

1 Introduced by the Council President at the request of the Mayor and
2 substituted on the Floor of the Council:

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5 **ORDINANCE 2010-527-E**

6 AN ORDINANCE CONCERNING ANIMAL CARE AND
7 PROTECTIVE SERVICES (ACPS); AMENDING CHAPTER
8 111 (SPECIAL REVENUE AND TRUST ACCOUNTS), PART
9 4 (ADMINISTRATIVE PERSONNEL AND CODE
10 REGULATION), SECTIONS 111.450 (SPAY AND NEUTER
11 REBATE TRUST FUND), 111.455 (ANIMAL CARE AND
12 CONTROL TRAINING AND VETERINARY SERVICES TRUST
13 FUND), *ORDINANCE CODE*, TO PROVIDE MORE
14 PARTICULARLY FOR THE DISPOSITION OF LICENSE
15 FEES AND TO CREATE A NEW SECTION 111.456
16 (ANIMAL CARE AND PROTECTIVE SERVICES TRAINING
17 AND CRUELTY PREVENTION TRUST FUND), *ORDINANCE*
18 *CODE*, TO PROVIDE FUNDS FOR TRAINING,
19 EDUCATIONAL MATERIALS, EQUIPMENT AND RELATED
20 COSTS; AMENDING CHAPTER 462 (ANIMALS), PART 1
21 (GENERAL), SECTIONS 462.102 (DEFINITIONS),
22 462.103 (ADMINISTRATION AND ENFORCEMENT),
23 462.105 (INTERFERENCE WITH PERFORMANCE OF
24 DUTIES), 462.106 (PROCEDURES), AND 462.108
25 (CIVIL PENALTIES), *ORDINANCE CODE*, TO MODIFY
26 DEFINITIONS, PROVIDE FOR ENFORCEMENT OF
27 MUNICIPAL AND STATE LAWS RELATING TO ANIMAL
28 CARE OR CRUELTY, ADD TO LIST OF ACTIONS
29 CONSTITUTING INTERFERENCE WITH PERFORMANCE OF
30 DUTIES, PRESCRIBE PROCEDURES, AND SET FORTH

1 PENALTIES FOR VARIOUS VIOLATIONS; AMENDING
2 CHAPTER 462 (ANIMALS), PART 2 (CRUELTY TO OR
3 NEGLECTING ANIMALS), SECTIONS 462.201 (CRUELTY
4 TO ANIMALS DEFINED GENERALLY), 462.202
5 (EXEMPTIONS), 462.203 (NEGLECTING OR
6 ABANDONING ANIMALS), 462.204 (RESTRAINT BY
7 CHAINING), 462.205 (DOG FIGHTING AND OTHER
8 ANIMAL FIGHTING), 462.206 (CONTROLLING
9 POISONOUS SUBSTANCES), 462.207 (ARTIFICIAL
10 COLORING OF ANIMALS), 462.208 (SALE OF YOUNG
11 ANIMALS FOR CERTAIN PURPOSES PROHIBITED),
12 462.209 (CITATION) AND 462.210 (TAKING CUSTODY
13 OF MISTREATED ANIMALS), *ORDINANCE CODE*, TO
14 PROVIDE FOR THE DEPOSIT OF ALL FINES FROM
15 VIOLATIONS OF PART 2 INTO THE CRUELTY
16 PREVENTION TRUST FUND, FURTHER DEFINE THE
17 NEGLECTING OR ABANDONING OF ANIMALS, ADD
18 CONDITIONS TO RESTRAINT OF ANIMALS BY
19 CHAINING, AUTHORIZE ANIMAL CONTROL OFFICERS TO
20 REMOVE AN ANIMAL FROM CHAINS AND TAKE THE
21 ANIMAL TO THE SHELTER, INCLUDE THE POSSESSION
22 OF ANIMAL FIGHTING PARAPHERNALIA AS A
23 VIOLATION OF SECTION 462.205 AND SET FORTH THE
24 CIVIL FINE THEREFOR, PROHIBIT CERTAIN
25 ACTIVITIES WITH RESPECT TO ARTIFICIALLY
26 COLORED ANIMALS AND SET FORTH THE CIVIL FINE
27 THEREFOR, PROHIBIT THE SALE OF YOUNG ANIMALS
28 FOR CERTAIN PURPOSES, ESTABLISH GROUNDS FOR
29 CITATIONS, AND PRESCRIBE PROCEDURES WITH
30 RESPECT TO MISTREATED ANIMALS; AMENDING

1 CHAPTER 462 (ANIMALS), PART 3 (NUISANCES),
2 SECTIONS 462.301 (GENERAL), 462.302 (NOISE),
3 462.303 (ANIMALS AT-LARGE PROHIBITED), 462.304
4 (HABITUAL NUISANCE), 462.305 (DESTRUCTION OF
5 PROPERTY AND BITING), 462.306 (CUSTODY OF
6 RACING DOGS), 462.307 (REQUIREMENT TO CONFINE
7 FEMALE DOG OR CAT IN HEAT), 462.308 (INJURY TO
8 ANIMALS BY MOTOR VEHICLES; REPORTING
9 REQUIREMENT), 462.309 (STERILIZATION OF DOGS
10 AND CATS), 462.310 (ADDITIONAL PENALTY FOR
11 DOGS AND CATS NOT SPAYED OR NEUTERED), 462.311
12 (DISEASED ANIMALS WITHIN THE CITY), 462.312
13 (TESTING AND DESTRUCTION OF CONTAMINATED
14 TURTLES), 462.313 (RABIES QUARANTINE AREA,
15 RABIES ALERT OR RESTRICTION OF INFECTIOUS
16 ANIMALS), 462.315 (PROCEDURE FOR ANIMAL BITES
17 AND FOR ANIMALS SUSPECTED OF HAVING RABIES)
18 AND 462.316 (PENALTY), *ORDINANCE CODE*, TO ADD
19 ADDITIONAL CIRCUMSTANCES CONSTITUTING ANIMAL
20 NUISANCE, FURTHER DEFINE BEHAVIOR CONSTITUTING
21 PERSISTENT OR CONTINUOUS NOISE, HOLD PERSONS
22 HAVING TEMPORARY CUSTODY OF DOGS OR CATS
23 LIABLE FOR FAILING TO RESTRAIN AN ANIMAL FROM
24 BEING AT LARGE, HOLD PERSONS HAVING TEMPORARY
25 CUSTODY OF DOGS OR CATS LIABLE FOR DESTRUCTION
26 OF PROPERTY AND BITING, HOLD PERSONS HAVING
27 TEMPORARY CUSTODY OF DOGS OR CATS LIABLE FOR
28 FAILURE TO CONFINE A FEMALE DOG OR CAT IN
29 HEAT, PROVIDE FOR STERILIZATION OF ANIMALS
30 IMPOUNDED UNDER SECTION 462.306, PROVIDE FOR

