

Introduced by the Council President at the request of the Mayor:

ORDINANCE 2010-527

AN ORDINANCE CONCERNING ANIMAL CARE AND PROTECTIVE SERVICES (ACPS); AMENDING CHAPTER 111 (SPECIAL REVENUE AND TRUST ACCOUNTS), PART 4 (ADMINISTRATIVE PERSONNEL AND CODE REGULATION), SECTIONS 111.450 (SPAY AND NEUTER REBATE TRUST FUND) AND 111.455 (ANIMAL CARE AND CONTROL TRAINING AND VETERINARY SERVICES TRUST FUND), *ORDINANCE CODE*, TO PROVIDE MORE PARTICULARLY FOR THE DISPOSITION OF LICENSE FEES; AMENDING CHAPTER 111 (SPECIAL REVENUE AND TRUST ACCOUNTS), PART 4 (ADMINISTRATIVE PERSONNEL AND CODE REGULATION), TO CREATE A NEW SECTION 111.456 (ANIMAL CARE AND PROTECTIVE SERVICES TRAINING AND CRUELTY PREVENTION TRUST FUND), *ORDINANCE CODE*, TO PROVIDE FUNDS FOR TRAINING, EDUCATIONAL MATERIALS, EQUIPMENT AND RELATED COSTS; AMENDING CHAPTER 462 (ANIMALS), PART 1 (GENERAL), SECTIONS 462.102 (DEFINITIONS), 462.103 (ADMINISTRATION AND ENFORCEMENT), 462.104 (AUTHORITY TO ENTER PRIVATE PROPERTY), 462.105 (INTERFERENCE WITH PERFORMANCE OF DUTIES), 462.106 (PROCEDURES), AND 462.108 (CIVIL PENALTIES), *ORDINANCE CODE*, TO MODIFY DEFINITIONS, PROVIDE FOR ENFORCEMENT OF MUNICIPAL AND STATE LAWS RELATING TO ANIMAL CARE OR CRUELTY, PLACE ADDITIONAL CONDITIONS

ON AUTHORITY OF ACPS TO ENTER PRIVATE
PROPERTY, ADD TO LIST OF ACTIONS CONSTITUTING
INTERFERENCE WITH PERFORMANCE OF DUTIES,
PRESCRIBE PROCEDURES, AND SET FORTH PENALTIES
FOR VARIOUS VIOLATIONS; AMENDING CHAPTER 462
(ANIMALS), PART 2 (CRUELTY TO OR NEGLECTING
ANIMALS), SECTIONS 462.201 (CRUELTY TO ANIMALS
DEFINED GENERALLY), 462.202 (EXEMPTIONS),
462.203 (NEGLECTING OR ABANDONING ANIMALS),
462.204 (RESTRAINT BY CHAINING), 462.205 (DOG
FIGHTING AND OTHER ANIMAL FIGHTING), 462.207
(ARTIFICIAL COLORING OF ANIMALS), 462.208
(SALE OF YOUNG ANIMALS FOR CERTAIN PURPOSES
PROHIBITED), 462.209 (CITATION) AND 462.210
(TAKING CUSTODY OF MISTREATED ANIMALS) TO
PROVIDE FOR THE DEPOSIT OF ALL FINES FROM
VIOLATIONS OF PART 2 INTO THE CRUELTY
PREVENTION TRUST FUND, FURTHER DEFINE THE
NEGLECTING OR ABANDONING OF ANIMALS, ADD
CONDITIONS TO RESTRAINT OF ANIMALS BY
CHAINING, AUTHORIZE ANIMAL CONTROL OFFICERS TO
REMOVE AN ANIMAL FROM CHAINS AND TAKE THE
ANIMAL TO THE SHELTER, INCLUDE THE POSSESSION
OF ANIMAL FIGHTING PARAPHERNALIA AS A
VIOLATION OF SECTION 462.205 AND SET FORTH THE
CIVIL FINE THEREFOR, PROHIBIT CERTAIN
ACTIVITIES WITH RESPECT TO ARTIFICIALLY
COLORED ANIMALS AND SET FORTH THE CIVIL FINE
THEREFOR, PROHIBIT THE SALE OF YOUNG ANIMALS
FOR CERTAIN PURPOSES, ESTABLISH GROUNDS FOR
CITATIONS, AND PRESCRIBE PROCEDURES WITH

RESPECT TO MISTREATED ANIMALS; AMENDING
CHAPTER 462 (ANIMALS), PART 3 (NUISANCES),
SECTIONS 462.301 (GENERAL), 462.302 (NOISE),
462.303 (ANIMALS AT-LARGE PROHIBITED), 462.304
(HABITUAL NUISANCE), 462.305 (DESTRUCTION OF
PROPERTY AND BITING), 462.306 (CUSTODY OF
RACING DOGS), 462.307 (REQUIREMENT TO CONFINES
FEMALE DOG OR CAT IN HEAT), 462.308 (INJURY TO
ANIMALS BY MOTOR VEHICLES; REPORTING
REQUIREMENT), 462.309 (STERILIZATION OF DOGS
AND CATS), 462.310 (ADDITIONAL PENALTY FOR
DOGS AND CATS NOT SPAYED OR NEUTERED), 462.311
(DISEASED ANIMALS WITHIN THE CITY), 462.312
(TESTING AND DESTRUCTION OF CONTAMINATED
TURTLES), 462.313 (RABIES QUARANTINE AREA,
RABIES ALERT OR RESTRICTION OF INFECTIOUS
ANIMALS), 462.315 (PROCEDURE FOR ANIMAL BITES
AND FOR ANIMALS SUSPECTED OF HAVING RABIES)
AND 462.316 (PENALTY), TO ADD ADDITIONAL
CIRCUMSTANCES CONSTITUTING ANIMAL NUISANCE,
FURTHER DEFINE BEHAVIOR CONSTITUTING
PERSISTENT OR CONTINUOUS NOISE, LIMIT THE
CIVIL FINE FOR NOISE VIOLATIONS TO \$500, HOLD
PERSONS HAVING TEMPORARY CUSTODY OF DOGS OR
CATS LIABLE FOR FAILING TO RESTRAIN AN ANIMAL
FROM BEING AT LARGE, LIMIT THE CIVIL FINE FOR
AT-LARGE ANIMALS TO \$500, LIMIT THE CIVIL FINE
FOR HABITUAL NUISANCE TO \$500, HOLD PERSONS
HAVING TEMPORARY CUSTODY OF DOGS OR CATS
LIABLE FOR DESTRUCTION OF PROPERTY AND BITING,
LIMIT THE CIVIL FINE FOR FAILURE TO CONFINES A

FEMALE DOG OR CAT IN HEAT TO \$500, HOLD PERSONS HAVING TEMPORARY CUSTODY OF DOGS OR CATS LIABLE FOR FAILURE TO CONFINED A FEMALE DOG OR CAT IN HEAT, PROVIDE FOR STERILIZATION OF ANIMALS IMPOUNDED UNDER SECTION 462.306, LIMIT THE CIVIL FINE FOR FAILURE TO REPORT INJURY TO ANIMALS BY MOTOR VEHICLES TO \$500, PROVIDE FOR FORFEITURE OF DEPOSIT FOR STERILIZATION AFTER 31 DAYS, ASSESS ADDITIONAL FINE FOR AT-LARGE ANIMALS NOT SPAYED OR NEUTERED, DELETE PROVISIONS FOR TESTING AND DESTRUCTION OF CONTAMINATED TURTLES, ESTABLISH RULES FOR FEEDING OF CATS AND DOGS OUTDOORS, PROVIDE FOR COMMUNITY CAT MANAGEMENT INITIATIVES, AND INCORPORATE PROVISIONS OF FLORIDA ADMINISTRATIVE CODE CHAPTER 64D-3; AMENDING CHAPTER 462 (ANIMALS), PART 4 (DANGEROUS DOGS), SECTIONS 462.402 (DEFINITIONS), 462.404 (CLASSIFICATION OF DOG AS DANGEROUS; NOTICE AND HEARING REQUIREMENTS; CONFINEMENT OF DOG; APPEAL; REGISTRATION REQUIREMENTS), 462.405 (PROPER ENCLOSURE), 462.406 (INSURANCE), 462.407 (DANGEROUS DOG OUTSIDE OF PROPER ENCLOSURE; OUTSIDE OF PRIMARY ENCLOSURE), 462.408 (REQUIRED NOTIFICATION CONCERNING DANGEROUS DOG), 462.409 (ATTACK OR BITE BY DANGEROUS DOG; IMPOUNDMENT; DESTRUCTION), 462.410 (SEVERE INJURY BY DOG; IMPOUNDMENT; DESTRUCTION), AND 462.412 (VIOLATION OF THIS PART), TO EXPAND DEFINITION OF *SEVERE INJURY*, SET A DEADLINE

FOR FILING OF AFFIDAVIT FROM PERSON DESIRING
TO HAVE A DOG CLASSIFIED AS DANGEROUS,
ESTABLISH \$500 CIVIL FINE FOR FAILURE TO
SURRENDER DOG THAT IS THE SUBJECT OF A
DANGEROUS DOG INVESTIGATION, PROVIDE FOR
APPEALS, PROVIDE FOR BOARDING OF POTENTIALLY
DANGEROUS DOG, PROVIDE FOR NOTICES FOLLOWING
DANGEROUS DOG INVESTIGATION, DEFINE PROPER
ENCLOSURE FOR DANGEROUS DOGS, CLARIFY
INSURANCE REQUIREMENTS FOR DANGEROUS DOGS,
PROHIBIT SALE OR GIVING AWAY OF DOG DETERMINED
TO BE DANGEROUS, REQUIRE ADVANCE PAYMENT BY
OWNER OF IMPOUNDMENT COSTS IN CASES OF
INJURIES CAUSED BY DOG, AND ELIMINATING
POSSIBILITY OF REDEMPTION OF DANGEROUS DOG BY
OWNER; AMENDING CHAPTER 462 (ANIMALS), PART 4
(DANGEROUS DOGS), TO CREATE NEW SECTIONS
462.413 (DESIGNATING POTENTIALLY DANGEROUS
DOGS) AND 462.414 (FINES & FEES), *ORDINANCE
CODE*, TO ALLOW FOR DESIGNATION OF DOG AS
POTENTIALLY DANGEROUS AND REQUIRE ALL FINES
AND FEES COLLECTED UNDER PART 4 TO BE
DEPOSITED INTO THE ACPS TRAINING AND ANIMAL
CRUELTY PREVENTION TRUST FUND; AMENDING
CHAPTER 462 (ANIMALS), PART 5 (VACCINATION,
REGISTRATION AND LICENSING OF ANIMALS),
SECTIONS 462.501 (DEFINITIONS), 462.502
(VACCINATION, REGISTRATION AND LICENSING
REQUIRED), 462.503 (DISPLAY OF CITY LICENSE
TAGS), AND 462.504 (EXEMPTIONS) TO REFINE THE
DEFINITION OF *VACCINATION*, ADD CONDITIONS TO

VACCINATION, REGISTRATION AND LICENSING REQUIREMENTS, PROVIDE FOR DISTRIBUTION OF LICENSING FEES, PROVIDE EXEMPTION FROM VISIBLE TAG REQUIREMENT WHEN ANIMAL HAS COMPLIED WITH RADIO FREQUENCY IDENTIFICATION DEVICE (RFID) REQUIREMENTS, AND REQUIRE PAYMENT OF REGISTRATION FEE EVEN IF ANIMAL CANNOT BE VACCINATED FOR RABIES; AMENDING CHAPTER 462 (ANIMALS), PART 6 (IMPOUNDMENT, SURRENDER, REDEMPTION AND ADOPTION), SECTIONS 462.601 (IMPOUNDING OF ANIMALS), 462.602 (NOTICE TO OWNER OF IMPOUNDMENT), 462.603 (REDEMPTION BY OWNER), 462.604 (VOLUNTARY SURRENDER BY OWNER), 462.605 (ADOPTION), 462.606 (PROPER IDENTIFICATION AND ADDRESS VERIFICATION), 462.607 (RABIES VACCINATION REQUIRED), 462.608 (STERILIZATION), 462.609 (CONDITIONS PREVENTING REDEMPTION OR ADOPTION), 462.610 (DISPOSITION OF UNREDEEMED AND SURRENDERED ANIMALS), AND 462.611 (INVOLUNTARY SHELTERING), PART 6 (IMPOUNDMENT, SURRENDER, REDEMPTION AND ADOPTION), TO ESTABLISH HOLDING PERIODS, PROVIDE FOR DISPOSITION OF ANIMALS VOLUNTARILY SURRENDERED BY OWNERS, PROVIDE ADDITIONAL REQUIREMENTS FOR STERILIZATION, REQUIRE EXPEDITIOUS AND HUMANE EUTHANIZATION OF CERTAIN ANIMALS AND DELETE IN ITS ENTIRETY SECTION 462.611 (INVOLUNTARY SHELTERING); AMENDING CHAPTER 462 (ANIMALS), PART 7 (PROGRAMS), SECTIONS 462.701 (ANIMAL CARE EDUCATION PROGRAM), 462.702 (ANIMAL ADOPTION

PROGRAM), 462.703 (VETERINARIAN VOLUNTARY PROGRAM FOR THE SALE AND ISSUANCE OF CITY ANIMAL LICENSE TAGS), AND 462.704 (SPONSORSHIPS AND DONATIONS), TO ELIMINATE THE VETERINARIAN VOLUNTARY PROGRAM FOR THE SALE AND ISSUANCE OF CITY ANIMAL LICENSE TAGS, ADD STERILIZATION PROGRAMS, AUTHORIZE ACPS TO APPLY FOR AND ACCEPT GRANTS, AND AUTHORIZE THE CHIEF OF ACPS TO USE PRIVATE DONATIONS FOR THE BEST BENEFIT OF ACPS WHEN CONDITIONS HAVE NOT BEEN PLACED ON THE USE OF A DONATION BY THE DONOR; AMENDING CHAPTER 462 (ANIMALS), PART 8 (SWINE AS HOUSEHOLD PETS), SECTIONS 462.801 (MINIATURE VIETNAMESE POTBELLIED PIGS AS HOUSEHOLD PETS) AND 462.802 (MAINTENANCE OR USE AS FOOD SOURCE PROHIBITED; RESTRICTIONS ON DISPOSITION), TO REQUIRE PROOF, UPON REQUEST, THAT SWINE IS A REGISTERED, PUREBRED MINIATURE POTBELLIED PIG, SET FORTH CIVIL FINE FOR FAILURE TO PROVIDE SUCH PROOF, AND SET FORTH CIVIL FINE FOR MAINTENANCE OR USE OF POTBELLIED PIG AS FOOD SOURCE; AMENDING CHAPTER 462 (ANIMALS), PART 9 (LIVESTOCK AND POULTRY), SECTIONS 462.901 (LIVESTOCK), 462.903 (USE OF EXHAUST FANS), AND 462.904 (PENALTY), TO INCREASE THE POSSIBLE CIVIL FINE FOR VIOLATIONS OF PART 9 TO \$500; AMENDING CHAPTER 462 (ANIMALS), PART 10 (PET SHOPS), SECTIONS 462.1001 (DEFINITIONS), 462.1003 (PERMIT REQUIRED), 462.1004 (APPLICATION FOR ISSUANCE, RENEWAL OR REINSTATEMENT OF PERMIT),

462.1005 (ISSUANCE OF PERMIT; DENIAL OF APPLICATION; REAPPLICATION), 462.1006 (GROUNDS FOR SUSPENSION AND REVOCATION OF PERMIT; APPEAL PROCESS; SURRENDER OF PERMIT; DISPOSITION OF ANIMALS), 462.1007 (INSPECTION), 462.1008 (DISPLAY OF PERMIT), 462.1009 (VIOLATIONS, WARNINGS, CITATIONS, PENALTIES), 462.1010 (NOTIFICATION; RECORDS; REPORT OF SALE OR GIFT), AND 462.1011 (REGULATIONS AND STANDARDS), TO ADD DEFINITIONS, APPLY PROVISIONS OF PART 10 TO ANIMAL DEALERS, AS DEFINED THEREIN, ESTABLISH ADDITIONAL PERMIT CONDITIONS, AND INCORPORATE INTO PART 10 ALL HOUSING AND CARE GUIDELINES, REGULATIONS OR LAWS ESTABLISHED BY THE FEDERAL GOVERNMENT OR THE STATE OF FLORIDA; AMENDING CHAPTER 462 (ANIMALS), PART 11 (ANIMAL DEALERS), SECTIONS 462.1101 (DEFINITIONS), 462.1102 (EXEMPTION), 462.1103 (PERMIT REQUIRED), 462.1104 (APPLICATION FOR ISSUANCE, RENEWAL OR REINSTATEMENT OF PERMIT), 462.1105 (ISSUANCE OF PERMIT, DENIAL OF APPLICATION; REAPPLICATION), 462.1106 (GROUNDS FOR SUSPENSION AND REVOCATION OF PERMIT; APPEAL PROCESS; SURRENDER OF PERMIT; DISPOSITION OF ANIMALS), 462.1107 (INSPECTION), 462.1108 (DISPLAY OF PERMIT), 462.1109 (VIOLATIONS, WARNINGS, CITATIONS, PENALTIES), 462.1110 (NOTIFICATION; RECORDS; REPORT OF SALE OR GIFT), 462.1111 (REGULATIONS AND STANDARDS) AND 462.1112 (PUTRESCIBLE MATERIAL; DEAD

1 ANIMALS; RECORDS) TO ADD DEFINITIONS AND
2 REQUIRE CURRENT, VALID HEALTH CERTIFICATES FOR
3 ALL DOGS AND CATS SOLD OR EXCHANGED, AND
4 DELETE IN THEIR ENTIRETY SECTIONS 462.1103
5 (PERMIT REQUIRED), 462.1104 (APPLICATION FOR
6 ISSUANCE, RENEWAL OR REINSTATEMENT OF PERMIT),
7 462.1105 (ISSUANCE OF PERMIT, DENIAL OF
8 APPLICATION; REAPPLICATION), 462.1106 (GROUNDS
9 FOR SUSPENSION AND REVOCATION OF PERMIT;
10 APPEAL PROCESS; SURRENDER OF PERMIT;
11 DISPOSITION OF ANIMALS), 462.1107
12 (INSPECTION), 462.1108 (DISPLAY OF PERMIT),
13 462.1109 (VIOLATIONS, WARNINGS, CITATIONS,
14 PENALTIES), 462.1110 (NOTIFICATION; RECORDS;
15 REPORT OF SALE OR GIFT), 462.1111 (REGULATIONS
16 AND STANDARDS) AND 462.1112 (PUTRESCIBLE
17 MATERIAL; DEAD ANIMALS; RECORDS); AMENDING
18 CHAPTER 462 (ANIMALS), PART 12 (ANIMAL
19 SHELTERS), SECTIONS 462.1201 (STERILIZATION OF
20 ADOPTED ANIMALS) AND 462.1202 (INFECTED OR
21 DISEASED ANIMALS), TO REQUIRE STERILIZATION OF
22 ANIMALS GIVEN AWAY, PROHIBIT THE GIVING AWAY
23 OF AN ANIMAL HAVING A CONDITION PREVENTING
24 ADOPTION, AND IMPOSE A CIVIL FINE OF \$500 FOR
25 A VIOLATION OF SECTION 462.1202; AMENDING
26 CHAPTER 462 (ANIMALS), TO CREATE A NEW PART 13
27 (EXCESSIVE INTACT ANIMAL PERMITS), *ORDINANCE*
28 *CODE*, TO ESTABLISH EXCESSIVE INTACT ANIMAL
29 PERMIT REQUIREMENTS, PROVIDE A PENALTY FOR
30 NON-COMPLIANCE WITH PART 13, CLARIFY
31 APPLICATION OF PART 13 TO MULTI-FAMILY

1 BUILDINGS, EXEMPT STERILIZED DOGS AND CATS
2 FROM APPLICATION OF PART 13, AND PROVIDE FOR
3 DEPOSIT INTO THE SPAY AND NEUTER TRUST FUND OF
4 FINES AND FEES COLLECTED UNDER PART 13;
5 AMENDING CHAPTER 462 (ANIMALS), TO CREATE A
6 NEW PART 14 (GRANT FUNDS AND SIMILAR REVENUE
7 STREAMS), *ORDINANCE CODE*, TO AUTHORIZE THE
8 CHIEF OF ACPS TO SEEK, APPLY FOR, AND ACCEPT
9 GRANT FUNDING FOR THE COSTS AND PROGRAMS OF
10 ACPS; AMENDING CHAPTER 462 (ANIMALS), TO
11 CREATE A NEW PART 15 (PERMANENT PET
12 IDENTIFICATION REQUIREMENT), *ORDINANCE CODE*,
13 TO SET REQUIREMENTS FOR IMPLANTATION OF
14 PERMANENT IDENTIFICATION DEVICES; AMENDING
15 CHAPTER 462 (ANIMALS), TO CREATE A NEW PART 16
16 (IMPORTATION OF ANIMALS, QUARANTINE,
17 VACCINATION REQUIREMENTS), *ORDINANCE CODE*, TO
18 INCORPORATE FEDERAL RULES AND REGULATIONS
19 REGARDING THE IMPORTATION OF ANIMALS INTO THE
20 CITY'S *ORDINANCE CODE*, SET VACCINATION AND
21 QUARANTINE REQUIREMENTS FOR IMPORTED DOGS AND
22 CATS, AND IMPOSE A CIVIL FINE OF \$500 FOR A
23 VIOLATION OF PART 16; PROVIDING AN EFFECTIVE
24 DATE.

25
26 **BE IT ORDAINED** by the Council of the City of Jacksonville:

27 **Section 1. Amending Sections 111.450 and 111.455,**
28 ***Ordinance Code.*** Section 111.450 (Spay and Neuter Rebate Trust
29 Fund) and Section 111.455 (Animal Care and Control Training and
30 Veterinary Services Training Trust Fund), Part 4 (Administration,
31 Personnel and Code Regulation), Chapter 111 (Special Revenue and

Trust Accounts), *Ordinance Code*, are hereby amended to provide more particularly for the disposition of license fees and, as amended, shall read as follows:

CHAPTER 111. SPECIAL REVENUE AND TRUST ACCOUNTS.

* * *

PART 4. ADMINISTRATION, PERSONNEL AND CODE REGULATION.

* * *

Section 111.450. Spay and Neuter ~~Rebate~~ Trust Fund.

There is created the *Spay and Neuter ~~Rebate~~ Trust Fund*, a permanent trust fund of the City, into which shall be deposited monthly monies derived from the fees generated by ~~the differential of~~ license fees. The first eight dollars [\$8] shall go into the general fund to cover costs of licensing program and outsourced fees as applicable; the next two dollars (\$2) from each license shall be deposited in the Animal Care and Protective Services Veterinary Services Trust Fund, Section 111.455; the remaining monies, beginning with the eleventh dollar collected per license, shall be deposited in the Spay and Neuter Trust Fund] for altered (spayed or neutered) animals and unaltered animals pursuant to Section 462.302. There shall also be deposited into the Spay and Neuter Trust Fund all funds forfeited under Section 462.309, fines collected for failure to confine a female dog or cat in heat under Section 462.307, all funds generated from the excess intact animal permits pursuant to Section 462.1305, together with any other monies which may be from time to time appropriated to this trust fund by the Council, or monies, gifts, or donations donated by non-governmental sources. The monies deposited in this trust fund are to be appropriated by Council and shall be utilized and expended, solely for the administrative costs of running the licensing program, education/promotion of sterilization and programs created and established in Section 462.703315. Monies deposited in this

1 trust fund shall be available for expenditure notwithstanding
2 fiscal years and shall not lapse at the end of any fiscal year.
3 Expenditures from this trust shall not exceed actual revenues
4 received at any time. The Director of Finance is authorized and
5 directed to make disbursements from this trust fund upon the
6 written request of the Director of Environmental and Compliance, or
7 his designee, with respect to expenditures permitted by Section
8 462.703315(b) and (d). Furthermore, the Director of Finance shall
9 be responsible for maintaining all required accounting records,
10 making the proper disbursements, and providing any required
11 financial information, including notifying the Director of
12 Environmental and Compliance, or his designee, of the exhaustion of
13 appropriated funds available for expenditure in this trust fund.
14 The Animal Care and Protective Services Division shall give to the
15 Health, Welfare and Human Services Committee an annual report as to
16 the disposition of the monies of this trust fund.

