

INTRODUCED BY:

COUNCILOR LIVINGSTON



ORDINANCE NO. 2023-05

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING SECTION 6-31 REGARDING DOGS ON THE BEACH TO ESTABLISHING CONSISTENCY WITH ATLANTIC BEACH; CLARIFYING LEASH REQUIREMENTS; REQUIRING CERTAIN PROTECTIONS FOR DOGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 6-31 of the Code of Ordinances of the City of Neptune Beach, the City regulates the presence of dogs on the Atlantic Ocean Beach adjacent to the City; and

WHEREAS, the City restricts time periods during which dogs are permissible on the Atlantic Ocean Beach; and

WHEREAS, the City of Atlantic Beach does not currently restrict the time periods during which dogs are permissible on the Atlantic Ocean Beach; and

WHEREAS, the City's Animal Control/Service Officer has observed confusion on the part of persons walking dogs across the city limits between the City and the City of Atlantic Beach who are unaware of the differences between the respective Codes of Ordinances; and

WHEREAS, elimination of time restrictions on the presence of dogs on the Atlantic Ocean Beach will eliminate such confusion, assist the Animal Control/Service Officer in the performance of their duties, and provide for a more predictable regulatory scheme regarding the matter; and

WHEREAS, the City's Animal Control/Service Officer has also observed that dogs brought to the Atlantic Ocean Beach are frequently not provided with a means of potable water or shade, potentially causing harm to the animals; and

WHEREAS, the City desires to establish provisions to protect the health, safety and welfare of such animals by instituting certain requirements for dogs to be brought to the beach for a significant period of time; and

WHEREAS, the City's Animal Control/Service Officer has also observed the use of electric collars and remote collars on dogs brought to the Atlantic Ocean Beach; and

WHEREAS, such devices provide insufficient control of dogs to protect members of the public enjoying the Atlantic Ocean Beach; and

WHEREAS, the City Council for the City of Neptune Beach, Florida finds and declares that this ordinance is in the best interest of the public health, safety and welfare of the citizens and residents of the City, that it advances a significant and important governmental interest, and that it furthers the City's performance of municipal functions and rendering of municipal services.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

Section 1. Amending Section 6-31 of the City of Neptune Beach Code of Ordinances. Section 6-31 of the City of Neptune Beach Code of Ordinances is hereby amended to read as follows:

- (a) Dogs are permissible on the Atlantic Ocean Beach adjacent to the city year-round.
- (b) In addition to the above provisions, all owners, custodians and/or persons responsible for and in control of any dog(s) on the beach must comply with following:
 - (1) Each such dog must be fastened to a suitable leash of dependable strength not to exceed twelve (12) feet in length and the leash must be held or controlled by that person at all times. Electric collars, remote collars, or other non-physically connected collars or leashes do not comply with this requirement. The person must control a leash physically connected to the dog.
 - (2) Any person having a dog on the beach 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.
 - (4) If dog and the person responsible for such dog's presence on the beach are in the Atlantic Ocean together, the dog shall be allowed to swim unleashed and then immediately put back on the leash before returning to the beach. This does not include walking the dog in the water. Tide pools are not considered part of the Atlantic Ocean and dogs in tide pools must be on-leash.
 - (5) Any person spending more than 30 minutes on the beach must provide a source of potable water and shade to the dog.

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

Section 2. Severability. If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

Section 3. Effective Date. This Ordinance shall become immediately upon passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown	YES
Vice Mayor Kerry Chin	NO
Councilor Nia Livingston	YES
Councilor Josh Messinger	YES
Councilor Lauren Key	YES

Passed on First Reading this 7th day of August, 2023.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown	YES
Vice Mayor Kerry Chin	NO
Councilor Nia Livingston	YES
Councilor Josh Messinger	ABSENT
Councilor Lauren Key	YES

Passed on Second and Final Reading this 5th day of September, 2023.

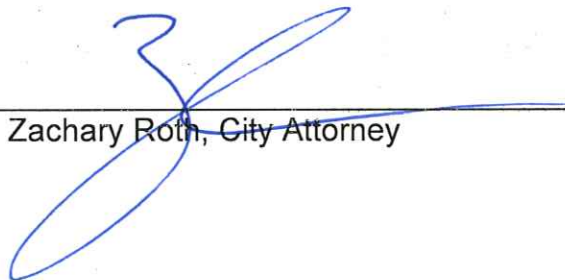

Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC, City Clerk



Approved as to form and
correctness:


Zachary Roth, City Attorney