1 FORFEITURE OF DEPOSIT FOR STERILIZATION AFTER
2 31 DAYS, ASSESS ADDITIONAL FINE FOR AT-LARGE
3 ANIMALS NOT SPAYED OR NEUTERED, DELETE
4 PROVISIONS FOR TESTING AND DESTRUCTION OF
5 CONTAMINATED TURTLES, ESTABLISH RULES FOR
6 FEEDING OF CATS AND DOGS OUTDOORS, PROVIDE FOR
7 COMMUNITY CAT MANAGEMENT INITIATIVES, AND
8 INCORPORATE PROVISIONS OF FLORIDA
9 ADMINISTRATIVE CODE CHAPTER 64D-3; AMENDING
10 CHAPTER 462 (ANIMALS), PART 4 (DANGEROUS
11 DOGS), SECTIONS 462.402 (DEFINITIONS), 462.404
12 (CLASSIFICATION OF DOG AS DANGEROUS; NOTICE
13 AND HEARING REQUIREMENTS; CONFINEMENT OF DOG;
14 APPEAL; REGISTRATION REQUIREMENTS), 462.405
15 (PROPER ENCLOSURE), 462.406 (INSURANCE),
16 462.407 (DANGEROUS DOG OUTSIDE OF PROPER
17 ENCLOSURE; OUTSIDE OF PRIMARY ENCLOSURE),
18 462.408 (REQUIRED NOTIFICATION CONCERNING
19 DANGEROUS DOG), 462.409 (ATTACK OR BITE BY
20 DANGEROUS DOG; IMPOUNDMENT; DESTRUCTION),
21 462.410 (SEVERE INJURY BY DOG; IMPOUNDMENT;
22 DESTRUCTION), AND 462.412 (VIOLATION OF THIS
23 PART), *ORDINANCE CODE*, TO EXPAND DEFINITION OF
24 *SEVERE INJURY*, SET A DEADLINE FOR FILING OF
25 AFFIDAVIT FROM PERSON DESIRING TO HAVE A DOG
26 CLASSIFIED AS DANGEROUS, ESTABLISH \$500 CIVIL
27 FINE FOR FAILURE TO SURRENDER DOG THAT IS THE
28 SUBJECT OF A DANGEROUS DOG INVESTIGATION,
29 PROVIDE FOR APPEALS, PROVIDE FOR BOARDING OF
30 POTENTIALLY DANGEROUS DOG, PROVIDE FOR NOTICES

1 FOLLOWING DANGEROUS DOG INVESTIGATION, DEFINE
2 PROPER ENCLOSURE FOR DANGEROUS DOGS, CLARIFY
3 INSURANCE REQUIREMENTS FOR DANGEROUS DOGS,
4 PROHIBIT SALE OR GIVING AWAY OF DOG DETERMINED
5 TO BE DANGEROUS, AND ELIMINATING POSSIBILITY
6 OF REDEMPTION OF DANGEROUS DOG BY OWNER AND
7 REQUIRE ALL FINES AND FEES COLLECTED UNDER
8 PART 4 TO BE DEPOSITED INTO THE ACPS TRAINING
9 AND ANIMAL CRUELTY PREVENTION TRUST FUND;
10 AMENDING CHAPTER 462 (ANIMALS), PART 5
11 (VACCINATION, REGISTRATION AND LICENSING OF
12 ANIMALS), SECTIONS 462.501 (DEFINITIONS),
13 462.502 (VACCINATION, REGISTRATION AND
14 LICENSING REQUIRED), 462.503 (DISPLAY OF CITY
15 LICENSE TAGS), AND 462.504 (EXEMPTIONS),
16 *ORDINANCE CODE*, TO REFINE THE DEFINITION OF
17 *VACCINATION*, ADD CONDITIONS TO VACCINATION,
18 REGISTRATION AND LICENSING REQUIREMENTS,
19 PROVIDE FOR DISTRIBUTION OF LICENSING FEES,
20 PROVIDE EXEMPTION FROM VISIBLE TAG REQUIREMENT
21 WHEN ANIMAL HAS COMPLIED WITH RADIO FREQUENCY
22 IDENTIFICATION DEVICE (RFID) REQUIREMENTS, AND
23 REQUIRE PAYMENT OF REGISTRATION FEE EVEN IF
24 ANIMAL CANNOT BE VACCINATED FOR RABIES;
25 AMENDING CHAPTER 462 (ANIMALS), PART 6
26 (IMPOUNDMENT, SURRENDER, REDEMPTION AND
27 ADOPTION), SECTIONS 462.601 (IMPOUNDING OF
28 ANIMALS), 462.602 (NOTICE TO OWNER OF
29 IMPOUNDMENT), 462.603 (REDEMPTION BY OWNER),
30 462.604 (VOLUNTARY SURRENDER BY OWNER),

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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), *ORDINANCE CODE*, 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), *ORDINANCE CODE*, 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;

1 AMENDING CHAPTER 462 (ANIMALS), PART 8 (SWINE
2 AS HOUSEHOLD PETS), SECTIONS 462.801
3 (MINIATURE VIETNAMESE POTBELLIED PIGS AS
4 HOUSEHOLD PETS) AND 462.802 (MAINTENANCE OR
5 USE AS FOOD SOURCE PROHIBITED; RESTRICTIONS ON
6 DISPOSITION), *ORDINANCE CODE*, TO REQUIRE
7 PROOF, UPON REQUEST, THAT SWINE IS A
8 REGISTERED, PUREBRED MINIATURE POTBELLIED PIG,
9 SET FORTH CIVIL FINE FOR FAILURE TO PROVIDE
10 SUCH PROOF, AND SET FORTH CIVIL FINE FOR
11 MAINTENANCE OR USE OF POTBELLIED PIG AS FOOD
12 SOURCE; AMENDING CHAPTER 462 (ANIMALS), PART 9
13 (LIVESTOCK AND POULTRY), SECTIONS 462.901
14 (LIVESTOCK), 462.903 (USE OF EXHAUST FANS),
15 AND 462.904 (PENALTY), *ORDINANCE CODE*, TO
16 INCREASE THE POSSIBLE CIVIL FINE FOR
17 VIOLATIONS OF PART 9 TO \$500; AMENDING CHAPTER
18 462 (ANIMALS), PART 10 (PET SHOPS), SECTIONS
19 462.1001 (DEFINITIONS), 462.1003 (PERMIT
20 REQUIRED), 462.1004 (APPLICATION FOR ISSUANCE,
21 RENEWAL OR REINSTATEMENT OF PERMIT), 462.1005
22 (ISSUANCE OF PERMIT; DENIAL OF APPLICATION;
23 REAPPLICATION), 462.1006 (GROUNDS FOR
24 SUSPENSION AND REVOCATION OF PERMIT; APPEAL
25 PROCESS; SURRENDER OF PERMIT; DISPOSITION OF
26 ANIMALS), 462.1007 (INSPECTION), 462.1008
27 (DISPLAY OF PERMIT), 462.1009 (VIOLATIONS,
28 WARNINGS, CITATIONS, PENALTIES), 462.1010
29 (NOTIFICATION; RECORDS; REPORT OF SALE OR
30 GIFT), AND 462.1011 (REGULATIONS AND