17 * * *

18 **Section 111.455. Animal Care and Protective Services**
19 **~~Control Training and Veterinary Services Trust Fund.~~**

20 There is hereby created the *Animal Care and Protective*
21 *Services (ACPS) ~~Training and Veterinary Services Training~~ Trust*
22 *Fund*, a permanent, ongoing trust fund which shall carry forward
23 each fiscal year and not lapse. All funds derived from the
24 surcharge added to and collected on civil penalties imposed for
25 violation of an ordinance relating to animal control and cruelty,
26 pursuant to Section 462.115, and all funds derived from the ninth
27 and tenth dollar generated from the sale of pet license tags, all
28 animal adoption fees, all fees collected for medical services
29 provided, ~~sixth dollar collected, pursuant to Chapter 462, Part 8~~
30 (Swine as Household Pets), Ordinance Code, for a City license tag
31 issued for a potbellied pig or as a replacement license tag, from

1 ~~the eleventh dollar collected, pursuant to Section 462.502~~
2 ~~(Vaccination, Registration and Licensing Required), Ordinance Code,~~
3 ~~for a City license tag issued for an animal which is altered or~~
4 ~~which is less than six months of age and from the twenty-sixth~~
5 ~~dollar collected (pursuant to Section 462.502 (Vaccination,~~
6 ~~Registration and License Required), Ordinance Code, for a City~~
7 ~~license tag issued for an unaltered animal shall be deposited in~~
8 ~~the AC&C Training and Veterinary Services Training Trust Fund,~~
9 along with such other monies, whether in the form of a ~~surcharge,~~
10 ~~fine,~~ gift, donation, bequest, endowment, grant, ~~fee charged by~~
11 ~~Animal Care and Protective Services for training seminars and~~
12 ~~classes produced and instructed by Animal Care and Protective~~
13 ~~Services employees or their designees, or other form of~~
14 contribution designated to this fund. Such funds as are deposited
15 in this trust account are to be appropriated by Council for the
16 purpose of assisting in paying for the costs of (1) ~~AC&C training~~
17 ~~including, but not limited to, training materials, supplies,~~
18 ~~equipment, travel and per diem, and other training expenses; and~~
19 ~~(2)~~ in-house veterinarian services and supporting services for
20 animals sheltered in the City's animal shelter, any veterinary and
21 other related supplies, any veterinary and other related equipment,
22 any retrofitting of examination and related areas, all as needed,
23 or appropriate, for such veterinarian services and/or for shelter
24 activities directly supporting such services, contract veterinarian
25 services and/or for an in-house veterinarian intern/training
26 program and (2) ~~(3)~~ outboard emergency veterinarian services for at-
27 large dogs, cats, and potbellied pigs found in severe medical
28 distress; provided, however, that the funds derived from the
29 surcharges under Chapter 462 shall be used only as authorized
30 therein. All other funds may be used for the purpose of training
31 other Animal Care and Protective Services employees, or at such

1 times as the Director of Environmental and Compliance, or his
2 designee, may adjudge that timely and sufficient expenditures per
3 (1), or (2), ~~or~~ (3) hereinabove have been covered, any surplus in
4 the fund may, at the discretion of such Director, or such designee,
5 be utilized to fund (3) ~~(4)~~ such computerization, including but not
6 limited to hardware, software, programming services, repair
7 services, and appropriate supplies as such Director, or such
8 designee, may deem appropriate for enhancing computerized Animal
9 Care and Protective Services Center animal-management efforts,
10 including but not limited to veterinarian-care tracking, shelter-
11 inventory tracking, license tracking, and adoption spay-and-neuter
12 delinquency tracking. The Director of Finance is authorized to make
13 disbursement of the monies appropriated by the Council from this
14 fund upon written requisition of the Director of the Environmental
15 and Compliance Department, or his designee. Expenditures from this
16 trust shall not exceed actual revenues received at any time.

17 **Section 2. Amending Chapter 11, Part 4.** Part 4
18 (Administration, Personnel and Code Regulation), Chapter 111
19 (Special Revenue and Trust Accounts), *Ordinance Code*, is hereby
20 amended, in part, to create a new Section 111.456 (Animal Care and
21 Protective Services Training and Cruelty Prevention Trust Fund)
22 and, as amended, shall read as follows:

23 **CHAPTER 111. SPECIAL REVENUE AND TRUST ACCOUNTS.**

24 * * *

25 **PART 4. ADMINISTRATION, PERSONNEL AND CODE REGULATION.**

26 * * *

27 **Section 111.456. Animal Care and Protective Services**
28 **Training and Cruelty Prevention Trust Fund.**

29 There is created the Animal Care and Protective Services (ACPS)
30 Training and Cruelty Prevention Trust Fund, a permanent, ongoing
31 trust fund which shall carry forward each fiscal year and not

1 lapse. This fund shall be derived from: the surcharge added to and
2 collected on all civil penalties imposed for violations of Chapter
3 462 of the City's Ordinance Code relating to animal control; all
4 net revenue received from violations related to animal cruelty
5 pursuant to Section 462, Part 2 (Cruelty to or Neglecting Animals);
6 all fines collected under Section 462.105; any funds derived from a
7 citation diversion program; along with such other monies, whether
8 in the form of a surcharge, fine, gift, donation, bequest,
9 endowment, grant, fee charged by Animal Care and Protective
10 Services (ACPS) for training seminars and classes produced and
11 instructed by ACPS employees or their designees, or other form of
12 contribution designated to this fund. Such funds as are deposited
13 into this trust account are to be self-appropriating when used for
14 the purpose of assisting in paying for the costs of (1) ACPS
15 training, including, but not limited to, training materials,
16 supplies, equipment, travel and per diem, and other training
17 expenses; (2) educational materials and programs; (3) specialized
18 animal control and training equipment; (4) equipment/supplies
19 needed for investigations; (5) the costs of prosecution and other
20 legal-related costs; and, (6) other related equipment, any
21 retrofitting of facilities and related areas, all as needed, or
22 appropriate, for such ACPS services and/or for shelter activities
23 directly supporting such services. The Director of Finance is
24 authorized to make disbursement of the monies appropriated from
25 this fund upon written request of the Director of the Environmental
26 and Compliance Department, or his designee. Expenditures from this
27 trust shall not exceed actual revenues received at any time.

28
29 **Section 3. Amending Sections 462.101, 462.102, 462.103,**
30 **462.104, 462.105, 462.106 and 462.108, Ordinance Code.** Sections
31 462.102 (Definitions), 462.103 (Administration and enforcement),

462.104 (Authority to enter private property), 462.105 (Interference with performance of duties), 462.106 (Procedures), and 462.108 (Civil Penalties), Part 1 (General), Chapter 462 (Animals), Ordinance Code, are hereby amended to modify definitions, provide for enforcement of municipal and state laws relating to animal care or cruelty, place additional conditions on authority to enter private property, add to list of actions constituting interference with performance of duties, prescribe procedures, and set forth penalties for various violations, and, as amended, shall read as follows:

CHAPTER 462. ANIMALS.

PART 1. GENERAL.

* * *

Section 462.102. Definitions.

For the purposes of this Chapter, the following terms shall have the following definitions unless the context clearly requires otherwise.

(a) Allow or Permit includes any failure to proactively restrict the animal from engaging in any activity prohibited by this Chapter.

(b) ~~(a)~~ Animal means any live vertebrate creature including mammals, birds, reptiles, amphibians and fish, but not humans, and/or as defined in F.S. §828.02.

(c) ~~(b)~~ Animal Care and Protective Services Division, or ACPS, means the City's Animal Care and Protective Services Division of the City's Environmental and Compliance Department, acting alone or in concert with other local governmental units authorized to enforce the animal control laws of the City, County, or State.

(d) ~~(c)~~ Animal control officer (Animal Code Enforcement Officer) means any individual employed, contracted with,

1 or appointed by the Animal Care and Protective Services
2 Division, who is authorized to investigate civil
3 infractions relating to animal control or cruelty and is
4 authorized to issue citations, for the purpose of aiding
5 in the enforcement of this Chapter or any other law or
6 ordinance relating to the control and treatment of
7 animals, as defined in F.S. §828.27, and also includes
8 any State or local law enforcement officer, as defined in
9 F.S. § 943.10. For the purposes of this ordinance animal
10 control officer and animal code enforcement officer shall
11 mean the same thing, as the City has designated animal
12 control officers as code enforcement officers for the
13 City in accordance with F.S. §162.21.

14 (e)~~(d)~~ *Animal shelter* means any public or private
15 organization existing for the purpose of the prevention
16 of cruelty to animals and/or for the sheltering of
17 animals and that is incorporated or chartered under the
18 laws of the State of Florida or established by
19 legislation and also includes a person who rescues,
20 shelters or provides a foster home facility, any of which
21 places animals for adoption, whether for a fee, a
22 donation or for free.

23 (f)~~(e)~~ *At-large* means that an animal is off the property of
24 its owner, unless restrained by leash, tether or chain of
25 appropriate length, or other physical control device,
26 such that the animal is under the physical control of a
27 responsible person, and (i) the animal has entered upon
28 the property of another person without authorization of
29 that person, or (ii) the animal has entered onto public
30 property, street or right-of-way.

1 ~~(g)-(f)~~ *Business day* means any day that business is
2 conducted at the main shelter Monday through Friday but
3 excluding days the shelter is closed including official
4 holidays recognized by the City (New Years Day, Martin
5 Luther King's Birthday, President's Day, Memorial Day,
6 Independence Day, Labor Day, Veterans' Day, Thanksgiving
7 and Christmas). Unless a provision in this Chapter
8 specifically refers to "business" day, any reference to
9 "day" shall mean a calendar day.

10 ~~(h)-(g)~~ *Commission* means the State of Florida Fish and
11 Wildlife Conservation Commission or may be referred to as
12 FWC.

13 ~~(i)~~ *Community Cat* means any free-roaming cat that may be
14 cared for by one or more residents of the immediate area
15 that is known or unknown; a community cat may or may not
16 be feral. Community cats shall be distinguished from
17 other cats by being sterilized and ear tipped; they are
18 exempt from licensing requirements.

19 ~~(j)~~ *Community Standards* means the minimum accepted standards
20 of care for animals as established and determined by the
21 Chief of ACPS based upon the overall Jacksonville
22 community of pet owners and established guidelines of
23 professional animal associations and/or groups. If
24 specific written standards or definitions are not
25 otherwise provided in this Chapter, community standards
26 will be applied to determine the definition of terms and
27 basis of requirement/provisions of this ordinance.

28 ~~(k)-(h)~~ *Control* means the provision, ownership, care and/or
29 custody of an animal or animals.

30 ~~(l)-(i)~~ *Cruelty* means any act of cruelty upon an animal as
31 defined in Part 2 and as provided in F.S. Ch. 828.

1 ~~(m)-(j)~~ *Domestic* means tame, usually by generations of
2 breeding, and living in close association with humans as
3 a pet, work animal or farm animal in such a way that
4 creates a dependency on humans so that the animal loses
5 its ability to live in the wild.

6 ~~(n)-(k)~~ *Duval County Health Department, or DCHD,* means the
7 Health Department, Rabies Control and the Health Director
8 or the Director's designee.

9 (o) Enclosure means any structure with at least three walls,
10 a roof, and floor. An enclosure must have structurally
11 sound walls, roof, and floor that protects the animal
12 from weather and is sufficiently ventilated to provide
13 refuge from the heat of the day; a proper enclosure must
14 be positioned at a proper elevation to prevent water from
15 running into the structure or remaining in the structure
16 for more than four hours following the water event. For
17 pets, not declared dangerous, a residence may be
18 considered a proper enclosure; different rules apply to a
19 'proper enclosure' for declared dangerous dogs.

20 ~~(p)-(l)~~ *Feral* means a wild animal that exists in an untamed
21 state or that has returned to an untamed state generally
22 not socialized to human contact and is no longer
23 considered domesticated. Feral animals shall include,
24 but not be limited to cats, dogs and hogs.

25 ~~(q)-(m)~~ *Game* means those animals that may be legally hunted
26 for food or sport including, but not limited to, deer,
27 bear, squirrels, rabbits, and where designated by the
28 Commission rules, wild hogs, wild ducks and geese, rails,
29 coots, gallinules, snipe, woodcock, wild turkeys, grouse,
30 pheasants, doves and quail.

1 (r) Gamecock means any fowl, usually roosters, used for or
2 being trained to perform cockfighting or simulated
3 cockfighting events. Prima facie evidence of a gamecock
4 shall be the removal of the comb and/or waddle which are
5 rich in blood vessels to allow the bird to regulate body
6 temperature.

7 (s)-~~n~~ Harbor means the act of caring for and keeping an
8 animal or the act of providing a premise or residence to
9 which the animal returns for food, shelter or care for a
10 period of at least ~~21~~ ten (10) days, or at the point
11 where the caregiver is providing the primary source of
12 sustenance for the animal; whichever time is shorter. If
13 the City establishes a program for the maintenance of
14 feral or community cats, those persons maintaining ~~feral~~
15 those cats will be regulated in accordance with such
16 program.

17 (t)-~~e~~ Household pet means an animal including, but not
18 limited to: dog; bird; domesticated cat; rodent, such as
19 a gerbil, guinea pig, hamster, domesticated mouse, and
20 domesticated rat; domesticated or European ferret;
21 rabbit; miniature goat; fish; nonvenomous reptile and
22 amphibian; that is kept as subordinate to residential use
23 for the purpose of providing human companionship and that
24 is not protected by the Commission and that does not
25 require a permit by the Commission to possess for
26 personal use. The following animals are not considered
27 household pets: wild animals as defined in this Section;
28 poultry, as defined in this Section; livestock, as
29 defined in this Section; and hooved animals of any kind,
30 except that purebred miniature Vietnamese potbellied
31 pigs, kept for the sole purpose of providing human

1 companionship and kept in compliance with all applicable
2 provisions of this Chapter are considered household
3 pets.

4 (u)~~(p)~~ *Livestock* means any grazing animal, such as horses,
5 cattle, sheep, donkeys, mules, buffalos, llamas, swine,
6 goats and other hoofed animals, and emus, ostriches, and
7 rheas, that are raised for private use or commercial
8 purposes; however, purebred miniature Vietnamese
9 potbellied pigs kept for the sole purpose of providing
10 human companionship and which are in compliance with all
11 applicable provisions of this Chapter are not considered
12 livestock.

13 (v) *Microchip Identification - See Radio Frequency*
14 *Identification Device (RFID)*

15 (w)~~(q)~~ *Nuisance* means any ~~thing done~~ act performed or
16 permitted (including permitted by lack of appropriate
17 action/control required for prevention) which injures or
18 prevents another in the enjoyment of his/her legal
19 rights, in particular, relating to the breeding of fleas
20 or flies, the creation of odors or noises and other
21 obnoxious circumstances caused by the keeping of
22 animals.

23 (x)~~(r)~~ *Owner* means any person, household, firm,
24 corporation, or other organization possessing, harboring,
25 keeping, or having control or custody of an animal or, if
26 the animal is owned by a person under the age of eighteen
27 (18), that person's parent or guardian. There shall be
28 presumption that the person's name appearing on the
29 animal's registration or radio frequency identification
30 device (RFID), a.k.a. microchip, is the owner.

1 (y)~~(s)~~ *Person* means any individual person, firm,
2 corporation or other organization. The knowledge and acts
3 of agents and employees of a firm, corporation or other
4 organization, with regard to the treatment of animals
5 owned, in the custody of or transported by such firm,
6 corporation or other organization, shall be the knowledge
7 and acts of the firm, corporation or other organization.

8 (z)~~(t)~~ *Poultry* means domesticated birds, such as chickens,
9 turkeys, ducks, geese, guineas and pigeons, that are
10 usually raised for eggs and/or to provide food for
11 humans.

12 (aa)~~(u)~~ *Quarantine or ten-day quarantine* means confining an
13 animal for observation of any symptoms of rabies, which
14 confinement is typically for a ten-day time period from
15 the date of the bite, scratch or other potential rabies
16 exposure, unless a longer time period is required
17 pursuant to State regulations and guidelines.

18 (bb)~~(v)~~ *Rabies* means an acute, fatal, infectious disease of
19 the central nervous system that is transmitted when the
20 virus is introduced into bite wounds, open cuts in skin,
21 or onto mucous membranes.

22 (cc)~~(w)~~ *Rabies alert* means public notification that there
23 has been a confirmed case of animal rabies within a
24 specific geographic area.

25 (dd)~~(x)~~ *Rabies quarantine area* means laboratory
26 confirmation that there is an epidemic level of rabid
27 animals within a geographic area.

28 (ee)~~(y)~~ *Rabies vector* means any warm-blooded animal that is
29 capable of harboring the rabies virus for an indefinite
30 period of time including, but not limited to, bat,
31 raccoon, fox and skunk.

1 (ff) Radio Frequency Identification Device (RFID,) a.k.a.
2 "microchip", a device about the size of a grain of rice
3 encased in surgical glass that is implanted underneath
4 the skin of a dog, cat or other animal that when scanned
5 produces a unique number that identifies the animal and
6 its owner (if properly registered). When present, an RFID
7 with registration information shall be considered the
8 primary indication of ownership.

9 (gg)~~(z)~~ Stray means any animal that is found to be at-
10 large, whether lost by its owner or otherwise, or that is
11 on the common areas of apartments, condominiums, trailer
12 parks or other multi-residential premises, and that does
13 not have an identification tag and for which there is no
14 identifiable owner; however, if the City establishes a
15 program for the maintenance of feral cats, feral cats may
16 be treated as other than stray.

17 (hh) Sufficient Food means access to proper food for the
18 species of animal in order to maintain a regular body
19 weight as designated by "ideal" level (4 or 5) on the
20 Purina Body Score System Chart.

21 (ii) Sufficient Water means access to clean, potable water
22 on a regular, ongoing basis in quantities to prevent the
23 animal from shows signs of dehydration.

24 (jj)~~(aa)~~ Transporting means shipping, transporting,
25 carrying, importing, exporting, receiving or delivering
26 for shipment, transportation, carriage or export.

27 (kk)~~(bb)~~ Veterinarian means a veterinarian licensed to
28 practice veterinary medicine and surgery by the Florida
29 State Board of Veterinary Medicine, except where the text
30 clearly includes a veterinarian licensed by another
31 State.

1 (ll) Wholesome exchange of air means sufficient ventilation
2 or other means of air exchange that provides for fresh
3 air to fill the structure no less than two times per hour
4 and adequate air movement in/through the structure.

5 (mm) ~~(ee)~~ Wild animal means any member of the animal kingdom
6 including, but not limited to, any mammal, fish, bird,
7 amphibian, reptile, mollusk, crustacean, arthropod, or
8 other invertebrate, but excluding those animals listed
9 under the definitions for household pet, livestock and
10 poultry.

11 **Section 462.103. Administration and Enforcement.**

12 (a) The Chief of the Animal Care and Protective Services
13 Division, animal control officers and State and local law
14 enforcement officers and other State and local government employees
15 whose duties involve, in whole or in part, the seizure and
16 impoundment of any animal are authorized to investigate, on public
17 or private property, civil infractions relating to animal control
18 or cruelty and to issue citations for violations of this Chapter as
19 provided herein. An animal control officer is also authorized to
20 capture and impound animals found in violation of this Chapter as
21 provided herein. An animal control officer, who is not also a law
22 enforcement officer as defined by F.S. § 943.10, is not authorized
23 to bear arms or make arrests; however such an animal control
24 officer may carry a device to chemically subdue and tranquilize an
25 animal, provided the animal control officer has the prerequisite
26 training pursuant to F.S. § 828.27.

27 (b) ACPS and the Jacksonville Sheriff's Office shall have
28 concurrent jurisdiction and authority for the enforcement of this
29 Chapter.

30 (c) All laws of the State of Florida related to animal
31 control and/or animal care are hereby incorporated in this

1 ordinance by reference. If any provision of State Law is not
2 otherwise expressed in this ordinance, an animal control officer
3 may issue a citation using this subsection and noting the section
4 of Florida Statute violated. Such violations shall be subject to a
5 fine of not less than two hundred fifty dollars (\$250), and not to
6 exceed five hundred dollars (\$500).

7 (d) A fine schedule with progressive violation increases is
8 included as a supplement to this ordinance; it shall be amended and
9 revised from time to time.

10 (e) Animal control officers shall, upon proper reasonable
11 suspicion, when needed to investigate violations, petition any
12 County Court Judge for inspection and/or search and seizure
13 warrants pursuant to their duties herein, and as defined in this
14 ordinance and/or Florida Statutes [in accordance with Chapter 933,
15 Florida Statutes].

16 (f) Animal control officers are authorized to pursue any
17 animal that is in violation of any provision of this ordinance
18 through and across any unsecured property and into non-secure
19 enclosures (excluding dwellings used as a residence).

20 (g) Application of Chapter 462 provisions: Where many
21 sections of this ordinance identify dogs and cats, due to the ever-
22 changing companion pets/domestic animals kept by people these
23 sections may be applied to any other domesticated animals or pets
24 where deemed appropriate by ACPS, at the discretion of the Chief;
25 notwithstanding any state or federal law or rule that would
26 supersede this City ordinance.

27 **Sec. 462.104. Authority to enter private property.**

28 An animal control officer is authorized to enter upon any
29 private property with reasonable suspicion that is unfenced, or
30 that is fenced but with a gap, opening or indentation, or with a
31 gate that is not closed and locked for the purpose of investigating

1 a complaint of violation of this Chapter or for the purpose of
2 seizing and impounding any animal that is stray or at-large, or as
3 otherwise authorized by this Chapter; however, an animal control
4 officer is not authorized to enter a dwelling without the owner's
5 or the resident's permission, or without a warrant or under other
6 proper legal authority.

7 **Sec. 462.105. Interference with performance of duties.**

8 It shall be unlawful and a class D offense against the City,
9 as defined in Section 632.101, for any person to interfere with,
10 prevent or hinder anyone in the performance of any duty required by
11 this Chapter including, but not limited to, removing or attempting
12 to remove an animal from an animal control officer's vehicle,
13 tampering with or removing an animal from an ACPS animal trap,
14 tampering with or destroying signs and/or other City property,
15 interfering with the lawful execution of the duties of an animal
16 control officer or interfering with the impoundment of an animal.
17 All alleged violators of any section of this ordinance shall be
18 required to provide positive photo identification and accurate
19 current residence; failure to do so shall be considered a violation
20 of this section.

21 **Sec. 462.106. Procedures.**

22 (a) An animal control officer is authorized to issue a
23 citation to a person when the animal control officer has probable
24 cause, based upon observation or witness affidavit, to believe that
25 the person has committed a civil infraction in violation of this
26 Chapter and that the County Court will hear the charge. An animal
27 control officer, prior to issuing a citation, may issue a warning
28 citation containing an explanation of the circumstances and
29 recommended corrective action and establishing a reasonable time
30 period in which the person must correct the violation. If a warning
31 citation is issued, the animal control officer will perform a

1 follow-up investigation to determine whether the situation still
2 exists.

3 (b) Whenever a citation issued by an animal control officer
4 shall be hand delivered, whenever possible, to the violator (or the
5 violator's representative having supervisor responsibilities at the
6 location of the violation). Whenever the animal control officer is
7 unable to hand deliver the citation, a letter shall be sent by
8 certified mail to the violator, giving the violator ten (10) days
9 to arrange to meet with the animal control officer to permit
10 delivery of the citation. Failure to contact the animal control
11 officer shall be considered a willful refusal to sign for and
12 accept issuance of the citation.

13 (c) After issuing the citation, the issuing officer shall
14 deposit the original and one copy of the citation with the County
15 Court in and for the Fourth Judicial Circuit.

16 (d) A citation issued by an animal control officer shall
17 contain:

18 (1) The date and time of issuance.

19 (2) The name and address of the person to whom the
20 citation is issued.

21 (3) The date and time the civil infraction was
22 committed.

23 (4) The facts constituting probable cause.

24 (5) The Ordinance Code Section violated.

25 (6) The name and authority of the animal control
26 officer.

27 (7) The procedure for the person to follow for payment
28 of the civil fine for contesting the citation, or for
29 mandatory court appearance.

30 (8) The applicable civil fine if the person elects to
31 contest the citation.

1 (9) The applicable civil fine if the person elects not
2 to contest the citation.

3 (10) A conspicuous statement that if the person fails
4 to pay the civil fine within the time allowed, or fails to
5 appear in County Court to contest the citation, the person
6 shall be deemed to have waived his/her right to contest the
7 citation and that, in such case, judgment may be entered
8 against the person for an amount up to the maximum civil fine.

9 (e) Unless cited for a violation for which court appearance
10 is mandatory, a person cited for a civil infraction shall, within
11 ten (10) days of the date of receipt of the citation, either.

12 (1) Pay the civil fine to the Tax Collector in
13 accordance with the applicable Section(s) of this Chapter and
14 the issued citation, or

15 (2) Obtain a court date from the office of the Clerk of
16 the County Court to appeal the citation.

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

1 (g) Persons cited for the following must appear in County
2 Court:

3 (1) Violations of this Chapter, resulting in the
4 unprovoked biting, attacking or wounding of a person or
5 domestic animal;

6 (2) Violations of this Chapter, resulting in the
7 destruction or loss of personal property;

8 (3) Violations of the animal cruelty provisions of Part
9 2 of this Chapter.

10 For citations involving the above listed mandatory court
11 appearance violations, the citation shall specify that the court
12 appearance is mandatory. If person so cited fails to appear within
13 the time prescribed in the citation to obtain a court date or
14 having obtained a court date, fails to appear in court, final
15 judgment may be entered against the person in the maximum civil
16 fine payable within sixty (60) days from the date of execution of
17 final judgment. Alternatively, upon the request of ACPS, the court
18 may issue an order to show cause, require the person to appear
19 before the Court to explain why action on the citation has not been
20 taken. If any person who is issued such an order fails to appear in
21 response to the court's directive, that person may be held in
22 contempt of court in addition to being ordered to pay civil fines,
23 court costs and restitution, as applicable.

24 (h) ACPS may establish a violator diversion program with the
25 goal of educating owners, reducing the likelihood of repeat
26 offenses, and reducing the demands of the court resources and
27 docketing. If established, the violator shall pay a fee of \$150.00
28 for the diversion program and upon successful completion within a
29 prescribed timeframe will have the citation reduced to a written
30 warning. All revenue collected from such diversion programs will be

deposited into the Training & Cruelty Prevention Trust Fund,
Section 111.456, Ordinance Code.

* * *

Sec. 462.108. Civil penalties.

(a) The maximum fine for each civil infraction under this Chapter is \$500 unless otherwise provided by law.

