

Introduced by: Council Member Cory Nichols
1st Reading: March 15, 2021
2nd Reading: April 5, 2021

ORDINANCE NO. 2020-8155

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, TO REPEAL AND REPLACE CHAPTER 5 – ANIMALS AND FOWL, IN ITS ENTIRETY, INCLUDING A NEW TITLE, ARTICLES, AND SECTIONS; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach (“City”) has the authority to adopt this Ordinance and the authority to exercise the powers herein pursuant to Article VIII of the Constitution of the State of Florida, and Chapter 166 Florida Statutes; and

WHEREAS, the current City Code of Ordinances Chapter 5 – *Animals and Fowl* contains outdated and inapplicable articles and sections, and requires revision and additions; and

WHEREAS, the City Police Department Animal Control Officers request and recommend changes to the City animal code to provide for reorganization of the Chapter, modernized regulations, more definitions of terms, increased enforcement authority for officers, improved enforcement procedures, improved regulations addressing dangerous dogs and impounding measures, abatement of nuisances caused by animals, and to address animal mistreatment; and

WHEREAS, Section 767.14, Florida Statutes provides that the Dangerous Dog Act does not limit any local government from adopting an ordinance to address the safety and welfare concerns caused by attacks on persons or domestic animals, placing further restrictions or additional requirements on owners of dogs that have bitten or attacked persons or domestic animals, or developing procedures and criteria for the implementation of the Act, provided that no such regulation is specific to breed and that the provisions of the Act are not lessened by such additional regulations or requirements; and

WHEREAS, municipal ordinances regulating the keeping, care, custody, and control of animals within the municipal limits are a valid exercise of the police powers delegated to a municipality; and

WHEREAS, municipalities possess general statutory authority to regulate the keeping of domestic animals; they also possess a broader power to regulate in this area from their authority to maintain the health, safety, and general welfare of the community and the right to abate nuisances; and

WHEREAS, municipalities may exercise their police power to regulate pet ownership so long as the ordinance is reasonable and the means employed are necessary to accomplish a legitimate governmental interest; and

WHEREAS, the City Council hereby finds that this Ordinance serves legitimate government purposes, provides for appropriate means of animal protection and control, and is in the best interests of the public health, safety, and welfare of the citizens of the City.

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

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. The above recitals and legislative findings are ratified, correct, and made a part of this Ordinance.

SECTION 2. REPEAL. CITY CODE OF ORDINANCES CHAPTER 5 – ANIMALS AND FOWL IS HEREBY REPEALED IN ITS ENTIRETY.

SECTION 3. REPLACE. CITY CODE OF ORDINANCES CHAPTER 5 – ANIMALS AND FOWL IS HEREBY REPLACED ENTIRELY WITH THE FOLLOWING TITLE, ARTICLES, DIVISIONS, AND SECTIONS:

CHAPTER 5. – ANIMAL CODE

ARTICLE I. - IN GENERAL

Sec. 5-1. Purpose and intent of the chapter.

It is the purpose and intent of this chapter to: a) establish regulations and requirements for the public health, safety, and welfare, and animal welfare; b) establish requirements and regulations for owners and handlers of animals within the corporate limits of the City; and c) create enforcement procedures and penalties for failure to comply with any provision of this chapter.

Sec. 5-2. Definitions.

For purposes of this chapter, the following words, terms, and phrases shall have the following meanings:

Allow or Permit, in addition to their common meanings, also means any failure to take reasonable proactive measures to restrict the animal from engaging in any activity prohibited by this chapter.

Animal means any live vertebrate creature, including mammals, birds, reptiles, amphibians, and fish, but not humans.

Animal Control (“AC”) means the City’s Animal Control Division of the City’s Police Department, acting alone or in concert with other local governmental units authorized to enforce the animal control laws of the City, county, or state.

Animal Control Officer (“ACO”) means any person employed or appointed by the City who is authorized to investigate, on public or private property, and enforce violations relating to animal control or cruelty under the provisions of this Ordinance, and to issue citations as provided in this

Ordinance, and also includes any state or local LEO as defined in Section 943.10, Florida Statutes. An ACO is not authorized to bear arms or make arrests; however, such officer may carry a device to chemically subdue and tranquilize an animal, provided that such officer has successfully completed a minimum of 16 hours of training in marksmanship, equipment handling, safety, and animal care, and can demonstrate proficiency in chemical immobilization of animals in accordance with guidelines prescribed in the Chemical Immobilization Operational Guide of the American Humane Association.

Animal rescue organization means humane society or other duly incorporated nonprofit organization lawfully authorized to conduct business in the State of Florida and operated as a bona fide charitable organization under Section 501(c)(3) of the Internal Revenue Code, which organization is devoted to the rescue, care and/or adoption of stray, abandoned, injured, or surrendered animals, obtains its animals through donation only, and which does not breed animals nor obtains animals from a breeder or broker.

Animal shelter means any public or private organization existing for the purpose of the prevention of cruelty to animals and/or for the sheltering of animals, is incorporated or chartered under the laws of the State of Florida or established by legislation, and also includes a person who rescues, shelters, or provides a foster home facility, any of which places animals for adoption, whether for a fee, a donation, or for free, and which does not breed animals nor obtains animals from a breeder or broker.

At large means that an animal is off the property of its owner and not leashed, unless restrained by a leash or tether of appropriate length or other physical control device, such that the animal is under the physical control of a responsible person, and: (i) the animal has entered upon the property of another person without authorization of that person; or (ii) the animal has entered onto public property, a street, or right-of-way. If the owner's, leaser's, or renter's property 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 enclosed land or yard surrounding his/her house or dwelling and onto common property, unless such property is clearly designated as an 'off-leash' area. An animal on a retractable or other trolley leash system shall be considered at large if the leash is extended beyond eight feet in length since adequate physical control cannot be maintained over the animal.

Beach or Beaches means all that part of the Atlantic Ocean beach lying between the bulkhead line on the west and the Atlantic Ocean on the east and extending to the City limits on the north and the south.

Bite means any contact between an animal's mouth and teeth and the skin of a bite victim, which causes visible trauma, such as a puncture wound, laceration, or other piercing of the skin.

Cat means an animal of the Felidae family of the order Carnivora.

Certificate of source means a copy of a notarized affidavit of verification from the source from which the cat or dog was obtained.

City means the City of Jacksonville Beach, Florida.

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; qualified community cats are exempt from licensing, stray and at-large provisions of this ordinance and may be exempt from other provisions directed toward owned animals.

Control or physical control means adequate 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, 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 physical control, the animal must be on a leash not to exceed eight feet at its maximum extension. Animals on longer leashes or similar devices extended beyond eight 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 from being on training leashes, or while engaged in other appropriate activities under adequate, responsible adult supervision where care is taken to assure control as needed is available to prevent violations of this ordinance.

Coop means a structure with nesting boxes where hens can lay eggs and perches where hens can sleep, with a roof.

Cruelty means every act, omission, or neglect whereby pain or suffering is caused to an animal. This definition incorporates the definition in Chapter 828, Florida Statutes.

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

- a. Has aggressively bitten, attacked, or endangered, or has inflicted severe injury on a human being on public or private property;
- b. Has more than once severely injured or killed a domestic animal while off the owner's property; or
- c. 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 or more persons and dutifully investigated by the appropriate authority.

Dog means an animal of the Canidae family of the order of Carnivora.

Domestic animal means an animal of a tamed species commonly kept as pets and includes livestock.

Emotional support animal (ESA) may be an animal of any species, the use of which is supported by a qualified physician, psychiatrist, or other mental health professional based upon a disability-related need, but does not have special training to perform tasks that assist people with disabilities. ESAs do not qualify as service animals (see definition of service animal below).

Enclosure means any structure with at least three walls, a roof, and a floor in adequate condition as not to endanger the safety of the animal and as to provide the 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 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.

Enclosed pen shall mean a fenced or wire enclosure used to contain female hens.

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.