1 STANDARDS), *ORDINANCE CODE*, TO ADD
2 DEFINITIONS, APPLY PROVISIONS OF PART 10 TO
3 ANIMAL DEALERS, AS DEFINED THEREIN, ESTABLISH
4 ADDITIONAL PERMIT CONDITIONS, AND INCORPORATE
5 INTO PART 10 ALL HOUSING AND CARE GUIDELINES,
6 REGULATIONS OR LAWS ESTABLISHED BY THE FEDERAL
7 GOVERNMENT OR THE STATE OF FLORIDA; REPEALING
8 CHAPTER 462 (ANIMALS), PART 11 (ANIMAL
9 DEALERS) IN ITS ENTIRETY; CREATING A NEW
10 CHAPTER 462 (ANIMALS), PART 11 (ANIMAL
11 DEALERS); AMENDING CHAPTER 462 (ANIMALS), PART
12 12 (ANIMAL SHELTERS), SECTIONS 462.1201
13 (STERILIZATION OF ADOPTED ANIMALS) AND
14 462.1202 (INFECTED OR DISEASED ANIMALS),
15 *ORDINANCE CODE*, TO REQUIRE STERILIZATION OF
16 ANIMALS GIVEN AWAY, PROHIBIT THE GIVING AWAY
17 OF AN ANIMAL HAVING A CONDITION PREVENTING
18 ADOPTION, AND IMPOSE A CIVIL FINE OF \$500 FOR
19 A VIOLATION OF SECTION 462.1202; CREATING A
20 NEW PART 13 (EXCESSIVE UNSTERILIZED ANIMAL
21 PERMITS) OF CHAPTER 462 (ANIMALS), *ORDINANCE*
22 *CODE*, TO ESTABLISH EXCESSIVE UNSTERILIZED
23 ANIMAL PERMIT REQUIREMENTS, PROVIDE A PENALTY
24 FOR NON-COMPLIANCE WITH PART 13, CLARIFY
25 APPLICATION OF PART 13 TO MULTI-FAMILY
26 BUILDINGS, EXEMPT STERILIZED DOGS AND CATS
27 FROM APPLICATION OF PART 13, AND PROVIDE FOR
28 DEPOSIT INTO THE SPAY AND NEUTER TRUST FUND OF
29 FINES AND FEES COLLECTED UNDER PART 13;
30 CREATING A NEW PART 14 (GRANT FUNDS AND

1 SIMILAR REVENUE STREAMS) OF CHAPTER 462
2 (ANIMALS), *ORDINANCE CODE*, TO AUTHORIZE THE
3 CHIEF OF ACPS TO SEEK, APPLY FOR, AND ACCEPT
4 GRANT FUNDING FOR THE COSTS AND PROGRAMS OF
5 ACPS; CREATING A NEW PART 15 (PERMANENT PET
6 IDENTIFICATION REQUIREMENT), OF CHAPTER 462
7 (ANIMALS), *ORDINANCE CODE*, TO SET REQUIREMENTS
8 FOR IMPLANTATION OF PERMANENT IDENTIFICATION
9 DEVICES; CREATING A NEW PART 16 (IMPORTATION
10 OF ANIMALS, QUARANTINE, VACCINATION
11 REQUIREMENTS) OF CHAPTER 462 (ANIMALS),
12 *ORDINANCE CODE*, TO INCORPORATE FEDERAL RULES
13 AND REGULATIONS REGARDING THE IMPORTATION OF
14 ANIMALS INTO THE CITY'S *ORDINANCE CODE*, SET
15 VACCINATION AND QUARANTINE REQUIREMENTS FOR
16 IMPORTED DOGS AND CATS, AND IMPOSE A CIVIL
17 FINE OF \$500 FOR A VIOLATION OF PART 16;
18 CREATIING A NEW PART 17 (ESTABLISHMENT OF
19 FEES) OF CHAPTER 462 (ANIMALS), *ORDINANCE*
20 *CODE*, TO ESTABLISH A PROCESS OF CREATING,
21 REVISING AND UPDATING FEES RELATED TO ACPS
22 SERVICES; CREATIING A NEW PART 18 (FINE AND
23 FEE SCHEDULES) OF CHAPTER 462 (ANIMALS),
24 *ORDINANCE CODE*, TO DEFINE FINES AND FEES
25 RELATED TO ACPS SERVICES; PROVIDING AN
26 EFFECTIVE DATE.

27 **BE IT ORDAINED** by the Council of the City of Jacksonville:

28 **Section 1. Amending Chapter 111 (Special Revenue and**
29 **Trust Accounts), Part 4 (Administration, Personnel and Code**
30 **Regulation), *Ordinance Code*.** Chapter 111 (Special Revenue and Trust

1 Accounts), Part 4 (Administration, Personnel and Code Regulation),
2 *Ordinance Code*, is amended to read as follows:

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

4 * * *

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

6 * * *

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

8 There is created the *Spay and Neuter ~~Rebate~~ Trust Fund*, a
9 permanent trust fund of the City, into which shall be deposited
10 monthly monies derived from the fees generated by ~~the differential~~
11 ~~of~~ license fees. The revenue collected from the sale of each
12 license shall be apportioned as follows: the first eight dollars
13 (\$8) shall go into the general fund to cover costs of the licensing
14 program and outsourced fees as applicable; the next two dollars
15 (\$2) shall be deposited in the Animal Care and Protective Services
16 Veterinary Services Trust Fund, Section 111.455; the remaining
17 monies, beginning with the eleventh dollar, shall be deposited in
18 the Spay and Neuter Trust Fund. ~~for altered (spayed or neutered)~~
19 animals and unaltered animals pursuant to Section 462.302. There
20 shall also be deposited into the Spay and Neuter Trust Fund all
21 funds forfeited under Section 462.309, fines collected for failure
22 to confine a female dog or cat in heat under Section 462.307,
23 together with any other monies which may be from time to time
24 appropriated to this trust fund by the Council, or monies, gifts,
25 or donations donated by non-governmental sources. The monies
26 deposited in this trust fund are to be appropriated by Council and
27 shall be utilized and expended, solely for the education/promotion
28 of sterilization and primarily for sterilization programs created
29 and established in Section 462.703315. Monies deposited in this
30 trust fund shall be available for expenditure notwithstanding

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

20 * * *

21 **Section 111.455. Animal Care and Protective Services**
22 **~~Control Training and Veterinary Services Trust Fund.~~**

23 There is hereby created the *Animal Care and Protective*
24 *Services (ACPS) Training and Veterinary Services Training Trust*
25 *Fund*, a permanent, ongoing trust fund which shall carry forward
26 each fiscal year and not lapse. ~~All funds derived from the~~
27 ~~surcharge added to and collected on civil penalties imposed for~~
28 ~~violation of an ordinance relating to animal control and cruelty,~~
29 ~~pursuant to Section 462.115, and all~~ The trust fund shall receive
30 funds derived from the ninth and tenth dollar generated from the

1 sale of pet license tags, all animal adoption fees, all fees
2 collected for medical services provided, sixth dollar collected,
3 ~~pursuant to Chapter 462, Part 8 (Swine as Household Pets),~~
4 ~~Ordinance Code, for a City license tag issued for a potbellied pig~~
5 ~~or as a replacement license tag, from the eleventh dollar~~
6 ~~collected, pursuant to Section 462.502 (Vaccination, Registration~~
7 ~~and Licensing Required), Ordinance Code, for a City license tag~~
8 ~~issued for an animal which is altered or which is less than six~~
9 ~~months of age and from the twenty-sixth dollar collected (pursuant~~
10 ~~to Section 462.502 (Vaccination, Registration and License~~
11 ~~Required), Ordinance Code, for a City license tag issued for an~~
12 ~~unaltered animal shall be deposited in the AC&C Training and~~
13 ~~Veterinary Services Training Trust Fund, along with such other~~
14 ~~monies, whether in the form of a surcharge, fine, gift, donation,~~
15 ~~bequest, endowment, grant, fee charged by Animal Care and~~
16 ~~Protective Services for training seminars and classes produced and~~
17 ~~instructed by Animal Care and Protective Services employees or~~
18 ~~their designees, or other form of contribution designated to this~~
19 ~~fund. Such funds as are deposited in this trust account are to be~~
20 ~~appropriated by Council for the purpose of assisting in paying for~~
21 ~~the costs of (1) AC&C training including, but not limited to,~~
22 ~~training materials, supplies, equipment, travel and per diem, and~~
23 ~~other training expenses; and (2) in-house veterinarian services and~~
24 ~~supporting services for animals impounded by ACPS and sheltered by~~
25 ~~in the City's animal shelter during any holding period or while~~
26 ~~waiting for adoption/placement, any veterinary and other related~~
27 ~~supplies, any veterinary and other related equipment, any~~
28 ~~retrofitting of examination and related areas, all as needed, or~~
29 ~~appropriate, for such veterinarian services and/or for shelter~~
30 ~~activities directly supporting such services, contract veterinarian~~

