with a currently available vaccine recognized by veterinary medicine as a rabies preventative.~~

Vaccination ~~a~~Against Rabies means the proper administration of anti-rabies inoculation or vaccination by a veterinarian licensed by the state board of veterinary medicine.

~~Veterinarian means a veterinarian licensed to practice veterinary medicine and surgery by the state board of veterinary medicine.~~ Veterinarian means an individual who is licensed to engage in the practice of veterinary medicine in Florida under the authority of F.S. Ch. 474

Wholesome Exchange of Air means sufficient ventilation or other means of air exchange adequate to prevent the accumulation of noxious odors and limit airborne disease transfer and adequate air movement in/through the structure.

Wild Animal means any member of the animal kingdom including, but not limited to, any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, but excluding those animals such as livestock and poultry and domesticated household pets.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 1, 5-2-05; Ord. No. 2011-22, § 1, 11-7-11)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 6-2. - Bird sanctuary; exception.

- (a) The entire area embraced within the city is hereby designated as a bird sanctuary. The city manager is authorized to have the city so designated by appropriate signs.
- (b) It shall be a violation to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or to rob birds' nests; provided, that if any birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property, then the birds may be destroyed in such numbers and in such manner as is deemed advisable by the city authorities.

(e) ~~Anyone found guilty of violating this section shall be sentenced and have a fine imposed not to exceed of five hundred dollars (\$500.00) or thirty (30) days in prison or both fine and imprisonment.~~

(c) Any violations of this section will be reported to Florida Wildlife Conservation Commission (FWC) for further investigation/disposition.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 2, 5-2-05)

Sec. 6-3. - Keeping of certain animals prohibited.

It shall be unlawful for any person to keep or maintain Whoever shall keep or cause to be kept or have custody or control of or be in charge of or stable or pen up any equine, or bovine animal, goat, sheep, swine or poultry, within the city of Neptune Beach, except for in special events, as approved by the city manager.

Violators of this section shall be guilty of a municipal offense, punishable as provided in section 6-5.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 2, 5-2-05)

Sec. 6-4. – General Nuisances and Habitual Nuisances caused by animals.

(a) Animals shall not be kept on property in a manner that causes a nuisance, any one or more of the following: creates unsanitary conditions; is a source of infestation by insects or rodents; creates physical conditions that endanger the health or safety of humans or other animals, that are detrimental to property values, or that tend to degrade the appearance of a neighborhood.

(b) Whenever an animal defecates upon any property not owned, leased, rented, or otherwise in the care, custody, or control of the animal's owner, the animal's owner shall immediately remove and properly dispose of feces, as set forth in Section 6.30, herein.

(c) An owner must remove and properly dispose of feces and other animal wastes inside and outside of the owner's property so as to avoid nuisance causing noxious and nauseous odors.

(d) No person shall maintain or feed any animal, domesticated or wild, in such manner that it: creates a nuisance or an overpopulation of one said animal; creates unsanitary conditions; is a source of infestation by insects or rodents; or creates physical conditions that endanger the health or safety of humans, that are detrimental to property values, or that tend to degrade the appearance of a neighborhood.

(a)

~~Two (2) or more occurrences; and citations.~~

~~(1)~~

It shall be a violation for the owner of an animal to receive two (2) or more violations of this chapter relating to that animal within a six-month period, even if the animal was not in the owner's custody at the time of the violation(s).

(2)

The following are required to issue a citation: (1) the city has received, from an adult witness, a sworn affidavit attesting to the animal violating this subsection; or (2) the person issuing the citation has witnessed the nuisance.

(b)

Habitual nuisances. Habitually is defined as totaling at least three (3) times in less than fifteen (15) full days. The following are violations which owners are accountable for: Allowing the animal to run at large habitually; allowing the animal to chase or run after vehicles habitually; allowing the animal to cause annoyance to any neighboring residence or business habitually; allowing the animal to trespass upon public or private school grounds habitually; or, allowing the animal to interfere with the reasonable use of another's property habitually.

(e)(e)

Destruction of another's property. It shall be a violation for the owner or person(s) in care and control of an animal to permit the animal to destroy or damage the property of another. A citation may be issued to the owner or any person having custody of an animal for violation of this subsection when: (1) the department of public safety has received, from an adult witness, a sworn affidavit attesting to the animal having committed a violation pursuant to this subsection; or (2) when the nuisance is witnessed by an officer of the public safety department.

(d)

Penalty. Any person who violates this section is guilty of a noncriminal infraction, punishable by a fine not exceeding five hundred dollars (\$500.00).

(f)

Penalty. A citation may be issued to the owner or any person having custody of an animal for violation of this subsection when the city has received at least one (1) sworn affidavit from each of at least two (2) unrelated adult witnesses of different residences a resident which attest to the animal having committed a nuisance pursuant to this subsection or when the nuisance is witnessed by an officer of the public safety police department. Violators of this section shall be guilty of a municipal offense, punishable as provided in section 6-5 based upon the submitted affidavit or witnessed by an officer of the police department.

For the purpose of this Section, "habitually" means at least three separate occurrences within a time period of one month of the first violation. Violators of a Habitual offense will be issued a citation in the amount of \$250.00 per offense.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 3, 5-2-05; Ord. No. 2005-15, § 1, 9-12-05; Ord. No. 2011-22, § 1, 11-7-11)

Sec. 6-5. - Penalties.