Harbor means the act of caring for and keeping an animal, or the act of providing a premises or residence to which the animal returns for food, shelter, or care for a period of at least 10 days, or at the point where the caregiver is providing the primary source of sustenance for the animal, whichever time is shorter. If the City establishes a program for the maintenance of feral or community cats, those persons maintaining those cats will be regulated in accordance with such program.

Hen shall mean a female chicken of the species *Gallus domesticus*.

Hobby breeder means a person or entity that is an active member of a national, state, or local breeder organization and that houses or breeds dogs or cats at or adjoining a private residence for the purpose(s) of: improving the breed; exhibiting dogs or cats at shows operated by a national, state or local breeder organization; or raising service animals or animals used for law enforcement or other types of work. A hobby breeder may sell no more than two litters of puppies or kittens per 12 month period, per household. A hobby breeder that sells more than two litters per 12 month period, per household shall be deemed to be a pet dealer, as defined herein.

Household pet means an animal including, but not limited to: domesticated dog; bird; domesticated cat; rodent, such as a gerbil, guinea pig, hamster, domesticated mouse, and domesticated rat; domesticated or European ferret; rabbit; fish; non-venomous reptile and amphibian; that is kept as subordinate to residential use for the purpose of providing human companionship. The following animals are not considered household pets: feral animals; poultry; livestock; and hooved animals of any kind, including but not limited to, miniature horse, miniature goat and teacup pig.

Impound or impoundment means seizing and confining an animal by any LEO, ACO, or any other public officer to enforce the provisions of this Ordinance.

Law Enforcement Officer (LEO) means any state certified law enforcement official.

Leash means a strap or cord that would not cause cruelty or neglect used to restrain, guide, and control an animal by attaching it to a collar, harness, or halter.

Livestock means horses, mules, cows, bovines, cattle, hogs, goats, sheep, swine, ducks, geese, turkeys, peafowl, doves, and roosters.

Muzzle means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of a dog that prevents the dog from biting any person or other animal and that does not interfere with its respiration.

Neglect means depriving an animal of sufficient food, sufficient water, shelter, or medical treatment, or allowing an animal to live in an environment when such deprivation or environment causes the animal's physical health to be significantly impaired or to be in danger of being significantly impaired.

Owner means any person or household possessing, keeping, having an interest in, or having control or custody of an animal, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. A person must be age 18 or older to be considered the legal owner of an animal. If a person under the age of 18 is considered the custodian or caretaker of the animal, the parents or legal guardians shall be considered the legal owner of the animal and responsible for all matters involving that animal. 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.

Person means any individual person, firm, corporation), or other entity. The knowledge and acts of agents and employees of a firm, corporation, or other entity, with regard to the treatment of animals owned, in the custody of, or transported by a such firm, corporation, or other organization shall be held to be the knowledge and act of the firm, corporation, or other entity.

Pet dealer means any person that, in the ordinary course of business, engages in the sale to the public of more than two litters, or 20 dogs and cats collectively, in a 12 month period, whichever is greater. Animal rescue organizations and breeders shall be exempt from this classification.

Pet mill means a facility where cats and/or dogs are bred for selling them and where any one of the following conditions is found to exist:

- a. More than 20 dogs under the age of 12 weeks or more than 20 cats under the age of 16 weeks are kept at the facility at a single time;
- b. No genetic or heredity health testing appropriate for the breed is conducted;
- c. Two or more long term (over one year) guarantees are not honored;
- d. A single female is bred every cycle;
- e. A single female is bred more than five times in her lifetime;
- f. There are no records of the dog or cat's parents' origin. More than a total of eight intact (not spayed or neutered) dogs and cats are kept at the facility over the age of six months.

Pet store means a pet shop, pet groomer, pet beauty parlor, or other retail establishment open to the public and engaging in the business of selling pet supplies and/or services and/or offering for sale and/or selling animals at retail. This definition includes mobile businesses and brick and mortar stores.

Pet store operator means a person who owns and/or operates a pet store.

Poultry means any domestic fowl, including but not limited to chickens, turkeys, ducks, and geese, kept by any person for their eggs, meat or feathers.

Proper enclosure means, while on the owner's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen, fenced yard, or structure measuring at least six feet wide by 12 feet long by six feet high (6'W x 12'L x 6'H), capped if there is a dog house inside or if the dog can climb the fence, to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and shall be constructed in a way to prevent the dog from escaping over, under, or through the structure, and shall provide protection from the elements.

Provoked or Provocation means any action or activity, whether intentional or unintentional, which would be reasonably expected to cause a normal dog in similar circumstances to react in a manner similar to that shown by the evidence.

Quarantine or 10-day quarantine means confining an animal for observation of any symptoms of rabies, which confinement is typically for a 10-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 an acute, fatal, infectious disease of the central nervous system that is transmitted when introduced into bite wounds, open cuts in skin, or onto mucous membranes.

Radio frequency identification device ("RFID"), commonly referred to as a "microchip," is a device about the size of a grain of rice encased in surgical glass that is implanted underneath the skin of a dog, cat, or other animal that when scanned produces a unique number that identifies the animal and its owner (if properly registered). When present, an RFID with registration information shall be considered the primary indication of ownership.

Responsible person means a person at least 18 years old who is familiar with the dog and has the size and experience to be able to keep the dog under complete control at all times.

Restraint means by leash, cord, chain, or other appropriate physical means.

Retail sale includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer of any cat or dog or other household pet.

Sanitary condition means a condition of good order and cleanliness to minimize the possibility of disease transmission.

Service animal means an animal that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. This includes, but is not limited to, guiding an individual who is visually impaired or blind, alerting an

individual who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting an individual who is having a seizure, and helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding an individual with mental illness to take prescribed medications, or doing other specific work or performing other special tasks. A service animal is limited to a dog or miniature horse and is not a pet. The crime-deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition.

Severe injury or severely injured 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 cosmetic surgery.

Special Magistrate as defined in Chapter 2, Article VI, Section 2-170, and as empowered in Section 2-173, of the Code of Ordinances, means a member of the Florida Bar in good standing who is under contract with the City to conduct dangerous dog hearings with the authority to make a determination of whether the dog is dangerous, enforce the conditions of this Ordinance, impose administrative fines and other non-criminal penalties to provide an equitable, expeditious, effective method of enforcing this code within the City where a pending or repeated violation continues to exist.

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, or other multi-residential premises, and that does not have an identification tag and for which there is no identifiable owner.

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 (four or five) 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.

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

Veterinarian means a health care practitioner who is licensed to engage in the practice of veterinary medicine in Florida under the authority of Chapter 474, Florida Statutes.

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.

Sec. 5-3. Bird sanctuary.

(1) The entire area embraced within the corporate limits of the City is hereby designated as a bird sanctuary. The City Manager is authorized to have the City so designated by appropriate signs.

(2) It shall be a violation to trap, hunt, or attempt to shoot or molest in any manner any bird or to rob birds' nests; provided, however, 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.

(3) Any violations of this section will be reported to the Florida Fish and Wildlife Commission for further investigation/disposition.

Sec. 5-4. Noisy animals.

Any animal or fowl which persistently makes noises, or otherwise conducts itself in a manner which unduly excites and generally annoys citizens of the City is hereby declared to be a public nuisance injurious to the public peace, order, and welfare; and any person found guilty of keeping, maintaining, or aiding and abetting in the keeping or maintaining of any such nuisance, within the City, after three days' notice from the ACO or any police or health officer of the City to abate the same, shall be guilty of a misdemeanor.

Sec. 5-5. Livestock prohibited.

Livestock, as defined in this chapter, are prohibited within the corporate limits of the City.

Sec. 5-6. Livestock running at large prohibited.

It shall be unlawful for any person owning or controlling any livestock or poultry to allow the same to run at large within the corporate limits of the City.

Sec. 5-7. Odors from coops or enclosed pens declared public nuisance.

Odors from coops or enclosed pens that can be detected by persons inhabiting residences or living quarters are hereby declared to be public nuisances. Such public nuisance shall be abated consistent with Chapter 19 of the Code of Ordinances of the City.

Sec. 5-8. Disposal of dead animals.

