

SPONSORED BY:

COUNCILOR DIAMOND



ORDINANCE NO. 2019-01

A BILL TO BE ENTITLED

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA,
AMENDING CHAPTER 6, ANIMALS; ARTICLE I, IN GENERAL;
SECTION 6-5; PENALTIES, 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, Article I, Section 6-5, Penalties, as set forth below.

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

Section 1. Chapter 6 Animals, Article I, In General, Section 6-5, Penalties, shall be amended as follows:

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 five dollars (\$505.00).
- (b) The 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:
 - (1) First offense \$ 50.00 (The current offense is a first offense if there have been no other citations in the preceding thirty-six (36) months.)

- (2) Second offense ... 75.00 (The current offense is a second offense if there has been only one (1) previous citation within the preceding thirty-six (36) months.)
 - (3) Third and any subsequent offense \$250.00 (The current offense is a third offense if there has been two (2) previous citations within the preceding thirty-six (36) months.) Two hundred fifty dollars (\$250.00); if not paid in ten (10) calendar days, fine goes to five hundred dollars (\$500.00).
 - (4) Fourth and subsequent offenses: (The current offense is a fourth or subsequent offense if there have been three (3) or more previous citations within the preceding thirty-six (36) months.) Five hundred dollars (\$500.00) and a mandatory court appearance. For citations involving a mandatory court appearance, the citation shall specify that the court appearance is mandatory. If a person so cited fails to appear within the time prescribed in the citation to obtain a court date or having a court date, fails to appear in court, a default judgment may be entered against the person in the maximum civil fine payable within sixty (60) days from the date of execution of the final judgment.
 - (5) Anyone cited with a violation of this article who pays the required fines and then goes three (3) years with no offenses shall return to the status of having no prior offenses for the purposes of this section.
- (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 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.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 3, 5-2-05; Ord. No. 2011-22, § 2, 11-7-11; Ord. No. 2017-01, 2-6-17)

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

VOTE RESULTS OF FIRST PUBLIC HEARING AND READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Rory Diamond	YES
Councilor Josh Messinger	YES
Councilor Scott Wiley	YES

Passed on First Reading this 7th day of January, 2019.

VOTE RESULTS OF SECOND AND FINAL PUBLIC HEARING AND READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Scott Wiley	NO

Passed on Second and Final Reading this 4th day of March, 2019.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, City Clerk

Approved as to form and contents


Patrick Krechowski, City Attorney