- (a) A person who has been convicted of a municipal offense described in this chapter has committed a civil infraction punishable by a civil penalty not to exceed ~~five hundred dollars (\$500.00)~~ five hundred and five dollars (\$505.00).
- (b) ~~The department of public safety~~ Police Department and Animal Control Officer and all officers under its supervision may issue a citation for a civil penalty pursuant to the powers and authority contained in F.S. § 828.27, for the violation of any provision of this chapter. A five-dollar (\$5.00) surcharge shall be assessed and collected upon each civil penalty imposed for violation of an ordinance relating to animal control or cruelty as authorized by F.S. § 828.27. The proceeds from such surcharge shall be used only to assist in paying for the costs of training for Animal Control Officers in accordance with the requirements of F.S. § 828.27 and as said statute may be later revised. Said civil penalty shall be paid to the city. For violations of this chapter, the civil penalty shall be assessed and paid in the following amounts:
 - First offense.....\$50.00
 - Second offense.....\$75.00
 - Third and any subsequent offense.....\$100.00Any subsequent offense after the third offense shall be one hundred dollars (\$100.00) plus ~~fifty dollars (\$50.00) for each subsequent offense, not to exceed five hundred dollars (\$500.00).~~ Unless otherwise listed under the specific ordinance of the violation.
- (c) A defendant may pay a civil penalty as specified above in lieu of appearing in county court. A defendant may exercise this option by paying the specified fine at the ~~Public Safety Building~~ Police Department within ten (10) days of their violation.
- (d) The civil penalty shall be paid within ten (10) days of the date of issuance of the citation and, if not paid by such time, the city shall proceed to enforce such violation as otherwise provided by law

Sec. 6-6. - Quarantine of biting animal; laboratory analysis; city's liability; costs.

- (a) ~~Generally. It shall be the duty of the public safety department~~ Animal Control Officer to catch and impound, ~~in a place maintained for that purpose, domesticated animals that required a quarantine hold due to a bite, to be quarantined and animals suspected of rabies infection. Any domesticated animal suspected of being infected with rabies shall be seized by the city, and held in quarantine for at least ten (10) days, and tested by a licensed veterinarian to the extent that said testing can be done without the destruction of the animal. If the animal that has bitten a person is killed or dies within the quarantine period, the animal shall be released by its owner to the city for laboratory analysis by a licensed veterinarian or Duval County Health Department.~~

Home Quarantine is an option at the Animal Control Officer's discretion, if the animal has a current rabies vaccination or it's for the best interest of the animal. A home quarantine agreement must be signed and the owner of the animal must provide a copy of the animal's current vet record.

- (b) ~~Costs. Fee's - The owner of an animal in quarantine reported to have bitten a person and the owner of an animal suspected of rabies must reimburse and/or pay in advance the cost of the testing required above. In addition, the owner must pay for impound and boarding of the quarantine animal. The city is not liable for the animal while the animal is in custody and the city is not responsible for any compensation to either the owner of an animal reported to have or to the person bitten by the animal. a person or the owner of an animal suspected of rabies.~~
(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 3, 5-2-05; Ord. No. 2011-22, § 2, 11-7-11)

Sec. 6-7. – Running at Large and Impounding of animals.

- (a) ~~It shall be unlawful for any person who shall own or be in control or in charge of any cat or dog to permit or allow the cat or dog to commit a nuisance or to be found running at large, as defined herein, on any of the public streets, parks, playgrounds, alleys, beaches, schools or vacant lots in the city. This includes any animal that digs out of its own yard into another yard.~~

~~Generally, It shall be the duty of the department of public safety to catch and impound, for a period not less than five (5) business days, excluding the day of intake and the day of disposition, in a place maintained or designated for that purpose, an animal found at large or unlicensed in violation of this chapter and those animals referenced in section 6-28 and section 6-6~~

- (b) ~~Any cat or dog at-large taken into custody picked up by the city Animal Control Officer or the designated authorized agent of the city shall be placed in a shelter for a period of five (5) calendar days beginning the day of impoundment. On the sixth (6th) day, The City, or the designated authorized agent of the city, at its discretion, may adopt, transfer to another agency, or humanely dispose of any impounded animal that is not redeemed by the owner.~~

~~Notice to owner of impoundment. The public safety department will use the best of its abilities to determine the owner of the animal and give notice, in writing, to the owner of the impounded animal. The notice shall advise the owner of the provisions relating to the redemption and destruction of animals.~~

- (c) ~~The animal shall be released at any time upon proper identification of the owner. The owner shall be charged the appropriate fees according to Sec 6-5 and 6-7 (d).~~

~~Redemption, adoption and inoculation of impounded animals; fees.~~

~~(1)~~

~~The department of public safety shall place impounded animals for a period not less than five (5) business days, excluding the day of intake and the day of~~

disposition, in an appropriate holding facility, unless the animal is redeemed during that period as set forth below. An impounded animal may be redeemed by the owner or lawful custodian or may be released for adoption following the holding period upon the payment of a fee pursuant to the fee schedule listed in subsection (e).