1 services and/or for an in-house veterinarian intern/training
2 program and (2)(3) ~~outboard~~ emergency veterinarian services for at-
3 large dogs, and cats, ~~and potbellied pigs~~ found in severe medical
4 distress; provided by veterinarians not employed by ACPS. ~~7~~
5 ~~however, that the funds derived from the surcharges under Chapter~~
6 ~~462 shall be used only as authorized therein.~~ All other funds may
7 be used for the purpose of training ~~other Animal Care and~~
8 ~~Protective Services~~ ACPS employees, or at such times as the
9 Department Director ~~of Environmental and Compliance,~~ or his
10 designee, may adjudge that timely and sufficient expenditures per
11 (1), or (2), ~~or~~ (3) hereinabove have been covered, any surplus in
12 the fund may, at the discretion of ~~such~~ the Department Director, or
13 ~~such~~ designee, be utilized to fund (3)(4) such computerization,
14 including but not limited to hardware, software, programming
15 services, repair services, and ~~appropriate~~ supplies as ~~such~~ the
16 Department Director, or ~~such~~ designee, may deem appropriate for
17 enhancing computerized Animal Care and Protective Services Center
18 animal-management efforts, including but not limited to
19 veterinarian-care tracking, shelter-inventory tracking, license
20 tracking, and adoption spay-and-neuter delinquency tracking. The
21 Director of the Finance Department is authorized to make
22 disbursement of the monies appropriated by the Council from this
23 fund upon written requisition of the Department Director ~~of the~~
24 ~~Environmental and Compliance Department,~~ or his designee.
25 Expenditures from this trust shall not exceed actual revenues
26 received at any time.

27 * * *

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

1 There is created the Animal Care and Protective Services
2 Training and Cruelty Prevention Trust Fund, a permanent, ongoing
3 trust fund which shall carry forward each fiscal year and not
4 lapse. This fund shall be derived from: the surcharge added to and
5 collected on all civil penalties imposed for violations of Chapter
6 462 of the City's Ordinance Code relating to animal control; all
7 net revenue received from violations related to animal cruelty
8 pursuant to Section 462, Part 2 (Cruelty to or Neglecting Animals);
9 all fines collected under Section 462.105; any funds derived from a
10 citation diversion program; all fees/fines generated from the
11 excess unsterilized animal permits pursuant to Section 462.1305;
12 along with such other monies, whether in the form of a surcharge,
13 fine, gift, donation, bequest, endowment, grant, fee charged by
14 ACPS for training seminars and classes produced and instructed by
15 ACPS employees or their designees, or other form of contribution
16 designated to this fund. Such funds as are deposited into this
17 trust account are to be self-appropriating when used for the
18 purpose of assisting in paying for the costs of (1) ACPS training,
19 including, but not limited to, training materials, supplies,
20 equipment, travel and per diem, and other training expenses; (2)
21 educational materials and programs; (3) specialized animal control
22 and training equipment; (4) equipment/supplies needed for
23 investigations; (5) the costs of prosecution and other legal-
24 related costs; and, (6) other related equipment, any retrofitting
25 of facilities and related areas, all as needed, or appropriate, for
26 such ACPS services and/or for shelter activities directly
27 supporting such services. The self appropriation from the Training
28 and Cruelty Prevention Trust Fund shall be limited to \$15,000 per
29 year, additional funds may be appropriated through legislation.
30 The Director of the Finance Department is authorized to make

1 disbursement of the monies appropriated from this Trust Fund upon
2 written request of the Department Director, or designee.
3 Expenditures from this Trust Fund shall not exceed actual revenues
4 received at any time.

5 **Section 2. Amending Chapter 462 (Animals), Part 1**
6 **(General), Ordinance Code.** Chapter 462 (Animals), Part 1 (General),
7 *Ordinance Code*, is amended to read as follows:

8 **CHAPTER 462. ANIMALS.**

9 **PART 1. GENERAL.**

10 * * *

11 **Section 462.102. Definitions.**

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

15 (a) Allow or Permit, in addition to their common meanings,
16 shall also includes any failure to take reasonable proactive
17 measures to restrict the animal from engaging in any activity
18 prohibited by this Chapter.

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

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

28 (d)(e) Animal control officer (Animal Code Enforcement
29 Officer) means any individual employed, contracted with, or
30 appointed by the Animal Care and Protective Services Division, who

1 is authorized to investigate violations of State Law, as defined in
2 §828.27, F.S., and to enforce civil infractions relating to animal
3 control or cruelty and who is authorized to issue citations, for
4 the purpose of aiding in the enforcement of this Chapter or any
5 other law or ordinance relating to the control and treatment of
6 animals and also includes any State or local law enforcement
7 officer, as defined in ~~F.S.~~ § 943.10, F.S.

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

15 (f)~~(e)~~ *At-large* means that an animal is off the property of
16 its owner, unless restrained by leash~~7~~, or tether ~~or chain~~ of
17 appropriate length, or other physical control device, such that the
18 animal is under the physical control of a responsible person, and
19 (i) the animal has entered upon the property of another person
20 without authorization of that person, or (ii) the animal has
21 entered onto public property, street or right-of-way. If the
22 owner's, leaser's, or renter's property is located within a
23 community association or other common-property arrangement, it
24 shall also be considered off the owner's, leaser's, or renter's
25 property if the animal leaves the owner's curtilage and onto common
26 property, unless such property is clearly designated as an 'off-
27 leash' area. An animal on a retractable or other trolley leash
28 system shall be considered at-large if the leash is extended beyond
29 eight (8) feet in length since adequate physical control cannot be
30 maintained over the animal.

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

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

10 (i) Community Cat means any free-roaming cat that may be
11 cared for by one or more residents of the immediate area who is/are
12 known or unknown; a community cat may or may not be feral.
13 Community cats shall be distinguished from other cats by being
14 sterilized and ear tipped; qualified community cats are exempt from
15 licensing, stray and at-large provisions of this ordinance and may
16 be exempt from other provisions directed toward owned animals.

17 (j) Community Standards means the minimum accepted standards
18 of care for animals based upon the overall Jacksonville community
19 of pet owners and established guidelines of professional animal
20 associations and/or groups. The City of Jacksonville (through the
21 Chief of ACPS) may, from time to time, assemble a representative
22 group of animal owners and experts as an issue-specific advisory
23 committee to help identify current community standards; such
24 advisory committee shall be limited in scope and service, and shall
25 be disbanded upon final recommendation to the Chief of ACPS. The
26 Chief of ACPS may remove any member at any time for any reason
27 within his/her discretion. Subsequent committees, as needed, will
28 be formed anew rather than having an ongoing membership of
29 interested parties. For purposes of representing the City, the
30 Chief of ACPS is considered a subject matter expert, including but

1 not limited to the recommendations of any such Community Standards
2 Advisory Committee. Nothing in this definition prohibits other
3 vetted experts from providing their opinion of community standards
4 in Jacksonville.