It shall be the duty of every owner, or agent of any owner, of any animal found dead within the corporate limits of the City, to remove and bury, or otherwise satisfactorily dispose of such animal in a sanitary manner. Where the owner or agent of the owner of such dead animal is not known, then it shall be the duty of the person upon whose property such animal was found dead to remove and bury such dead animal in a sanitary manner.

Secs. 5-9. - 5-22. - Reserved.

ARTICLE II. - ANIMAL CONTROL

DIVISION 1. - GENERALLY

Sec. 5-23. Animal control enforcement.

The provisions of this chapter shall be enforced by the ACO(s), LEO(s), and code enforcement officer(s) of the City of Jacksonville Beach, Florida. The powers and authority granted under this chapter shall be supplemental to the powers and authority already provided for by Florida Statutes, relating to local animal control regulations.

Sec. 5-24. Citations authorized; penalties provided.

(1) The City ACO or designee as approved by the City Manager shall have the authority to issue citations to those people whose pets are found to be in violation of this chapter.

(2) Violations of this chapter shall be punishable by fines as follows:

General: Violations of the provisions of this chapter are hereby declared to be civil infractions for which there may be imposed by the county court a maximum fine not to exceed \$500.00. Unless cited for a violation for which court appearance is mandatory, anyone cited with a violation of this chapter may pay a fine as contained within the actual section or, if no fine is listed, as specified below in lieu of appearing in county court. The fine specified shall be paid within the time specified below.

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, then the person shall be deemed to have waived the right to contest the citation. In such cases, final judgment may be entered against the person in the maximum civil fine of \$500.00 allowed, which shall be payable within 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.

- a. First offense (the current offense is a first offense if there have been no other citations in the preceding 36 months): \$50.00;
- b. Second offense (the current offense is a second offense if there has been only one previous citation within the preceding 36 months): \$150.00;
- c. Third offense (the current offense is a third offense if there have been two previous citations within the preceding 36 months): \$250.00;
- d. Fourth and subsequent offenses (the current offense is a fourth or subsequent offense if there have been three or more previous citations within the preceding 36 months): \$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 60 days from the date of execution of the final judgment.
- e. Anyone cited with a violation of this chapter who pays the required fines and then goes three years with no offenses shall return to the status of having no prior offenses for the purposes of this chapter.
- f. An additional fine of \$100.00 for any violation involving a dog or cat in heat.

(3) A \$5.00 surcharge shall be assessed and collected upon each civil penalty imposed for violation of an ordinance relating to animal control, cruelty, or neglect.

(4) The ACO or LEO shall have the authority to cite the owner or any person having custody of an animal for a violation of this chapter when and only when:

- a. The officer has received from an adult witness a sworn affidavit attesting to the animal having committed a violation pursuant to this chapter; or
- b. The ACO, LEO, or other person duly authorized to enforce the provisions of this chapter has witnessed the commission of a violation under this chapter.

Sec. 5-25. Authority to enter private property.

An ACO is authorized to enter upon any private property that is unfenced, or that is fenced but with a gap, opening or indentation, or with a gate that is not closed and locked, for the purpose of investigating a complaint of violation of this chapter, or for the purpose of seizing and impounding any animal that is stray or at large, or as otherwise authorized by this chapter; however, an ACO is not authorized to enter a dwelling without the owner or resident's permission, or without a warrant or under other authority. When probable cause exists, an ACO may enter any property or curtilage or to perform his or her duties under this chapter.

Sec. 5-26. Interference with authorized personnel in performance of duties.

(1) No person shall interfere with, hinder, prevent, impede, threaten, or molest any ACO, LEO, health officer, or impounding officer in the performance of any duty required by the provisions of this chapter.

(2) No person shall break open or assist in the breaking open of any fences, gates, fastenings, or enclosures of the impounding vehicles, and no unauthorized person shall remove or let loose any animal from the impounding vehicles.

Sec. 5-27. Misrepresentation of use or training of service dog.

In accordance with Section 413.08, Florida Statutes, a person who knowingly and willfully misrepresents themselves, 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 Sections 775.082 or 775.083, Florida Statutes, and must perform 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 months.

Authorized personnel performing their duties required by the provisions of this chapter 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.

The City does not recognize Emotional Support Animals as Service Animals and as such are to abide by the same regulations as any non-service animal within the City limits.

Sec. 5-28. Injury to animals by motor vehicles; reporting requirement.

Any operator of a motor vehicle that has injured a domesticated animal shall immediately notify the Jacksonville Beach Police Department or AC and advise as to the location of the injured animal. Failure to notify one of these authorities shall constitute a violation of this section punishable by a fine of \$50.00.

Sec. 5-29. Persons bitten by dogs or cats; report to police or health department required; when infection suspected; liability of City.

(1) If any person is bitten by any animal within the corporate limits of the City, then it shall become the duty of such person or the owner of the animal with knowledge thereof, to report

such incident to the police department of the City, or to the Duval County Health Department within 24 hours thereafter.

(2) Any animal reported to have bitten a person shall be kept in quarantine for such period of time and place as may be designated by the Duval County Health Department for the purpose of testing such animal for disease. Any animal suspected of being infected with rabies shall be released by its owner or custodian to the Duval County Health Department for laboratory analysis by a licensed veterinarian. No liability for compensation to the owner of such animal shall attach to the City by virtue of any procedure hereunder by the Duval County Health Department. All costs in connection with this section shall be borne by the owner of the 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 or to the person bitten by the animal.

(3) 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.

DIVISION II – DANGEROUS DOGS

Sec. 5-30. Dangerous dogs; procedures for designating a dog as dangerous; actions following a designation.

(1) An ACO shall investigate reported incidents involving any dog that may be dangerous and, if possible, shall interview the owner and require a sworn affidavit from any person, including any ACO or LEO, desiring to have a dog classified as dangerous.

- a. An animal that is the subject of a dangerous dog investigation because of a severe injury to a human being may be immediately confiscated by the ACO, placed in quarantine, if necessary, for the proper length of time, or impounded and held. The animal may be held pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. If the dog is to be destroyed, the dog may not be destroyed while an appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal pending any hearing or appeal.
- b. An animal that is the subject of a dangerous dog investigation which is not impounded with the animal control authority must be humanely and safely confined by the owner in a securely fenced or enclosed area. The animal shall be confined in such manner pending the outcome of the investigation and the resolution of any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. The address at which the animal resides shall be provided to the animal control authority. A dog that is the subject of a dangerous dog investigation may not be relocated, or its ownership transferred pending the outcome of the investigation and any hearings or appeals related to the dangerous dog

classification or any penalty imposed under this section. If a dog is to be destroyed, the dog may not be relocated or its ownership transferred.

- (2) A dog may not be declared dangerous if:
- a. The threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or who, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member.
 - b. The dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
 - c. The dog was performing official duties for a law enforcement officer or law enforcement agency.

(3) After the investigation, the ACO shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and, if sufficient cause is found, as to the appropriate penalties under subsection (5). The ACO shall forward a report to the Special Magistrate with a recommendation that the dog be designated a dangerous dog. The Special Magistrate shall afford the owner an opportunity for a hearing prior to making a final determination regarding the classification or penalty. The Special Magistrate shall provide written notification of the sufficient cause finding and proposed penalty to the owner by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process. The owner may file a written request for a hearing regarding the dangerous dog classification, penalty, or both, within seven calendar days after receipt of the notification of the sufficient cause finding and proposed penalty. If the owner requests a hearing, the hearing shall be held as soon as possible, but not later than 21 calendar days and not sooner than five days after receipt of the request from the owner. In rendering his or her decision, the Special Magistrate may consider information and/or documentation provided by the ACO and any victims or witnesses including, but not limited to, written or verbal reports and/or statements, medical reports, photographs, and/or any other facts or details the Special Magistrate, in his or her sole discretion, determines will assist in his or her decision. If a hearing is not timely requested regarding the dangerous dog classification or proposed penalty, or if the owner fails to appear for the hearing after requesting it, the determination of the Special Magistrate as to such matter shall become final. The Special Magistrate shall render a decision within 14 calendar days of the conclusion of the hearing. Such decision shall be in the form of a written order recorded with the City Clerk.

