

ORDINANCE NO. 2018-8111

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; AMENDING CHAPTER 5, "ANIMALS AND FOWL," ARTICLE II. – DOGS AND CATS, DIVISION 1. – IN GENERAL, SECTION 5-36 "RESERVED." ADDING NEGLECT, ABANDONMENT, CONFINEMENT, TETHERING, FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. That Chapter 5, "Animals and Fowl," Article II. – Dogs and Cats, Division 1. – In General, Section 5-36 "RESERVED" of the Code of Ordinances of the City of Jacksonville Beach, Florida be amended as follows:

Sec. 5-36 Neglecting / Abandoning Animals / Animals Confinement / Tethering

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

- (1) 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;
- (2) 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 exercise and wholesome exchange 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;

- (3) 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;
 - a) 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.
- (4) 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;
- (5) Leaving the animal upon or beside any street, road or other public or private place;
- (6) Forsaking entirely and leaving to die any animal that is maimed, sick, infirm or diseased;
- (7) Allowing an animal to live in extreme filth, excessive feces, unsanitary conditions, obnoxious odors such as urine and feces; or
- (8) Restraint by tethering;
 - 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 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.
 - d) The animal, while restrained by a tether, must be 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, and
 - 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 the impounded dog.
- (9) Special magistrate. The special magistrate shall exercise jurisdiction over such matters as set forth in Chapter 2, Article VI, section 2-170 of the Code of Ordinances of the City of Jacksonville Beach.
- (10) Penalties. Any person who violates this section shall be subject to a fine of one hundred dollars (\$100.00) for the first violation, a fine of two hundred fifty dollars (\$250.00) for the second violation, and a five hundred dollar (\$500.00) fine for any subsequent violations. The Jacksonville Beach Police Department/Jacksonville Beach Animal Control shall enforce the provisions set forth within this section.

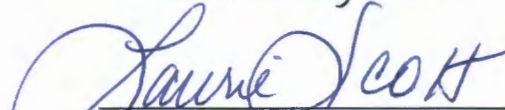
SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are, to the extent that the same may conflict, hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption in accordance with the law.

AUTHENTICATED this 17th day of September, 2018.



William C. Latham, MAYOR



Laurie Scott, CITY CLERK