5 (k) ~~(h)~~ Control means the provision, ownership, care and/or
6 custody of an animal or animals. [See 'Physical Control'
7 definition]

8 (l) ~~(i)~~ Cruelty means any act of cruelty upon an animal as
9 defined in Part 2 and/or as provided in F.S. Ch. 828, F.S.

10 (m) ~~(j)~~ Domestic means tame, usually by generations of
11 breeding, and living in close association with humans as a pet,
12 work animal or farm animal in such a way that creates a dependency
13 on humans so that the animal loses its ability to live in the
14 wild.

15 (n) ~~(k)~~ Duval County Health Department, or DCHD, means the
16 Health Department, Rabies Control and the Health Director or the
17 Director's designee.

18 (o) Enclosure or Outdoor Enclosure means any structure with
19 at least three (3) walls, a roof, and floor in adequate condition
20 as not to endanger the safety of the animal and as to provide
21 necessary protection of the animal from weather conditions. An
22 enclosure must be properly located so that it does not allow for
23 standing water to pool inside the enclosure following any weather
24 event or other water intrusion. For pets not declared dangerous a
25 residence may be considered a proper enclosure; different rules as
26 specified in this chapter apply to a 'proper enclosure' for
27 declared dangerous dogs.

28 (p) ~~(l)~~ Feral means a wild animal that exists in an untamed
29 state or that has returned to an untamed state generally not
30 socialized to human contact and is no longer considered

1 domesticated. Feral animals shall include, but not be limited to
2 cats, dogs and hogs.

3 (q) ~~(m)~~ Game means those animals that may be legally hunted
4 for food or sport including, but not limited to, deer, bear,
5 squirrels, rabbits, and where designated by the Commission rules,
6 wild hogs, wild ducks and geese, rails, coots, gallinules, snipe,
7 woodcock, wild turkeys, grouse, pheasants, doves and quail.

8 (r) Gamecock means any fowl, usually roosters, used for or
9 being trained to perform cockfighting or simulated cockfighting
10 events. Prima facie evidence of a gamecock shall be the removal of
11 the comb and/or waddle which are rich in blood vessels to allow the
12 bird to regulate body temperature. Additional indications of
13 gamecocks include, but are not limited to, cut spurs and shaved
14 feathers

15 (s) ~~(n)~~ Harbor means the act of caring for and keeping an
16 animal or the act of providing a premise or residence to which the
17 animal returns for food, shelter or care for a period of at least
18 ~~21~~ ten (10) days, or at the point where the caregiver is providing
19 the primary source of sustenance for the animal; whichever time is
20 shorter. If the City establishes a program for the maintenance of
21 feral or community cats, those persons maintaining ~~feral~~ those cats
22 will be regulated in accordance with such program.

23 (t) Hobby Breeder means any individual not qualified as a pet
24 dealer whose primary source of income is not derived from the sale
25 of animals who may sell, trade, exchange or give away up to twenty
26 unsterilized animals (the individual litter that brings the total
27 offspring born to 20 or more meets the requirement of the 20 animal
28 maximum) per calendar year provided that the litters are registered
29 with ACPS. Registration shall be in the form of a letter stating
30 when the litter was born and the number of animals in the litter

1 (u)~~(e)~~ *Household pet* means an animal including, but not
2 limited to: dog; bird; domesticated cat; rodent, such as a gerbil,
3 guinea pig, hamster, domesticated mouse, and domesticated rat;
4 domesticated or European ferret; rabbit; fish; nonvenemous reptile
5 and amphibian; that is kept as subordinate to residential use for
6 the purpose of providing human companionship and that is not
7 protected by the Commission and that does not require a permit by
8 the Commission to possess for personal use. The following animals
9 are not considered household pets: wild animals as defined in this
10 Section; poultry, as defined in this Section; livestock, as defined
11 in this Section; and hoofed animals of any kind, including but not
12 limited to, miniature horse, miniature goat and teacup pig, except
13 that purebred miniature Vietnamese potbellied pigs, kept for the
14 sole purpose of providing human companionship and kept in
15 compliance with all applicable provisions of this Chapter are
16 considered household pets.

17 (v)~~(p)~~ *Livestock* means any grazing animal, such as horses,
18 cattle, sheep, donkeys, mules, buffaloes, llamas, swine, goats and
19 other hoofed animals, and emus, ostriches, and rheas, that are
20 raised for private use or commercial purposes; however, purebred
21 miniature Vietnamese potbellied pigs kept for the sole purpose of
22 providing human companionship and which are in compliance with all
23 applicable provisions of this Chapter are not considered
24 livestock.

25 (w) Microchip Identification - See Radio Frequency
26 Identification Device (RFID)

27 (x)~~(q)~~ *Nuisance* means any ~~thing done~~ act performed or
28 permitted to occur (including permitted by lack of reasonable and
29 appropriate action/control required for prevention) which injures
30 or prevents another ~~in the enjoyment of~~ from enjoying his/her legal

1 rights, in particular, the creation of conditions (including
2 created by lack of reasonable and appropriate action/control
3 required for prevention) leading ~~relating~~ to the excessive breeding
4 of fleas or flies, ~~the creation of~~ odors or noises and other
5 obnoxious circumstances caused by the keeping of animals.

6 (y)~~(r)~~ Occasional selling means any selling, trading or giving
7 away of an animal or a litter of puppies, kittens, or other
8 animals, that is on a random, unsystematic basis and that does not
9 exceed the selling, trading or giving away of a total of ten (10)
10 individual unsterilized animals (the individual litter that brings
11 the total offspring born to ten or more meets the requirement of
12 the 10 animal maximum if the animals are being bred) in a calendar
13 year.

14 (z) Owner means any person, household, firm, corporation, or
15 other organization possessing, harboring, keeping, or having
16 control or custody of an animal; a person must be age eighteen (18)
17 or older to be considered the legal owner of an animal. ~~or, If the~~
18 animal is owned by a person under the age of eighteen (18) is
19 considered the custodian or caretaker of the animal, the parents or
20 legal guardians shall be considered, the legal owner of the animal
21 and responsible for all matters involving that animal. ~~, that~~
22 person's parent or guardian. There shall be a rebuttable
23 presumption that the person's name appearing on the animal's
24 registration or radio frequency identification device (RFID),
25 commonly known as a "microchip," is the owner.

26 (aa)~~(s)~~ Person means any individual person, firm,
27 corporation or other organization. The knowledge and acts of agents
28 and employees of a firm, corporation or other organization, with
29 regard to the treatment of animals owned, in the custody of or
30 transported by such firm, corporation or other organization, shall

1 be the knowledge and acts of the firm, corporation or other
2 organization.

3 (bb) Physical Control means adequate domination or power to
4 influence/oppress the actions of the animal to prevent the animal
5 from engaging in biting, aggression towards people or animals,
6 straying, being at-large or other behaviors regulated by this
7 ordinance or state law by the use of a proper leash or similar
8 device attached to an appropriate collar or harness. To maintain
9 physical control the animal must be on a leash not to exceed eight
10 (8) feet at its maximum extension. Animals on longer leashes or
11 similar devices extended beyond eight (8) feet shall be considered
12 not under physical control and may be subject to being treated as
13 at-large for provisions of this ordinance, enforcement shall take
14 place if and only if another violation of this ordinance has
15 occurred at the same time. Nothing in this definition is intended
16 to prevent dogs being on training leashes or while engaged in other
17 appropriate activities under adequate, responsible adult
18 supervision where care is taken to assure control as needed is
19 available to prevent violations of this ordinance.