(4) Upon a dangerous dog classification and penalty becoming final after a hearing or by operation of law pursuant to subsection (3), the Special Magistrate shall provide a written final order to the owner by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48, Florida Statutes, within seven calendar days after the order has been recorded. The owner may appeal the classification, penalty, or both, to the circuit court in accordance with the Florida Rules of Appellate Procedure after receipt of the final order. If the dog is not held by the ACO, the owner must confine the dog in a securely fenced or enclosed area pending resolution of the appeal.

- (5) The owner of a dog classified as a dangerous dog shall:
- a. Within 14 days after issuance of the final order classifying the dog as dangerous, or the conclusion of any appeal that affirms such final order,

obtain a certificate of registration for the dog from AC and renew the certificate annually. AC is authorized to issue such certificates of registration, and renewals thereof, only to persons who are at least 18 years of age and who present to the animal control authority sufficient evidence of:

- i. A current certificate of rabies vaccination for the dog;
 - ii. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points which informs both children and adults of the presence of a dangerous dog on the property; and
 - iii. Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.
- b. Pay an annual fee of \$50.00 to the City before issuance of a certificate of registration.
- c. Immediately notify the appropriate animal control authority when the dog:
- i. Is loose or unconfined.
 - ii. Has bitten a human being or attacked another animal.
 - iii. Is sold, given away, or dies.
 - iv. Is moved to another address.
- Before a dangerous dog is sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control authority. The new owner must comply with all of the requirements of this section and implementing local ordinances, even if the animal is moved from one local jurisdiction to another within the state. The ACO must be notified by the owner of a dog classified as dangerous that the dog is in his or her jurisdiction.
- d. Not permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting a person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within his or her sight and only members of the immediate household or persons 18 years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.

(6) An ACO shall immediately impound a dangerous dog if the owner fails to comply within the timeframes set forth in this article with any of the requirements for maintaining a dangerous dog. A dangerous dog impounded under this section may be redeemed by the owner upon the owner's compliance with all applicable provisions of this article and upon payment of impound fees, boarding fees, and applicable veterinary or other medical expenses. If the owner fails to comply with all applicable provisions and redeem the dangerous dog within 14 calendar days of the date the dog was impounded, the dog shall be euthanized in an expeditious and humane manner.

(7) If a dog is classified as a dangerous dog due to an incident that causes severe injury to a human being, based upon the nature and circumstances of the injury and the likelihood of a future threat to the public safety, health, and welfare, the dog may be destroyed in an expeditious and humane manner.

(8) Hunting dogs are exempt from this section when engaged in any legal hunt or training procedure. 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 this section when engaged in any legal procedures. However, such dogs at all other times in all other respects are subject to this article. Dogs that have been classified as dangerous may not be used for hunting purposes.

(9) The ACO or the Jacksonville Beach Police Department must be notified by the owner of a dog classified as dangerous under another jurisdiction's ordinances, or under provisions of Sections 767.11, 767.12, or 767.13, Florida Statutes, that the dog has been brought into the City. The owner, whether bringing said dangerous dog into the City temporarily, or for purposes of establishing residency within the City, shall comply with the provisions of this article.

(10) No dog declared dangerous shall be allowed in Paws Dog Park.

(11) A person who violates any provision of this section commits a noncriminal infraction, punishable by a fine not to exceed \$500.00.

Sec. 5-31. Attack or bite by dangerous dog; confiscation; destruction.

(1) If a dog that has previously been 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 Section 775.082, Florida Statutes, or Section 775.083, Florida Statutes. In addition, the dangerous dog shall be immediately confiscated by an ACO, placed in quarantine, if necessary, for the proper length of time, or impounded and held for 10 business days after the owner is given written notification under Section 5-29, and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under Section 5-29. 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.

(2) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner is guilty of a felony of the third degree, punishable as provided in Section 775.082, Florida Statutes, Section 775.083, Florida Statutes, or Section 775.084, Florida Statutes. In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time or held for 10 business days after the owner is given written notification under Section 5-29, and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under Section 5-29. 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.

(3) If the owner files a written appeal under Section 5-29, or this section, the dog must be held and may not be destroyed while the appeal is pending.

(4) 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.

Sec. 5-32. Penalties.

(1) An owner of a dangerous dog who violates the provisions of Sections 5-29 or 5-30 shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not to exceed \$500.00 or imprisonment not to exceed 90 days, or both, for a first offense, and not more than \$1,000.00 or imprisonment not to exceed 90 days, or both, for a second offense.

(2) An owner of a dangerous dog that causes serious injury to or kills a human being or a domestic animal without provocation shall be fined up to \$10,000.00.

(3) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this article or the rules issued under authority of this article.

DIVISION III – NUISANCES

Sec. 5-33. General.

(1) Animals shall not be kept on property in a manner that causes 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, that are detrimental to property values, or that tend to degrade the appearance of a neighborhood.

(2) 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. The only exception is by permission of the property owner.

(3) An owner shall remove and properly dispose of feces and other animal wastes on owner's property so as to avoid any nauseous odors that are irritating, annoying, or offensive to a person of normal sensibilities; or that are injurious to human, plant, or animal life; or that reasonably interfere with the use and enjoyment of property.

(4) No person shall maintain or feed any animal, domesticated or wild, in such manner that it: creates a nuisance; 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.

(5) A violation of this section shall subject the violator to a civil fine of no less than the amount designated in 5-24. Each separate incident is considered a separate violation. The ACO

may cite the owner or custodian of such animal(s) for a violation of this section when either the ACO has received, from two or more unrelated adult witnesses residing at different residences or one adult witness with a recorded video or photograph showing the alleged violation, a sworn affidavit attesting to the nuisance of the owner or the animal(s) pursuant to this section, or the citing ACO has directly observed the commission of such nuisance.

Sec. 5-34. Noise.

(1) It shall be unlawful for the owner, or any person having temporary custody, of an animal or animals to allow or fail to restrain the animal(s), to bark, meow, whine, howl, or to make other sounds common to the species, persistently or continuously for a period of 20 minutes or longer when every animal is not contained within an enclosure sufficient to baffle loud noises and render them reasonably unobjectionable. For the purposes of this section, persistently or continuously shall mean nonstop utterances for 20 consecutive minutes with individual interruptions of less than 20 seconds at a time during the 20-minute utterances. This subsection shall not apply to a properly permitted animal shelter established for the care and/or placement of unwanted or stray animals, nor a properly zoned commercial boarding kennel or other animal facility.

(2) A violation of this section shall subject the violator to a civil fine of not less than the amount designated in 5-24. Each separate occasion is considered a separate violation. The ACO or LEO may cite the owner or custodian of the animal(s) for violation of such section when either the ACO or LEO has received, from at least two unrelated adult witnesses from different residences, or from one adult witness with a recorded video showing the alleged violation, a sworn affidavit attesting to the committing of a nuisance pursuant to such section or subsection, or the citing ACO or LEO has witnessed the commission of such a nuisance. Affidavit(s) attesting to the nuisance must come from residents within a three-block radius (approximately 900-foot radius).

Sec. 5-35. Feeding of cats and dogs outdoors.

(1) Rules applicable to all dogs and cats, excluding managed community cats covered in subsection (2) below, are as follows:

- a. The feeding of cats and dogs outdoors shall take place primarily during daylight hours to minimize the risk of domestic-wildlife interactions that have increased potential of rabies exposure for the cats or dogs. Any food provided after daylight hours shall only be provided for such time required for feeding, and no longer than 30 minutes, after which it shall be removed.
- b. Feeding outdoors is only allowed when an appropriate amount of food for daily consumption of the cat(s) and/or dog(s) being cared for is provided. Food must be appropriately placed in a sanitary container sufficient for the cat/dog being fed. Automatic feeders that are properly maintained and secured may be used to dispense daily food rations and may be present during night hours.
- c. Dumping excess quantities of food on the ground, placing excess quantities in bowls or other containers, and leaving open food packages is prohibited.
- d. Feeding outdoors must take place on the property owned by the person placing the food or be done with the consent of the property owner. Feeding

on public property, road right-of-ways, parks, common land of a multifamily housing unit, or any property without consent of the owner is prohibited.