(b) Whenever a provision of this Chapter does not establish a specific fine for failing to do any act or thing required or for doing any act or thing prohibited, in addition to court costs, the civil fine for such civil infraction, shall be not less than \$100 and not more than \$500. Unless otherwise specifically provided in this Chapter, each animal is considered a separate violation, and each Section and subsection is considered a separate violation.

(c) A person who has committed a civil infraction, but does not contest the citation and pays the infraction in a timely manner, shall be assessed an uncontested fine amount as established by ACPS.

(d) Unless otherwise provided, repeat violations will be assessed double the original fine for each subsequent violation except that the fine amount shall not exceed the maximum fine allowable by law.

(e) Any person shall be guilty of a class D offense (as defined in Section 632.101) who:

- (1) Willfully refuses to sign and accept a citation issued by an animal control officer.
- (2) Willfully fails to appear in court; or
- (3) Fails to show cause.

(f) A five dollar (\$5) surcharge shall be charged and collected upon each civil fine imposed for a violation of this Chapter, as authorized by F.S. § 828.27(4)(b). The proceeds from such surcharge shall be deposited in the Animal Care and Protective

1 Services Training and Cruelty Prevention Trust Fund established by
2 Section 111.455~~XXX~~ and shall be used only to pay for costs
3 associated with training for animal control officers. Fines and
4 surcharges shall be paid to the Tax Collector.

5 (g) Progressive penalties will be assessed as prescribed in
6 Schedule A, attached hereto as **Exhibit 1** and incorporated herein by
7 this reference, and as may be amended from time to time.

8
9 **Section 4. Amending Sections 462.201, 462.202, 462.203,**
10 **462.204, 462.205, 462.207, 462.208, 462.209, and 462.210 Ordinance**
11 **Code.** Sections 462.201 (Cruelty to animals defined generally),
12 462.202 (Exemptions), 462.203 (Neglecting or abandoning animals),
13 462.204 (Restraint by chaining), 462.205 (Dog fighting and other
14 animal fighting), 462.207 (Artificial coloring of animals), 462.208
15 (Sale of young animals for certain purposes prohibited), 462.209
16 (Citation)and 462.210 (Taking custody of mistreated animals), Part
17 2 (Cruelty to or neglecting animals), Chapter 462 (Animals),
18 *Ordinance Code*, are hereby amended to provide for the deposit of
19 all fines from violations of Part 2 into the Cruelty Prevention
20 Trust Fund, further define the neglecting or abandoning of animals,
21 add conditions to restraint by chaining, authorize animal control
22 officers to remove animals from chains and take the animal to the
23 shelter, include the possession of animal fighting paraphernalia as
24 a violation of Section 462.205 and set forth the civil fine
25 therefor, prohibit certain activities with respect to artificially
26 colored animals and set forth the civil fine therefor, prohibit the
27 sale of young animals for certain purposes, establish grounds for
28 citations, and prescribe procedures with respect to mistreated
29 animals, and, as amended, shall read as follows:

30 **CHAPTER 462. ANIMALS.**

31 * * *

1 **PART 2. CRUELTY TO OR NEGLECTING ANIMALS.**

2 *** * ***

3 **Section 462.201. Cruelty to animals defined generally.**

4 It shall be unlawful for any person to cause, procure or
5 inflict cruelty to or upon animals, whether or not such cruelty
6 results in severe injury or death. For purposes of this Part, it
7 shall be considered causing, procuring and/or inflicting cruelty,
8 if one or more of the following occurs:

9 (a) Beating, tormenting, torturing, mutilating, molesting,
10 sodomizing, maiming, overloading, overworking or overdriving an
11 animal; or

12 (b) Riding, driving or working the animal when it is sick
13 and unfit to work; or;

14 (c) Intentionally trying (by use of a wire, pole, stick,
15 rope or other) to cause a horse or a household pet to fall or lose
16 its balance, or felling, roping or lassoing a horse's or a
17 household pet's legs for the purpose of entertainment or sport; or

18 (d) Carrying any animal in or upon any vehicle in an
19 inhumane way so as not to provide for the protection, safety and
20 comfort of the animal being carried including, but not limited to,
21 carrying an animal in the back of an open truck or other open
22 vehicle without being safely tethered in two (2) or more locations
23 so as to avoid injury or jumping from the vehicle and without
24 protecting the animal from the weather; or

25 (e) Any act, omission or neglect whereby unnecessary or
26 unjustifiable pain or suffering is caused, permitted or allowed to
27 continue when there is reasonable remedy or relief.

28 (f) A violation of this Section shall subject the violator
29 to a civil fine of \$500; all fines collected from violations of
30 this part shall be deposited into the Cruelty Prevention Trust
31 Fund.

1 **Sec. 462.202. Exemptions.**

2 The provisions of this Part do not apply to:

3 (a) Lawful hunting of an animal by a properly permitted
4 person in strict compliance with Florida Statutes and the rules and
5 regulations of the Commission;

6 (b) Efforts by lawful authorities to control an animal that
7 is posing an immediate danger to other animals or humans;

8 (c) Humane disposition of an animal by ACPS, a humane
9 society or society for the prevention of cruelty to animals, or a
10 veterinarian;

11 (d) Killing of an animal for human consumption performed in
12 compliance with applicable Florida Statutes, rules and regulations;

13 (e) Those procedures done in the interest of medical science
14 and performed in compliance with applicable Florida State Statutes,
15 rules and regulations; and

16 (f) Those procedures done for the purpose of administering
17 veterinary care.

18 **Sec. 462.203. Neglecting or abandoning animals.**

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

22 (a) Failing to provide any one of the following: sufficient
23 potable water free of debris and algae; sufficient wholesome food;
24 adequate shelter with sufficient level floor, three structurally
25 sound walls and solid roof to protect the animal from the weather,
26 extreme temperature and direct sunlight; current and active
27 veterinary care/treatment to prevent suffering; sufficient exercise
28 and wholesome exchange of air. A standard of usual and customary
29 practice, based upon the guidelines of the American Veterinary
30 Medical Association (AVMA) and/or the Florida Veterinary Medical
31 Association (FVMA), shall be used to define active treatment.

1 (b) Keeping an animal in an enclosure which prevents the
2 animal from free and full movement with full extension of its limbs
3 (including standing fully upright) and/or without wholesome
4 exercise and change of air;

5 (c) Caging or confining an animal and failing to supply the
6 animal, during such caging or confinement, without sufficient
7 water, without sufficient space to stand fully erect on all legs
8 and/or unable to turn completely around within the cage or
9 confinement and without sufficient wholesome food;

10 (d) Leaving the animal upon or beside any street, road or
11 other public or private place; or

12 (e) Forsaking entirely and leaving to die any animal that is
13 maimed, sick, infirm or diseased.

14 A violation of this Section shall subject the violator to a
15 civil fine of \$500.

16 **Sec. 462.204. Restraint by chaining.**

17 Restraint by chaining may be used provided the following
18 conditions are met:

19 (a) The chain or tether shall not weigh more than one-eighth
20 (1/8) of the animal's body weight, current weight, or normal weight
21 for the breed/species, whichever is lowest. Animal control officers
22 are authorized to take reasonable measures to remove the animal
23 from the chain and take the chain and animal to the shelter;

24 (b) The chain or tether shall be at least ten (10) feet in
25 length with operative swivels on both ends;

26 (c) The chain or tether shall be attached to a properly
27 fitted collar or harness worn by the animal; the tether may not be
28 attached to a slip or prong collar; and

29 (d) The animal, while restrained by chain or tether, is able
30 to access proper shelter with sufficient floor, three walls, and
31 roof to protect the animal from the weather, extreme temperatures

1 and direct sunlight; and is able to access sufficient potable water
2 free from debris and algae and sufficient wholesome food.

3 (e) In the interest of public safety, animal control officers
4 are authorized to remove aggressive and dangerous dogs from chains
5 or tethers and impound such animals where the animal is accessible
6 by children or the public without a secured fence or enclosure.

7 (f) A violation of this Section shall subject the violator to
8 a civil fine of \$500.

9 **Sec. 462.205. Dog fighting and other animal fighting.**

10 (a) In addition to penalties prescribed by F.S. § 828.122,
11 any animal baited, bred, trained, transported, sold, owned,
12 possessed or used for animal fighting or baiting shall be subject
13 to seizure pursuant to Section 462.210. For purposes of this
14 Section, "baiting" shall mean to 'face off' two or more animals; to
15 have two or more animals in close proximity while restrained to
16 simulate a fight or aggression superiority, to attack with
17 violence, to provoke or to harass an animal with one or more
18 animals for the purpose of training an animal for, or to cause an
19 animal to engage in, fights with or among other animals. "Baiting"
20 also means the use of live animals in the training of racing
21 greyhounds.

22 (b) Possession of the paraphernalia associated with animal
23 fighting, including but not limited to gamecock gloves, spurs, long
24 blades, short blades, break stick, breeding or 'rape stand', spring
25 pole, cat mill, and similar devices known to be associated with
26 animal fighting and conditioning for fighting, shall be considered
27 a violation of this section. Each individual item shall be
28 considered a separate violation.

29 (c) A violation of this Section shall subject the violator to
30 a civil fine of \$500.

31 **Sec. 462.206. Controlling poisonous substances.**

1 (a) It shall be unlawful for any person to ~~intentionally~~
2 place or leave any poison or poisonous substances injurious to
3 domestic animals in any place accessible to domestic animals or to
4 ~~intentionally~~ expose any animal to poison or poisonous substances.

5 (b) It shall be unlawful for any person to ~~intentionally~~
6 feed an animal any intoxicating substance or to impair the physical
7 condition of an animal by non-therapeutic administration of a drug
8 or narcotic not legally permitted or licensed for that purpose.
9 This provision does not apply to animal control officers in the
10 performance of their duties.

11 (c) A violation of this Section shall subject the violator
12 to a civil fine of \$500.

13 **Sec. 462.207. Artificial coloring of animals.**

14 It shall be unlawful for any person to artificially color any
15 animal in the City or cause this coloration to be done or to bring
16 into the City, possess, offer for sale, sell, barter or give away
17 an artificially colored animal. A violation of this Section shall
18 subject the violator to a civil fine of not less than \$250 and not
19 more than \$500.

20 It shall be unlawful for any person or business entity to
21 allow or permit anyone to display, possess, offer for sale, barter
22 or give away an artificially colored animal. The manager on site
23 and/or the property owner shall be subject to a civil fine of not
24 less than \$250 and not more than \$500.

25 **Sec. 462.208. Sale of young animals for certain purposes**
26 **prohibited.**

27 (a) It shall be unlawful for any person to sell, offer for
28 sale, or give away within the City any chicken, duckling or other
29 birds under four (4) weeks of age or rabbit under two (2) months of
30 age, to be used as pets, toys or retail merchandising premiums.
31 This Section shall not be construed to apply to any animal to be

1 used or raised for agricultural purposes by persons with proper
2 facilities to care for it or for poultry or livestock exhibitions.

3 (b) It shall be unlawful for any person to transport into
4 the City to sell, or to offer to sell, give away, ~~adopt~~ or trade
5 within the City, any dog or cat that is less than eight (8) weeks
6 of age.

7 (c) A violation of this Section shall subject the violator
8 to a civil fine of not less than \$250 and not more than \$500.

9 **Sec. 462.209. Citation.**

10 An animal control officer may issue a citation to the owner or
11 other person violating this Part when the animal control officer
12 has probable cause, based upon direct evidence, observation or
13 sworn affidavit(s) from witness(es), to believe that the person has
14 committed a civil infraction in violation of this Part.

15 **Sec. 462.210. Taking custody of mistreated animals.**

16 (a) The purpose of this Section is to provide a means by
17 which a neglected or mistreated animal, pursuant to a violation of
18 any Section of this Part, can be removed from its owner and/or
19 current custody or can be made the subject of an order to provide
20 care.

21 (b) Pursuant to F.S. § 828.073, an animal control officer is
22 authorized to:

23 (1) Seize and take custody of any animal found
24 neglected, cruelly treated, or otherwise treated in violation
25 of this Part, by removing the animal from its current location
26 or

27 (2) Order the owner of the animal found neglected,
28 cruelly treated or otherwise treated in violation of this
29 Part, to provide certain care to the animal without removing
30 the animal from its current location.

1 (c) Within thirty (30) days after the seizure of the animal
2 or the issuance of the order to provide care, the animal control
3 officer shall petition the County Court for a hearing. The hearing
4 shall be held not more than fifteen (15) days after the request for
5 such hearing is made. The hearing shall be for the purpose of
6 determining whether or not the owner has violated this Part and to
7 determine whether the owner is fit to have custody of the animal.
8 The hearing shall be concluded and the court order entered as
9 expeditiously as possible, and in any case, not more than sixty
10 (60) days after the date the hearing commenced. No fee shall be
11 charged for the filing of the petition.

12 (d) ACPS shall have written notice served upon the owner of
13 the animal seized at least five (5) days prior to the hearing. If
14 the owner is residing in the City, notice shall be in conformance
15 with the provisions of F.S. Ch. 48, relating to service of process.
16 There shall be no fee charged by the sheriff for service of such
17 notice. If the owner of the animal is unknown, or is known but is
18 residing outside of the City, notice of the hearing shall be by
19 publication in conformance with the provisions of F. S. Ch. 49.

20 (e) Fees and disposition of animals:

21 (1) ACPS shall shelter and care for any animal seized
22 until disposition by the court, including any appeal.

23 (2) If the court determines that the owner is not
24 guilty of any violation of this Part and is able and fit to
25 provide adequately for and have custody of the animal, then
26 the court shall enter an order providing that the animal be
27 claimed by the owner and removed from the custody of ACPS
28 within seven (7) days after the date of the order, or the
29 animal is considered abandoned by the owner and becomes the
30 property of ACPS. ~~The order may require that the owner pay any~~
31 ~~other outstanding fines issued by ACC; however the owner shall~~

1 ~~not~~ be required to pay ~~impound fees~~, boarding fees, or other
2 costs associated with the care and maintenance of the animal
3 during the hearing process. The court may hold a separate
4 hearing for proof of costs.

5 (3) If the court determines that the owner violated
6 this Part, but is, nevertheless able and fit to provide
7 adequately for one or more of the animal(s) seized, the
8 court's order shall indicate each animal that may be redeemed
9 and shall provide that the animal be claimed by the owner and
10 removed from the custody of ACPS within seven (7) days after
11 the date of the order, or the animal is considered abandoned
12 by the owner and becomes the property of ACPS. The order may
13 also require that, prior to redeeming such animal, the owner
14 must pay all applicable fines (including outstanding fines
15 issued by ACPS), and court costs, and shall require the owner
16 to pay all impound fees, boarding fees, applicable veterinary
17 expenses, other medical expenses and all other costs
18 associated with the care and maintenance of the animal
19 redeemed and any other animals seized by ACPS that are not to
20 be redeemed. The court may hold a separate hearing for proof
21 of costs.

22 (4) If the court determines that the owner is unable or
23 unfit to adequately provide for the animal, the court's order
24 shall provide that the owner shall have no further custody of
25 the animal and all other animals currently in the possession,
26 ownership or custody of the owner and that the animal(s) shall
27 become the property of ~~ACC~~ACPS. The order may also require
28 that the owner must pay all applicable fines (including
29 outstanding fines issued by ACPS and court costs) and shall
30 require the owner to pay all impound fees, boarding fees,
31 applicable veterinary expenses and other medical expenses and

1 all other costs associated with the care and maintenance of
2 the animal seized. The court may hold a separate hearing for
3 proof of costs.

4 (5) If the court also determines that the owner is
5 unable or unfit to provide for any animal(s) not already
6 seized and taken into custody by an animal control officer,
7 then the court may also order that any other animal(s) in the
8 custody of the owner be turned over to ACPS for adoption or
9 humane disposition. Pursuant to F.S. § 828.073, the court may
10 also enjoin the owner's further possession or custody of other
11 animals.

12 (f) In determining a violation of this Section and the
13 owner's fitness to have custody of an animal, the court may
14 consider, among other things:

15 (1) Testimony from the animal control officer who
16 seized the animal; testimony from other witnesses as to the
17 condition of the animal when seized and as to the conditions
18 under which the animal was kept.

19 (2) Testimony and evidence as to the veterinary care
20 provided to the animal.

21 (3) Testimony and evidence as to the type and amount of
22 care provided to the animal.

23 (4) Expert testimony as to the community standards for
24 proper and reasonable care of the same type of animal.

25 (5) Testimony from any witnesses as to prior treatment
26 or condition of this or other animals in the same custody.

27 (6) The owner's past record of judgments under the
28 provisions of this Chapter.

29 (7) Convictions under the State statutes prohibiting
30 cruelty to animals.

1 (8) Any other evidence the court considers being
2 material or relevant.

3 (g) If the evidence indicates a lack of proper and
4 reasonable care of the animal, the burden is on the owner to
5 demonstrate by clear and convincing evidence that he or she is able
6 and fit to have custody of and provide adequately for the animal.

7 (h) Nothing herein is intended to require court action for
8 capturing, impounding and making proper disposition of stray or
9 abandoned animals as lawfully performed by animal control officers.

10 (i) The provisions of this Section are in addition to any
11 civil penalties that may be imposed under this Part.

12
13 **Section 5. Amending Sections 462.301, 462.302, 462.303,**
14 **462.304, 462.305, 462.307, 462.308, 462.309, 462.310, 462.311,**
15 **462.312, 462.313, 462.315, and 462.316 Ordinance Code.** Sections
16 462.301 (General), 462.302 (Noise), 462.303 (Animals at-large
17 prohibited), 462.304 (Habitual nuisance), 462.305 (Destruction of
18 property and biting), 462.306 (Custody of racing dogs), 462.307
19 (Requirement to confine female dog or cat in heat), 462.308 (Injury
20 to animals by motor vehicles; reporting requirement), 462.309
21 (Sterilization of dogs and cats), 462.310 (Additional penalty for
22 dogs and cats not spayed or neutered), 462.311 (Diseased animals
23 within the City), 462.312 (Testing and destruction of contaminated
24 turtles), 462.313 (Rabies quarantine area, rabies alert or
25 restriction of infectious animals), 462.315 (Procedure for animal
26 bites and for animals suspected of having rabies) and 462.316
27 (Penalty), Part 3 (Nuisances), Chapter 462 (Animals), *Ordinance*
28 *Code*, are hereby amended to add additional circumstances
29 constituting animal nuisance, further define behavior constituting
30 persistent or continuous noise, limit the civil fine for noise to
31 \$500, hold persons having temporary custody of dogs or cats liable

1 for failing to restrain an animal from being at large, limit the
2 civil fine for at-large animals to \$500, limit the civil fine for
3 habitual nuisance to \$500, hold persons having temporary custody of
4 dogs or cats liable for destruction of property and biting, limit
5 the civil fine for failure to confine a female dog or cat in heat
6 to \$500, hold persons having temporary custody of dogs or cats
7 liable for failure to confine a female dog or cat in heat, provide
8 for sterilization of animals impounded under Section 462.306, limit
9 the civil fine for failure to report injury to animals by motor
10 vehicles to \$500, provide for forfeiture of deposit for
11 sterilization after 31 days, assess additional fine for at-large
12 animals not spayed or neutered, delete provisions for testing and
13 destruction of contaminated turtles, establish rules for feeding of
14 cats and dogs outdoors, provide for community cat management
15 initiatives, and incorporate provisions of Florida Administrative
16 Code Chapter 64D-3, and, as amended, shall read as follows:

17 **CHAPTER 462. ANIMALS.**

18 * * *

19 **PART 3. NUISANCES.**

20 * * *

21 **Section 462.301. General.**

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

28 (b) Whenever an animal defecates upon any property not
29 owned, leased, rented, or otherwise in the care, custody, or
30 control of the animal's owner, the animal's owner shall immediately

1 remove and properly dispose of feces. The only exception is by
2 permission of the property owner.

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

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

15 **Sec. 462.302. Noise.**

16 (a) It shall be unlawful for the owner, or any person having
17 temporary custody, of an animal or animals to allow or fail to
18 restrain the animal(s), to bark, meow, whine, howl, or to make
19 other sounds common to the species, persistently or continuously
20 for a period of thirty (30) minutes or longer when every animal is
21 not contained within an enclosure sufficient to baffle loud noises
22 and render them reasonably unobjectionable. For the purposes of
23 this section, persistently or continuously shall mean non-stop
24 utterances for thirty (30) consecutive minutes with individual
25 interruptions of less than thirty (30) seconds at a time during the
26 thirty (30) minute utterances. This subsection shall not apply to
27 animals maintained on land zoned for agricultural purposes, nor
28 shall it apply to a properly permitted animal shelter established
29 for the care and/or placement of unwanted or stray animals.

30 (b) A violation of this Section, or any subsection of
31 Section 462.301, shall subject the violator to a civil fine of not

1 less than \$250 and not more than \$500. Each separate occasion is
2 considered a separate violation. The animal control officer may
3 cite the owner of the animal(s) for violation of such Section or
4 subsection when either the animal control officer has received,
5 from at least two (2) unrelated adult witnesses from different
6 residences, a sworn affidavit attesting to the committing of a
7 nuisance pursuant to such Section or subsection, or the citing
8 animal control officer has witnessed the commission of such a
9 nuisance. Affidavits attesting to the nuisance must come from
10 residents within a three (3) block radius (approximately nine
11 hundred foot radius).

12 (c) As authorized by F. S. § 828.27(7), a violation of the
13 noise provision of this Section may be punishable, upon conviction
14 by the court, by a fine of up to \$500 or by imprisonment in the
15 County Jail for a period not to exceed sixty (60) days or by both
16 fine and imprisonment.

17 **Sec. 462.303. Animals at-large prohibited.**

18 (a) No owner or person having temporary custody of any ~~dog~~
19 ~~or cat~~ animal shall permit the animal or fail to restrain the
20 animal from being the dog or cat to be at-large, except a dog shall
21 be considered exempt from these provisions if:

22 (1) The dog is engaged in the performance of duties while
23 under the supervision and control of law enforcement
24 officials performing law enforcement work.

25 (2) The dog is engaged in any legal hunt or training
26 procedure, including training or exhibiting in legal
27 sports such as obedience trials, conformation shows,
28 field trials, hunting/retrieving trials, and herding
29 trials; however, such dogs at all other times and in all
30 other respects shall be subject to this Chapter.

1 (3) The dog is in a City-designated "no leash" dog park and
2 is under the supervision of the owner or a responsible
3 person.

4 (b) A violation of this Section shall subject the violator
5 to a civil fine of not less than \$250 and not more than \$500. Each
6 separate occasion is considered a separate violation. The animal
7 control officer may cite the owner of such animal(s) for violation
8 of this Section when either the animal control officer has
9 received, from at least two (2) unrelated adult witnesses ~~from~~
10 residing at different residences, a sworn affidavit attesting to
11 the animal's having committed a nuisance pursuant to this Section,
12 or the citing animal control officer has witnessed the commission
13 of such a nuisance.

14 **Sec. 462.304. Habitual nuisance.**

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

26 (b) For the purpose of this Section, "habitually" means at
27 least two separate occurrences within a time period of no more than
28 one month; except that barking habitually, or making other
29 objectionable animal noises habitually, means making the sound
30 persistently or continuously for at least thirty (30) minutes
31 occurring at least three separate times within a period of no more

1 than eight (8) hours. For the purposes of this section,
2 "persistently" or "continuously" shall mean non-stop utterances for
3 thirty (30) consecutive minutes with interruption of less than
4 thirty (30) seconds at a time during the thirty (30) minute
5 utterances.

6 (c) The animal control officer may cite the owner or any
7 person having custody of such animal(s) for violation of this
8 Section when either the citing animal control officer has witnessed
9 the commission of such habitual nuisance or the animal control
10 officer has received at least one sworn affidavit from each of at
11 least two unrelated adult witnesses from different residences so
12 that taken together, the affidavits attest to the committing of a
13 nuisance pursuant to this Section.

14 (d) Each violation of this Section shall be punishable by a
15 fine of not less than \$300 and not more than \$500. A subsequent
16 violation of this Section within thirty (30) days of a previous
17 citation for violation of this Section shall subject the violator
18 to double the fine, except that such fine shall not exceed the
19 maximum fine allowable under the law.

20 **Sec. 462.305. Destruction of property and biting.**

21 (a) No owner or person having temporary custody of an animal
22 shall permit the animal, either willfully or through failure to
23 exercise due care or control, to destroy or damage the property of
24 another including, but not limited to, the unprovoked biting,
25 attacking or wounding of another person's animal.

26 (b) No owner or person having temporary custody of an animal
27 shall permit, either willfully or through failure to exercise due
28 care or control, the animal to bite, attack or wound a human.

29 (c) An animal control officer may cite the owner or person
30 having temporary custody for violation of this Section when either
31 the animal control officer has received a sworn affidavit from an

1 adult witness, attesting to the animal's having committed a
2 violation of this subsection, or the citing animal control officer
3 has witnessed the commission of such violation.

4 (d) The provisions and penalties of this Section shall be
5 separate from and in addition to the provisions of Part 4 regarding
6 dangerous dogs; however, an owner of an animal that bites, attacks
7 or wounds a human or another person's animal is not subject to
8 citation under this Section when an exemption under Section 462.402
9 applies.

10 **Sec. 462.306. Custody of racing dogs.**

11 Dogs that are in training or being trained as racing dogs,
12 when being exercised outside the confines of their regular
13 quarters, shall be constantly in the charge of a capable attendant,
14 and shall be securely muzzled and kept on a leash. No attendant
15 shall at any time have in his charge more than eight (8) dogs.