20 (cc) ~~(t)~~ Poultry means domesticated birds, such as chickens,
21 turkeys, ducks, geese, guineas and pigeons, that are usually raised
22 for eggs and/or to provide food for humans.

23 (dd) ~~(u)~~ Quarantine or ten-day quarantine means confining an
24 animal for observation of any symptoms of rabies, which confinement
25 is typically for a ten-day time period from the date of the bite,
26 scratch or other potential rabies exposure, unless a longer time
27 period is required pursuant to State regulations and guidelines.

28 (ee) ~~(v)~~ Rabies means an acute, fatal, infectious disease of
29 the central nervous system that is transmitted when the virus is
30 introduced into bite wounds, open cuts in skin, or onto mucous

1 membranes.

2 (ff)~~(w)~~ *Rabies alert* means public notification that there
3 has been a confirmed case of animal rabies within a specific
4 geographic area.

5 (gg)~~(*)~~ *Rabies quarantine area* means laboratory confirmation
6 that there is an epidemic level of rabid animals within a
7 geographic area.

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

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

18 (jj)~~(z)~~ *Stray* means any animal that is found to be at-
19 large, whether lost by its owner or otherwise, or that is on the
20 common areas of apartments, condominiums, trailer parks or other
21 multi-residential premises, and that does not have an
22 identification tag and for which there is no identifiable owner;
23 however, if the City establishes a program for the maintenance of
24 feral cats or community cats this provision shall not apply to
25 qualified animals in those programs, ~~feral cats may be treated as~~
26 ~~other than stray.~~

27 (kk) Sufficient Food means access to proper food for the
28 species of animal on a regular, ongoing basis in quantities
29 sufficient to maintain a regular body weight as designated by
30 objective measurement tools such as "Body Condition Score (BCS)"

1 systems. As an example, regular body weight would be the "ideal"
2 level (4 or 5) on the internationally recognized veterinary and
3 animal welfare Purina Body Score System Chart. Animals under
4 active, current veterinary care may deviate from the scale based
5 upon the expertise of a licensed veterinarian.

6 (ll) Sufficient Water means access to clean, potable water
7 on a regular, ongoing basis in quantities to prevent the animal
8 from exhibiting signs of dehydration.

9 (mm) ~~(aa)~~ Transporting means shipping, transporting, carrying,
10 importing, exporting, receiving or delivering for shipment,
11 transportation, carriage or export.

12 (nn) ~~(bb)~~ Veterinarian means an ~~veterinarian licensed to~~
13 ~~practice veterinary medicine and surgery by the Florida State Board~~
14 ~~of Veterinary Medicine, except where the text clearly includes a~~
15 ~~veterinarian licensed by another State.~~ individual who is
16 licensed to engage in the practice of veterinary medicine in
17 Florida under the authority of Chapter 474, Florida Statutes.

18 (oo) Wholesome exchange of air means sufficient ventilation
19 or other means of air exchange adequate to prevent the accumulation
20 of noxious odors and limit airborne disease transfer and adequate
21 air movement in/through the structure.

22 (pp) ~~(ee)~~ Wild animal means any member of the animal kingdom
23 including, but not limited to, any mammal, fish, bird, amphibian,
24 reptile, mollusk, crustacean, arthropod, or other invertebrate, but
25 excluding those animals listed under the definitions for household
26 pet, livestock and poultry.

27 **Section 462.103. Administration and Enforcement.**

28 (a) The Chief of the Animal Care and Protective Services
29 Division, animal control officers and State and local law
30 enforcement officers and other State and local government employees

1 whose duties involve, in whole or in part, the seizure and
2 impoundment of any animal are authorized to investigate, on public
3 or private property, civil infractions relating to animal control
4 or cruelty and to issue citations for violations of this Chapter as
5 provided herein. An animal control officer is also authorized to
6 capture and impound animals found in violation of this Chapter as
7 provided herein. An animal control officer, who is not also a law
8 enforcement officer as defined by ~~F.S.~~ § 943.10F.S., is not
9 authorized to bear arms or make arrests; however such an animal
10 control officer may carry a device to chemically subdue and
11 tranquilize an animal, provided the animal control officer has the
12 prerequisite training pursuant to ~~F.S.~~ § 828.27, F.S.

13 (b) ACPS and the Jacksonville Sheriff's Office shall have
14 concurrent jurisdiction and authority for the enforcement of this
15 Chapter.

16 All laws of the State of Florida related to animal
17 control and/or animal care are hereby incorporated in this
18 ordinance by reference. If any provision of State Law is not
19 otherwise expressed in this ordinance, an animal control officer
20 may issue a citation using this subsection and noting the section
21 of Florida Statute violated. Such violations shall be subject to a
22 fine noted in Chapter 462, Part 18.

23 A fine schedule noted in Chapter 462, Part 18, with
24 progressive violation increases, is included as a schedule to this
25 ordinance; it may be amended and revised from time to time.

26 Animal control officers shall, upon proper reasonable
27 suspicion, when needed to investigate violations, petition any
28 County Court Judge for inspection and/or search and seizure
29 warrants pursuant to their duties herein, and as defined in this
30 ordinance and/or Florida Statutes, in accordance with Chapter 933,

1 Florida Statutes.

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

6 (g) Community Service hours may be substituted for fines and
7 fees at the sole discretion of the Chief of ACPS. Community
8 service hours shall be calculated based on the national hourly
9 minimum wage existing at the time the hours are being requested. No
10 individual may participate in community service activities unless
11 such individual has executed a waiver and indemnity in favor of the
12 City, on a form approved by the Office of General Counsel, from any
13 liability which may accrue or arise during such community service
14 work. Once an individual has completed the necessary hours equal
15 to the fine entered on the final judgment, the final judgment shall
16 be satisfied. Such service must be completed within a prescribed
17 time or the maximum fine and/or all fees shall be entered as a
18 final judgment.

19 * * *

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

21 It shall be unlawful and a class D offense against the City,
22 as defined in Section 632.101, for any person to interfere with,
23 prevent or hinder anyone in the performance of any duty required by
24 this Chapter including, but not limited to, removing or attempting
25 to remove an animal from an animal control officer's vehicle,
26 tampering with or removing an animal from an ACPS animal trap,
27 tampering with or destroying signs and/or other City property,
28 interfering with the lawful execution of the duties of an animal
29 control officer or interfering with the lawful impoundment of an
30 animal. All alleged violators of any section of this ordinance

1 shall be required to provide positive photo identification and
2 accurate current residence; failure to do so shall be considered a
3 violation of this section subject to a fine of not less than the
4 amount designated in Chapter 462, Part 18.

5 **Sec. 462.106. Procedures.**

6 (a) An animal control officer is authorized to issue a
7 citation to a person when the animal control officer has probable
8 cause, based upon observation or witness affidavit as authorized in
9 this chapter, to believe that the person has committed a civil
10 infraction in violation of this Chapter and that the County Court
11 will hear the charge. An animal control officer based upon the
12 individual circumstances and available facts (including any known
13 history), prior to issuing a citation, may issue a warning citation
14 containing an explanation of the circumstances and recommended
15 corrective action and establishing a reasonable time period in
16 which the person must correct the violation. If a warning citation
17 is issued, the animal control officer will perform a follow-up
18 investigation to determine whether the situation still exists.