(2)

If it is unknown whether the impounded animal has been properly inoculated for rabies and the animal is to be redeemed or adopted, the public safety department shall require the owner to submit proof of inoculation within seventy-two (72) hours of redemption or adoption. Failure of the owner of the animal to have such animal inoculated and to have adequate proof of the inoculation submitted to the department of public safety within said seventy-two (72) hours shall constitute an offense by the owner against the city.

(3)

If animal has been requested to be redeemed or adopted, and it cannot be determined whether the animal has had a valid inoculation for rabies, the department of public safety is authorized to require, prior to release of an animal, administration of inoculation for rabies under the control and supervision of a veterinarian, payment of a fee for such inoculation and issuance of a license tag which shall evidence inoculation, registration and licensing.

(d)

Unredeemed animals. An impounded animal that is not redeemed within the five (5) business days, the public safety department will notify the City of Jacksonville's Animal Control Department.

(c) Redemption costs. The dogs or cats impounded under this article may be redeemed by the owner thereof by paying expenses accrued for services rendered and other charges as follows:

First offense.....\$20.00

Second offense.....\$30.00

Third offense.....\$50.00

Feeding each animal per day.....\$5.00

(d) Neptune Beach Animal Control shall not be required to shelter and care for any livestock, feral, wild, or exotic animals.

(e) Neptune Beach Animal Control shall not be required to shelter or care for any animal that is severely injured, has a contagious disease or is deemed by Neptune Beach Animal Control as a danger to the community or an undue risk to employees of the City unless such animal has a current registered microchip or ownership information in the form

identification tag on the animal. All animals without such positive, traceable identification that meet the previous criteria shall be transferred to Jacksonville Animal Care and Protective Services and/or expeditiously and humanely euthanized by a local veterinarian.

(f)

~~Forgiveness policy. With the proper filing of an affidavit of indigency, the first offense may be forgiven the redemption costs defined in subsection 6-7(e) above, excluding the costs associated with inoculation.~~

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 3, 5-2-05; Ord. No. 2011-22, § 3, 11-7-11)

Sec. 6-8. - City of Jacksonville authorized to enforce animal ordinances.

- (a) Under the terms of the inter-local agreement, the Consolidated City of Jacksonville has agreed to perform animal control services as a county-wide function.
- (b) The City of Jacksonville is authorized and requested, in its enforcement of animal control ordinances within the City of Neptune Beach, to enforce animal control ordinances passed by Neptune Beach in its Code of Ordinances, in addition to those ordinances passed by the Consolidated City of Jacksonville affecting Duval County.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 3, 5-2-05)

Sec. 6-9. - Enforcement.

~~The department of public safety~~ police department and all officers under its supervision shall be responsible for the enforcement of this chapter. The powers and authority granted under this chapter shall be supplemental to the powers and authority already provided for in F.S. § 828.27, relating to local animal control and cruelty ordinances which are hereby declared to be incorporated herein.

Sec. 6-10. - Interference with authorized personnel in performance of duties; breaking into official property, etc.

- (a) No person shall interfere with authorized personnel performing their duties required by the provisions of this article.
- (b) No person shall break open or assist in the breaking open of any of the fences, gates, fastening, or enclosures of the animal shelter or impounding vehicles and no unauthorized person shall remove or let loose any animal from the shelter or impounding vehicles. No person shall remove or let loose any animal that is trapped in a city trap.
- (c) No person shall provide incorrect or misleading information while having interface with an Animal Control Officer. No person shall avoid, run or hide from an Animal Control Officer.

All alleged violators of any section of this ordinance shall be required to provide positive photo identification and accurate current residence information.

- (d) Violation for breaking open or release of an animal is punishable by a fine not less than \$250.00 in addition to the original violation fines.
- (e) Violation for providing incorrect or misleading information or running, hiding or avoiding an Animal Control Officer commits the arrestable offense of resisting an Animal Control Officer.
- (f) Violators of this section shall be guilty of a municipal offense, punishable as provided in section 6-5 in addition to sub sections (d) and (e) fines and violations.

(Ord. No. 2005-09, § 4, 5-2-05)

Sec. 6-11. - Legislative findings.

The legislature finds that dangerous dogs are an increasingly serious and widespread threat to the safety and welfare of the people of this state because of unprovoked attacks which cause injury to persons and domestic animals; that such attacks are in part attributable to the failure of owners to confine and properly train and control their dogs; that existing laws inadequately address this growing problem; and that it is appropriate and necessary to impose uniform requirements for the owners of dangerous dogs.

(Ord. No. 2005-09, § 4, 5-2-05)

Sec. 6-12. - Injuries caused by animals.

- (a) An owner of an animal that injures a person or animal may be guilty of this section.
- (b) The public safety police department and all officers under its supervision, and any others so delegated by the city manager, may issue a citation for a civil penalty under this section. A surcharge equal to all administrative costs, including, but not limited to, any filing fees required by the clerk of court for the filing of civil citations by the city shall be assessed and collected from the defendant upon each civil penalty imposed for a violation of this section. For violations of this section, the civil penalty shall be assessed and paid in the following amounts:
 - 1. First offense.....\$300.00 plus \$5.00 surcharge for total of \$305.00
 - 2. Second offense and any subsequent offense.....\$500.00 plus \$5.00 surcharge for total of \$505.00
- (c) Definition of injury by an animal. An injury by an animal is defined as a wound or other harm inflicted or caused by an animal, requiring proof of injury documented by a public safety Police Officer or Animal Control Officer or designee, a sworn affidavit or documented medical treatment to a person or animal.