16 **Sec. 462.307. Requirement to confine female dog or cat in**
17 **heat.**

18 (a) It shall be unlawful and punishable by a fine of not
19 less than \$250 and not more than \$500, for the owner or person
20 having temporary custody of a female dog or cat in heat to permit
21 or allow it to be upon the public street or in a public place
22 unless restrained by leash, tether or chain of four (4) feet or
23 less and under the direct physical control of the owner or person
24 having temporary custody. The owner or person having temporary
25 custody of a female dog or cat in heat shall, at all times, keep it
26 securely confined on private property and inside a secure building
27 or secure enclosure having a secure top and bottom attached to all
28 sides so as to prevent ~~conception~~ copulation and/or any other
29 animal from entering the enclosure, with the exception of
30 controlled and intentional breeding. A female dog or cat found to
31 be in violation of this Section is hereby declared to be a nuisance

1 and may be impounded as provided in this Chapter. Animals impounded
2 under the provisions of this section shall be sterilized before
3 being returned to their owners.

4 (b) Female dogs or cats in heat that are participating in
5 bona fide animal competitions and shows or that are being shipped
6 or transported while confined in a crate or cage, or otherwise
7 sufficiently confined, shall be excluded from this Section.

8 (c) For the purposes of this section, "accidental breeding"
9 and/or unwanted litters shall be considered prima facie evidence of
10 the failure to confine the female while in heat and may be subject
11 to the corresponding fine.

12 (d) All fines collected from the enforcement of this
13 provision shall be deposited in the Spay Neuter Trust Fund and
14 dedicated to low-cost sterilization procedures.

15 **Sec. 462.308. Injury to animals by motor vehicles; reporting**
16 **requirement.**

17 Any operator of a motor vehicle that has injured an animal
18 shall immediately notify the Office of the Sheriff, or ACPS ~~or the~~
19 ~~Jacksonville Humane Society~~ and advise as to the location of the
20 injured animal. Failure to notify one of these authorities shall
21 constitute a violation of this Section punishable by a fine of not
22 less than \$150 and not more than \$500.

23 **Sec. 462.309. Sterilization of dogs and cats.**

24 (a) All dogs and cats shall be sterilized prior to being
25 sold, adopted or released ~~for adoption~~ from any animal shelter by
26 either:

27 (1) Providing for sterilization by a veterinarian before
28 relinquishing custody of the animal; or

29 (2) Entering into a written agreement with the adopted
30 purchaser that guarantees that sterilization will be
31 performed prior to sexual maturity or as soon as

1 medically possible if it is determined by a veterinarian
2 that sterilization would endanger the animal's health due
3 to its age, infirmity, disability or illness.

4 (b) Unless otherwise provided for in this Chapter, costs
5 associated with sterilization shall be paid by the prospective
6 purchaser or adopter as a part of the purchase price or donation.
7 Where it is necessary to enter into an agreement to sterilize, the
8 purchaser or adopter shall pay a sufficient deposit in cash or cash
9 equivalent that is equal to or greater than the current market fee
10 for sterilization, as determined by the animal shelter, as a
11 condition of the agreement to sterilize, which deposit shall be
12 refundable upon presenting to the animal shelter written
13 verification by the veterinarian who performed the sterilization
14 that the animal has been sterilized within thirty (30) days after
15 the adoption or adequate age/health to allow for sterilization. The
16 deposit shall be forfeited and considered a donation to the shelter
17 after thirty-one (31) days, and such funds shall be deposited in
18 the Spay Neuter Trust Fund for sterilization programs.

19 **Sec. 462.310. Additional penalty for dogs and cats not spayed**
20 **or neutered.**

21 Any owner found to be in violation of any provision of this
22 Chapter that involves an at-large dog or cat shall be assessed an
23 additional fine of not less than \$250 and not more than \$500, ~~\$100~~
24 if the dog or cat has not been spayed or neutered. The owner of
25 such dog or cat shall have the option of paying this additional
26 ~~\$100~~ fine or, in the alternative, the owner may, within ten (10)
27 days of the violation, have the dog or cat spayed or neutered. If
28 the owner elects to have the dog or cat spayed or neutered, the
29 owner shall present proof of same to the Tax Collector upon payment
30 of the fine. The Tax Collector, upon receipt of proof that the dog
31 or cat has been spayed or neutered, shall deduct the ~~\$100~~

1 additional fine from the total fine amount. Proof requires written
2 verification, on letterhead and with the veterinarian's license
3 number noted, by the veterinarian who performed the sterilization
4 that the dog or cat has been sterilized. The additional fine monies
5 shall be dedicated to animal sterilization programs and deposited
6 into the Spay Neuter Trust Fund.

7 **Sec. 462.311. Diseased animals within the City.**

8 An animal suffering from an infectious or contagious disease,
9 excluding household pets under the current and active treatment
10 care of a veterinarian, shall not be brought into or kept within
11 the City. A standard of usual and customary practice shall be used
12 to define active treatment.

13 ~~**Sec. 462.312. Testing and destruction of contaminated**~~
14 ~~**turtles.**~~

15 ~~No person shall sell, offer for sale, barter or give away live~~
16 ~~turtles, without first obtaining adequate bacteriological proof~~
17 ~~that the turtles are free from salmonella contamination. Adequate~~
18 ~~bacteriological proof shall consist of a certified statement by the~~
19 ~~Chief Public Health Official of the State from which the turtles~~
20 ~~are shipped, certifying that the turtles have been found free of~~
21 ~~salmonella, based upon laboratory examination, and describing the~~
22 ~~examination(s) upon which the statement is based. The certificate~~
23 ~~shall be displayed in a conspicuous manner by each pet shop and~~
24 ~~animal dealer selling such turtles. In addition, the DCMD may~~
25 ~~require that the seller take a series of at least six consecutive~~
26 ~~cultures of turtle excreta, to be taken at intervals of not less~~
27 ~~than one week, to determine if the turtles are contaminated with~~
28 ~~salmonella. The cultures shall be examined by a laboratory approved~~
29 ~~by the DCMD. The results of the examination shall be submitted to~~
30 ~~the DCMD. The DCMD may at any time take samples of tank water or~~
31 ~~any other appropriate samples from turtles offered for sale. The~~

~~DCHD may order the immediate destruction of any lot of turtles found contaminated with salmonella.~~

Sec. 462.312. Feeding of cats and dogs outdoors.

(a) Rules applicable to all dogs and cats, excluding managed community cats covered in subsection (b) below.

(1) The feeding of cats and dogs outdoors shall take place only during daylight hours to minimize the risk of domestic-wildlife interactions that have increased potential of rabies exposure for the cats or dogs.

(2) 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.

(3) Dumping excess quantities of food on the ground, placing excess quantities in bowls or other containers, and leaving open food packages is prohibited.

(4) 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.

(5) Violations of this section are subject to a fine of not less than three-hundred dollars (\$300) and not more than five-hundred dollars (\$500).

(b) Community Cat Management Initiatives: The City of Jacksonville recognizes the need for innovation in addressing the issues presented by feral, free-roaming and other community cats. To that end it recognizes that there are community care givers of cats, and acknowledges that properly managed community cats may be

1 part of the solution to the continuing euthanasia of cats; and
2 establishes the following requirements:

3 (1) All managed community cat colonies/groups must be
4 maintained on private property of the caregiver, or with
5 permission on the private property of another landowner
6 (including city, state, and federal public property).

7 (2) All cats that are part of community cat management
8 programs must be sterilized, vaccinated against the
9 threat of rabies, and ear-tipped (preferable on the left
10 ear) for easy identification; if these requirements are
11 met the community cat is exempted from licensing.

12 (3) If a person is providing care for the community cats, he
13 or she is required to provide certain necessities on a
14 regular/ongoing basis, including, but not limited to,
15 proper nutrition and medical care as needed. If medical
16 care is unavailable or too expensive, the caregiver must
17 not allow the cat to suffer.

18 (i) Food must be provided in the proper quantity for the
19 number of cats being managed and is to be supplied
20 no less than once per day (twice is preferred). Food
21 must be maintained in proper feeding containers.

22 (ii) Water, if supplied, must be clean, potable and free
23 from debris and algae.

24 (iii) If shelter is provided, it shall be unobtrusive,
25 safe, and of the proper size for the cat(s).

26 (c) Violations of this section are subject to a fine of not
27 less than three hundred dollars (\$300) and not more than the
28 maximum of five hundred dollars per violation.

29 **Sec. 462.313. Rabies quarantine area, rabies alert or**
30 **restriction of infectious animals.**

1 The DCHD and ACPS will make every effort to communicate and
2 coordinate efforts with respect to any rabies quarantine area,
3 rabies alert or other health emergency. Should the DCHD or ACPS
4 determine that a state of emergency exists within the City by
5 reason of animals being infected by rabies or other infection or
6 dangerous disease that shall constitute a danger to the public
7 health, safety and general welfare of the City, the City may, by
8 resolution, declare a state of emergency and may promulgate such
9 other emergency regulations deemed necessary for the protection of
10 the health, safety and general welfare of the City. Owners of
11 animals must comply with all applicable laws, rules and regulations
12 relating to the quarantine of animals.

13 * * *

14 **Sec. 462.315. Procedure for animal bites and for animals**
15 **suspected of having rabies.**

16 In accordance with Florida Administrative Code Chapter 64D-3
17 "Control of Communicable Diseases" and its requirements, guidance
18 and provisions establishing certain protocol for the Health
19 Department in the handling of suspected and known rabies cases, the
20 provisions of 64D-3, as they may be amended from time to time, are
21 hereby incorporated in this ordinance by reference. If there are
22 any discrepancies between the wording of the following ordinance
23 section and the provisions of 64D-3 FAC, the provisions of Florida
24 Administrative Code shall prevail unless less stringent than this
25 ordinance.

26 (a) If an animal is suspected of having rabies, or if an
27 animal bites any person or another animal, all persons having
28 knowledge of such condition or event shall immediately notify both
29 the DCHD and ACPS. The DCHD or ACPS shall immediately investigate
30 the incident. The DCHD or ACPS will take appropriate actions to
31 ensure the health and safety of the victim(s) and of the community.

1 The DCHD and ACPS will maintain close communication with respect to
2 all investigations of possible rabies exposure, and the DCHD and
3 ACPS will provide each other with detailed information on biting
4 dogs. When there is a need for quarantine, the DCHD may determine
5 the location of the quarantine and will follow the investigation
6 through the quarantine period. For those animals quarantined at
7 ACPS, the DCHD and ACPS will notify the owner that the animal is
8 confined for the quarantine period. The DCHD will inspect regularly
9 those animals quarantined at ACPS and will inform ACPS of the
10 findings. ~~Those animals quarantined at ACP shall be kept for a~~
11 ~~period of 48 hours after the quarantine period has expired, subject~~
12 ~~to further impoundment as may be required pursuant to Part 4 of~~
13 ~~this Chapter.~~ The owner shall bear all costs associated with
14 impoundment and quarantine at ACPS, payable at the time of intake
15 for animals brought to the shelter by owner/owner's agent or within
16 forty-eight (48) hours of impound for field captured animals, and
17 shall pay to the City all additional costs prior to redeeming the
18 animal. Failure to pay required quarantine fees within five days of
19 impound shall constitute an implied relinquishment of the
20 animal/property, and the City may take ownership at that point and
21 do as it deems necessary with said animal/property. At either
22 ACPS's or the DCHD's discretion, the animal may be quarantined by
23 confinement and observation at a veterinarian, and the owner shall
24 be responsible for paying the cost of quarantine to the
25 veterinarian. Except as provided elsewhere in this Chapter, the
26 DCHD, during the quarantine period, may release to the owner for
27 confinement by the owner any animal which has bitten a person or
28 another animal if:

- 29 (1) All animals involved were already vaccinated against
30 rabies in accordance with this Chapter; ~~and or~~

1 (2) All persons involved who may be exposed to rabies and
2 all owners of animals involved that may be exposed to
3 rabies (or a parent, if any such person is a minor),
4 consent in writing to the release, or

5 (3) The bite occurred within the family of the owner of the
6 animal that bit, and the responsible adult(s) of that
7 family request home quarantine, or

8 (4) DCHD has reviewed the specific details of the case and in
9 its best judgment is willing to accept the responsibility
10 of allowing the home quarantine.

11 (5) The release may be revoked by the DCHD if it determines
12 that the owner is not properly confining the released
13 animal.

14 (b) It shall be unlawful for any person to refuse to give up
15 or surrender to an animal control officer or to the DCHD an animal
16 suspected of having rabies.

17 (c) Whenever an animal, suspected of having rabies or
18 otherwise posing a threat to public health or safety, cannot be
19 captured by reasonable means to effect the quarantine, or where
20 capture and quarantine cannot be effected safely, the Jacksonville
21 Sheriff's office may be summoned, and such Sheriff's officer ~~may~~ is
22 authorized to use firearms to stop or slay the animal. If that
23 cannot be safely accomplished, ACPS is authorized to use whatever
24 means necessary to protect the public safety and welfare; such
25 actions will be authorized by the Chief with the consent of the
26 Department Director.

27 (d) If a suspected animal or a bitten animal has
28 sufficiently exposed a person or another animal, and the suspected
29 animal or bitten animal has or develops symptoms of rabies, as
30 determined by a veterinarian, the owner and the veterinarian shall
31 notify the DCHD and ACPS. The DCHD shall determine whether the

1 animal shall be humanely destroyed. No animal in the custody of
2 ACPS or a designated veterinarian, which has or develops symptoms
3 of rabies, may be redeemed or released. If a suspected animal or a
4 bitten animal dies, or is destroyed pursuant to this Section,
5 during the quarantine period, the veterinarian responsible for the
6 destruction, the DCHD or ACPS shall cause the animal's head to be
7 detached without mutilation and submitted to a laboratory of the
8 State Department of Health in accordance with the procedure as
9 provided by the DCHD.

10 **Sec. 462.316. Penalty.**

11 Except as otherwise specifically provided in any Section of
12 this Part, a violation of this Part shall be a civil infraction
13 punishable by a fine of not less than \$250, and not more than \$500.
14 Each subsequent violation shall be punishable by a fine that is
15 double the original fine up to the maximum allowed by law. The
16 Chief of ACPS is also authorized to seek injunctive relief against
17 nuisances.

18
19 **Section 6. Amending Sections 462.402, 462.404, 462.405,**
20 **462.406, 462.407, 462.408, 462.409, 462.410, and 462.412, 462.313,**
21 **Ordinance Code.** Sections 462.402 (definitions), 462.404
22 (Classification of dog as dangerous; notice and hearing
23 requirements; confinement of dog; appeal; registration
24 requirements), 462.405 (Proper enclosure), 462.406 (Insurance),
25 462.407 (Dangerous dog outside of proper enclosure; outside of
26 primary enclosure), 462.408 (Required notification concerning
27 dangerous dog), 462.409 (Attack or bite by dangerous dog;
28 impoundment; destruction), 462.410 (Severe injury by dog;
29 impoundment; destruction), and 462.412 (Violation of this Part),
30 Part 4 (Dangerous Dogs), Chapter 462 (Animals), *Ordinance Code*, are
31 hereby amended to expand definition of *Severe injury*, set a

1 deadline for filing of affidavit from person desiring to have a dog
2 classified as dangerous, establishing \$500 civil fine for failure
3 to surrender dog that is the subject of a dangerous dog
4 investigation, providing for appeals, provide for boarding of
5 potentially dangerous dog, provide for notices following dangerous
6 dog investigation, define proper enclosure for dangerous dog,
7 clarify insurance requirements for dangerous dog, prohibit sale or
8 giving away of dog determined to be dangerous, require advance
9 payment by owner of impoundment costs in cases where injuries
10 caused by dog, and eliminate possibility of redemption of dangerous
11 dog by owner, and, as amended, shall read as follows:

12 **CHAPTER 462. ANIMALS.**

13 * * *

14 **PART 4. DANGEROUS DOGS.**

15 * * *

16 **Section 462.402. Definitions.**

17 **Sec. 462.402. Definitions.**

18 As used in this Part, unless the context clearly requires
19 otherwise:

20 (a) *Dangerous dog* means any dog whose actions, according to
21 the records of the appropriate authority after investigation and
22 provided such actions are attested to in a sworn statement by at
23 least one person, meet at least one of the following:

24 (1) On public or private property, including the
25 owner's property, aggressively attacks, bites or
26 endangers a human or inflicts severe injury on a
27 human;

28 (2) On public or private property, including the
29 owner's property, attacks and bites another dog or
30 other domesticated animal and causes severe injury
31 or death to the dog or domesticated animal;

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

(4) Chases or approaches a human upon the streets, sidewalks or any public or private property in a menacing or threatening manner and in an apparent attitude of attack, when such human is conducting himself/herself peacefully and lawfully and is not provoking the dog.

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

* * *

Sec. 462.404. Classification of dog as dangerous; notice and hearing requirements; confinement of dog; appeal; registration requirements.

(a) Investigation and initial determination:

(1) An animal control officer shall investigate reported incidents involving ~~any potentially dangerous dog~~ that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, including any animal control officer or enforcement officer, desiring to have a dog classified as a dangerous dog. The affidavit requesting the investigation must be presented to ACPS within thirty (30) days of the incident leading to the request. The Chief of ACPS shall have the authority to grant a deadline extension upon due cause and extenuating circumstances for a period not to exceed an additional thirty (30) days. Any dog that is the subject of a dangerous dog investigation may be impounded by ACPS pending the outcome of the investigation and any

1 related hearings and appeals. An animal control officer
2 is authorized to enter any building or place, except a
3 building used exclusively for a private residence, in
4 order to seize any suspected dangerous dog. If the dog is
5 within a private residence and the occupant of the
6 residence or the owner of the suspected dangerous dog
7 refuses to surrender it, ACPS may obtain, from a court of
8 competent jurisdiction, a warrant to seize the dog.
9 Failure to surrender the dog is a violation of this
10 section subject to a five hundred dollar (\$500) fine.

11 (2) Any dog, that is the subject of a dangerous dog
12 investigation but that is not impounded by ACPS, or in
13 quarantine pursuant to Section 462.315, shall be humanely
14 and safely confined by the owner in a proper enclosure,
15 as defined in Section 462.405, pending the outcome of the
16 investigation and any related hearings and appeals. The
17 owner shall cooperate with ACPS's investigation and
18 provide all reasonably requested information including
19 the address of where the owner secures the dog. No dog
20 that is the subject of a dangerous dog investigation may
21 be relocated or ownership transferred pending the outcome
22 of an investigation, and any hearings and appeals,
23 related to the determination of a dangerous dog
24 classification. In the event that a dog is to be
25 destroyed, the dog shall not be relocated or ownership
26 transferred.

27 (3) After the investigation, ACPS shall make an initial
28 determination as to whether there is sufficient cause to
29 classify the dog as a dangerous dog and shall afford the
30 owner an opportunity for a hearing before the Chief of
31 ACPS, or a duly designated staff member, or before an

1 animal commission or board as may be established by
2 ordinance or by executive order, prior to making a final
3 determination. ACPS shall provide to the owner written
4 notification of the sufficient cause finding, by
5 registered mail, certified hand delivery, or service in
6 conformance with the provisions of F.S. Ch. 48, relating
7 to service of process. The owner may file a written
8 request for a hearing with the Chief of ACPS, or an
9 established commission or board, within seven (7) days
10 from the date of receipt of the notification of the
11 sufficient cause finding and, if requested, the hearing
12 shall be held as soon as possible, but not sooner than
13 five (5) and not later than twenty-one (21) days after
14 receipt of the request from the owner. If the owner is
15 not notified of the hearing within twenty-one (21) days
16 of the receipt of the request for a hearing before the
17 Chief of ACPS, the owner may proceed directly to the
18 County Court to request a hearing before a judge. The
19 Chief of ACPS, or an established commission or board,
20 shall establish procedures for the hearing process. The
21 owner of the subject animal must pay the costs of the
22 appeals process before it is pursued.

- 23 (4) Upon a determination that a dog should be classified as
24 a dangerous dog, ACPS shall provide written notification
25 to the owner by registered mail, certified hand delivery
26 or service in conformance with the provisions of F.S. Ch.
27 48, relating to service of process. If the owner does not
28 file a written request for a hearing with the Chief of
29 ACPS within seven (7) days of receipt of the notification
30 of sufficient cause findings, the notification of
31 sufficient cause finding becomes the final determination

1 of classification without requiring additional
2 notification to the owner. To appeal the classification,
3 the owner must file a written request for a hearing in
4 the County Court within ten (10) business days after
5 receipt of a written determination of dangerous dog
6 classification. The dog may be impounded by ACPS pending
7 a resolution of the appeal.

8 (5) The Chief of ACPS shall establish a fee schedule, which
9 may be amended from time to time, and which will be on
10 file with the Legislative Services Division.

11 (b) The owner of the dangerous dog shall be responsible for
12 payment of all boarding costs and other fees as required if ACPS
13 impounds the dog during the investigation, hearing and/or any
14 appeal, ~~unless the dog is ultimately determined not to be a~~
15 ~~dangerous dog.~~

16 (c) Within fourteen (14) days after a dog has been
17 classified as a dangerous dog by ACPS, or a dangerous dog
18 classification is upheld by the County Court on appeal, the owner
19 of the dog must obtain a certificate of registration for the dog
20 from ACPS, that shall include, at a minimum, the following
21 information: name, address and telephone number of the dog's
22 owners; the address where the dog is harbored if different from the
23 owner's address; a complete identification of the dog including
24 sex, color and any distinguishing physical characteristics, a color
25 photograph of the dog. The certificate shall be renewed annually.
26 ACPS is authorized to issue such certificates of registration, and
27 renewals thereof, to persons who are at least eighteen (18) years
28 of age and who present to ACPS sufficient documentation, as
29 determined by ~~ACC~~ACPS, of the following:

- 1 (1) Proof that the owner has a current certificate of rabies
2 vaccination and license for the dog in accordance with
3 Part 5 of this Chapter;
- 4 (2) Proof that the owner has obtained for the dog a
5 permanent identification mark, such as ~~a tattoo on the~~
6 ~~inside thigh~~ or an electronic radio frequency
7 identification device (RFID) implantation;
- 8 (3) Proof that the owner has obtained a proper enclosure to
9 confine the dog as required in this Part (See Section
10 462.405);
- 11 (4) Proof that the owner is the fee simple owner of the
12 property upon which the proper enclosure is located or,
13 alternatively, proof of permission from the fee simple
14 owner of the property upon which the proper enclosure is
15 located;
- 16 (5) Proof that the owner has obtained insurance as required
17 in this Part; and
- 18 (6) Proof that the dog has been surgically sterilized by a
19 veterinarian.

20 The owner is responsible for pre-payment of all boarding
21 fees during the time it takes to complete these requirements).
22 If the owner does not comply with all of these requirements
23 within fourteen (14) days, ownership reverts to the City, and
24 the dog shall be destroyed in an expeditious and humane
25 manner. Notice of the potential humane destruction of the
26 animal for failure to comply shall be included in the notice
27 of final ruling on the dangerous dog.

28 (7) Dogs declared dangerous shall not be allowed in any
29 off-leash dog park within the City of Jacksonville.

1 (8) A dangerous dog declaration is permanent and may
2 never be removed from the dog once the determination has been
3 finalized.

4
5 **Sec. 462.405. Proper enclosure for dangerous dogs.**

6 (a) The owner of a dangerous dog must obtain and maintain a
7 proper enclosure to confine the dog and must have posted on the
8 premises a clearly visible warning sign at each entry point that
9 informs both children and adults of the presence of a dangerous dog
10 on the property.

11 (b) "Proper enclosure" means that the dangerous dog is
12 securely and humanely confined on the owner's property within a
13 structure that has four walls, a roof, and floor that protects the
14 animal from weather and is sufficiently ventilated to provide
15 refuge from the heat of the day. A proper enclosure must be
16 positioned at a proper elevation to prevent water from running into
17 the structure or remaining in the structure for more than four
18 hours following the water event. A personal residence (house, or
19 building) is only considered a proper enclosure for a dangerous dog
20 when adult supervision by a competent individual is present; if
21 anyone other than direct family members are present, the residence
22 alone is not considered a proper enclosure and a lockable kennel of
23 sufficient size for the dog (with a roof and floor) must be
24 utilized when people other than the owner's immediate family, or a
25 responsible adult acting as their agent, are/is present or if the
26 dog is left alone in the residence. There must be a, locked pen or
27 other enclosure that is designed to prevent the dangerous dog from
28 escaping over, under or through the enclosure (the "primary
29 enclosure"). If the dog is maintained outside, a portion of the
30 owner's property must be fenced with a secured perimeter fence at
31 least six (6) feet in height providing at least five (5) feet of

1 distance between all sides of the fence and the primary enclosure
2 of sufficient height and strength to prevent entry by the public
3 and to prevent the dog's escape from the owner's property if the
4 dog escapes from the primary enclosure. Within the perimeter fence,
5 the dog must be humanely confined inside a primary enclosure
6 consisting of a locked pen, kennel or other structure of adequate
7 size that provides protection from the elements. The primary
8 enclosure must not share common fencing with the perimeter fence.
9 The primary enclosure must have secure sides that are securely set
10 ~~into the ground or~~ into a concrete pad ~~or securely attached to a~~
11 ~~wire bottom~~, and it must have a secure top attached to all sides.
12 The primary enclosure must be locked at all times when the dog is
13 unattended by either the owner or a competent custodian eighteen
14 (18) years of age or older. It is not considered a proper enclosure
15 to simply chain, tether or otherwise tie a dog to an inanimate
16 object, such as a tree or post, inside a perimeter fence.