19 (b) Whenever possible a citation issued by an animal control
20 officer shall be hand delivered, ~~whenever possible,~~ to the violator
21 (or the violator's representative having custodial supervisor
22 responsibilities at the location of the violation). ~~Whenever~~ If the
23 animal control officer is unable to hand deliver the citation, ACPS
24 shall attempt to send a letter shall be sent by certified mail to
25 the violator, giving the violator ten (10) days to arrange to meet
26 with the animal control officer to permit direct or hand delivery
27 of the citation. Failure to contact the animal control officer
28 and/or failure to accept delivery of the certified letter shall be
29 considered a willful refusal to sign for and accept issuance of the
30 citation.

1 * * *

2 (e) Unless cited for a violation for which court appearance
3 is mandatory, a person cited for a civil infraction shall, within
4 ten (10) days of the date of receipt of the citation, either-:

5 * * *

6 (g) Persons cited for the following must appear in County
7 Court:

8 * * *

9 (4) Repeated violations as provided by §828.27(6), F.S.
10 and/or as noted in Chapter 462, Part 18.

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

27 (h) ACPS may establish a voluntary violator diversion program
28 (in addition to any community service obligations that may be
29 otherwise required) with the goal of educating owners, reducing the
30 likelihood of repeat offenses, and reducing the demands of the

1 court resources and docketing. If established, the violator shall
2 pay a fee as designated in section 462.1803 for the diversion
3 program and upon successful completion within a prescribed
4 timeframe will have the citation reduced to a written warning. All
5 revenue collected from such diversion programs will be deposited
6 into the Training and Cruelty Prevention Trust Fund, Section
7 111.456, Ordinance Code.

8 * * *

9 **Sec. 462.108. Civil penalties.**

10 (a) The maximum fine for each civil infraction under this
11 Chapter is five hundred dollars (\$500) unless otherwise provided by
12 law.

13 (b) Whenever a provision of this Chapter does not establish
14 a specific fine for failing to do any act or thing required or for
15 doing any act or thing prohibited, in addition to court costs, the
16 civil fine for such civil infraction, shall be not less than \$100
17 the amount designated in Chapter 462, Part 18. Unless otherwise
18 specifically provided in this Chapter, each animal is considered a
19 separate violation, and each Section and subsection is considered a
20 separate violation.

21 Minimum penalties are hereby established considering the
22 following and are listed in Part 18 of this chapter:

- 23 (1) The gravity of the violation.
24 (2) The potential harm to the public.
25 (3) The danger to the animal or other animals.
26 (4) The potential adverse effect(s) on animals or
27 people.
28 (5) The previous violations.
29 (6) The deterrent effect for future violations or
30 violators.

1 (c) ACPS may, from time to time, convene a temporary, issue-
2 specific advisory committee of a cross-section of the community to
3 review and recommend changes to the minimum fine and fee schedules
4 to the Council. The Chief of ACPS may remove any member at any time
5 for any reason within his/her discretion. The committee will be
6 disbanded following the recommendation to the Chief of ACPS; a new
7 committee will be seated for future review. The Chief of ACPS will
8 review such recommendations and proceed as appropriate with
9 suggesting the applicable changes as needed.

10 ~~(e)~~ (d) A person who has committed a civil infraction, but
11 does not contest the citation and pays the infraction in a timely
12 manner, shall be assessed an uncontested fine amount as established
13 by ACPS in Chapter 462, Part 18.

14 ~~(d)~~ (e) Progressive penalties will be assessed as noted in
15 Chapter 462, Part 18 and incorporated herein by this reference, and
16 as may be attended from time to time. Unless otherwise provided,
17 repeat violations will be assessed double the original fine for
18 each subsequent violation except that the fine amount shall not
19 exceed the maximum fine allowable by law.

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

22 * * *

23 ~~(f)~~(g) A five dollar (\$5) surcharge shall be charged and
24 collected upon each civil fine imposed for each a violation of this
25 Chapter, as authorized by F.S. § 828.27(4)(b), F.S. If the court
26 adjudicates the violation as suspended or guilty with no fine, the
27 surcharge shall still be charged and collected upon that violation,
28 even if court costs are not assessed. The proceeds from such
29 surcharge shall be deposited in the Animal Care and Protective
30 Services Training and Cruelty Prevention Trust Fund established by

1 Section 111.455456 and shall be used only to pay for costs
2 associated with training for animal control officers. Fines and
3 surcharges shall be paid to the Tax Collector or ACPS, if the Chief
4 establishes a process for doing so.

5 **Section 3. Amending Chapter 462 (Animals), Part 2**
6 **(Cruelty to or neglecting animals), Ordinance Code.** Chapter 462
7 (Animals), Part 2 (Cruelty to or neglecting animals), *Ordinance*
8 *Code*, is here by amended to read as follows:

9 **CHAPTER 462. ANIMALS.**

10 * * *

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

12 * * *

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

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

19 * * *

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

28 * * *

29 (f) A violation of this Section shall subject the violator
30 to a civil fine of \$500; all fines collected from violations of

1 this part shall be deposited into the Training and Cruelty
2 Prevention Trust Fund.

3 **Sec. 462.202. Exemptions.**

4 The provisions of this Part do not apply to:

5 * * *

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

9 * * *

10 (g) Any surgical procedure that is performed by a licensed
11 veterinarian that is not otherwise prohibited by law, including but
12 not limited to ear cropping, dewclaw removal or tail docking.

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

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

17 (a) Failing to provide any one of the following: sufficient
18 potable water; sufficient wholesome food; adequate shelter with a
19 sufficient, level floor, at least three (3) structurally sound
20 walls and a solid roof to protect the animal from the weather,
21 extreme temperature and direct sunlight; current and active
22 veterinary care/treatment to prevent suffering; sufficient exercise
23 and wholesome exchange of air. A standard of usual and customary
24 practice, based upon the guidelines of the Jacksonville Veterinary
25 Medical Society (JVMS), the Florida Veterinary Medical Association
26 (FVMA) and/or the American Veterinary Medical Association (AVMA),
27 shall be used to define active veterinary care/treatment.

28 (b) Keeping an animal in an enclosure which prevents the
29 animal from free and full movement with full extension of its limbs
30 (including standing fully upright) and/or without wholesome

1 exercise and change of air. Nothing in this section is meant to
2 prohibit the temporary transport of animals in 'airline crates' or
3 the use of a temporary crate that may not allow for full extension
4 of all limbs and full movement and to stand erect and turn fully
5 around while cleaning the enclosure or to separate animals while
6 feeding. Crates used for temporary holding of animals in
7 conjunction with or training for dog shows, performance events or
8 hunting are not covered by this provision if such holding period
9 does not include overnight or extended periods of more than two
10 hours, while not in transport, in such confined spaces that may not
11 allow for full extension and free movement. Nothing in this section
12 is meant to restrict the use of crates that allow the animal(s) to
13 fully extend all limbs, allow the animal(s) to stand fully erect
14 without touching the walls or top of the crate, allow the animal(s)
15 to fully turn around, and allow the animal(s) sit and lay down
16 without obstruction.

17 (c) Placing or confining an animal or allowing it to be
18 placed or confined or to remain in an unattended vehicle without
19 sufficient ventilation or under conditions or for such a period of
20 time as may reasonably be expected to endanger the health or well-
21 being of such animal due to heat, lack of water or such other
22 circumstances as may be expected to cause suffering, debility or
23 death.