- (d) If an animal is off of the property of its owner or off the property of the person who has custody of the animal and the animal attacks and injures any person or other animal, the owner or person in custody of the animal shall be guilty of a violation of this article.

(Ord. No. 2005-09, § 4, 5-2-05; Ord. No. 2011-22, § 4, 11-7-11)

Sec. 6-13. - Definitions; ~~running-at-large prohibited~~ Dangerous Dog.

(a) Definitions

Dangerous dog ~~as defined in Sec. 6-1.~~ means any dog that according to the records of the appropriate authority:

- (1) ~~Has aggressively bitten, attacked, endangered or has inflicted severe injury on a human being on public or private property;~~
- (2) ~~Has severely injured or killed a domestic animal while off the owner's property more than once;~~
- (3) ~~Has been used primarily for in part for the purpose of dog fighting or is a dog trained for dog fighting; or~~
~~Is a dog trained for dog fighting or is being used or has been used for the purpose of dog fighting; or~~
- (4) ~~Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one (1) or more persons and dutifully investigated by the appropriate authority.~~
- (5) Severe injury means any physical injury that results in one or more broken bones, multiple bites, or one or more lacerations requiring sutures, or an injury requiring reconstructive or plastic surgery.

~~Unprovoked means that the victim who has been conducting himself or herself peacefully and lawfully and has been bitten or chased in a menacing fashion or attacked by a dog.~~

- (b)(a) Proper enclosure of a dangerous dog means, while on the owner's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and secure top to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements.

~~Severe injury means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.~~

(b)

~~Running at-large prohibited. It shall be unlawful for any owner or keeper of any vicious dog to permit such dog to run at large or without the enclosure of the owner or keeper thereof within the corporate limits of the city without being properly muzzled. Any dog known to have bitten any person is hereby defined as a "vicious dog" but the term "vicious dog" shall not be limited to only those dogs who are known to have bitten any person.~~

(Ord. No. 2005-09, § 4, 5-2-05; Ord. No. 2011-22, § 4, 11-7-11)

Sec. 6-14. - Classification of dogs as dangerous; certification of registration; notice and hearing requirements; confinement of animal; exemption; appeals; unlawful acts.

(a) Generally.

The threat, injury, or damage caused by the animal must be minor in nature for this section to apply. If the injury is severe, section 6-15 shall be applicable.

(b) Classification.

(1) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person or domestic animal that was unlawfully on the property of the owner of the dog in question. A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person, who was lawfully on the property of the owner of the dog in question, but was tormenting, abusing, or otherwise assaulting the dog or a human being.

(2) An animal control authority shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, including any Animal Control Officer or enforcement officer, desiring to have a dog classified as dangerous. The interviewing officer shall also ensure that the owner has obtained the appropriate rabies inoculation licensure. Any animal that is the subject of a dangerous dog investigation may be impounded with the animal control authority or humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings. If the owner retains control of the animal during the investigation, the address of where the animal resides shall be provided to the animal control authority. The owner of an animal under investigation may not relocate the animal or transfer ownership of said animal.

(3) After the investigation, the animal control authority shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall afford the owner an opportunity for a hearing before the code enforcement board or special magistrate prior to making a final determination. The animal control authority shall provide written notification of the sufficient cause finding, to the owner, by registered mail, certified hand delivery, or service in conformance with the provisions of chapter 48 relating to service of process. The owner may file a written request for a hearing within seven (7) calendar days from the date of receipt of the notification of the sufficient cause finding. If requested, a hearing will be afforded before the code enforcement board or special

magistrate between five (5) and twenty-one (21) days after the request is received. If no hearing is requested, the dog shall be classified as dangerous. If a hearing is requested, the code enforcement board or special magistrate can either uphold the classification, overturn the classification, or uphold the classification with conditions the owner must fulfill for the classification to be overturned. The code enforcement board or special magistrate may apply conditions, including, but not limited to, dog training and leash/muzzle requirements. In making its determination, the code enforcement board or special magistrate may take into account any circumstances surrounding the incident(s) as well as any previous reported incidents.

(4) Once a dog is classified as a dangerous dog, the animal control authority shall provide written notification to the owner by registered mail, certified hand delivery or service, and the owner may file a written request for a hearing in the county court to appeal the classification within ten (10) business days after receipt of a written determination of dangerous dog classification and must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal. Each applicable local governing authority must establish appeal procedures that conform to this subsection.

- (c) Certificate of registration. Within fourteen (14) days after the dog has been classified as dangerous by the animal control authority or a dangerous dog classification is upheld by the county court on appeal, the owner of the dog must obtain a certificate of registration for the dog from the animal control authority serving the area in which he or she resides, which must be renewed annually. The annual cost for such certificate of registration shall be one hundred dollars (\$100.00). To obtain a certificate of service or renewal, the owner must be eighteen (18) years of age and present to the animal control authority sufficient evidence of:

- (1) A current certificate of rabies vaccination for the dog.
- (2) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible sign at all entry points warning persons that informs both children and adults of the presence of a dangerous dog on the property.
- (3) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.
- (4) The spaying or neutering of the dog. Said spaying or neutering must be completed by a licensed veterinarian within thirty (30) days of such classification, or within thirty (30) days of such classification being upheld by a county court, unless:
 - a. A licensed veterinarian certifies, in writing, that the dog is incapable of reproduction; or
 - b. A licensed veterinarian certifies, in writing, that the spaying or neutering of the dog would be injurious to the dog's health; provided, however, that if the health condition of the dog is of a temporary nature, then the dog shall

be spayed or neutered immediately after the health condition has been corrected or otherwise resolved.