17 **Sec. 462.406. Insurance.**

18 In order to protect the public and to afford relief from the
19 severe harm and injury that is likely to result from a dangerous
20 dog attack, the owner of a dangerous dog shall obtain and maintain
21 insurance in the minimum amount of ~~\$100,000~~ \$500,000 for each
22 individual dangerous dog owned to provide \$100,000 of potential
23 reimbursement for each person bitten in each incident to provide
24 for insurance against liability for damage to persons and property
25 caused by the dangerous dog(s). By way of example, if two people
26 are bitten by the same dog in the same incident insurance must
27 cover a total of \$200,000 of potential claims, broken down to
28 \$100,000 per victim.] The insurance shall be provided by an
29 insurance company authorized to do business in the State of
30 Florida, and the owner shall file a certificate of insurance with
31 ACPS. Alternatively, the owner shall post a ~~\$100,000~~ \$500,000 surety

1 bond conditioned upon the payment of damage to persons and property
2 caused by the dangerous dog(s) during the period of registration,
3 renewable annually.

4 **Sec. 462.407. Dangerous dog outside of proper enclosure;**
5 **outside of primary enclosure.**

6 (a) A dangerous dog must not be outside a proper enclosure
7 unless the dog is muzzled and securely restrained by a chain or
8 leash of not more than six (6) feet in length and is under the
9 control of the owner or competent custodian eighteen (18) years of
10 age or older. The muzzle must be made in a manner that will not
11 cause injury to the dog or interfere with its vision or respiration
12 but will prevent it from biting any human or animal. The owner may
13 exercise the dog outside of its primary enclosure without a muzzle
14 or leash only if the dog remains on the owner's property within the
15 secured perimeter fence and only if the dog remains within the
16 owner's sight and control at all times and only members of the
17 owner's immediate household or persons eighteen (18) years of age
18 or older are allowed within the perimeter fence while the dog is
19 present. When being transported, such dog must be safely and
20 securely restrained within a vehicle.

21 (b) No dangerous dog shall be chained, tethered or otherwise
22 tied to any inanimate object, such as a tree, post or building that
23 is outside its proper enclosure ~~while unattended by the owner or~~
24 ~~competent custodian.~~

25 **Sec. 462.408. Required notification concerning dangerous dog.**

26 The owner shall immediately notify ACCACPS when a dog that has
27 been classified as dangerous:

- 28 (a) Is loose or unconfined;
29 (b) Has attacked or bitten a human or another animal;
30 (c) ~~Is sold, given away, or dies;~~ or
31 (d) Is relocated to another address.

1 ~~Prior to~~ During the dangerous dog investigation, and after a
2 final determination that the dog is dangerous, a dangerous dog
3 being may not be sold or given away., ~~the owner shall provide the~~
4 ~~name, address, and telephone number of the new owner to ACC. The~~
5 ~~new owner must comply with all of the requirements of this Part if~~
6 ~~the animal remains in this City. If a dog classified as dangerous~~
7 ~~by any competent authority is brought into the City, the owner must~~
8 ~~notify ACC of the dog's presence within three days of its arrival.~~

9 **Sec. 462.409. Attack or bite by dangerous dog; impoundment;**
10 **destruction.**

11 If a dog that has previously been classified as a dangerous
12 dog is believed to have attacked or bitten a person or animal
13 without provocation, an animal control officer is authorized to
14 immediately impound the dangerous dog, placing it in quarantine as
15 may be required pursuant to Section 462.315, or otherwise
16 impounding it for ten (10) business days after the owner is given
17 written notification. Thereafter, the dangerous dog shall be
18 destroyed in an expeditious and humane manner. If, prior to the
19 ten-day time period, the owner notifies ACPS in writing of the
20 owner's intent to challenge ACPS's decision to destroy the dog,
21 ACPS shall continue to impound the dangerous dog so long as the
22 owner either posts bond or pays in advance by certified check
23 payable to the City the estimated costs associated with impounding
24 the dangerous dog, as estimated by ACPS. Should the animal have to
25 be boarded beyond the original estimated time covered by the pre-
26 payment of fees, the owner shall be required to pay in advance by
27 certified check the estimated weekly costs of boarding and care
28 until the final decision has been reached. Failure to pay impound
29 and boarding fees for any five consecutive day period shall
30 constitute an indirect rescinding of the appeal by the owner, and
31 the dog shall be expeditiously and humanely euthanized. To appeal

1 ACPS's final decision, the owner must file a written request for a
2 hearing in the County Court within ten business days after ACPS's
3 final written decision to destroy the dog. The owner shall be
4 responsible for payment of all boarding costs, medical costs and
5 other fees and charges associated with ACPS's maintaining the dog,
6 regardless of the outcome of any proceeding.

7 **Sec. 462.410. Severe injury by dog; impoundment; destruction.**

8 Whether or not a dog has been previously classified as a
9 dangerous dog, if a dog attacks a human, causing severe injury to
10 or the death of the human, an animal control officer shall be
11 authorized to immediately impound the dog, placing it in
12 quarantine, as may be required pursuant to Section 462.315, or
13 otherwise impounding it for ten (10) business days. Thereafter, the
14 dangerous dog shall be destroyed in an expeditious and humane
15 manner. If, prior to the ten-day time period, the owner notifies
16 ACPS in writing of the owner's intent to challenge ACPS's decision
17 to destroy the dog, ACPS shall continue to impound the dog so long
18 as the owner either posts bond, or pays in advance by certified
19 check payable to the City the estimated costs associated with
20 impounding the dog, as estimated by ACPS. Should the animal have to
21 be boarded beyond the original estimated time covered by the pre-
22 payment of fees, the owner shall be required to pay in advance by
23 certified check the estimated weekly costs of boarding and care
24 until the final decision has been reached. Failure to pay impound
25 and boarding fees for any five consecutive day period shall
26 constitute an indirect rescinding of the appeal by the owner, and
27 the dog shall be expeditiously and humanely euthanized. To appeal
28 ACPS's final decision, the owner must file a written request for a
29 hearing in the County Court within ten (10) business days after
30 ACPS's final written decision to destroy the dog. The owner shall
31 be responsible for payment of all boarding costs, medical costs and

1 other fees and charges associated with ACPS's maintaining the dog,
2 regardless of the outcome of any proceeding.

3 * * *

4 **Sec. 462.412. Violation of this Part.**

5 (a) A violation of any provision of this Part shall be a
6 civil infraction punishable by a fine of \$500.

7 (b) An animal care ~~and control~~ officer may immediately
8 impound a dangerous dog if the owner fails to comply with any of
9 the requirements for maintaining a dangerous dog and. ~~A dangerous~~
10 ~~dog impounded under this Section may be redeemed by its owner upon~~
11 ~~the owner's compliance with the provisions of this Part and upon~~
12 ~~payment of impound fees, boarding fees and applicable veterinary or~~
13 ~~other medical expenses. If the owner does not comply and redeem the~~
14 ~~dangerous dog within 14 days of the date the dog was impounded, the~~
15 dog shall be destroyed in an expeditious and humane manner.

16
17 **Section 7. Amending Chapter 462, Part 4.** Part 4

18 (Dangerous Dogs), Chapter 462 (Animals), *Ordinance Code*, is hereby
19 amended, in part, to create new Sections 462.413 (Designating
20 Potentially Dangerous Dogs) and 462.414 (Fines & Fees) so as to
21 allow for designation of dog as potentially dangerous and require
22 all fines and fees collected under part 4 to be deposited into the
23 ACPS Training and Animal Cruelty Prevention Trust Fund and, as
24 amended, shall read as follows:

25 **CHAPTER 462. ANIMALS.**

26 * * *

27 **PART 4. DANGEROUS DOGS.**

28 * * *

29 **Sec. 462.413. Designating Potentially Dangerous Dogs**

30 (a) The Chief of ACPS, or designee, has the authority to
31 designate a dog to be potentially dangerous if the dog:

1. Causes an injury to a person or domestic animal that is less severe than a serious injury;
2. Without provocation, chases or menaces a person or domestic animal in an aggressive manner; or
3. Acts in a highly aggressive manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or otherwise escape.

(b) If a dog has been determined to be potentially dangerous the owner must:

1. Provide proof of liability insurance in the amount of \$25,000 per victim, per incident, per dog, and identifying the specific dog as covered by the policy;
2. Not allow the dog to be tied or chained on the property of the owner or on any other property within the confines of Duval County;
3. Provide proof that the owner has a current certificate of rabies vaccination and licensing;
4. Provide proof that the dog has been surgically sterilized by a veterinarian;
5. Provide proof that the owner has obtained for the dog a permanent identification, such as a microchip [radio frequency identification device] implantation and that the microchip is registered with accurate current information in a reputable national database; and
6. Obtain a certificate of registration for the potentially dangerous dog, which shall be renewed annually, from ACPS.

Section 462.414 Fines & Fees

All fines and fees collected under the provisions of Part 4 (Sections 462.401-462.413) shall be deposited in the ACPS Training and Animal Cruelty Prevention Trust Fund.

1
2 **Section 8. Amending Sections 462.501, 462.502, 462.503,**
3 **and 462.504, Ordinance Code.** Sections 462.501 (Definitions),
4 462.502 (Vaccination, registration and licensing required), 462.503
5 (Display of City license tags), and 462.504 (Exemptions), Part 5
6 (Vaccination, Registration and Licensing of Animals), Chapter 462
7 (Animals), *Ordinance Code*, are hereby amended to refine the
8 definition of *Vaccination*, add conditions to vaccination,
9 registration and licensing requirements, provide for distribution
10 of licensing fees, provide exemption from visible tag requirement
11 when animal has complied with radio frequency identification device
12 (RFID) requirements, and require payment of registration fee even
13 if animal cannot be vaccinated for rabies, and, as amended, shall
14 read as follows:

15 **CHAPTER 462. ANIMALS.**

16 * * *

17 **PART 5. VACCINATION, REGISTRATION AND LICENSING OF ANIMALS.**

18 * * *

19 **Sec. 462.501. Definitions.**

20 As used in this Part, unless the context clearly requires
21 otherwise:

22 *Vaccination* means inoculation with a United States
23 Government-approved vaccine recognized to prevent and reduce the
24 possibility of rabies in the animal vaccinated administered by a
25 Florida licensed veterinarian in good standing.

26 **Sec. 462.502. Vaccination, registration and licensing**
27 **required.**

28 (a) Except as otherwise provided in this Part, the owner of
29 every dog, cat or ferret four months of age or older shall have it
30 vaccinated by a veterinarian against rabies and shall obtain and
31 maintain, on an annual basis, registration with the veterinarian

1 who administered or is responsible for the administration of the
2 vaccination. If a veterinarian administers a vaccine licensed by
3 the United States Department of Agriculture that is approved for a
4 three-year duration of immunity, a dog or cat may be vaccinated at
5 three to four months of age, with a booster at one year and every
6 three years thereafter.

7 (b) The owner shall obtain a City license tag of an
8 appropriate size, bearing the registration number of every dog and
9 cat appropriate for the rabies vaccination given, which tag shall
10 be valid for 12 months or until the time of the next required
11 vaccination upon proper payment of the associated fee, whichever
12 occurs first. All veterinarians conducting business, whether
13 permanently or temporarily, within the City of Jacksonville shall
14 be required to sell a City pet tag for all animals vaccinated
15 against rabies.

16 (c) Upon vaccination against rabies, the veterinarian shall
17 provide the animal's owner and ACPS, or its agent, with a rabies
18 vaccination certificate, in the form prescribed by the Chief of
19 ACPS, which must contain at least the following information:

- 20 (1) The license number of the administering veterinarian.
- 21 (2) The name, address and phone number of the veterinarian
22 and owner.
- 23 (3) The date of vaccination.
- 24 (4) The expiration date of the vaccination.
- 25 (5) The species, age, sex, color, breed, weight, and name of
26 the animal vaccinated.
- 27 (6) Whether the animal has been spayed or neutered.
- 28 (7) The rabies vaccine manufacturer.
- 29 (8) The vaccine lot number and expiration date.
- 30 (9) The type and brand of vaccine used.
- 31 (10) The route of administration of the vaccine.

(11) The signature or signature stamp of the veterinarian.

(d) Within thirty (30) days of receipt of the certificate of vaccination or arrival in the City as a new resident, the owner shall obtain ~~apply for~~ a City license tag to ACPS, or one of its authorized license tag agents, as designated in writing by the Chief of ACPS for any animals vaccinated outside the City. To receive a license tag, the owner shall present a copy of the completed form and payment of a license tag fee, in accordance with the ACPS's licensing fee schedule and in the amount established for each animal, depending on whether it has been spayed or neutered, except that the following shall not be required to pay the license tag fees:

(1) ~~A blind person who is licensing a seeing-eye dog;~~
Military and/or law enforcement canines used for official duties - including but not limited, to K-9 Patrol Units, drug/contraband sniffing dogs, search dogs, and attack dogs;

(2) ~~A disabled person who is licensing a certified~~
requiring the use of a guide, sign, signal or physical assistance dog to aid him/her with disabilities service dog, provided a physician licensed in the State certifies the person's need for the dog; the person supply ACPS a written description of the service provided and documentation from a physician in good standing licensed and practicing in the State attesting to the medical/physical requirement for the service dog;

~~(3) An owner who is 62 years of age or older, or totally disabled, as determined by the Social Security Administration, for up to three animals.~~

(e) Upon receipt of the appropriate fee, ACPS shall promptly issue to the owner a license tag, which shall be valid for one year

1 or the duration of the vaccination depending on the licensing
2 program maintained by the City~~one year~~. The City license tag shall
3 be of a color as determined by the Chief of ACPS that distinguishes
4 license tags by expiration year of the vaccination/license ~~calendar~~
5 ~~year and current status~~. Veterinarians shall not issue a separate
6 rabies tag and shall inform the client of the City license
7 requirement. The owner shall promptly affix the City's license tag
8 to a collar which shall be worn by the dog or cat at all times.

9 (f) The owner is responsible for obtaining a replacement tag
10 if the City license tag is lost or destroyed. A replacement tag may
11 be obtained from ACPS, ~~or one of its designated license tag agents,~~
12 upon payment by the owner of the applicable replacement fee. If the
13 owner has not applied for a City license tag for such animal within
14 the thirty (30) day period set forth in this subsection, the owner
15 shall be required to pay an additional late fee per animal not
16 licensed.

17 (g) The Chief of ACPS shall establish a licensing fee
18 schedule, which may be amended from time to time, and which will be
19 on file with the Legislative Services Division. Fees collected from
20 the sale of City pet licenses shall be distributed for
21 administration of the licensing program to cover actual costs
22 expended. The remainder of the funds shall be allocated to the Spay
23 and Neuter Trust Fund and the Veterinary Services Trust Fund.

24 (h) In addition to failure to initially license or renew a
25 license, it shall be a distinct and separate violation of this
26 section if the pet license is not acquired or renewed within the
27 thirty (30) days of vaccination or previous license expiration.
28 This late renewal or licensing violation is subject to a fine of
29 not less than \$25 and not more \$500 per animal. Service of these
30 citations shall be via certified mail if the person is not present
31 for hand delivery.

1 **Sec. 462.503. Display of City license tags.**

2 An owner or of any dog, cat or ferret four months of age or
3 older shall provide the dog, cat or ferret with a collar or
4 harness, that has attached to it a valid City license tag as
5 provided in this Part. A dog, cat or ferret wearing a current tag
6 not issued for that dog, cat or ferret is not considered to be a
7 valid tag ~~license tax~~. The collar or harness and City license tag
8 shall be worn by the dog, cat or ferret at all times when the
9 animal is outside of the owner's residence. Failure to comply with
10 this Section shall be a civil infraction punishable by a fine of
11 not less than \$250 and not more than \$500.

12 Although a visible tag is encouraged at all times; a dog, cat
13 or ferret owner shall be exempt from a citation for failure to
14 display tags if the animal in question has a radio frequency
15 identification device (RFID); provided the implanted RFID
16 (microchip) is properly registered with a national database, the
17 registration information is current for the owner, and the owner
18 can produce proof of current City license and a valid rabies
19 certificate upon demand.

20 **Sec. 462.504. Exemptions.**

21 A dog, cat or ferret may be exempt from certain requirements
22 of this Part as follows:

23 (a) A greyhound temporarily brought into the City for
24 purposes of racing at licensed greyhound tracks is exempt from
25 registration and licensing.

26 (b) A dog, cat or ferret temporarily brought into the City
27 as a part of an entertainment act is exempt from registration and
28 licensing.

29 (c) A dog, cat or ferret temporarily brought into the City
30 for a period of less than thirty (30) days during a twelve (12)
31 month period is exempt from registration and licensing.

(d) A dog, cat or ferret is exempt from rabies vaccination 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 animal exempt under this provision must be vaccinated as soon as its health allows. A registration fee equal to the cost of a pet license for a dog, cat or ferret shall be paid even if the animal cannot currently be vaccinated for rabies.

Section 9. Amending Sections 462.601, 462.602, 462.603, 462.604, 462.605, 462.606, 462.607, 462.608, 462.909, 462.610, and 462.611, Ordinance Code. Sections 462.601 (Impounding of animals), 462.602 (Notice to owner of impoundment), 462.603 (Redemption by owner), 462.604 (Voluntary surrender by owner), 462.605 (Adoption), 462.606 (Proper identification and address verification), 462.607 (Rabies vaccination required), 462.608 (Sterilization), 462.609 (Conditions preventing redemption or adoption), 462.610 (Disposition of unredeemed and surrendered animals), and 462.611 (Involuntary sheltering), Part 6 (Impoundment, Surrender, Redemption and Adoption), Chapter 462 (Animals), *Ordinance Code*, are hereby amended to establish holding periods, provide for disposition of animals voluntarily surrendered by owners, provide additional requirements for sterilization, require expeditious and humane euthanization of certain animals and delete in its entirety Section 462.611 (Involuntary sheltering) and, as amended, shall read as follows:

CHAPTER 462. ANIMALS.

*** * ***

PART 6. IMPOUNDMENT, SURRENDER, REDEMPTION AND ADOPTION.

*** * ***

Section 462.601. Impounding of animals.

(a) An animal control officer 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.

(b) Holding periods established:

1. ACC ACPS shall shelter and care for impounded potentially owned, adult dogs and cats, whether tagged or stray, for five six (6) days, excluding beginning the day of capture (intake), the day of release (disposition) and excluding official holidays recognized by the City when the shelter is closed to the public.
2. Litters of puppies and kittens estimated to be less than six (6) months of age without an actively nursing mother shall have no required holding period for placement. For this section a "litter" shall be considered two or more animals of apparently the same age and breed/mix.
3. The City shall establish a program for the handling and disposition of feral animals with no requirement for a holding period before disposition. All dogs and cats that are so unsocialized as to pose a threat to the safety and welfare of employees or the public shall be expeditiously and humanely euthanized (excluding any cat that qualifies for a community cat management program established by the City).
4. Due to the low reclaim rate and high euthanasia rate for cats, all cats that do not have positive, traceable identification through a currently registered microchip (RFID), City pet tag, or private identification tag (although still subject to the holding period established above) may be sterilized immediately upon intake and

1 placed in the adoption area as soon as two days after
2 impound.

3 (c) ACPS shall not be required to shelter and care for any
4 feral, wild, or exotic animals. ~~, other than dogs and cats, for 24~~
5 ~~hours, with the exception of a wild animal that is endangered or~~
6 ~~threatened or otherwise protected from destruction by regulations~~
7 ~~of the Commission. ACC shall coordinate with the Commission for~~
8 ~~disposition of such wild animal.~~

9 (d) ACPS shall not be required to shelter or care for any
10 animal that is severely injured, has a contagious disease or is
11 deemed a danger to the community unless such animal has a currently
12 registered microchip or ownership information in the form of City
13 pet tag or private identification tag on the animal. All animals
14 without such positive, traceable identification that meet the
15 previous criteria shall be expeditiously and humanely euthanized.

16 (e) The Chief of ACPS shall establish a fee schedule, which
17 may be amended from time to time, and which will be on file with
18 the Legislative Services Division.

19 **Sec. 462.602. Notice to owner of impoundment.**

20 Upon impounding an animal that is licensed, tagged, or
21 otherwise identifiable through microchip or tattoo, ACPS shall
22 promptly notify the owner by telephone, or mail unless the owner
23 has been informed directly or via note left on property/residence
24 by an officer or employee of ACPS. ~~or in person.~~ Such notice shall
25 advise the owner of the period for impoundment. ACPS, at its
26 discretion, may make a reasonable inquiry in the immediate vicinity
27 in which a stray animal is picked up in order to locate the owner,
28 if any, of a stray animal.

29 **Sec. 462.603. Redemption by owner.**

30 (a) Except as otherwise provided in this Chapter, the owner
31 of any impounded animal may redeem the animal, upon payment to the

1 City of the following: (1) an ~~impound~~intake fee for each animal
2 redeemed; (2) a boarding fee per animal, per day; (3) all
3 outstanding fines and final judgments, except for any fine of which
4 a timely appeal is pending; (4) all veterinary charges, drug and
5 other medical expenses; (5) the cost of sterilization or a
6 sterilization deposit, as applicable; (6) the cost of an implanted
7 and registered radio frequency identification device
8 (RFID) (microchip), rabies vaccinations, if applicable; and (7) the
9 cost of license and registration, if applicable. At the request of
10 the owner, ACPS shall provide an itemized list of charges.

11 (b) The Chief of ACPS shall establish a ~~redemption~~ fee
12 schedule, which may be amended from time to time, and which will be
13 on file with the Legislative Services Division.

14 **Sec. 462.604. Voluntary surrender by owner.**

15 Every owner who voluntarily surrenders an animal must provide
16 photo identification and sign a form acknowledging that the
17 surrender is voluntary and acknowledging the discretion of ACPS to
18 dispose of the animal. ACPS shall not be liable for the disposition
19 of any voluntarily surrendered animal after receipt of the animal
20 from its owner. The animal shall be immediately available for
21 adoption, placement or other appropriate disposition once
22 surrendered. The Chief of Animal Care & Protective Services shall
23 establish a fee schedule for each animal surrendered, which may be
24 amended from time to time, and which will be on file with the
25 Legislative Services Division.

26 Owners surrendering animals shall be responsible for paying an
27 intake fee, and should the animal(s) not be current on license and
28 vaccination required by the City, those fees shall also be paid by
29 the owner wishing to surrender his/her animal(s).

30 Owners wishing to surrender an animal with the request for
31 euthanasia shall be allowed to do so at the discretion of ACPS. It

1 is not the policy or practice of ACPS to supply "on-demand"
2 euthanasia procedures, but in the interest of relieving a suffering
3 animal, ACPS may provide the service for a fee or at no charge.

4 No owner surrendered or stray animals from outside the ACPS
5 jurisdiction shall be accepted; such animals shall be referred to
6 another agency. The photo identification of the owner/person
7 wishing to surrender an animal that shows an address outside of
8 ACPS jurisdiction shall be used as the origin of the animal. If for
9 any reason an animal is accepted from an owner or person living
10 outside of ACPS' jurisdiction, a fee equal to the average costs of
11 all services provided shall be charged.

12 **Sec. 462.605. Adoption.**

13 (a) A person adopting an animal from ACPS shall pay an
14 adoption fee, which shall include the cost of sterilization or a
15 ~~\$100~~250 deposit, in accordance with Section 462.608. In addition to
16 the adoption fee, the adopter shall pay the cost of the rabies
17 vaccination, the cost of license and registration.

18 (b) The Chief of ACPS shall establish an adoption fee
19 schedule, which may be amended from time to time, and which will be
20 on file with the Legislative Services Division.

21 (c) The Chief of ACPS is authorized to execute animal
22 adoption agreements, on behalf of the City, in a form approved by
23 the Office of General Counsel.

24 **Sec. 462.606. Proper identification and address verification.**

25 In order to redeem or adopt an animal, a person must be at
26 least eighteen (18) years of age, provide photo identification and
27 a recent utility bill or other proof of legitimate residency. ACPS
28 may require verification of the address prior to adoption or
29 redemption. If the person attempting to redeem or adopt an animal
30 is using the address of another person, that person must cosign and
31 consent to housing the animal at that address. ACPS may require

1 that fees and costs associated with redeeming or adopting be paid
2 only in cash or by certified check payable to the City.

3 **Sec. 462.607. Rabies vaccination required.**

4 All dogs, cats and ferrets must have current rabies
5 vaccinations, in accordance with Section 462.502 and in accordance
6 with F.S. § 828.30, in order to be redeemed or adopted. This
7 requirement may only be waived if the owner can produce to ACPS a
8 rabies vaccination certificate from a veterinarian and any other
9 information necessary in order for ACPS to determine that the
10 animal has a current vaccination.

11 **Sec. 462.608. Sterilization.**

12 All dogs and cats redeemed or adopted from—ACPS shall be
13 sterilized by a veterinarian before redemption or adoption, except
14 when a veterinarian determines that sterilization would endanger
15 the animal's health due to its age, infirmity, disability or
16 illness. In such case, the owner or adopter shall sign a written
17 agreement that sterilization shall be performed as soon as health
18 permits, and in the case of kittens and puppies, ~~at~~by eight (8)
19 weeks of age. In addition, if, at the discretion of ACPS, the owner
20 or adopter chooses to have another veterinarian perform the
21 sterilization, he or she shall pay a deposit in the amount of
22 ~~\$100~~500 to ACPS as a condition of the agreement to sterilize, which
23 deposit shall be refundable upon presenting to ACPS signed, written
24 verification on letterhead with the veterinarian's license number
25 noted by the veterinarian who performed the sterilization that the
26 animal has been sterilized within thirty (30) days of redemption or
27 adoption. ~~An animal redeemed by its owner who submits proof that~~
28 ~~the animal is used for breeding or exhibition purposes is exempt~~
29 ~~from sterilization~~ Deposits shall be forfeited on the thirty-first
30 (31st) day if proper verification is not provided, and the funds

1 shall be deposited in the Spay Neuter Trust Fund to be used for
2 sterilization of pets.