(2) Community Cat Management Initiatives. The City recognizes the need for innovation in addressing the issues presented by feral, free-roaming, and other community cats. Toward that end, the City recognizes that there are community caregivers of cats, and acknowledges that properly managed community cats may be part of the solution to the continuing euthanasia of cats, and establishes the following requirements:

- a. All managed community cat colonies/groups must be maintained on private property of the caregiver or with permission on the private property of another landowner (including city, state, and federal public property).
- b. All cats that are part of community cat management programs or considered feral must be sterilized, vaccinated against the threat of rabies, and ear-tipped (preferable on the left ear) for easy identification; if these requirements are met, the community cat is exempted from licensing, stray, at-large, and possibly other provisions of this ordinance that apply to owned animals.
- c. If a person is providing care for community cats, he or she is required to provide certain necessities on a regular/ongoing basis, including, but not limited to, proper nutrition and medical care as needed. If medical care is unavailable or too expensive, the caregiver must not allow the cat to suffer.
 - i. Food must be provided in the proper quantity for the number of cats being managed and is to be supplied no less than once per day. Food must be maintained in proper feeding containers and removed after each feeding.
 - ii. Water, if supplied, must be clean, potable, and free from debris and algae.
 - iii. If shelter is provided, it shall be unobtrusive, safe, and of the proper size for the cat(s).

(3) Violations of this Section are subject to a fine of not less than the amount designated in Section 5-24.

Sec. 5-36. Habitual nuisance.

(1) It shall be unlawful for the owner, or any person having temporary custody, of an animal or animals to permit the animal(s), either willfully or through failure to exercise due care or control, to commit a nuisance by running at large habitually; by chasing or running after vehicles or persons habitually; by trespassing upon public or private school grounds habitually; by trespassing on private property habitually and interfering with the reasonable use and enjoyment of the property; by barking habitually, or by making other objectionable animal noises habitually; or by doing any other thing habitually which is so offensive as to create a nuisance.

(2) For the purpose of this section, “habitually” means at least two separate occurrences within a time period of no more than 30 days.

Sec. 5-37. Damaging property of another; proof of violation.

(1) It shall be unlawful for any person who shall own or be in control of or in charge of any dog or cat to allow or permit such dog or cat to wander at large or stray upon the property of another and damage such property.

(2) If any such dog or cat shall wander at large or stray upon the property of any person within the corporate limits of the City and shall cause damage thereon, proof of such damage and the identity of the dog or cat shall be sufficient to charge the person owning or having charge of or control of the dog or cat violating the terms and provisions of this section.

Sec. 5-38. Defecation disposal.

It shall be a violation for any owner or handler of a dog to allow such dog to defecate on any property within the City, including the beach, within the boundaries of the Paws Dog Park in Wingate Park, other than the owner's or handler's private property, without immediately removing such defecation with a suitable material, utensil, or container, and depositing the defecation in a trash container.

DIVISION IV – LEASH REQUIREMENTS

Sec. 5-39. Running at large.

It shall be unlawful for the owner of any dog to permit or allow the dog to commit a nuisance or to be found running at large on any of the public streets, public rights-of-way, sidewalks, parks, playgrounds, alleys, beaches, or vacant lots in the City; and such dog may be picked up by the City or the designated authorized agent of the City and placed in a shelter for a period of not less than three days nor more than seven days, except the animal may be released sooner upon proper identification and upon the payment of impound and boarding fees. In the event any animal has to be tranquilized with chemical capture equipment, then the owner must pay \$100.00 in addition to the redemption fee for vet services and cost of chemical capture. If a dangerous dog is impounded for running at large, then the redemption fee shall be \$150.00, with an additional \$100.00 fee for vet services and cost of chemical capture if the dangerous dog has to be tranquilized with chemical capture equipment.

Sec. 5-40. Leash required for dogs in public places.

(1) 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 eight feet in length within the City. Such leash must be attached to a fixed object or specifically held by a person capable of controlling the animal. If an animal is attached to a fixed object, the owner or person in custody of animal must be with the animal at all times.

(2) Within the physical boundaries of Paws Dog Park, dogs may be allowed off-leash by their owner or handler so long as the owner or handler remains at all times within the physical boundaries of the dog park and remains within the owners voice and eye contact at all times.

(3) 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 a service dog that is not physically restrained.

(4) Nothing in this section is meant to require use of leash to restrain a dog that is unattended by an owner, handler, or trainer and is within the fenced in boundaries of private property or public dog park, or is actively and lawfully participating in or training for tracking, man trailing, search and rescue, cadaver identification, or law enforcement activities.

Sec. 5-41. Dogs on the beach; requirements and hours.

(1) Dogs are permissible on the beach during the following time periods:

- a. At any hour from October 1 through March 31; and,
- b. During the hours of 5:00 p.m. through 9:00 a.m., from April 1 through September 30.

(2) 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 the following:

- a. Each such dog must be fastened to a suitable leash of dependable strength not to exceed eight feet in length and the leash must be held or controlled by that person at all times.
- b. 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.
- c. Each such dog must have affixed to its collar a current rabies vaccination tag evidencing the dog has been properly inoculated against rabies within the past year.
- d. On Jacksonville Beach, if the dog is in the Atlantic Ocean within the owner's voice and visual contact, 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 or fetching.

DIVISION V – COMMERCIAL ANIMAL ESTABLISHMENTS

Sec. 5-42. Requirements for sales of dogs and cats; permitted sources; certificate of source; penalties.

(1) Prohibition.

- a. Retail sales restricted. Effective August 17, 2015, no pet dealer, pet store, or pet store operator shall display, sell, trade, deliver, barter, lease, rent, auction, transfer, offer for sale or transfer, give away or otherwise dispose of dogs and cats in the City except as provided in this section on or after the effective date of this section.

- b. Pet mills prohibited. No pet mills shall be permitted to operate in the City.
- c. It is prohibited and unlawful to engage in the retail sale of dogs or cats on any public thoroughfare, public common areas, or other places of public accommodations, flea markets, festivals, yard sales, medians, parks, recreation areas, outdoor markets, parking lots, or other similar locations, regardless of whether such access is authorized by the owner or any other person. This prohibition shall not apply to the retail sale of dogs or cats by an animal shelter or animal rescue organization, or a City permitted sale or adoption event.

(2) Exemptions. This section shall not apply to:

- a. An animal shelter.
- b. Animal rescue organization.
- c. An animal shelter or animal rescue organization which operates out of or in connection with a pet store.
- d. An animal hospital or veterinarian's office.
- e. A pet store engaged in the display, sale, delivery, offer of sale, barter, auction, gifting or transfer of pets other than cats or dogs.
- f. A pet store that provides space and appropriate care for cats and/or dogs that are owned by an animal shelter or an animal rescue organization and maintained at a pet store for the purpose of adopting those dogs and cats to the public.
- g. Hobby breeders.

(3) Certificate of source. A pet dealer or pet shop that obtains dogs or cats from a permitted source shall post conspicuously on the cage of each dog and cat the following information:

- a. The name and address of the source from which the dog or cat was obtained and date thereof;
- b. Copy of a notarized affidavit of verification from the source from which the dog or cat was obtained;
- c. A copy of the certificate of source shall also be provided to the purchaser or transferee of any pet;
- d. A description of the dog or cat, including species breed, sex, color, and distinctive markings, physical condition and health, and age (if known); and
- e. For each dog or cat receiving medical care while in the custody or control of the pet dealer or pet shop, the type of service rendered, date, and veterinarian's name.

(4) Special Magistrate. Citations issued for violation of any provision of this Division shall be enforced in proceedings under the Special Magistrate hearing procedures of Chapter 2,

Article VI, of the City Code of Ordinances, and are solely within the power, authority, and jurisdiction of the City’s Special Magistrate.