- (5) The owner shall, at the owner's expense, have the dog evaluated by a credentialed animal behavior specialist, provide a copy of the written evaluation to the animal control authority, and agree in writing to comply in full with all recommendations made by the specialist.

- (d) Notice. The owner shall immediately notify the appropriate animal control authority when a dog that has been classified as dangerous:

- (1) Is loose or unconfined.
- (2) Has bitten a human being or attacked another animal.
- (3) Dies.
- (4) Is moved to another address.

Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control authority.

- (e) Confinement. A dangerous dog must be muzzled, without causing harm to the animal, and restrained by an adequate chain or leash if outside of a proper enclosure. A dangerous dog may not be permitted to run at large. A dangerous dog may not be muzzled or leashed if contained in a securely fenced or enclosed area if the dog remains within the owners or custodian's control and sight. A dangerous dog must be safely and securely restrained within a vehicle when being transported.

- (f) Exemptions.

- (1) Hunting dogs are exempt from the provisions of this act when engaged in any legal hunt or training procedure; however, dogs classified as dangerous shall not be used for hunting purposes. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from the provisions of this act when engaged in any legal procedures.
- (2) This section does not apply to dogs used by law enforcement officials for law enforcement work.

- (g) Penalty. Any person who violates any provision of this section is guilty of a noncriminal infraction, punishable by a fine not exceeding five hundred dollars (\$500.00) plus \$5.00 surcharge for total of \$505.00. Failure to complete the above requirements within one hundred twenty (120) days of the classification (either the initial determination or the determination being upheld on appeal) shall result in confiscation of the dog by the Animal Control Officer or Police ~~public safety~~ Department.

(Ord. No. 2005-09, § 4, 5-2-05; Ord. No. 2011-22, § 4, 11-7-11)

Sec. 6-15. - Attack or bite by dangerous dog; penalties; confiscation; destruction.

- (a) Severe attack or bite by a dog. If a dog, regardless of classification as a dangerous dog, attacks or causes severe injury to or injury that causes the death of any human or domestic animal when said domestic animal is either not on the offending dog owner's property or is otherwise on the offending dog owner's property lawfully, the dog shall be immediately confiscated by an animal control authority, placed in quarantine and held for ten (10) business days after the owner is given written notification under F.S. § 767.12, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing under F.S. § 767.12. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure. In addition, if the owner of the dog had prior knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog is guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 or 775.083. Finally, if a dog that has been previously declared dangerous, attacks and causes a severe injury to or injury that causes the death of any human or domestic animal, the owner is guilty of a felony of the third degree, punishable as provided in F.S. §§ 775.082 or 775.084.
- (b) Minor attack or bite by a dog classified as a dangerous dog. If a dog that has been previously declared dangerous, attacks or bites a person or a domestic animal without provocation, the owner is guilty of a misdemeanor of the first degree, punishable as provided in F.S. §§ 775.082 or 775.083. In addition, the dangerous dog shall be immediately confiscated by an Animal Control Officer or designee, placed in quarantine, if necessary, or held for ten (10) business days after the owner is given written notification under F.S. § 767.12, and thereafter transferred to the City of Jacksonville's Animal Control Department or designee. This ten-day time period shall allow the owner to request a hearing under F.S. § 767.12. The owner shall be responsible for payment of all boarding costs and other fees/costs as may be required to humanely and safely keep the animal during any appeal procedure.
- (c) If the owner files a written appeal under F.S. § 767.12 or this section, the dog must be held and may not be destroyed while the appeal is pending. The owner shall pay in advance for the costs associated with housing the dog while the appeal is pending.
- (d) If a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner is not guilty of any crime specified under this section.

(Ord. No. 2005-09, § 4, 5-2-05; Ord. No. 2011-22, § 5, 11-7-11)

Sec. 6-16. - Bite by a police or service dog; exemption from quarantine.

Any dog that is owned, or the service of which is employed, by a law enforcement agency, or any dog that is used as a service dog for blind, hearing impaired, or disabled persons, and that bites another animal or human is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination that was administered by a licensed veterinarian.

(Ord. No. 2005-09, § 4, 5-2-05)

Sec. 6-17. - Reserved.

(a)

~~An owner or person in control of an animal that injures a person or animal may be guilty of this section.~~

(b)

~~An owner or any person in control of any animal that injures a person or another animal must report the injury to the department of public safety without unnecessary delay and in no case more than twenty-four (24) hours after the incident.~~

(c)

~~The department of public safety and all officers under its supervision may issue a citation for a civil penalty. A surcharge equal to all administrative costs, including, but not limited to any filing fees required by the clerk of court for the filing of civil citations by the City of Neptune Beach shall be assessed and collected from the defendant upon each civil penalty imposed for violation of this section. For violations of this chapter, the civil penalty shall be assessed and paid in the following amounts:~~

(1)

~~First offense\$ 300.00~~

(2)

~~Second offense and any subsequent offense500.00~~

(d)

~~Definition of injury by an animal. An injury by an animal is defined as a wound or other harm to a person or another animal inflicted or caused by an animal.~~

(Ord. No. 2006-22, § 1, 11-6-06; Ord. No. 2008-07, § 1, 7-7-08)

Sec. 6-27. - Leash required; exceptions.