3 For the purposes of controlling pet overpopulation and
4 ensuring all animals redeemed or adopted from ACPS are sterilized
5 in an expeditious manner, the City of Jacksonville shall be
6 considered the legal owner of: all stray dogs that remain in the
7 shelter three days after intake/impound unless positive, traceable
8 ownership may be indicated by a registered microchip, city tag or
9 private id tag; and, all stray cats upon intake/impound unless
10 positive, traceable ownership may be indicated by a registered
11 microchip, city tag or private id tag. ACPS is hereby authorized to
12 perform sterilization procedures on any animal anytime after it
13 becomes City property. Such ownership provisions shall not affect
14 the holding periods established in section 462.601.

15 **Sec. 462.609. Conditions preventing redemption or adoption.**

16 (a) No animal that has been in recent contact with a rabid
17 animal may be redeemed or adopted until the animal has been held
18 for the prescribed period of observation.

19 (b) No animal that is infected with, or is suspected of
20 being infected with, any dangerous disease that is communicable to
21 humans or other animals including, but not limited to, rabies,
22 distemper, and parvo virus, as determined by a veterinarian, may be
23 redeemed or adopted, and shall be expeditiously and humanely
24 ethanized.

25 (c) No dog previously classified as a dangerous dog or that
26 is considered highly aggressive and a danger to the community even
27 if not previously classified as dangerous may be redeemed ~~unless~~
28 ~~the owner has complied with the requirements of Part 4, and no dog~~
29 ~~classified as a dangerous dog may be~~ or adopted. Such animals shall
30 be expeditiously and humanely ethanized.

1 (d) No animal prohibited by law from being kept as a
2 household pet may be redeemed or adopted.

3 (e) At the discretion of ACPS, an animal that is not subject
4 to adoption or redemption may be medically treated and placed with
5 a facility or agency equipped for care of such animal, or the
6 animal may be humanely destroyed.

7 **Sec. 462.610. Disposition of unredeemed and surrendered**
8 **animals dogs and cats.**

9 ACPS, at its discretion, may adopt, medically treat and/or
10 place with an appropriate facility or agency equipped for care of
11 such animals, or humanely dispose of any impounded animal that is
12 not redeemed by the owner, if any, after the time period provided
13 in Section 462.601, and any animal that is voluntarily surrendered,
14 ~~after the time period provided in Section 462.604.~~ No live
15 unredeemed animal or voluntarily surrendered animal may be disposed
16 of by selling or giving such animal to any person or entity for the
17 purpose of using the animal for experimentation, for medical or
18 other research, ~~or for food or other commercial processing.~~ Animals
19 may be placed with foster homes to provide shelter for animals
20 requiring extended care in order that they may become adoptable.

21 **~~Sec. 462.611. Involuntary sheltering.~~**

22 ~~(a) Dogs and cats may be placed in the custody of ACP by the~~
23 ~~Sheriff's office or some other federal, State or local public or~~
24 ~~community service agency under extenuating circumstances including,~~
25 ~~but not limited to, the animal's owner has died; has been~~
26 ~~hospitalized; has been evicted from the residence; has been~~
27 ~~arrested, resulting in incarceration for over 24 hours; or has been~~
28 ~~adjudicated mentally incompetent.~~

29 ~~(b) ACP shall notify the owner, or, if the owner is~~
30 ~~deceased, the executor of the owner's estate, that the dog or cat~~
31 ~~is in the care and custody of ACP. Such notice shall also inform~~

1 ~~the owner or executor that the dog or cat will be held for 14 days,~~
2 ~~at which time, if the dog or cat is not redeemed in accordance with~~
3 ~~this Part, including the payment of all applicable costs and fees,~~
4 ~~the owner shall forfeit and relinquish all rights and claims to the~~
5 ~~dog or cat, and it shall become the property of ACP.~~

6 ~~(c) The owner or executor may, before end of the fourteenth~~
7 ~~day, request that the dog or cat be kept for a period of up to 30~~
8 ~~days provided that the owner or executor pays the fees and costs~~
9 ~~associated with boarding the animal, including all applicable~~
10 ~~veterinary fees and medical costs, as determined by ACP prior to~~
11 ~~the end of the 14-day period.~~

12 ~~(d) If, at the end of any paid extension, the owner or~~
13 ~~executor has not redeemed the dog or cat, or otherwise authorized~~
14 ~~disposition of the dog or cat, the owner or executor shall forfeit~~
15 ~~and relinquish all rights and claims to the dog or cat, and it~~
16 ~~shall become the property of ACP.~~

17 ~~(e) ACP shall hold animals, other than dogs or cats, for a~~
18 ~~period of 48 hours, in accordance with the provisions of this~~
19 ~~Section, except for wild animals that are endangered or threatened~~
20 ~~or otherwise protected from destruction by regulation of the~~
21 ~~Commission. ACP shall coordinate with the Commission for~~
22 ~~disposition of such wild animals.~~

23
24 **Section 10. Amending Sections 462.701, 462.702,**
25 **462.703, and 462.704, Ordinance Code.** Sections 462.701 (Animal
26 Care Education Program), 462.702 (Animal Adoption Program), 462.703
27 (Veterinarian voluntary program for the sale and issuance of City
28 animal license tags), and 462.704 (Sponsorships and donations),
29 Part 7 (Programs), Chapter 462 (Animals), *Ordinance Code*, are
30 hereby amended to eliminate the veterinarian voluntary program for
31 the sale and issuance of City animal license tags, add

sterilization programs, authorize ACPS to apply for and accept grants, and authorize the Chief of ACPS to use private donations for the best benefit of ACPS when conditions have not been placed on the use of a donation by the donor, and, as amended, shall read as follows:

CHAPTER 462. ANIMALS.

*** * ***

PART 7. PROGRAMS.

*** * ***

Section 462.701. Animal Care Education Program.

(a) It is the intent of the City to provide a comprehensive education program for the public to educate all citizens in the proper care of animals to promote the animal adoption program, to promote the sterilization of animals and to address other animal issues of general interest and concern to the citizens of the City. For that purpose, the City hereby establishes the Animal Care Education Program (the "ACE" Program) as set forth in this Section.

(b) The Chief of ACPS shall be responsible for the creation and administration of the ACE Program, which will target both adults and children and will provide education and public awareness of animal issues such as: responsible pet health care; procedures for adoption of animals from the City; promoting the benefits of animal sterilization; avoiding nuisances; and other animal issues of general interest and concern to the citizens of the City.

(c) There shall be available to ACPS for this purpose an amount of money from the Spay and Neuter ~~Rebate~~ Trust Fund (the "Trust Fund"), created by Section 111.450, of no more than twenty-five (25) percent of the funds contained in the Trust Fund at the beginning of the fiscal year, and that are available for expenditure in this program.

(d) Any donations of monies by nongovernmental sources into the Trust Fund shall be subject to any conditions of the donor. If there are no conditions, the entire amount may be expended for the ACE Program as provided herein. Donations other than monies shall be used by ACPS subject to any conditions of the donor. If there are no conditions, the donation shall be used to the best benefit of ACPS as determined by the Chief. ~~Alternatively, donations other than monies may be sold and the proceeds used pursuant to any conditions of the donor. If there are no conditions, the proceeds may be expended for the ACE Program as provided herein.~~

Sec. 462.702. Animal Adoption Program.

The Chief of ACPS shall be responsible for the creation and administration of an Animal Adoption Program to promote the adoption of animals from ACPS. The program shall include an application process and other pre-adoption screening procedures for the purpose of approving or denying adoptions. The Chief of ACPS shall establish an animal adoption fee schedule, which may be amended from time to time, and which fee schedule will be on file with the Legislative Services Division. All funds from adoption fees shall be deposited into the Spay and Neuter ~~Rebate~~ Trust Fund and shall be exempt from the 75/25 split in Section 462.701. The program may include placement of animals with available animal shelters and animal rescuers to augment ACPS's adoption program. The program may also include the use of available animal foster homes to provide shelter for animals requiring extended care in order that they may become adoptable and to provide shelter for puppies and kittens to remain with their mothers until the age of eight weeks.

Sec. 462.703. ~~Veterinarian voluntary program for the sale and issuance of City animal license tags.~~ Sterilization Programs.

1 ~~In cooperation with local veterinarians there is hereby~~
2 ~~established a voluntary program authorizing veterinarians to sell~~
3 ~~and issue City animal license tags. Veterinarians shall be allowed~~
4 ~~to retain, as payment for handling the paperwork and collecting the~~
5 ~~fee, subject to proper documentation, the amount of \$1.50 from the~~
6 ~~sale and issuance of each City animal license tag for an animal,~~
7 ~~whether altered or unaltered. All license tags, forms and~~
8 ~~procedures shall be established by and provided by ACP.~~

9 (a) It is the intent of the City to provide program(s) to
10 promote the sterilization of companion animals as one of the
11 important parts of a comprehensive program to reduce pet
12 overpopulation and the growing intake by area pet shelters.

13 (b) The Chief of ACPS shall be responsible for the creation
14 and administration of low cost sterilization programs for people
15 with limited means who could not otherwise afford the procedure and
16 any other programs that help reduce pet overpopulation and growing
17 animal intake in area shelters. Such programs may include
18 reimbursement rates for participating veterinarians based upon a
19 fee schedule established by the Chief of ACPS that may be amended
20 from time to time and shall be on file with the Legislative
21 Services Division. Funding for such programs shall include money
22 from licenses as designated in Section 462.502(g).

23 (c) The Chief of ACPS is authorized to seek and accept
24 grants, donations and other public and private funding to assist in
25 the payment of sterilization programs

26 **Sec. 462.704. Sponsorships and donations.**

27 In order to forward the purposes of ACPS and the City through
28 established programs, such as an animal adoption program and an
29 animal education program, ACPS may apply for and accept grants,
30 solicit sponsors and donations for naming rights for ACPS

1 facilities, equipment, or events; and may accept all unsolicited
2 donations for such programs.

3 Any donations of monies or property by nongovernmental sources
4 shall be subject to any conditions of the donor. If there are no
5 conditions, the donation shall be used to the best benefit of ACPS
6 as determined by the Chief.

7 Donations from private citizens and anonymous donations shall
8 be made available for immediate use to the best benefit of ACPS as
9 determined by the Chief of ACPS, subject to the approval of the
10 Department Director.

11
12 **Section 11. Amending Sections 462.801 and 462.802,**
13 **Ordinance Code.** Sections 462.801 (Miniature Vietnamese Potbellied
14 Pigs as household pets) and 462.802 (Maintenance or use as food
15 source prohibited; restrictions on disposition), Part 8 (Swine as
16 Household Pets), Chapter 462 (Animals), *Ordinance Code*, are hereby
17 amended to require proof, upon request, that swine is a registered,
18 purebred miniature potbellied pig, set forth civil fine for failure
19 to provide such proof, and set forth a civil fine for maintenance
20 or use of a potbellied pig as food source, and, as amended, shall
21 read as follows:

22 **CHAPTER 462. ANIMALS.**

23 * * *

24 **PART 8. SWINE AS HOUSEHOLD PETS.**

25 * * *

26 **Section 462.801. Miniature Vietnamese Potbellied Pigs as**
27 **household pets.**

28 (a) It is prohibited to keep a pig or other swine as a
29 household pet, except for a purebred miniature Vietnamese
30 potbellied pig, *sus scrofa vittatus*, that is registered with a
31 purebred registry which is recognized by ACPS and that is kept for

1 the sole purpose of providing human companionship. The potbellied
2 pig shall be no younger than six (6) weeks of age and shall be
3 spayed or neutered. Owners must supply upon request of an animal
4 control officer or employee/agent of ACPs proof that the swine is a
5 registered, purebred miniature potbellied pig (sus scrofa
6 vittatus); failure to do so shall result in an order to remove the
7 swine and a citation of not less than two hundred fifty dollars
8 (\$250), not to exceed five hundred dollars (\$500) per animal.

9 (b) No person or residence shall own or keep more than one
10 potbellied pig per acre and no more than a total of two potbellied
11 pigs.

12 (c) A potbellied pig shall be maintained primarily within
13 the residence of its owner. No potbellied pig shall be kept
14 outside; however, a potbellied pig may be exercised from time to
15 time within a securely-fenced enclosure on the owner's residential
16 property or while under the owner's physical control by means of
17 secure leash, chain, or cord.

18 (d) No pet potbellied pig shall be starved or otherwise
19 deprived of healthful sustenance appropriate for its species and
20 particular nature. Depriving a pet potbellied pig of healthful
21 sustenance for any purpose, including for the purpose of stunting
22 its growth, shall constitute cruelty to animals pursuant to Part 2.

23 (e) The provisions of this Chapter that pertain to dogs and
24 cats, and all other applicable provisions, apply also to potbellied
25 pigs, except as specifically provided herein:

26 (1) Potbellied pigs are not required to have rabies
27 vaccination; however the owner must provide, with
28 application for annual license, a written certification
29 by a veterinarian that such pig, within thirty (30)
30 business days before such application, has been

1 vaccinated against and/or been blood-tested, with
2 negative status, for pseudorabies and for brucellosis.

3 (2) The owner must provide, with the initial application for
4 annual license, a written certification from a
5 veterinarian that such pig is spayed or neutered and is
6 no younger than six (6) weeks of age.

7 (3) The owner must provide, with the initial and each
8 renewal application for annual license, a sworn affidavit
9 signed by the owner that ~~the owner owns and keeps at the~~
10 ~~owner's residence~~ no more than two potbellied pigs and
11 ~~that there are no other potbellied pigs~~ kept at the same
12 residence.

13 (4) Before submitting an initial or renewal application for
14 annual license, the owner shall allow ACPS a reasonable
15 and timely opportunity to examine the pig, and relevant
16 documentation, for the purpose of ascertaining that such
17 pig is a true miniature Vietnamese potbellied pig. ACPS
18 shall have the authority to refuse application for annual
19 license for any pig that ACPS can not identify as a true
20 miniature Vietnamese potbellied pig.

21 (f) No other swine, pig, hog, boar or member of the Suidae
22 family may be maintained as a pet within the City of Jacksonville.

23 **Sec. 462.802. Maintenance or use as food source prohibited;**
24 **restrictions on disposition.**

25 No potbellied pig regulated by the provisions of this Part
26 shall be maintained or used as a food source. No owner or animal
27 shelter shall dispose of a potbellied pig by use, sale, trade, or
28 gift of such pig as a food source, or as a research animal, but
29 shall dispose of it only by sale, trade, or gift as a household pet
30 or by surrender to ACPS, to the Jacksonville Humane Society or to a
31 veterinarian for humane euthanasia. Failure to comply with any

provision of this Section shall constitute a civil infraction punishable by a fine of not less than \$100 fine, but not more than \$500.

Section 12. Amending Sections 462.901, 462.903 and 462.904, Ordinance Code. Sections 462.901 (Livestock), 462.903 (Use of exhaust fans), and 462.904 (Penalty), Part 9 (Livestock and Poultry), Chapter 462 (Animals), *Ordinance Code*, are hereby amended to increase the possible civil fine for violations of Part 9 to \$500, and, as amended, shall read as follows:

CHAPTER 462. ANIMALS.

* * *

PART 9. LIVESTOCK AND POULTRY.

* * *

Section 462.901. LIVESTOCK.

(a) The owner of livestock shall maintain it in a shelter or stable cleaned daily and free from offensive and unhealthy odors and free from accumulation of filth and manure. When given notice by the DCHD or ACPS and ordered to remove an accumulation of manure, the owner shall remove the manure within twenty-four (24) hours after receiving notice.

(b) If swine are kept in an enclosure, the enclosure shall be kept in a sanitary condition, free from offensive and unhealthy odors and free from accumulation of filth and manure. In addition, enclosures shall be located at least two hundred (200) feet from any inhabited dwelling and at least two hundred (200) feet from any well from which water is used domestically.

(c) There shall be no slaughtering of livestock within those areas of the City zoned residential, regardless of whether for personal or for commercial purposes.

* * *

Sec. 462.903. Use of exhaust fans.

No exhaust from a fan or other similar device may be directed to flow towards any residence from any area in which poultry or livestock is kept. Exhaust fans in areas for keeping poultry or livestock shall emit exhaust only through a stack that is constructed in accordance with the City's building code and with the approval of the Building Inspection Division. The outlet from such stack shall be no less than fifteen (15) feet higher than the highest building or residence located within a radius of three hundred (300) feet from the area in any direction.

Sec. 462.904. Penalty.

Except as otherwise specifically provided in any Section of this Part, a violation of this Part shall be a civil infraction punishable by a fine of not less than \$100, and not more than \$500. Each subsequent violation shall be punishable by a fine that is double the original fine up to the maximum allowed by law. The Chief of ACPS is also authorized to seek injunctive relief against nuisances.

Section 13. Amending Sections 462.1001, 462.1003, 462.1004, 462.1005, 462.1006, 462.1007, 462.1008, 462.1009, 462.1010, and 462.1011, Ordinance Code. Sections 462.1001 (Definitions), 462.1003 (Permit required), 462.1004 (Application for issuance, renewal or reinstatement of permit), 462.1005 (Issuance of permit; denial of application; reapplication), 462.1006 (Grounds for suspension and revocation of permit; appeal process; surrender of permit; disposition of animals), 462.1007 (Inspection), 462.1008 (Display of permit), 462.1009 (Violations, warnings, citations, penalties), 462.1010 (Notification; records; report of sale or gift), and 462.1011 (Regulations and standards), Part 10 (Pet Shops), Chapter 462 (Animals), *Ordinance Code*, are

1 hereby amended to add definitions, apply provisions of Part 10 to
2 Animal Dealers, as defined therein, establish additional permit
3 conditions, and incorporate into Part 10 all housing and care
4 guidelines, regulations or laws established by the federal
5 government of the State of Florida, and, as amended, shall read as
6 follows:

7 **CHAPTER 462. ANIMALS.**

8 * * *

9 **PART 10. PET SHOPS & ANIMAL DEALERS.**

10 * * *

11 **Sec. 462.1001. Definitions.**

12 As used in this Part, unless the context clearly requires
13 otherwise:

14 (a) Animal Dealer means any person engaging in the selling
15 of animals to pet shops, research facilities, kennels,
16 breeders or other animal dealers, or retail selling from
17 any roadside stand, booth, flea market or other temporary
18 site, but excludes the occasional selling of animals and
19 the selling of animals fit for and to be used for human
20 consumption.

21 ~~(a)~~ (b) Pet shop means any commercial or residential
22 premises, to include any structure incidental thereto and
23 regardless of location, in which animals are kept and
24 offered for retail sale as pets including, but not
25 limited to, pet shops, pet stores and pet departments
26 incidental to department stores, but excludes the
27 occasional selling of animals.

28 ~~(b)~~ (c) Occasional selling means any selling, trading or
29 giving away of an animal or a litter of puppies, kittens,
30 or other animals, that is on a random unsystematic basis
31 and that does not exceed the selling, trading or giving

1 away of a total of six (6) ~~40~~ animals in a calendar
2 year.

3 ~~(e)~~ (d) Premises means land and the physical plant under
4 common ownership, control or possession.

5 (e) Health Certificate mean "Official Certificate of
6 Veterinary Inspection (OCVI)" [Form DACS-09085 and in
7 accordance with F.S. §828.29] issued by a Florida
8 licensed veterinarian accredited by the U.S.D.A.

9 * * *

10 **Sec. 462.1003. Permit required.**

11 (a) No pet shop or animal dealer shall operate without a
12 current permit for its operation that has been issued to its owner
13 by ACPS.

14 (b) The fee established for permitting of a pet shop or
15 animal dealer shall be considered an application fee which includes
16 inspection, research and approval/denial of the application. The
17 fee is non-refundable and shall be retained even if the applicant
18 is denied a permit.

19 (c) The Chief of ACPS shall establish the permit fee
20 schedule, which may be amended from time to time, and which will be
21 on file with the Legislative Services Division.

22 **Sec. 462.1004. Application for issuance, renewal or**
23 **reinstatement of permit.**

24 (a) No permit or renewal or reinstatement of a permit shall
25 be issued to any person who has been convicted of cruelty to
26 animals, under any federal, State or local law, or fined for animal
27 cruelty under Part 2 and upheld on appeal, or shall be issued to
28 any pet shop that is owned by, or employs or plans to employ, any
29 person who has been convicted of cruelty to animals under any
30 federal, State, or local law, or fined for animal cruelty under
31 Part 2 and upheld on appeal.

1 (b) A pet shop or animal dealer shall, in a timely manner,
2 apply to ACPS for issuance of, or for renewal or reinstatement of,
3 a permit. If the prospective permittee is not an individual person,
4 application shall be made by a person authorized by the prospective
5 permittee to apply and sign.

6 (c) The signature of the applicant shall constitute
7 agreement that the prospective permittee shall assume
8 responsibility for the operation of the pet shop in accordance with
9 the requirements of this Part and all applicable provisions of this
10 Chapter.

11 (d) The application for issuance, renewal or reinstatement
12 of a permit shall include such information and documentation as
13 ACPS may reasonably require including, but not limited to, the
14 following:

15 (1) Name, address and telephone number of the pet shop;

16 (2) Name, date of birth, house and business addresses, and
17 home and business telephone numbers of the permittee and
18 the individual(s) having primary management
19 responsibility. If permittee is a corporation or
20 partnership or other organization, the name, date of
21 birth, home and business address and home and business
22 telephone numbers of each officer or partner; and

23 (3) The animal cruelty conviction histories, and any civil
24 fines for animal cruelty upheld on appeal, of each of the
25 above listed persons.

26 (e) Each permittee and each prospective permittee shall
27 notify ACPS promptly of any and all changes in the information
28 submitted in the application for issuance, renewal or reinstatement
29 of a permit. Each permittee and each prospective permittee shall
30 also promptly notify ACPS of any enlargement to or remodeling of
31 the facilities.

1 (f) Each permittee and each prospective permittee shall
2 notify ACPS of any change of the individual person having primary
3 management responsibility for the pet shop no later than the time
4 of the change.

5 (g) A timely application for issuance, renewal or
6 reinstatement of a permit shall be accompanied by payment of a fee
7 in accordance with ACPS's permit fee schedule. The Chief of ACPS
8 shall establish a permit fee schedule, which may be amended from
9 time to time, and which will be on file with the Legislative
10 Services Division. A late application for issuance, for renewal or
11 reinstatement shall be accompanied by a late fee payment as
12 provided in the fee schedule.

13 (h) No permit shall be transferable, and the location of a
14 permitted pet shop or animal dealer shall not change unless the
15 permittee has applied for and received a new permit for the new
16 location.

17 **Sec. 462.1005. Issuance of permit; denial of application;**
18 **reapplication.**

19 (a) ACPS, in a timely manner following the filing of an
20 application, shall issue a permit to the prospective permittee or
21 renew or reinstate the permittee's permit; however, ACPS is
22 authorized to deny an application for issuance, renewal or
23 reinstatement of a permit based upon the following:

24 (1) The prospective permittee or permittee, or the person to
25 have primary management responsibility for the pet shop
26 is under eighteen(18) years of age or has been convicted
27 of cruelty to animals; or

28 (2) The application is incomplete or has been found to
29 contain false or misleading statements; or

30 (3) The prospective permittee or permittee has had a permit
31 issued under this Part suspended or revoked more than

once within five (5) years before the date of the current application; or

(4) The pet shop or animal dealer, the prospective permittee, or the individual to have primary management responsibility for the pet shop has been found, by inspection or otherwise to be in violation of any provision of this Part; or

(5) The pet shop or animal dealer has been found by inspection not to meet any of this Part's regulations.

(b) A pet shop owner or animal dealer may reapply for a permit after thirty (30) days from the date of denial, accompanied by another application fee.

Sec. 462.1006. Grounds for suspension and revocation of permit; appeal process; surrender of permit; disposition of animals.

(a) ACPS is authorized to suspend or revoke a permit for violation of a provision or regulation of this Part or for a violation of Part 2 of this Chapter. Permit suspension shall be for a period of time not to exceed six (6) months, to be determined at the discretion of ACPS. Revocation shall be for a period of one (1) year. Thirty (30) days before the end of the revocation year, the former permittee may apply for another permit.

(b) Except as otherwise ordered by the Building Codes Adjustment Board (the "Board"), or by a court of competent jurisdiction, suspension of a permit shall take effect on the fifth (5th) business day, and revocation of a permit on the fifteenth (15th) business day, after service of written notice by one of the following methods:

(1) By personal service upon the permittee, a member or officer thereof, or service upon the person having primary management responsibility for the pet shop; or

1 (2) By the prominent posting of a copy of such notice at the
2 main entrance of the permitted premises.

3 (c) A permittee shall promptly surrender to ACPS a permit
4 upon the effective date of a suspension or revocation, subject to
5 appeal as provided herein. At the end of the suspension period for
6 a suspended permit, ACPS shall return the permit promptly to the
7 permittee.