(5) Penalties. Any person who violates this section shall be subject to a fine of \$250.00 per day per animal for the first violation within a twelve-month period, and a fine of \$500.00 per day per animal for any subsequent violation within a twelve-month period. The Jacksonville Beach Police Department AC shall enforce the provisions set forth within this section. Each day any violation of any provision of this section shall continue constitutes a separate offense.

DIVISION VI – ANIMAL CRUELTY, NEGLECT, AND ABANDONMENT

Sec. 5-43. Neglect; abandoning animals; animal confinement; tethering.

(1) It shall be unlawful for any person to neglect or abandon an animal. Violations of this section are deemed irreparable or irreversible in nature.

(2) For purposes of this division, it shall be considered neglect 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, the Florida Veterinary Medical Association and/or the American Veterinary Medical Association, shall be used to define active veterinary care/treatment;
- b. Keeping an animal in an enclosure that 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;

- c. 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;
- d. Allowing an animal to live in extreme filth, excessive feces, unsanitary conditions, obnoxious odors such as urine and feces; or
- e. Restraint by tethering:
 - i. No person shall tether an animal to a stationary or inanimate object as a means of confinement or restraint unless such person is outside with the animal and the animal is at all times visible to such person. No person shall, under any circumstances, tether any animal in a manner that is injurious to the animal's health, safety, and well-being.
 - ii. The tether shall not weigh more than one-eighth of the animal's body weight. When a violation of this provision occurs, an ACO is authorized to take reasonable measures to remove the animal from the tether and take the tether and animal to the shelter.
 - iii. The tether must be at least 12 feet in length with operative swivels on both ends.
 - iv. 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.
 - v. 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.
 - vi. In the interest of public safety, ACOs and LEOs 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.

- (3) For purposes of this division, it shall be considered abandonment if an animal is:
 - a. Left upon or beside any street, road, right-of-way, vacant lot, or other public property;
 - b. Left unattended on private property for greater than an amount of time deemed by an ACO as insufficient for proper care; or
 - c. If a maimed, sick, infirm, or diseased animal is forsaken entirely and left to die.

Any LEO or ACO may exercise discretion to determine whether an animal is abandoned before or after a 48 hour period.

This section excludes the drop off or relocation of feral cats and cats that are part of the community cats program as abandonment, only if relocated by an ACO or licensed trapper.

(4) Special Magistrate. Citations issued for violation of any provision of this chapter shall be enforced in proceedings under the Special Magistrate hearing procedures of Chapter 2, Article VI, of the City Code of Ordinances, and are solely within the power, authority, and jurisdiction of the City's Special Magistrate.

(5) Penalties. Any person who violates this section shall be subject to a fine of \$100.00 for the first violation, a fine of \$250.00 for the second violation, and a \$500.00 fine for any subsequent violations. The Jacksonville Beach Police Department AC shall enforce the provisions set forth within this section.

Sec. 5-44. Cruelty to animals.

(1) It shall be unlawful for any person to overload, overdrive, torture, torment, or deprive of necessary sustenance, food, or drink, or unnecessarily or cruelly beat, mutilate, or kill any animal or cause or permit either of such offenses to be committed.

(2) It shall be unlawful for any person to willfully and maliciously steal, kill, wound, or injure any animal which is the property of another or willfully and maliciously administer poison to any animal or expose any poisonous substance with intent that the same shall be taken and swallowed by any animal which is the property of another.

(3) It shall be unlawful for any person to willfully and maliciously mistreat any animal within the limits of the City.

(4) It shall be unlawful to carry any animal in or upon any vehicle in an inhumane way so as not to provide for protection, safety, and comfort of the animal.

- a. It shall be unlawful to carry an animal in the back of an open vehicle without being safely tethered in two or more places or placed in a secured crate or cage that allows for proper ventilation to avoid injury or jumping out of the vehicle and without protecting the animal from extreme weather conditions.
- b. It shall be unlawful to leave an animal unattended in a vehicle in a way that endangers the health or well-being of the animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering or death.
- c. A LEO or ACO who finds an animal in a vehicle as described in subsections a. and b. above may enter the vehicle by using the amount of force reasonably necessary to remove the animal. A LEO or ACO 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.

(5) Any act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue to an animal when there is reasonable remedy or relief shall be considered cruelty, and is unlawful under this section.

(6) Special Magistrate. Citations issued for violation of any provision of this chapter shall be enforced in proceedings under the Special Magistrate hearing procedures of Chapter 2, Article VI, of the City Code of Ordinances, and are solely within the power, authority, and jurisdiction of the City's Special Magistrate.

(7) Penalties. Any person who violates this section shall be subject to a fine of \$500.00 for each animal. The Jacksonville Beach Police Department AC shall enforce the provisions set forth within this section.

Sec. 5-45. Animals found in distress, taking custody of neglected/mistreated animals.

(1) The purpose of this section is to provide a means by which a neglected or mistreated animal may be removed from its present custody or made the subject of an order to provide care issued to its owner by the county court, any City of Jacksonville Beach LEO, ACO, Florida Fish and Wildlife Conservation Commission, or any society or association for the prevention of cruelty to animals and protected and disposed of appropriately and humanely.

(2) Any City of Jacksonville Beach LEO, ACO, Florida Fish and Wildlife Conservation Commission, or any society or association for the prevention of cruelty to animals may either lawfully take custody of any animal found neglected or cruelly treated by removing the animal(s) from its present location, or order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense without removal of the animal from its present location, and shall file a petition seeking relief under this section in the county court within 10 days after the animal is seized or an order to provide care is issued. The Court in which the petition is filed shall have jurisdiction over the action.

(3) Any City of Jacksonville Beach LEO, ACO, Florida Fish and Wildlife Conservation Commission, or any society or association for the prevention of cruelty to animals taking custody of an animal pursuant to this section shall have written notice served, at least three days before the hearing scheduled under subsection (2), upon the owner of the animal, if he or she is known and is residing in the county where the animal was taken, in accordance with Florida Statutes Chapter 48 relating to service of process. The sheriff of the county may not charge a fee for service of such notice.

- (4) a. Any City of Jacksonville Beach LEO, ACO, Florida Fish and Wildlife Conservation Commission, or any society or association for the prevention of cruelty to animals taking custody of an animal pursuant to this section shall provide for the animal until either:
- i. The owner is adjudged by the court to be able to adequately provide for, and have custody of, the animal, in which case the animal shall be returned to the owner upon payment by the owner for the care and provision for the animal while in the agent's or officer's custody; or
 - ii. The animal is turned over to the officer or agent pursuant to paragraph c.

- b. If the court determines that the owner is able to provide adequately for, and have custody of, the animal, the order shall provide that the animal in the possession of the officer or agent be claimed and removed by the owner within 7 days after the date of the order.
 - c. If the court's judgment is that the owner of the animal is unable or unfit to adequately provide for the animal, the owner must obey and follow the courts order and directives.
- (5) Fees and disposition of animals:
- a. AC or Jacksonville Animal Care and Protective Services (JACPS) shall shelter and care for any animal seized until disposition by the court, including any appeal.
 - b. If the court determines that the owner is not guilty of any violation of this section and is able and fit to provide adequately for and have custody of the animal, then the court shall enter an order providing that the animal be claimed by the owner and removed from the custody of AC within seven days after the date of the order, or the animal is considered abandoned by the owner and becomes the property of AC.
 - c. If the court determines that the owner violated this section, but is, nevertheless able and fit to provide adequately for one or more of the animal(s) seized, the court's order shall indicate each animal that may be redeemed and shall provide that the animal be claimed by the owner and removed from the custody of AC within seven days after the date of the order, or the animal is considered abandoned by the owner and becomes the property of AC. The order may also require that, prior to redeeming such animal, the owner must pay all applicable fines (including outstanding fines issued by AC) and court costs, and shall require the owner to pay all impound fees, boarding fees, applicable veterinary expenses, other medical expenses and all other costs associated with the care and maintenance of the animal(s) redeemed and any other animals seized by AC that are not to be redeemed. The court may hold a separate hearing for proof of costs.
 - d. If the court determines that the owner is unable or unfit to adequately provide for the animal(s), the court's order shall provide that the owner shall have no further custody of the animal(s) and that the animal(s) shall become the property of AC. The order may also require that the owner must pay all applicable fines (including outstanding fines issued by AC and court costs) and shall require the owner to pay all impound fees, boarding fees, applicable veterinary expenses, and other medical expenses and all other costs associated with the care and maintenance of the animal seized. The court may hold a separate hearing for proof of costs.
 - e. If the court also determines that the owner is unable or unfit to provide for any animal(s) not already seized and taken into custody by an ACO, then the court may also order that any or all other animal(s) in the custody of the owner be turned over to AC for adoption or humane disposition. Pursuant to Section 828.073, Florida Statutes, the court may also enjoin the owner's further possession or custody of other animals.