No dog shall be allowed off the property of its owner unless the dog is fastened to a suitable leash of dependable strength not to exceed twelve (12) feet in length. Such leash must be attached to a fixed object or specifically held by a person capable of controlling the animal. If animal is attached to a fixed object the owner or person in custody of animal must be with the animal at all times.

Nothing in this section is meant to limit the use of a Service Dog including, when necessary, an unrestrained Service Dog provided, however, that the Service Dog is otherwise under the handler's control and the handler requires the use of Service Dog that is not physically restrained.

~~All dogs not on the property of the owner shall be securely fastened to a suitable leash of dependable strength not to exceed sixteen (16) feet in length held by the owner.~~

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 5, 5-2-05)

Cross reference— Streets, sidewalks and other public places, Ch. 18.

Sec. 6-28. - Reserved.

~~If an animal is suspected of having rabies, or has been bitten by an animal suspected of having rabies, such animal shall be confined by a chain on the owner's premises and the department of public safety or licensed veterinarian notified at once. The animal shall be removed immediately to the proper place for observation for a period of two (2) weeks at the expense of the owner.~~

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 5, 5-2-05)

Sec. 6-29. - Reserved.

Editor's note—

Ord. No. 2008-07 § 2, adopted July 7, 2008, deleted section 6-29, which pertained to persons bitten must report to police department and derived from, Ord. No. 1998-01, § 1, adopted April 6, 1998; and Ord. No. 2005-09, § 5, adopted May 2, 2005.

Sec. 6-30. - Defecation disposal.

(a) It shall be a violation for any owner or person in custody of a dog to allow such dog to defecate on any property within the city other than the owner's private property without immediately removing such defecation with some sort of material, utensil or suitable container and depositing the defecation in ~~a trash container~~ the pet owner's trash container or a city owned trash container. When walking a dog on any property within the city, other than the owner's property, the owner or person in custody of that dog shall carry some sort of material, utensil or suitable container with which to dispose of the defecation. Pet owners must place their pet's waste in their own trash containers or a city owned trash container. ~~The owner in violation of this chapter shall pay a civil penalty to the department of public safety as set forth in section 6-5.~~

(b) A citation may be issued to the owner or any person having custody of an animal for violation of this subsection when either: (1) the city has received, from an adult witness, a sworn affidavit attesting to the animal violating this subsection; or (2) the citing officer, or other person duly authorized under this chapter to issue citations for violations pursuant to this chapter, has witnessed the commission of such violation.

- (c) The owner or person in custody of the animal is in violation of this chapter shall pay a civil penalty to the department of public safety as set forth in section 6-5.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 5, 5-2-05; Ord. No. 2011-15, § 1, 7-11-11; Ord. No. 2011-22, § 6, 11-7-11)

Sec. 6-31. - Dogs on the beach.

- (a) It shall be unlawful for any person who shall own, keep, harbor or be in control of or in charge of a dog to allow or permit such dog to wander, stray or be unleashed or unaccompanied on the Atlantic Ocean Beach adjacent to the city and it shall be the duty of each such person to keep such stray or unaccompanied dog from that area.
- (b) It shall be unlawful for any person who shall own, keep, harbor or be in control of or in charge of a dog to allow the dog upon Atlantic Ocean Beach in the city except during the hours 5:00 p.m. and 9:00 a.m. during daylight savings time and 4:00 p.m. and 10:00 a.m., during eastern standard time provided that such person fulfills the following requirements:
- (1) Each such dog must be fastened to a suitable leash of dependable strength not to exceed sixteen (16) feet in length and the leash must be held or controlled by that person at all times.
 - (2) Any person having a dog on the beach during the above enumerated hours must carry with and on such person suitable materials and utensils with which to remove from the beach any fecal matter deposited by such dog and must remove any fecal matter immediately upon its deposit by the dog under the person's supervision and control.
 - (3) Each such dog must have affixed to its collar a current rabies inoculation tag evidencing the dog has been properly inoculated against rabies within the past year.

The civil penalties for violation of this chapter shall be those set forth in section 6-5

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-15, § 3, 9-12-05; Ord. No. 2005-23, § 1, 12-5-05)

Ord. No. 2005-15, § 2, adopted Sept. 12, 2005, deleted former § 6-31, which pertained to registration and licensing requirements and derived from Ord. No. 1998-01, § 1, adopted Apr. 6, 1998 and Ord. No. 2005-09, § 5, adopted May 2, 2005. Former §§ 6-32 and 6-33 have been renumbered as §§ 6-31 and 6-32

Sec. 6-32. - Exceptions.

The provisions of this chapter, except section 6-28 are inapplicable to seeing-eye dogs, police dogs, dogs for the handicapped physically challenged and service animals. Service Dogs and/or other service animals as defined by Florida State Statutes or federal law.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 5, 5-2-05; Ord. No. 2005-15, § 3, 9-12-05)

State law reference— Dog guides, service dogs, etc., F.S. §§ 413.08, 767.16.