8 (d) The permittee may challenge the action of ACPS by
9 appealing to the Board. The permittee's appeal, alleging error in
10 an order, decision or determination of ACPS, shall be submitted to
11 the Board in accordance with the provisions of Chapter 56, which
12 shall be determined in accordance with Chapter 56 and the rules of
13 the Board, and which final Board decision is subject to appeal to a
14 court of competent jurisdiction.

15 (e) Upon surrender of a revoked or suspended permit, the
16 permittee shall demonstrate, to the satisfaction of ACPS, that
17 permittee has lawfully and humanely disposed of each animal in its
18 charge as of the effective date of suspension or revocation. If
19 permittee fails to so demonstrate, ACPS may, at its sole discretion
20 and at the former permittee's sole expense, seize and impound,
21 sell, adopt or otherwise humanely dispose of any animals still in
22 the possession or control of the former permittee.

23 (f) Suspension of a permit shall not relieve the permittee
24 of the responsibility to abide by the provisions of this Part and
25 applicable provisions of this Chapter and shall not limit ACPS's
26 authority to inspect the premises as otherwise provided in this
27 Part, to issue warnings and citations accordingly and to take other
28 appropriate action as provided by this Chapter.

29 **Sec. 462.1007. Inspection.**

30 (a) The signature of the permit applicant constitutes
31 consent by the permittee or prospective permittee for ACPS, or its

1 designee, to inspect, during reasonable hours, announced or
2 unannounced and without warrant, the entire pet shop premises,
3 every vehicle used regularly for transporting animals for
4 commercial purposes, and any and all pertinent records.

5 (b) Prior to and as a condition for the issuance, renewal or
6 reinstatement of a permit, a pet shop, and every vehicle used
7 regularly for transporting animals for commercial purposes, shall
8 submit to and pass inspection by ACPS. ACPS may conduct
9 reinspection(s), for appropriate improvement, whenever such
10 inspection is failed.

11 (c) During any inspection pursuant to this Part, a pet shop
12 or animal dealer shall allow ACPS, or its designee, unlimited
13 access to the entire pet shop premises to observe practices, to
14 obtain pertinent information regarding the facilities and any of
15 the vehicles used regularly for transporting animals, and to
16 examine any of the pet shop's pertinent records.

17 (d) The permittee shall notify ACPS sufficiently in advance
18 of any remodeling or expansion to the pet shop facility in order to
19 allow ACPS the opportunity to inspect such remodeling or expansion
20 prior to its use.

21 (e) ACPS, or its designee, is authorized to inspect each pet
22 shop at least once each year to determine compliance with this
23 Part.

24 **Sec. 462.1008. Display of permit and notice of breeder/animal**
25 **dealer origin.**

26 (a) A pet shop or animal dealer shall display its current
27 permit prominently in the permitted premises' primary structure in
28 a clear, transparent cover or frame and mounted in such a manner as
29 to make it clearly visible and readily readable to the public. The
30 permit shall, during reasonable hours, be available for inspection

1 by ACPS or its designee. Mutilation, obstruction or removal of the
2 permit shall be a violation of this Part.

3 (b) Any business or individual that sells, trades, exchanges
4 or gives away dogs or cats that originated directly from a breeder
5 or animal dealer must display the name of the breeder or animal
6 dealer in a highly visible location along with the dog or cat, and
7 must make available to ACPS the address and phone number of the
8 breeder upon request.

9 **Sec. 462.1009. Violations, warnings, citations, penalties.**

10 Every pet shop or animal dealer shall comply with the
11 provisions and regulations of this Part. Each failure to comply
12 with any provisions or regulations shall be a separate violation.
13 At the discretion of ACPS, ACPS may issue a warning notice instead
14 of a civil citation. Issuance of a warning notice shall constitute
15 an order that every violation cited shall be corrected within three
16 business days, and ACPS may conduct an inspection to determine
17 whether every cited violation has been corrected. For issuance of a
18 civil citation, the first violation of a given provision or
19 regulation shall be punishable by fine of not less than \$250 and
20 not more than \$500, and each subsequent violation of a provision or
21 regulation shall be punishable by double the previous fine up to
22 the allowable maximum fine and shall subject the pet shop to
23 suspension or revocation of the permit.

24 **Sec. 462.1010. Notification; records; report of sale or gift.**

25 (a) Every pet shop or animal dealer shall furnish ACPS with
26 the name, home and business addresses and home and business
27 telephone numbers of at least one (1) responsible person who has
28 access to the pet shop and may be contacted after business hours in
29 the event of an emergency.

30 (b) Every pet shop or animal dealer shall maintain, on the
31 premises for at least two (2) years, a record of the name, address

1 and telephone number of every person and/or business from which it
2 obtains any animal, except small fish.

3 (c) Every pet shop or animal dealer shall maintain on the
4 premises for at least two (2) years, a record of each dog, cat,
5 bird, ferret and any animal subject to permit by the Commission
6 that is sold, traded or given away, including the date of
7 transaction, the name and address of the purchaser or recipient,
8 the name and address of the owner if different from the purchaser
9 or recipient, and a description of the animal, including type,
10 breed(s), color(s), age, sex, and other pertinent information for
11 proper identification of the animal. Every pet shop or animal
12 dealer obtaining a permit from the Commission for the keeping,
13 possessing or exhibiting of any venomous reptile shall notify ACPS
14 immediately.

15 (d) Every pet shop permittee shall provide to ACPS, on a
16 quarterly basis, a report of those animals sold, traded or given
17 away, and containing the information as required herein.

18 **Sec. 462.1011 Regulations and standards.**

19 (a) No person who has been convicted, under the laws of any
20 State, County or municipality, of cruelty to animals shall own,
21 operate or be employed by a pet shop or animal dealer.

22 (b) No pet shop or animal dealer shall sell, trade, give
23 away, or offer for sale, trade or gift, any livestock, game, or
24 other animal which is not a household pet as defined in this
25 Chapter, except that pet shops may sell, trade, give away or offer
26 for sale, trade or gift a wild animal that is allowed to be sold
27 and possessed and is sold in accordance with applicable laws and
28 regulations of the Commission.

29 (c) Every pet shop or animal dealer shall comply with all
30 requirements of F.S. § 828.29, as amended, including, but not
31 limited to: maintaining records of vaccinations and other

1 preventative medication; maintaining official certificates of
2 veterinary inspection; retaining records; and sale, purchase and
3 return of dogs and cats. Every pet shop or animal dealer shall
4 comply with the requirements of Section 462.502 and F.S. § 828.30.
5 A pet shop or animal dealer is not required to obtain licenses for
6 animals, but must inform the prospective owner or purchaser of the
7 requirement to license the animal in accordance with Section
8 462.502.

9 (d) For every animal that is subject to permit by the
10 Commission that the permittee sells, trades, or gives away, or
11 offers for sale, trade, or gift, the permittee shall:

12 (1) House and display the animal in such a manner as to
13 prevent handling by the general public;

14 (2) Possess all necessary wildlife permits and comply with
15 all rules and regulations;

16 (3) Inform the prospective owner of the animal of the
17 requirement for special Commission permitting;

18 (4) Make available to the new owner at the time of transfer
19 of ownership of the animal an appropriate Commission form
20 of application; and

21 (5) Make and retain, on the pet shop premises for at least
22 two years, a complete record of the purchase or other
23 acquisition and of the sale, trade, or gift of the
24 animal.

25 (e) Sick animals shall be isolated individually and in such
26 a manner as to prevent exposure to other animals. Quarantine and/or
27 restriction of infected animals shall comply with F.S. Ch. 381, as
28 may be amended, and with applicable State rules and regulations.

29 (f) No pet shop or animal dealer shall sell, trade, give
30 away, or offer for sale, trade, or gift, any animal that is
31 infected with, or is suspected of being infected with or of having

1 been exposed to, any disease which is communicable to humans or to
2 other animals including, but not limited to, rabies, distemper,
3 mange, parvo virus or other infectious or dangerous diseases as
4 determined by a veterinarian.

5 (g) Every pet shop or animal dealer shall provide
6 appropriate veterinary care whenever an animal under its care is
7 found to be sick and/or injured. It shall, in a timely fashion,
8 record and report to the DCHD every incident on its premises of a
9 known or suspected disease of the type zoonosis. For every dog and
10 cat kept for the purpose of sale, trade or gift, it shall maintain
11 a record of any vaccination, injury, illness, consultative
12 services, and/or treatment and make available upon request to any
13 prospective owner the recorded information, and a copy of the
14 official certificate of veterinary inspection required by F.S. §
15 828.29, for any such animal.

16 (h) Every animal shall be cared for appropriately for its
17 genus, species, age, sex, and individual nutritional and other
18 health requirements including, but not limited to, the following:

19 (1) No animal shall be given obviously contaminated or
20 obviously adulterated food or water.

21 (2) Every animal shall be provided appropriate food, and any
22 appropriate nutritional supplements, at a frequency and
23 in such quantities as appropriate for its genus, species,
24 age, sex, and individual condition;

25 (3) Every animal shall have fresh water available at all
26 times, except for salt-water animals and except when
27 veterinary treatment requires otherwise. Water containers
28 shall be mounted or secured in a manner that prevents
29 tipping and be of the removable type, except when
30 veterinary treatment requires otherwise.

1 (4) Every fish tank shall, for each fish and/or aquatic
2 animal within, have appropriate and sufficient water,
3 food, plant life, lighting, aeration, filtration, and
4 heating and shall be free from excessive algae.

5 (i) No animal shall be tranquilized for grooming purposes
6 or, in the absence of explicit direction from a veterinarian, for
7 the purpose of keeping the animal in a docile state.

8 (j) Every animal shall be provided appropriate waterproof
9 shelter (except for aquatic animals) that protects it from the
10 weather, extreme temperatures and direct sunlight. To the extent
11 the animal is sheltered in a cage, run or other such enclosure
12 (hereinafter "enclosure"), the following shall also apply:

13 (1) Enclosures shall be constructed of nonporous,
14 nonabsorbent, impervious material. Floors shall be
15 fiberglass, concrete, tile or other nonporous and
16 impervious material. Dog and cat enclosures may be
17 covered throughout with a minimum of three inches of
18 gravel.

19 (2) Bedding shall be clean, dry, of sufficient quantity and
20 of appropriate composition.

21 (3) Enclosures shall be kept clean and dry and, except for
22 birdcages, shall be maintained throughout each day and
23 shall be emptied and cleaned at least once per day.

24 (4) When an enclosure becomes empty through sale or other
25 transfer of its occupant or occupants, the enclosure
26 shall not be used to hold or house another animal until
27 it has been thoroughly cleaned and disinfected.

28 (5) Every cat enclosure shall contain a spill-resistant
29 litter pan of sufficient size and with sufficient litter
30 for the number of cats within the enclosure.

1 (6) Every animal shall have sufficient space to stand fully
2 erect, lie down fully outstretched, and turn completely
3 around in a natural position without touching the sides
4 or top of the enclosure with any part of its body,
5 including ears and tail, and without touching any other
6 animal in the enclosure. If the animal cannot access
7 additional indoor or outdoor space for exercising, then
8 this enclosure must provide adequate space for
9 exercising.

10 (7) Every birdcage and enclosure shall, for each bird
11 within, have appropriate and sufficient food and water.
12 Every enclosure for large birds shall be wide enough to
13 allow any bird in the enclosure to extend both its wings
14 fully at the same time without any part of its body,
15 including its tail, touching the top of or any side of
16 the enclosure and shall be at least twice the height of
17 the tallest bird in the enclosure. Every enclosure for
18 small birds shall be large enough for all the birds in it
19 to perch at the same time. Every bird shall be provided
20 with sufficient perching-space. In each birdcage, perches
21 shall be parallel, aligned horizontally and not
22 vertically, and perches shall be mounted so that the tail
23 of any perched bird will not touch the bottom of the
24 enclosure. Birds shall be housed at least 12 inches above
25 the floor and in a well-ventilated area. Psittacine birds
26 including, but not limited to, parrots, Amazons,
27 cockatoos, macaws and cockatiels, shall be housed in an
28 area with separate ventilation sufficient to minimize the
29 likelihood of transmission of psittacosis to other birds
30 and to humans. Appropriate precaution shall be taken by

1 personnel when cleaning enclosures that house or display
2 psittacine birds.

3 (8) Every fish tank shall be cleaned as needed.

4 (9) Animals shall not be commingled inappropriately for
5 their genus and species, except that rodents may be
6 placed in enclosures containing reptiles when being used
7 as reptile food. Large and small birds shall not be
8 commingled in the same enclosure. Dogs, cats, and birds
9 shall not be commingled in the same enclosure. Every dog
10 or cat over six months of age shall be kept in its own
11 enclosure. No enclosure shall be overcrowded.

12 (k) Room temperature shall be maintained at a comfortable
13 level for every animal in the room, and not lower than sixty-eight
14 degrees Fahrenheit (68° F) ~~68 degrees F.~~ and not higher than
15 eighty degrees Fahrenheit (80° F) ~~80 degrees F.~~

16 (l) Ventilation of any and all indoor areas of the premises
17 in which animals are housed shall be to the outside air by forced
18 draft and shall provide appropriate change and circulation of the
19 air.

20 (m) Interior lighting shall be appropriate for good
21 visibility for cleaning purposes and for animal health and comfort.
22 Whether natural, artificial, or a combination of both, such
23 lighting shall be provided in reasonable cycles conducive to the
24 animals' natural biological rhythms.

25 (n) Every pet shop or animal dealer shall have readily
26 accessible a conveniently-located sink, use of which shall be
27 limited to hand washing, equipped with adequate hot and cold
28 running water, hand cleaning soap, and sanitary toweling or a
29 sanitary drying device.

30 (o) Every pet shop or animal dealer shall have readily
31 accessible a deep sink, with adequate hot and cold running water,

1 suitable for the cleaning of equipment, utensils, mops, and cages,
2 and which may be used for the bathing and/or dipping of animals
3 only after the sink has been thoroughly cleaned of any
4 contaminants.

5 (p) Every pet shop or animal dealer shall have readily
6 accessible at least one restroom facility containing at least one
7 toilet and one sink that are available for use by personnel and
8 patrons, pursuant to F.S. Ch. 381, as may be amended, and
9 applicable State rules and regulations.

10 (q) All plumbing shall be connected to a sewage system, in
11 compliance with all applicable laws.

12 (r) Any floor in any area in which an animal is housed,
13 displayed, bred, fed, or otherwise maintained shall be of
14 impervious construction and when flush or floor-type cleaning is
15 employed, graded to a floor drain.

16 (s) All floors, walls and ceilings shall be kept clean and
17 in good repair.

18 (t) All pet shop or animal dealer structural doors shall be
19 self-closing and all windows shall be screened.

20 (u) Every pet shop or animal dealer shall be distinctly
21 separate from any area used for human habitation or for the
22 preparation of, or the serving of, food for human consumption.

23 (v) Every pet shop or animal dealer shall be kept pest-free
24 and vermin-free.

25 (w) All equipment shall be kept clean, in good repair and in
26 sound working order.

27 (x) Every pet shop or animal dealer shall have on the
28 premises such brooms, mops, hoses, vacuum cleaners, brushes,
29 disinfectants, and other cleansing implements and materials as are
30 required to maintain sanitary conditions. Such implements and
31 materials shall be stored in a sanitary manner separate from any

1 place where food is stored or where animals are housed or otherwise
2 maintained. Cleaning materials must be present at the time of any
3 inspection in amounts sufficient to clean the entire facility.

4 (y) A permittee shall regularly assign personnel the duty of
5 maintaining sanitary conditions throughout the premises.

6 (z) A permittee shall promptly correct unsanitary conditions
7 and any other conditions which violate any provision or regulation
8 of this Part.

9 (aa) Every pet shop or animal dealer shall be maintained in
10 a safe and sanitary manner in order to promote a healthy
11 environment for its animals, personnel and patrons and to limit the
12 risk of disease-transmission to animals and to humans.

13 (bb) All housing and care guidelines, regulations or laws
14 established by the federal government or State of Florida are
15 hereby incorporated by reference and enforceable as part of this
16 ordinance.

17
18 **Section 14. Amending Sections 462.1101, 462.1102,**
19 **462.1103 462.1104, 462.1105, 462.1106, 462.1107, 462.1108,**
20 **462.1109, 462.1110, 462.1111, and 462.1112, Ordinance Code.**
21 Sections 462.1101 (Definitions), 462.1102 (Exemption), 462.1103
22 (Permit required), 462.1104 (Application for issuance, renewal or
23 reinstatement of permit), 462.1105 (Issuance of permit, denial of
24 application; reapplication), 462.1106 (Grounds for suspension and
25 revocation of permit; appeal process; surrender of permit;
26 disposition of animals), 462.1107 (Inspection), 462.1108 (Display
27 of permit), 462.1109 (Violations, warnings, citations, penalties),
28 462.1110 (Notification; records; report of sale or gift), 462.1111
29 (Regulations and standards) and 462.1112 (Putrescible material;
30 dead animals; records), Part 11 (Animal Dealers), Chapter 462
31 (Animals), *Ordinance Code*, are hereby amended to add definitions

1 and require current, valid health certificates for all dogs and
2 cats sold or exchanged, and delete in their entirety Sections
3 462.103 (Permit required), 462.1104 (Application for issuance,
4 renewal or reinstatement of permit), 462.1105 (Issuance of permit,
5 denial of application; reapplication), 462.1106 (Grounds for
6 suspension and revocation of permit; appeal process; surrender of
7 permit; disposition of animals), 462.1107 (Inspection), 462.1108
8 (Display of permit), 462.1109 (Violations, warnings, citations,
9 penalties), 462.1110 (Notification; records; report of sale or
10 gift), 462.1111 (Regulations and standards) and 462.1112
11 (Putrescible material; dead animals; records), and, as amended,
12 shall read as follows:

13 **CHAPTER 462. ANIMALS.**

14 * * *

15 **PART 6. ANIMAL DEALERSHOBBY AND CASUAL BREEDERS.**

16 * * *

17 **Section 462.1101. DEFINITIONS.**

18 As used in this Part, unless the context clearly requires
19 otherwise:

20 ~~(a) Animal Dealer means any person engaging in the selling~~
21 ~~of animals to pet shops, research facilities, kennels, breeders or~~
22 ~~other animal dealers, or retail selling from any roadside stand,~~
23 ~~booth, flea market or other temporary site, but excludes the~~
24 ~~occasional selling of animals and the selling of animals fit for~~
25 ~~and to be used for human consumption.~~

26 (a) Breeder or Animal Breeder means any person, business,
27 organization or corporation that is not covered under Part 10 (Pet
28 Shops & Animal Dealers), that breeds dogs, cats, or other animals.

29 (b) Health Certificate mean "Official Certificate of
30 Veterinary Inspection (OCVI)" [Form DACS-09085, in accordance with

1 F.S. § 828.29] issued by a Florida licensed veterinarian accredited
2 by the U.S.D.A.

3 ~~(b) Occasional selling means any selling, trading or giving~~
4 ~~away of an animal or a litter of puppies, kittens, or other~~
5 ~~animals, that is on a random unsystematic basis and that does not~~
6 ~~exceed the selling, trading or giving away of a total of 40 animals~~
7 ~~in a calendar year.~~

8 **Sec. 462.1102. Exemption. Health Certificates Required**

9 ~~Except as otherwise provided in this Chapter, the following~~
10 ~~shall be exempt from regulations by this Part: veterinary~~
11 ~~hospitals, clinics and schools, and the Jacksonville Zoological~~
12 ~~Gardens.~~

13 (a) The owner of any cat or dog that is sold or exchanged for
14 valuable consideration between private parties is required to
15 provide a current, valid OCVI Health Certificate with each animal
16 at the time of exchange.

17 (b) All dogs and cats offered for sale or exchange for
18 valuable consideration must have valid, current OCVI Health
19 Certificates at the time they are offered for sale. These
20 certificates must be presented to any animal control officer upon
21 demand for review.

22 (c) All unsterilized dogs and cats that are given away or
23 exchanged at an arms-length transaction must also have current,
24 valid OCVI Health Certificates at the time offered and the
25 certificate must be transferred with the animal. These certificates
26 must be presented to any animal control officer upon demand for
27 review.

28 (d) Violations of this section are subject to a fine of not
29 less than \$250 and not more than \$500 per infraction. Each animal
30 not in compliance with this section shall be considered a separate
31 infraction and violation of this section.

(e) Animal shelters and rescue groups offering animals for adoption are exempt from the provisions of this section. To qualify for the exemption, a rescue group must be a not for profit organization under Section 501(c)(3) of the Internal Revenue Code with the express mission/business function of placing sterilized homeless and unwanted animals for adoption.

Sec. 462.1103. Permit required.

~~No animal dealer shall operate without a current permit for its operation that has been issued to the owner by ACC.~~

Sec. 462.1104. Application for issuance, renewal or reinstatement of permit.

~~(a) No permit or renewal or reinstatement of a permit shall be issued to any person who has been convicted of cruelty to animals under any federal, State or local law, or fined for animal cruelty under Part 2 and upheld on appeal, or shall be issued to any animal dealer that is owned by, or employs or plans to employ, any person who has been convicted of cruelty to animals under any federal, State, or local law, or fined for animal cruelty under Part 2 and upheld on appeal.~~

~~(b) Every animal dealer shall, in a timely manner, apply to ACP for issuance of, or for renewal or reinstatement of, a permit. If the prospective permittee is not an individual person, application shall be made by a person authorized by the prospective permittee to apply and sign.~~

~~(c) The signature of the applicant shall constitute agreement that the prospective permittee shall assume responsibility for the operation of the animal dealer in accordance with the requirements of this Part and all applicable provision of this Chapter.~~

~~(d) The application for issuance, renewal or reinstatement of a permit shall include such information and documentation as ACP~~

1 ~~may reasonably require including, but not limited to, the~~
2 ~~following:~~

3 ~~(1) Name, address and telephone number of the animal dealer;~~

4 ~~(2) Name, date of birth, home and business addresses, and~~
5 ~~home and business telephone numbers of the permittee and~~
6 ~~the individuals having primary management responsibility.~~

7 ~~If permittee is a corporation, partnership or other~~
8 ~~organization, the name, date of birth, home and business~~
9 ~~addresses and home and business telephone numbers of each~~
10 ~~officer or partner; and~~

11 ~~(3) The animal cruelty conviction histories, and any civil~~
12 ~~finances for animal cruelty upheld on appeal, of each of the~~
13 ~~above listed persons.~~

14 ~~(e) Each permittee and each prospective permittee shall~~
15 ~~promptly notify ACP of any and all changes in the information~~
16 ~~submitted in the application for issuance, renewal or reinstatement~~
17 ~~of a permit. Each permittee and each prospective permittee shall~~
18 ~~also promptly notify ACP of any enlargement to or remodeling of the~~
19 ~~facilities.~~

20 ~~(f) Each permittee and each prospective permittee shall~~
21 ~~notify ACP of any change of the individual person having primary~~
22 ~~management responsibility for the animal dealer no later than the~~
23 ~~time of the change.~~

24 ~~(g) A timely application for issuance, renewal or~~
25 ~~reinstatement of a permit shall be accompanied by payment of a fee~~
26 ~~in accordance with ACP's permit fee schedule. The Chief of ACP~~
27 ~~shall establish a permit fee schedule, which may be amended from~~
28 ~~time to time, and which will be on file with the Legislative~~
29 ~~Services Division. A late application for issuance, for renewal or~~
30 ~~reinstatement shall be accompanied by a late fee payment as~~
31 ~~provided in the fee schedule.~~

~~(h) No permit shall be transferable, and the location of a permitted animal dealer shall not change unless the permittee has applied for and received a new permit for the new location.~~

~~**Sec. 462.1105. Issuance of permit, denial of application; reapplication.**~~

~~(a) ACP shall, in a timely manner following the filing of an application, issue a permit to the prospective permittee or renew or reinstate the permittee's permit unless:~~

~~(1) The prospective permittee or permittee, or the person to have primary management responsibility for the animal dealer is under 18 years of age or has been convicted of cruelty to animals; or~~

~~(2) The application is incomplete or has been found to contain false or misleading statements; or~~

~~(3) The prospective permittee or permittee has had a permit issued under this Part suspended or revoked more than once within five years before the date of the current application; or~~

~~(4) The animal dealer, the prospective permittee, or the individual to have primary management responsibility for the animal dealer has been found, by inspection or otherwise, to be in violation of any provision of this Part; or~~

~~(5) The animal dealer has been found by inspection not to meet any of this Part's regulations.~~

~~(b) An animal dealer may reapply for a permit within 30 days from the date of denial, accompanied by another application fee.~~

~~**Sec. 462.1106. Grounds for suspension and revocation of permit; appeal process; surrender of permit; disposition of animals.**~~

1 ~~(a) ACP is authorized to suspend or revoke a permit for~~
2 ~~violation of a provision or regulation of this Part or for a~~
3 ~~violation of Part 2 of this Chapter. Permit suspension shall be for~~
4 ~~a period of time not to exceed six months, to be determined at the~~
5 ~~discretion of ACP. Revocation shall be for a period of one year.~~
6 ~~Thirty days before the end of the revocation year, the former~~
7 ~~permittee may apply for another permit.~~

8 ~~(b) Except as otherwise ordered by the Building Codes~~
9 ~~Adjustment Board (the "Board"), or by a court of competent~~
10 ~~jurisdiction, suspension of a permit shall take effect on the fifth~~
11 ~~business day, and revocation of a permit on the fifteenth business~~
12 ~~day, after service of written notice by one of the following~~
13 ~~methods:~~