DIVISION VII – IMPOUNDMENT, SURRENDER AND REDEMPTION

Sec. 5-46. Impounding of animals.

(1) An ACO and LEO is authorized to capture and impound, in a place maintained or designated for that purpose, any animal that is stray, at-large, or as otherwise authorized by this chapter.

(2) No animal shall be held for more than seven days or less than three days before being transferred from AC to JACPS.

(3) AC shall not be required to shelter and care for any feral, wild, or exotic animals other than those to be placed temporarily for the community cat program seeking proper veterinary care.

(4) AC shall not be required to shelter or care for any animal that is severely injured, has a contagious disease or is deemed by AC as a danger to the community or an undue risk to employees of AC unless such animal has a currently registered microchip or ownership information in the form of a private identification tag on the animal. All animals without such positive, traceable identification that meet the previous criteria shall be expeditiously and humanely euthanized.

Sec. 5-47. Owner surrenders.

(1) Jacksonville Beach is an open admission shelter for the City and no other cities. AC is technically a no-kill shelter, but works with JACPS, which is a kill shelter. In order for an animal to be surrendered, two proofs of residency must be provided (e.g., driver’s license, electric bill), and proof of ownership of the animal must be provided. A friend, relative, neighbor, etc., cannot surrender an animal. *Exception:* The original owner passes away, and then a family member can surrender the animal. Fees may be waived at the discretion of the ACO.

- a. Fees for owner surrendered animals:
 - i. \$50.00 owner surrender fee for each animal turned in.
 - ii. A current rabies vaccination is required. If the owner cannot provide a current rabies certificate, an additional \$25.00 is added to the owner surrender fee.
 - iii. If the animal is not spayed or neutered, the surrender fee is \$150.00.
- b. The fee must be paid at the time of the surrender by cash or check.

(2) The owner must fill out and sign the owner surrender form. This relinquishes all rights to the animal and gives the City rights to the animal.

Sec. 5-48. Conditions preventing redemption.

(1) No animal that has been in recent contact with a rabid animal may be redeemed until the animal has been held for the prescribed period of observation (10 days).

(2) No animal that is infected with, or is suspected of being infected with, any dangerous disease that is communicable to humans or other animals including, but not limited to, rabies, distemper, and parvovirus, as determined by a veterinarian, may be redeemed and shall be expeditiously and humanely euthanized.

(3) No dog previously classified as a dangerous dog may be redeemed pending any hearing requested by the owner to stop an order to euthanize the dog. Such animals shall be expeditiously and humanely euthanized after any requested hearing or within 10 business days if no notice of hearing request is received.

(4) No animal prohibited by law from being kept as a household pet may be redeemed.

(5) At the discretion of AC, an animal that is not subject to redemption may be medically treated and placed with a facility or agency equipped for care of such animal, or the animal may be humanely euthanized.

(6) All dogs, cats, and ferrets four months of age or older must have current rabies vaccinations in accordance with Section 828.30, Florida Statutes, and must be properly tagged in order to be redeemed. The owner must produce to AC a rabies vaccination certificate from a veterinarian and any other information necessary in order for AC to determine that the animal has a current vaccination.

Sec. 5-49. Redemption costs.

The dogs or cats impounded under this article may be redeemed by the owner thereof by paying the cost of feeding for the period confined, expenses accrued for services rendered, and other charges as follows:

<u>First offense</u>	<u>\$20.00</u>
<u>Second offense</u>	<u>\$30.00</u>
<u>Third offense</u>	<u>\$50.00</u>
<u>Feeding each animal per day.....</u>	<u>\$5.00</u>

DIVISION VIII – RABIES VACCINATION

Sec. 5-50. Required.

No dogs or cats shall be owned or kept in the City unless as provided in this division.

Sec. 5-51. Rabies certificate.

The owner shall carry proof showing that such dog, cat, and ferret has been vaccinated against rabies within the last 12 months. The certificate of a veterinarian, licensed to practice veterinary medicine and surgery by the Board of Veterinary Examiners of the State of Florida, shall be accepted as conclusive evidence to the fact and time of such vaccination.

Sec. 5-52. Rabies vaccination required.

(1) 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 to four months of age with a booster at one year and every three 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 12 months must be renewed annually through submission of a new exemption letter. No exemption letter shall be deemed valid after one year from the date it was written.

(2) 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.

(3) 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).

(4) Violators of this section shall be guilty of a municipal offense punishable as provided in section 5-24.

Sec. 5-53. Confinement when rabid.

If a dog or cat is suspected of having rabies, or has been bitten by a dog or cat suspected of having rabies, such dog or cat shall be confined by a chain on the owner's premises, and the Humane Society or licensed veterinarian notified at once. The dog or cat shall then be removed to the proper place for observation for a period of 10 days at the expense of the owner.

Sec. 5-54. – 5.70. – Reserved.

ARTICLE III. - DOGS WITHIN THE OUTDOOR DINING AREAS OF PUBLIC FOOD SERVICE ESTABLISHMENTS

Sec. 5-71. Authority.

Section 509.233, Florida Statutes, authorizes the city to adopt an ordinance and issue a permit to public food service establishments that provides an exemption from Section 6-501.115 of the Food and Drug Administration Food Code in order to allow dogs in the outdoor dining areas

of their establishment. The purpose of such local permit requirement is to protect the health, safety, and welfare of the public.

Sec. 5-72. Permit authorization.

The city manager or his/her authorized representative is hereby authorized to issue such permit following the application on a form as provided by the city on the condition that the public food service establishment seeking such permit has complied with all the requirements of Section 509.233, Florida Statutes, and this article.

Sec. 5-73. Violations.

Violations of this article shall be referred to the Special Magistrate of the City of Jacksonville Beach for disposition in accordance with Section 162.06, Florida Statutes, and will be reported to the Florida Division of Hotels and Restaurants in accordance with Section 509.233, Florida Statutes.

Sec. 5-74. Permits.

Public food service establishments choosing to allow patrons' dogs within certain designated outdoor portions of their establishment must apply for and receive a permit from the city before allowing dogs on their premises.

- (1) Application for a permit must include the following information:
 - a. The name, location, and mailing address of the public food service establishment.
 - b. The name, mailing address, and telephone contact information of the permit applicant.
 - c. A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available to patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways. The diagram or plan must be accurate and to scale, but need not be prepared by a licensed design professional.
 - d. A listing of the days of the week and hours of operation that the patrons' dogs will be permitted in the designated outdoor area.

(2) Permits issued pursuant to this section shall establish that dogs are not allowed to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment must not require entrance into or passage through any indoor area of the food establishment.

(3) Permits issued pursuant to this section shall require the public food service establishment to provide:

- a. Waterless hand sanitizer at all tables in the designated outdoor area.
- b. A kit, maintained near the designated outdoor area, with the appropriate materials for cleaning and sanitizing an area soiled by dog waste.

(4) Permits issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of the public food service establishment, but will expire automatically on the sale of the establishment. Subsequent owners must reapply for a permit if the subsequent owner wishes to continue to accommodate patrons' dogs.

Sec. 5-75. Required signs.

Public food service establishments that obtain the necessary permit to allow dogs into designated outdoor areas must provide the following signage:

(1) Requirements. Signs must comply with the following requirements:

- a. Lettering must be no less than a 36 point font.
- b. Lettering must be in a contrasting color to the sign background so as to be visible and readable.