Sec. 6-33. - Enforcement of municipal codes or ordinances; penalties.

Violations of section 6 of the Neptune Beach Municipal Ordinances are hereby declared to be civil infractions for which there may be imposed by the county court a maximum penalty not to exceed ~~five hundred dollars (\$500.00)~~ five hundred and five dollars (\$500.00 plus \$5.00 surcharge)

If a person fails to pay the civil fine within the time prescribed on the citation or fails to obtain a court date, or having obtained a court date, fails to appear in court to contest the citation, the person shall be deemed to have waived the right to contest the citation. In such case, final judgment may be entered against the person in the maximum civil fine allowed, which shall be payable within sixty (60) days from the date of execution of the final judgment. Alternatively, the court may issue an order to show cause, requiring the person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such an order fails to appear in response to the court's directive, that person may be held in contempt of court in addition to having to pay the civil fine, court costs and restitution, as applicable.

(Ord. No. 2006-09, § 1, 7-10-06)

Sec. 6-34. – Misrepresentation of Use or Training of Service Dog.

In accordance with F.S. § 413.08, a person who knowingly and willfully misrepresents herself or himself, through conduct or verbal or written notice, as using a Service Dog and being qualified to use a Service Dog or as a trainer of a Service Dog commits a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083 and must perform thirty (30) hours of community service for an organization that serves individuals with disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than six (6) months. Authorized personnel performing their duties required by the provisions of this article may ask if a purported service dog is required because of a disability and what work or task the dog has been trained to perform. Authorized personnel shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a Service Dog. Generally, authorized personnel may not make these inquiries about a Service Dog when it is readily apparent that a Service Dog is trained to do work or perform tasks for an individual with a disability (e.g., the Service Dog is observed guiding an individual who is blind or has low

vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). Nothing in this section shall apply to matters related to employment or housing as regulated by Florida and/or federal law.

ARTICLE IV

Sec. 6-35 - Neglecting / Abandoning Animals / Animals Confinement

It shall be unlawful for any person to neglect or abandon an animal. For purposes of this section, it shall be considered neglect or abandonment if one or more of the following occurs:

- (a) Failing to provide any one of the following: sufficient potable water; sufficient wholesome food; adequate shelter with a sufficient, level floor, at least three structurally sound walls and a solid roof to protect the animal from the weather, extreme temperature (hot or cold) and direct sunlight; current and active veterinary care/treatment to prevent suffering; sufficient exercise and wholesome exchange of air. A standard of usual and customary practice, based upon the guidelines of the Jacksonville Veterinary Medical Society (JVMS), the Florida Veterinary Medical Association (FVMA) and/or the American Veterinary Medical Association (AVMA), shall be used to define active veterinary care/treatment.
- (b) Keeping an animal in an enclosure which prevents the animal from free and full movement with full extension of its limbs (including standing fully upright) and/or without wholesome exercise and change of air. Nothing in this section is meant to prohibit the temporary transport of animals in 'airline crates' or the use of a temporary crate that may not allow for full extension of all limbs and full movement and to stand erect and turn fully around while cleaning the enclosure or to separate animals while feeding. Crates used for temporary holding of animals in conjunction with or training for dog shows, performance events or hunting are not covered by this provision if such holding period does not include overnight or extended periods of more than two hours, while not in transport, in such confined spaces that may not allow for full extension and free movement. Nothing in this section is meant to restrict the use of crates that allow the animal(s) to fully extend all limbs, allow the animal(s) to stand fully erect without touching the walls or top of the crate, allow the animal(s) to fully turn around, and allow the animal(s) sit and lay down without obstruction.
- (c) Placing or confining an animal or allowing it to be placed or confined or to remain in an unattended vehicle without sufficient ventilation or for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to heat, lack of water or such other circumstances as may be expected to cause suffering, debility or death.

- (1) A police officer or Animal Control Officer who finds an animal in a vehicle in violation of this section may enter the vehicle by using the amount of force reasonably necessary to remove the animal. An officer or Animal Control Officer who acts in substantial compliance with the provisions of this section shall be immune from civil and criminal liability; and the City shall also be held immune from civil liability.
- (d) Caging or confining an animal and failing to supply the animal, during such caging or confinement, with sufficient water, with sufficient space to stand fully erect on all legs and/or to turn completely around within the cage or confinement and with sufficient wholesome food.
- (e) Leaving the animal upon or beside any street, road or other public or private place; or
- (f) Forsaking entirely and leaving to die any animal that is maimed, sick, infirm or diseased.
- (g) Allowing an animal to live in extreme filth, excessive feces, unsanitary conditions obnoxious odors such as urine and feces.
- (1) A violation of this Section shall subject the violator to a civil fine of \$250.00 per animal per occurrence plus a \$5.00 surcharge.
- (a) Or a Notice to Appear can be issued by a police officer if the party involved has previous similar violations.