14 ~~(1) By personal service upon the permittee, a member or~~
15 ~~officer thereof, or service upon the person having~~
16 ~~primary management responsibility for the animal dealer;~~
17 ~~or~~

18 ~~(2) By the prominent posting of a copy of such notice at the~~
19 ~~main entrance of the permitted premises.~~

20 ~~(c) A permittee shall promptly surrender to ACP a permit~~
21 ~~upon the effective date of a suspension or revocation, subject to~~
22 ~~appeal as provided herein. At the end of the suspension period for~~
23 ~~a suspended permit, ACP shall return the permit promptly to the~~
24 ~~permittee.~~

25 ~~(d) The permittee may challenge the action of ACP by~~
26 ~~appealing to the Board. The permittee's appeal, alleging error in~~
27 ~~an order, decision or determination of ACP, shall be submitted to~~
28 ~~the Board in accordance with the provisions of Chapter 56, which~~
29 ~~shall be determined in accordance with Chapter 56 and the rules of~~
30 ~~the Board, and which final Board decision is subject to appeal to a~~
31 ~~court of competent jurisdiction.~~

1 ~~(e) Upon surrender of a revoked or suspended permit, the~~
2 ~~permittee shall demonstrate, to the satisfaction of ACP, that~~
3 ~~permittee has lawfully and humanely disposed of each animal in its~~
4 ~~charge as of the effective date of suspension or revocation. If~~
5 ~~permittee fails to so demonstrate, ACP may, at its sole discretion~~
6 ~~and at the former permittee's sole expense, seize and impound,~~
7 ~~sell, adopt or otherwise humanely dispose of any animals still in~~
8 ~~the possession or control of the former permittee.~~

9 ~~(f) Suspension of a permit shall not relieve the permittee~~
10 ~~of the responsibility to abide by the provisions of this Part and~~
11 ~~applicable provisions of this Chapter and shall not limit ACP's~~
12 ~~authority to inspect the premises as otherwise provided in this~~
13 ~~Part, to issue warnings and citations accordingly and to take other~~
14 ~~appropriate action as provided by this Chapter.~~

15 **~~Sec. 462.1107. Inspection.~~**

16 ~~(a) The signature of the permit applicant shall constitute~~
17 ~~consent by the permittee or prospective permittee for ACP, or its~~
18 ~~designee, to inspect, during reasonable hours, announced or~~
19 ~~unannounced without warrant, the animal dealer's premises, as~~
20 ~~provided herein, to inspect any temporary site of retail selling,~~
21 ~~and to inspect every vehicle used regularly for transporting~~
22 ~~animals for commercial purposes, and to inspect any and all~~
23 ~~pertinent records.~~

24 ~~(b) Prior to and as a condition for the issuance, renewal or~~
25 ~~reinstatement of a permit, an animal dealer and every vehicle used~~
26 ~~regularly for transporting animals for commercial purposes, shall~~
27 ~~undergo and pass inspection by ACP. ACP may conduct~~
28 ~~reinspection(s), for appropriate improvement, whenever such~~
29 ~~inspection is failed.~~

30 ~~(c) During any inspection pursuant to this Part, an animal~~
31 ~~dealer shall allow ACP, or its designee, access to those portions~~

1 ~~of the premises used for sheltering, maintaining, and/or breeding~~
2 ~~animals. ACP is not authorized to access those portions of the~~
3 ~~premises used solely for human habitation. ACP shall be allowed to~~
4 ~~observe practices, to obtain pertinent information regarding the~~
5 ~~facilities and any of the vehicles use regularly for transporting~~
6 ~~animals, and to examine any of the permittee's pertinent records.~~

7 ~~(d) The permittee shall notify ACP sufficiently in advance~~
8 ~~of any remodeling or expansion of the animal facilities in order to~~
9 ~~allow ACP the opportunity to inspect such remodeling or expansion~~
10 ~~prior to its use.~~

11 ~~(e) ACP, or its designee, is authorized to inspect each~~
12 ~~animal dealer at least once each year to determine compliance with~~
13 ~~this Part.~~

14 **~~Sec. 462.1108. Display of permit.~~**

15 ~~An animal dealer shall display its current permit prominently,~~
16 ~~in that area of the permitted premises used for maintaining the~~
17 ~~animals, in a clear, transparent cover or frame and mounted in such~~
18 ~~a manner as to make it clearly visible and readily readable to the~~
19 ~~public. The permit shall, during reasonable hours, be available for~~
20 ~~inspection by ACP or its designee. An animal dealer shall also have~~
21 ~~the permit available for inspection when retail selling from any~~
22 ~~temporary site. Mutilation, obstruction or removal of the permit~~
23 ~~shall be a violation of this Part.~~

24 **~~Sec. 462.1109. Violations, warnings, citations, penalties.~~**

25 ~~Every animal dealer shall comply with the provisions and~~
26 ~~regulations of this Part. Each failure to comply with any~~
27 ~~provisions or regulations shall be a separate violation. At the~~
28 ~~discretion of ACP, ACP may issue a warning notice instead of a~~
29 ~~civil citation. Issuance of a warning notice shall constitute an~~
30 ~~order that every violation cited shall be corrected within three~~
31 ~~business days, and ACP may conduct an inspection to determine~~

1 ~~whether every cited violation has been corrected. For issuance of a~~
2 ~~civil citation, the first violation of a given provision or~~
3 ~~regulation shall be punishable by fine of \$250, and each subsequent~~
4 ~~violation of a provision or regulation shall be punishable by~~
5 ~~double the previous fine up to the allowable maximum fine and shall~~
6 ~~subject the animal dealer to suspension or revocation of the~~
7 ~~permit.~~

8 **~~Sec. 462.1110. Notification; records; report of sale or gift.~~**

9 ~~(a) Every animal dealer shall furnish ACP with the name,~~
10 ~~address and home and business telephone numbers of at least one~~
11 ~~responsible person who has access to the premises and may be~~
12 ~~contacted after business hours in the event of an emergency.~~

13 ~~(b) Every animal dealer shall maintain, on the premises for~~
14 ~~at least two years, a record of the name, address and telephone~~
15 ~~number of every person and/or business from which it obtains any~~
16 ~~animal, except small fish.~~

17 ~~(c) Every animal dealer shall maintain, on the premises for~~
18 ~~at least two years, a record of each dog, cat, bird, ferret and any~~
19 ~~animal subject to permit by the Commission that is sold, traded or~~
20 ~~given away, including the date of transaction, the name and address~~
21 ~~of the purchaser or recipient, the name and address of the owner if~~
22 ~~different from the purchaser or recipient, and a description of the~~
23 ~~animal, including type, breed(s), color(s), age, sex, and other~~
24 ~~pertinent information for proper identification of the animal.~~
25 ~~Every animal dealer obtaining a permit from the Commission for the~~
26 ~~keeping, possessing or exhibiting of any venomous reptile shall~~
27 ~~notify ACP immediately.~~

28 ~~(d) Every animal dealer shall provide to ACP, on a quarterly~~
29 ~~basis, a report of those animals sold, traded or given away, and~~
30 ~~containing the information as required to be maintained herein.~~

31 **~~Sec. 462.1111. Regulations and standards.~~**

1 ~~(a) No person who has been convicted, under the laws of any~~
2 ~~State, County or municipality, of cruelty to animals shall own,~~
3 ~~operate, or be employed by an animal dealer.~~

4 ~~(b) No animal dealer shall sell, trade, give away, or offer~~
5 ~~for sale, trade or gift, any livestock, game, or other animal which~~
6 ~~is not a household pet as defined in this Chapter, except that~~
7 ~~animal dealers may sell, trade, give away or offer for sale, trade~~
8 ~~or gift a wild animal that is allowed to be sold and possessed and~~
9 ~~is sold in accordance with applicable laws and regulations of the~~
10 ~~Commission.~~

11 ~~(c) Every animal dealer shall comply with all applicable~~
12 ~~requirements of F.S. § 828.29, as amended, including, but not~~
13 ~~limited to: maintaining records of vaccinations and other~~
14 ~~preventative medication; maintaining official certificates of~~
15 ~~veterinary inspection; retaining records; and sale, purchase and~~
16 ~~return of dogs and cats. Every animal dealer shall comply with the~~
17 ~~requirements of Section 462.502 and F.S. § 828.30. An animal dealer~~
18 ~~is not required to obtain licenses for animals, but must inform the~~
19 ~~prospective owner or purchaser of the requirement to license the~~
20 ~~animal in accordance with Section 462.502.~~

21 ~~(d) For every animal that is subject to permit by the~~
22 ~~Commission that the permittee sells, trades, or gives away, or~~
23 ~~offers for sale, trade, or gift, the permittee shall:~~

24 ~~(1) House and display the animal in such a manner as to~~
25 ~~prevent handling by the general public;~~

26 ~~(2) Possess all necessary wildlife permits and comply with~~
27 ~~all rules and regulations;~~

28 ~~(3) Inform the prospective owner of the animal of the~~
29 ~~requirement for special Commission permitting;~~

1 ~~(4) Make available to the new owner at the time of transfer~~
2 ~~of ownership of the animal an appropriate Commission~~
3 ~~application form; and~~

4 ~~(5) Make and retain, on the animal dealer's premises for at~~
5 ~~least two years, a complete record of the purchase or~~
6 ~~other acquisition and of the sale, trade, or gift of the~~
7 ~~animal.~~

8 ~~(e) Sick animals shall be isolated individually and in such~~
9 ~~a manner as to prevent exposure to other animals. Quarantine and/or~~
10 ~~restriction of infected animals shall comply with F.S. Ch. 381, as~~
11 ~~may be amended, and with applicable State rules and regulations.~~

12 ~~(f) No animal dealer shall sell, trade, give away, or offer~~
13 ~~for sale, trade, or gift, any animal that is infected with, or is~~
14 ~~suspected of being infected with or of having been exposed to, any~~
15 ~~disease which is communicable to humans or to other animals,~~
16 ~~including, but not limited to, rabies, distemper, mange, parvo~~
17 ~~virus or other infectious or dangerous diseases as determined by a~~
18 ~~veterinarian.~~

19 ~~(g) Every animal dealer shall provide appropriate veterinary~~
20 ~~care whenever an animal under its care is found to be sick and/or~~
21 ~~injured. It shall, in a timely fashion, record and report to the~~
22 ~~DCHD every incident on its premises of a known or suspected disease~~
23 ~~of the type zoonosis. For every dog and cat kept for the purpose of~~
24 ~~sale, trade or gift, it shall maintain a record of any vaccination,~~
25 ~~injury, illness, consultative services, and/or treatment and make~~
26 ~~available upon request to any prospective owner the recorded~~
27 ~~information, and a copy of the official certificate of veterinary~~
28 ~~inspection required by F.S. § 828.29, for any such animal.~~

29 ~~(h) Every animal shall be cared for appropriately for its~~
30 ~~genus, species, age, sex, and individual nutritional and other~~
31 ~~health requirements including, but not limited to, the following:~~

~~(1) No animal shall be given obviously contaminated or obviously adulterated food or water.~~

~~(2) Every animal shall be provided appropriate food, and any appropriate nutritional supplements, at a frequency and in such quantities as appropriate for its genus, species, age, sex, and individual condition;~~

~~(3) Every animal shall have fresh water available at all times, except for salt-water animals and except when veterinary treatment requires otherwise. Water containers shall be clean and spill resistant.~~

~~(4) Every fish tank shall, for each fish and/or aquatic animal within, have appropriate and sufficient water, food, plant life, lighting, aeration, filtration, and heating and shall be free from excessive algae.~~

~~(i) No animal shall be tranquilized for grooming purposes or, in the absence of explicit direction from a veterinarian, for the purpose of keeping the animal in a docile state.~~

~~(j) Every animal shall be provided appropriate waterproof shelter (except for aquatic animals) that protects it from the weather, extreme temperatures, and direct sunlight. To the extent the animal is sheltered in a cage, run or other such enclosure (hereinafter "enclosure"), the following shall also apply:~~

~~(1) Enclosures shall be constructed of a nonporous, nonabsorbent, impervious material. Floors shall be fiberglass, concrete, tile or other nonporous and impervious material. Dog and cat enclosures may be covered throughout with a minimum of three inches of gravel.~~

~~(2) Bedding shall be clean, dry, of sufficient quantity and of appropriate composition.~~

~~(3) Enclosures shall be kept clean and dry and, except for birdeages, shall be cleaned daily with a disinfectant, cleanser or chlorine bleach.~~

~~(4) When an enclosure becomes empty through sale or other transfer of its occupant or occupants, the enclosure shall not be used to hold or house another animal until it has been thoroughly cleaned and disinfected.~~

~~(5) Every cat enclosure shall contain a spill-resistant litter pan of sufficient size and with sufficient litter for the number of cats within the enclosure.~~

~~(6) Every animal shall have sufficient space to stand fully erect, lie down fully outstretched, and turn completely around in a natural position without touching the sides or top of the enclosure with any part of its body, including ears and tail, and without touching any other animal in the enclosure. If the animal cannot access additional indoor or outdoor space for exercising, then this enclosure must provide adequate space for exercising.~~

~~(7) Every birdeage and enclosure shall, for each bird within, have appropriate and sufficient food and water. Every enclosure for large birds shall be wide enough to allow any bird in the enclosure to extend both its wings fully at the same time without any part of its body, including its tail, touching the top of or any side of the enclosure and shall be at least twice the height of the tallest bird in the enclosure. Every enclosure for small birds shall be large enough for all the birds in it to perch at the same time. Every bird shall be provided with sufficient perching space. In each birdeage, perches shall be parallel, aligned horizontally and not~~

1 ~~vertically, and perches shall be mounted so that the tail~~
2 ~~of any perched bird will not touch the bottom of the~~
3 ~~enclosure. Birds shall be housed at least 12 inches above~~
4 ~~the floor and in a well-ventilated area. Psittacine birds~~
5 ~~including, but not limited to, parrots, Amazons,~~
6 ~~cockatoos, macaws and cockatiels, shall be housed in an~~
7 ~~area with separate ventilation sufficient to minimize the~~
8 ~~likelihood of transmission of psittacosis to other birds~~
9 ~~and to humans. Appropriate precaution shall be taken by~~
10 ~~personnel when cleaning enclosures that house or display~~
11 ~~psittacine birds.~~

12 ~~(8) Every fish tank shall be cleaned as needed.~~

13 ~~(9) Animals shall not be commingled inappropriately for~~
14 ~~their genus and species, except that rodents may be~~
15 ~~placed in enclosures containing reptiles when being used~~
16 ~~as reptile food. Large and small birds shall not be~~
17 ~~commingled in the same enclosure. Dogs, cats, and birds~~
18 ~~shall not be commingled in the same enclosure. Every dog~~
19 ~~or cat over six months of age shall be kept in its own~~
20 ~~enclosure. No enclosure shall be overcrowded.~~

21 ~~(k) Room temperature shall be maintained at a comfortable~~
22 ~~level for every animal in the room.~~

23 ~~(l) Adequate ventilation shall be maintained by means of~~
24 ~~windows, doors, vents and fans.~~

25 ~~(m) Interior lighting shall be appropriate for good~~
26 ~~visibility for cleaning purposes and for animal health and comfort.~~
27 ~~Whether natural, artificial, or a combination of both, such~~
28 ~~lighting shall be provided in reasonable cycles conducive to the~~
29 ~~animals' natural biological rhythms.~~

30 ~~(n) Any floor in any area in which an animal is housed,~~
31 ~~displayed, bred, fed, or otherwise maintained, that employs flush~~

~~or floor-type cleaning, shall be of nonporous construction and graded to a floor drain.~~

~~(o) All floors, walls and ceilings shall be kept clean and in good repair.~~

~~(p) Every animal dealer shall be kept pest-free and vermin-free.~~

~~(q) All equipment shall be kept clean, in good repair and in sound working order.~~

~~(r) Every animal dealer shall have on the premises, excluding temporary sites, such brooms, mops, hoses, vacuum cleaners, brushes, disinfectants, and other cleansing implements and materials as are required to maintain sanitary conditions in those areas used for housing, display, breeding or maintaining animals. Such implements and materials shall be stored in a sanitary manner separate from the animals and their food. Cleaning materials must be present at the time of any inspection in amounts sufficient to clean those facilities used for housing and maintaining the animals.~~

~~(s) Every animal dealer shall be maintained in a safe and sanitary manner in order to promote a healthy environment for its animals, personnel, and patrons and to limit the risk of disease transmission to animals and to humans.~~

~~Sec. 462.1112. Putrescible material; dead animals; records.~~

~~(a) Putrescible material including, but not limited to, soiled, discarded bedding or litter, excreta, garbage, refuse, and dead animals shall not be allowed to accumulate and shall be wrapped securely in properly-tied plastic garbage bags, stored in durable, secure, nonabsorbent, pest-proof containers, removed at least daily and disposed of lawfully.~~

1 ~~(b) Dead animals, excluding small fish, shall be disposed of~~
2 ~~as solid waste and in a manner so as to prevent the contamination~~
3 ~~of the premises and the exposure of animals and/or humans.~~

4 ~~(c) Records of animal deaths, including description of~~
5 ~~animal, age, sex, nature of death, and method and location of~~
6 ~~disposal of the animal, shall be maintained on the premises for at~~
7 ~~least two years.~~

8
9 **Section 15. Amending Sections 462.1201 and 462.1202,**
10 **Ordinance Code.** Sections 462.1201 (Sterilization of adopted
11 animals) and 462.1202 (Infected or diseased animals), Part 12
12 (Animal Shelters), Chapter 462 (Animals), *Ordinance Code*, are
13 hereby amended to require sterilization of animals given away,
14 prohibit the giving away of an animal having a condition preventing
15 adoption, and imposing a civil fine of \$500 for a violation of
16 Section 462.1202, and, as amended, shall read as follows:

17 **CHAPTER 462. ANIMALS.**

18 * * *

19 **PART 12. ANIMAL SHELTERS AND RESCUE ORGANIZATIONS.**

20 **Sec. 462.1201. Sterilization of adopted animals.**

21 An animal adopted or given away from an animal shelter or
22 rescue organization or private individual seeking to place homeless
23 or unwanted animals shall be sterilized by a veterinarian prior to
24 the adoption, except as provided in Section 462.608. The animal
25 shelter or rescue organization may require the new pet owner to pay
26 for the cost of sterilization.

27 **Sec. 462.1202. Infected or diseased animals.**

28 No animal shelter or rescue organization or private individual
29 seeking to place homeless or unwanted animals shall knowingly adopt
30 or give away an animal that has a condition preventing adoption, as

provided in Section 462.609. A violation of this section is subject to a \$500 fine.

Section 16. Amending Chapter 462. Chapter 462 (Animals), *Ordinance Code*, is hereby amended, in part, to create a new Part 13 (Excessive Intact Animal Permits) to establish Excessive Intact Animal Permit requirements, provide a penalty for non-compliance with Part 13, clarify application of Part 13 to multi-family buildings, exempt sterilized dogs and cats from application of Part 13, and provide for deposit into the Spay Neuter Trust Fund of fines and fees collected under Part 13, and, as amended, shall read as follows:

CHAPTER 462. ANIMALS.

* * *

Sec. 462.1301. Permit Requirements

(a) No dwelling, residence, structure, or property may house more than five (5) unsterilized cats and/or dogs over the age of eight (8) weeks unless an annual "Excessive Intact Animal Permit - Hobby Breeder" fee has been paid to ACPS. The cost of the permit shall be one hundred (\$100) per animal listed up to a total of twenty (20) intact animals.

(b) No dwelling, residence, structure, or property may house more than twenty (20) unsterilized cats and/or dogs over the age of eight (8) weeks unless an annual "Excessive Intact Animal Permit - Professional Breeder" fee has been paid to ACPS. The cost of the permit shall be one hundred (\$100) per animal listed up to a total of twenty (20) intact animals, and two hundred (\$200) per animal listed over twenty up to a maximum of forty (40) intact animals.

(c) No dwelling, residence, structure, or property may house more than forty (40) unsterilized cats and/or dogs over the age of eight (8) weeks.

1 **Sec. 462.1302. Penalty for Non-Compliance**

2 If no current permit has been secured by a pet owner for
3 excessive intact animals as defined above, and more than five
4 intact cats and/or dogs are found on the property, in the dwelling,
5 structure, or residence, the owner, occupant, or
6 custodian/caregiver of such animals shall be subject to a fine of
7 not less than \$400 per cat/dog, not to exceed a maximum fine of
8 \$500 per cat/dog, for each individual intact dog/cat over five (5).

9 **Sec. 462.1303. Multi-Family Buildings**

10 For the purposes of this section, each individual unit of a
11 multi-family residential building shall be considered a separate
12 dwelling, residence, structure, or property.

13 **Sec. 462.1304. Sterilized Cats & Dogs**

14 Nothing in this section applies to sterilized cats and dogs,
15 including permits or limits. Any such restrictions, if the City
16 were to impose them, shall be addressed elsewhere in ordinance.

17 **Sec. 462.1305. Fines and Fees Received**

18 All fines and fees collected under part 13 (Sec. 462.1301-
19 462.1304) shall be deposited in the Spay and Neuter Trust Fund.

20
21 **Section 17. Amending Chapter 462.** Chapter 462
22 (Animals), *Ordinance Code*, is hereby amended, in part, to create a
23 new Part 14 (Grant Funds and Similar Revenue Streams) to authorize
24 the Chief of ACPS to seek, apply for, and accept grant funding for
25 the costs and programs of ACPS, and, as amended, shall read as
26 follows:

27 **CHAPTER 462. ANIMALS.**

28 * * *

29 **PART 14: GRANT FUNDS AND SIMILAR REVENUE STREAMS**

30 Due to the immediate nature of certain grant funding
31 opportunities that may exist from time to time, the Chief of ACPS,

1 or designee, is authorized to seek, apply for, and accept grant
2 funding for costs associated with ACPS and its programs on behalf
3 of the City of Jacksonville. Any such funds received shall be
4 properly accounted for and reported to the Mayor and City Council
5 in a timely manner.

6
7 **Section 18. Amending Chapter 462.** Chapter 462
8 (Animals), *Ordinance Code*, is hereby amended, in part, to create a
9 new Part 15 (Permanent Pet Identification Requirement) to set
10 requirements for implantation of permanent identification devices,
11 and, as amended, shall read as follows:

12 **CHAPTER 462. ANIMALS.**

13 * * *

14 **PART 15: PERMANENT PET IDENTIFICATION REQUIREMENT**

15 Due to the number of missing and stray animals that enter
16 Jacksonville shelters each year that cannot be reunited with their
17 owners, proactive measures are necessary to address this situation.

18 Effective January 1, 2011, all dogs and cats sold,
19 transferred, exchanged, adopted, or given away shall be required to
20 be implanted with a permanent identification device (RFID -
21 microchip) that is registered to the legal owner of the animal.

22 Effective January 1, 2013, all dogs and cats kept within the
23 jurisdiction of ACPS shall be required to be implanted with a
24 permanent identification device (RFID - microchip) that is
25 registered to the legal owner of the animal.

26 The City of Jacksonville shall maintain a low cost option for
27 the implantation of the permanent identification device (RFID -
28 microchip) where such cost is equivalent to the actual cost of the
29 device and its implantation.

30 Violation of this section is subject to a fine of not less
31 than \$100 and not more than \$500 per animal.

1
2 **Section 19. Amending Chapter 462.** Chapter 462

3 (Animals), *Ordinance Code*, is hereby amended, in part, to create a
4 new Part 16 (Importation of Animals, Quarantine, Vaccination
5 Requirements) to incorporate federal rules and regulations
6 regarding the importation of animals into the City's Ordinance
7 Code, set vaccination and quarantine requirements for imported dogs
8 and cats, and impose a fine of \$500 for violation of Part 16, and,
9 as amended, shall read as follows:

10 **CHAPTER 462. ANIMALS.**

11 * * *

12 **PART 16: IMPORTATION OF ANIMALS, QUARANTINE, VACCINATION**

13 **REQUIREMENTS**

14 **Section 462.1601. Incorporation of federal rules.**

15 All of the rules in the Federal Register and any federal laws
16 or agency regulations regarding the importation of animals are
17 hereby incorporated into the Municipal Code of the City of
18 Jacksonville.

19 **Section 462.1602. Vaccination and quarantine.**

20 Any dog or cat that is imported into the United States that is
21 within the jurisdictional boundaries of ACPS shall be subject to
22 the following requirements:

23 (a) All dogs and cats three months of age or older must be
24 vaccinated upon importation unless there is a record of vaccination
25 prior to entry;

26 (b) All dogs and cats must be quarantined for a period of
27 thirty (30) days after vaccination before sale, transfer, give away
28 or exchange of animal; quarantine must be in one location and
29 reported to ACPS;

30 (c) No quarantine is required only if the dog or cat was
31 vaccinated at least thirty (30) days prior to entry into the United

1 States; i.e., the dog or cat is at least sixteen weeks of age
2 (twelve weeks old before vaccination and thirty days quarantine
3 after vaccination);

4 (d) No imported dog may be sold, transferred, exchanged or
5 given away prior to sixteen (16) weeks of age.

6 **Section 462.1603. Penalty.**

7 Violations of this Part 16 are subject to a \$500 dollar fine
8 for each violation, and for each individual animal in violation.

9
10 **Section 20. Effective Date.** This ordinance shall
11 become effective upon signature by the Mayor or upon becoming
12 effective without the Mayor's signature.

13
14 Form Approved:

15
16 /s/ James R. McCain, Jr.

17 Office of General Counsel

18 Legislation prepared by: James R. McCain, Jr.

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