(2) Employee signs. Signs with the following rules must be prominently posted in an employee area:

- a. All public food service employees must wash their hands promptly after touching or handling dogs.
- b. Employees are prohibited from touching or handling dogs while they are serving food or beverages or handling tableware.
- c. Employees must not allow dogs to come in contact with dishes, utensils, tableware, linens, or other items involved in food service operations.
- d. Dogs are not allowed on chairs, tables, or other furnishings.
- e. All table and chair surfaces must be cleaned and sanitized with a proper sanitization product between seating of patrons.
- f. Spilled food and/or drink must be removed from the floor or ground between seating of patrons.
- g. Accidents involving dog waste must be cleaned, and the area sanitized immediately with a proper sanitizing agent.

(3) Patron signs. Signs with the following rules must be posted at the entrance to the designated outdoor area allowing dogs:

- a. Patrons are advised to wash their hands with the waterless hand sanitizer provided at tables for that purpose.
- b. Patrons must keep their dog on leash at all times and must keep their dog under control.
- c. Dogs are not allowed to come in contact with dishes, utensils, tableware, linens, or other items involved in food service operations.
- d. Dogs are not allowed on chairs, tables or other furnishings.

- e. Accidents involving dog waste must be cleaned and the area sanitized immediately with a proper sanitizing agent.

Sec. 5-76. Fees.

Fees may be set by resolution of the city council.

Sec. 5-77. Liability.

This article in no manner assumes responsibility, obligation, or liability for any functions of the Florida Division of Hotels and Restaurants for the proper operations of such businesses as established by state and federal laws. By issuing any permit under this section, the City of Jacksonville Beach assumes no responsibility, obligation, or liability related to the public food service establishment choosing to allow dogs within the outdoor dining area.

Sec. 5-78. – 5-79. – Reserved.

ARTICLE IV – HEN REGULATION

Sec. 5-80. Purpose and intent.

The purpose of this article is to authorize and regulate the keeping of backyard hens in specified residential zones under specified criteria within the City, to establish the criteria and limitations to avoid adverse impacts on neighboring properties and residents, and to provide for the safety and health of hens. Nothing herein shall supersede any effective, recorded deed restriction prohibiting backyard hens on property located within the corporate limits of the City.

Sec. 5-81. General requirements, improvements, and prohibitions.

- (1) The maximum number of hens permitted on any property shall be five.
- (2) All food for hens shall be stored in rodent and predator-proof containers.
- (3) Hens shall not be permitted to trespass on neighboring properties, be released or set free, and shall be kept within an enclosed pen according to the requirements of this article at all times.
- (4) Hens shall not be kept on any property without a properly issued permit authorizing such use.
- (5) Coops and enclosed pens shall be kept clean and sanitary at all times so that they do not become a nuisance due to odor, noise, pests, or any other nuisance condition.
- (6) Hens shall be kept for personal use only. The selling of hens, eggs, or manure, as well as breeding of chickens for commercial purposes, is prohibited.
- (7) Hens shall not be slaughtered within the corporate limits of the City.

(8) Hens that are no longer wanted by their owners shall not be abandoned, released into the wild, or taken to the City's AC.

(9) If a public health emergency is declared by the Duval County Health Department related to hens, the permit holder shall comply with any requirements including, but not limited to, the removal of hens from the property.

(10) Under no circumstances shall ducks, geese, turkeys, peafowl, pheasants, quail, peacocks, male chickens, or any other poultry or fowl other than hens be kept on any property.

(11) The following improvements are required at the time of application and permit issuance and throughout the duration of an active permit to keep hens on a property:

- a. An enclosed pen that is:
 - i. At least 10 square feet per hen; and
 - ii. Well-drained so that there is no moisture accumulation.
- b. A coop that is:
 - i. At least three square feet per hen;
 - ii. Covered and ventilated to allow for a wholesome exchange of air; and
 - iii. Attached to or within an enclosed pen that allows for free movement between the coop and enclosed pen.
- c. Coops and enclosed pens shall:
 - i. Not exceed six feet in height;
 - ii. Not exceed 100 square feet in total area;
 - iii. Be fully enclosed and secured from predators; and
 - iv. Be anchored in a manner acceptable to the City to prevent them from becoming airborne during a wind event.
- d. Opaque fencing or comparable landscaping that screens coops and enclosed pens from view by adjoining neighbors shall be installed.

Sec. 5-82. Permit required.

(1) Any person seeking to keep a hen on their property must first obtain a permit from the City authorizing such use.

(2) Prior to issuance of a permit authorizing hens on a property, an applicant shall submit to the City the following:

- a. A permit application containing the following information:
 - i. The name of the applicant;
 - ii. The address of the property where hens are to be kept;
 - iii. The maximum number of hens to be kept on the property at any given time;
 - iv. The property owner's authorization if the applicant is not the property owner of record; and

- v. An oath that no deed restrictions apply to the subject property or proof that deed restrictions, if any, do not prohibit the keeping of hens on the property.
 - b. A Certificate of Completion demonstrating that the applicant has completed the Backyard Poultry Seminar offered by the Duval County Agricultural Extension Office; and
 - c. Application fee of \$25.00 dollars.
- (3) Permits shall only be valid for the address provided.
- (4) Permits shall only be valid for the maximum number of hens approved.
- (5) As a condition of the issuance of the permit, the applicant and property owner (if different) shall consent to the inspection of the subject property by the City upon receiving a complaint related to hens to ensure compliance with the requirements of this article.

Sec. 5-83. Permitted zoning locations.

(1) Hen(s) shall only be permitted on parcels developed with a single-family dwelling located within the following zoning districts, which have a minimum lot size of 5,000 square feet:

- a. RS-1, Residential, single-family.
- b. RS-2, Residential, single-family.
- c. RS-3, Residential, single-family.

(2) Under no circumstances shall hens be kept on property developed with multiple-family, two-family (duplex), or townhouse dwellings as defined in the City of Jacksonville Beach Land Development Code, nor may any hens be kept on any non-residential property or development.

(3) Coops and enclosed pens shall be located within the rear yard of a property only and shall be at least five feet from side and rear property lines. No coop or enclosed pen shall be located in front or side yards.

Sec. 5-84. Effects on other parts of this chapter.

Under no circumstances shall any dog, cat, or other authorized animal pursuant to this chapter that maims or kills a hen, for that reason alone, be considered a dangerous animal.

Sec. 5-85. Enforcement.

(1) Violations of this article shall be referred to the Special Magistrate of the City of Jacksonville Beach for disposition in accordance with Section 162, Florida Statutes, and City Code Chapter 2, Article VI.

(2) A finding by the Special Magistrate of illegal slaughter or neglect of hen(s) will result in revocation of the permit issued pursuant to this article.

(3) Additionally, the City may take any other action or remedy authorized by law or in equity, including but not limited to, instituting an action in court to enjoin violations, in which case the violator and property owner shall be jointly and severally liable to the City for reimbursement of the City's attorneys' fees and costs incurred in such action through any appellate action, if taken.

SECTION 4. CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. SEVERABILITY. It is the intention of the City Council that if any section, subsection, clause, or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.

SECTION 6. CODIFICATION. The City Council intends that this Ordinance will be made a part of the City of Jacksonville Beach Code of Ordinances, and it shall entirely replace the current Chapter 5 in the City Code.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon final reading and approval by the City Council for the City of Jacksonville Beach.

AUTHENTICATED THIS 5th DAY OF April, A.D., 2021.

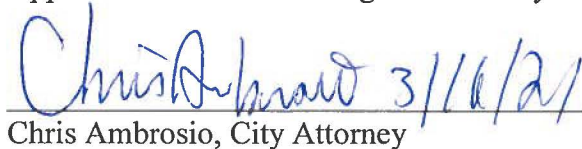


Christine H. Hoffman, Mayor



Laurie Scott, City Clerk

Approved as to form and legal sufficiency:



Chris Ambrosio, City Attorney