Sec. 6-36. - Restraint by tethering may be used provided the following conditions are met:

- a. The tether shall not weigh more than one-eighth of the animal's body weight. When a violation of this provision occurs, an Animal Control Officer is authorized to take reasonable measures to remove the animal from the tether and take the tether and animal to the shelter;
- b. The tether must be at least twelve (12) feet in length with operative swivels on both ends;
- c. The tether shall be attached to a properly fitted collar or harness worn by the animal; the tether may not be attached to a slip/choke or prong collar; and
- d. The animal, while restrained by tether, is able to access proper shelter with sufficient floor, at least three walls, and roof to protect the animal from the weather, extreme temperatures and direct sunlight; and is able to access sufficient potable water and sufficient wholesome food.

- e. In the interest of public safety, Animal Control Officers and police officers are authorized to remove aggressive and dangerous dogs from tethers and impound such animals where the animal is accessible by children or the public without a secured fence or enclosure. Boarding fees will be the responsibility of the owner of impounded dog.
- f. Violations of this section are punishable by a fine of,
 - 1st Violation \$100.00 plus a \$5.00 surcharge for total of \$105.00
 - 2nd Violation \$250.00 plus a \$5.00 surcharge for total of \$255.00
 - 3rd Violation \$500.00 plus a \$5.00 surcharge for total of \$505.00
 - All Violation beyond third shall be \$500.00 plus a \$5.00 surcharge for total of \$505.00

Sec. 6-37. - Owner Surrenders

Neptune Beach is an open admission shelter for the city of Neptune Beach and no other cities, we are technically a no kill shelter but work with Jacksonville Animal Care and Protective Services (JACPS) which is a kill shelter. In order for an animal to be surrendered proof of residency must be provided (i.e. Driver's License, Electric Bill) and ownership of the animal must be provided. An animal cannot be surrendered by a friend, relative, neighbor, act. Exception would be if original owner passes away and then a family member can surrender the animal. Fees may be waived at the discretion of the Animal Control Officer.

Fee's for Owner Surrendered animals

\$50.00 owner surrender fee for all animals turned in.

A current Rabies vaccination is required; if owner cannot provide a current rabies certificate an additional \$25.00 is added to the owner surrender fee.

If the animal is not spayed or neutered the surrender fee is \$150.00

The fee must be paid at the time of the surrender by cash or check.

The owner must fill out and sign the owner surrender form. This relinquishes all rights to the animal and gives the City of Neptune Beach rights to the animal.

Sec. 6-38 - Rabies vaccinations.

- (a) The owner(s) of every dog, cat or ferret four months of age or older shall have it vaccinated against rabies by a veterinarian. Said owner must maintain, on an annual basis or duration of the valid vaccination, proof, from the veterinarian who administered it, of a current rabies vaccination. If a veterinarian administers a vaccination licensed by the United States Department of Agriculture that is approved for three-year duration of immunity, a dog or cat may be vaccinated at three (3) to four (4) months of age with a booster at one (1) year and every three (3) years thereafter.

A dog, cat or ferret is exempt from rabies vaccinations if a veterinarian has examined the animal and has certified in writing that vaccinating the animal at that time would endanger the animal's health because of its age, infirmity, disability, illness or other medical considerations. An exemption under this provision that extends beyond twelve (12) months must be renewed annually through submission of a new exemption letter. No exemption letter shall be deemed valid after one (1) year from the date it was written.

- (b) In order to protect the public's health and safety, no person shall be the owner of or have as a pet or harbor within the city a known or potential rabies vector or high risk animal that cannot be immunized against rabies including, but not limited to, fox, raccoon, skunk, bat and bobcat.
- (c) Suspected rabies cases will be handled according to the health code as established by the State Department of Environmental Health (authorized by F.S. § 381.006).

Violators of this section shall be guilty of a municipal offense, punishable as provided in section 6-5.

Sec. 6-39 - Quantity of Animals.

Neptune Beach does not set a limit on how many animals can live in a single household. No matter the number of animals maintained in the household the animals must be kept in a clean environment such that does not cause a nuisance or cruelty and neglect.

Violators of this section shall be guilty of a municipal offense. Punishable as provided in section 6-4 and New Section Neglect and Cruelty.

Section 2. The Ordinance shall become effective on after passage by the City Council.

VOTE RESULTS OF FIRST READING AND PUBLIC HEARING:

Mayor Elaine Brown	Yes
Vice Mayor Scott Wiley	Yes
Councilor Rory Diamond	Yes
Councilor Richard Arthur	Yes
Councilor John Jolly	Yes

Passed on First Reading this 3rd day of January, 2017.

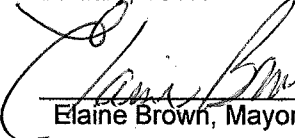
VOTE RESULTS OF SECOND AND FINAL READING AND PUBLIC HEARING:

Mayor Elaine Brown	Yes
Vice Mayor Scott Wiley	Yes
Councilor Rory Diamond	Yes

Councilor Richard Arthur
Councilor John Jolly

Yes
Yes

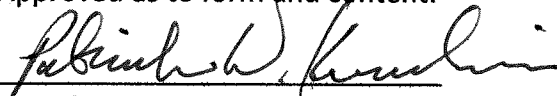
Passed on Second and Final Reading this 6th day of February, 2017.

 3/3/2017
Elaine Brown, Mayor

ATTEST:


Amanda Askew, Acting City Clerk

Approved as to form and content:


Patrick Krechowski, City Attorney