24 (1) An officer or Animal Control Officer who finds an
25 animal in a vehicle in violation of this section may enter the
26 vehicle by using the amount of force reasonably necessary to
27 remove the animal. An officer or animal control officer who
28 acts in substantial compliance with the provisions of this
29 section shall be immune from civil and criminal liability; and
30 the City shall also be held immune from civil liability.

1 (2) Nothing in this section shall be deemed to prohibit
2 the transportation of horses, cattle, sheep, poultry or other
3 agricultural livestock in trailers or other vehicles designed
4 and constructed for such purposes.

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

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

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

14 (g) A violation of this Section shall subject the violator to
15 a civil fine of no less than the amount designated in Chapter 462,
16 Part 18 \$500.

17 **Sec. 462.204. Restraint by tethering ~~chaining~~.**

18 Restraint by tethering ~~chaining~~ may be used provided the
19 following conditions are met:

20 (a) The ~~chain or~~ tether shall not weigh more than one-eighth
21 (1/8) of the animal's body weight. When a violation of this
22 provision occurs, an animal control officer is authorized to take
23 reasonable measures to remove the animal from the tether and take
24 the tether and animal to the shelter;

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

27 (c) The ~~chain or~~ tether shall be attached to a properly
28 fitted collar or harness worn by the animal; the tether may not be
29 attached to a slip or prong collar; and
30

1 (d) The animal, while restrained by ~~chain or~~ tether, is able
2 to access proper shelter with sufficient floor, at least three
3 walls, and roof to protect the animal from the weather, extreme
4 temperatures and direct sunlight; and is able to access sufficient
5 potable water and sufficient wholesome food.

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

10 (f) A violation of this Section shall subject the violator to
11 a civil fine of not less than the amount designated in Chapter 462,
12 Part 18.

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

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

25 (b) Exemptions allowed:

26 (1) 'Baiting' does not include two dogs engaged in
27 conformation trials during the judging of a sanctioned breed
28 exhibition or contest that is properly noticed to ACPS at
29 least two weeks in advance of the event and open to ACPS
30 officers for observation of the event.

1
2 (2) 'Animal fighting' and 'Baiting' do not include
3 traditional and lawful hunting practices, field trials or
4 performance events, or the training for such events.

5 (c) Possession of the paraphernalia associated with animal
6 fighting, including but not limited to gamecock gloves, spurs, long
7 blades, short blades, break stick, breeding or 'rape stand', spring
8 pole, cat mill, and similar devices known to be associated with
9 animal fighting and conditioning for fighting, shall be considered
10 a violation of this section. In determining a violation, the
11 context of the scene and items shall be evaluated; however each
12 individual item shall be considered a separate violation.

13 (d) A violation of this Section shall subject the violator to
14 a civil fine of \$500.

15 **Sec. 462.206. Controlling poisonous substances.**

16 (a) It shall be unlawful for any person to intentionally
17 knowingly or negligently place or leave any poison or poisonous
18 substances injurious to domestic animals in any place accessible to
19 domestic animals or to intentionally knowingly or negligently
20 expose any non-vermin animal to poison or poisonous substances.
21 Nothing in this section is intended to address the unintentional
22 poisoning of an animal due to the animal's ingestion of plants that
23 are naturally growing, potted or part of a maintained landscape,
24 nor shall it include unintentional poisoning of an animal due to
25 the animal's ingestion of bugs, reptiles, and other animals. For
26 the purposes of this section 'knowingly' shall mean that a
27 reasonable person should have known under the given circumstances.

28 (b) It shall be unlawful for any person to intentionally
29 feed an animal any intoxicating substance or to impair the physical
30 condition of an animal by non-therapeutic administration of a drug

1 or narcotic not legally permitted or licensed for that purpose.
2 This provision does not apply to animal control officers or
3 veterinarians in the performance of their duties.

4 * * *

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

6 (a) It shall be unlawful for any person to artificially color
7 any animal in the City or cause this coloration to be done or to
8 bring into the City, possess, offer for sale, sell, barter or give
9 away an artificially colored animal. Enforcement of this section is
10 intended to protect the animal from being harmed from the
11 coloration process and to prevent misrepresentation of the actual
12 coloration of an animal to any potential buyer. Strictly prohibited
13 is the artificial coloring of chick, ducklings, gosling and
14 rabbits. A violation of this Section shall subject the violator to
15 a civil fine of not less than \$250 the amount designated in Chapter
16 462, Part 18.

17 (b) It shall be unlawful for any person or business entity to
18 knowingly allow or permit anyone to display, possess, offer for
19 sale, barter or give away an artificially colored animal. The
20 manager on site and/or the property owner shall be subject to a
21 civil fine of not less than the amount designated in Chapter 462,
22 Part 18. 'Knowingly' for this section shall mean that a reasonable
23 person with the knowledge of the facts available would or should
24 have known or had reasonable cause to believe that the animal had
25 been colored.

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

28 (a) It shall be unlawful for any person to sell, offer for
29 sale, or give away within the City any chicken, duckling or other
30 birds under four (4) weeks of age or rabbit under two (2) months of

1 age, to be used as pets, toys or retail merchandising premiums.
2 This Section shall not be construed to apply to any animal to be
3 used or raised for agricultural purposes by persons with proper
4 facilities to care for it or for poultry or livestock exhibitions.

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

9 (c) A violation of this Section shall subject the violator
10 to a civil fine of not less than \$250 the amount designated in
11 Chapter 462, Part 18.

12 **Sec. 462.209. Citation.**

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

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

19 * * *

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

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

26 * * *

27 (c) Within thirty (30) days after the seizure of the animal
28 or the issuance of the order to provide care, the ~~animal control~~
29 ~~officer~~ City shall petition the county court for a hearing. The
30 hearing shall be held not more than fifteen (15) days after the

1 request for such hearing is made. The hearing shall be for the
2 purpose of determining whether or not the owner has violated this
3 Part and to determine whether the owner is fit to have custody of
4 the animal. The hearing shall be concluded and the court order
5 entered as expeditiously as possible, and in any case, not more
6 than sixty (60) days after the date the hearing commenced. No fee
7 shall be charged for the filing of the petition.

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

16 (e) Fees and disposition of animals:

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

19 (2) If the court determines that the owner is not
20 guilty of any violation of this Part and is able and fit to
21 provide adequately for and have custody of the animal, then
22 the court shall enter an order providing that the animal be
23 claimed by the owner and removed from the custody of ACPS
24 within seven (7) days after the date of the order, or the
25 animal is considered abandoned by the owner and becomes the
26 property of ACPS.

27 (3) If the court determines that the owner violated
28 this Part, but is, nevertheless able and fit to provide
29 adequately for one or more of the animal(s) seized, the
30 court's order shall indicate each animal that may be redeemed

1 and shall provide that the animal be claimed by the owner and
2 removed from the custody of ACPS within seven (7) days after
3 the date of the order, or the animal is considered abandoned
4 by the owner and becomes the property of ACPS. The order may
5 also require that, prior to redeeming such animal, the owner
6 must pay all applicable fines (including outstanding fines
7 issued by ACPS) and court costs, and shall require the owner
8 to pay all impound fees, boarding fees, applicable veterinary
9 expenses, other medical expenses and all other costs
10 associated with the care and maintenance of the animal(s)
11 redeemed and any other animals seized by ACPS that are not to
12 be redeemed. The court may hold a separate hearing for proof
13 of costs.

14 (4) If the court determines that the owner is unable or
15 unfit to adequately provide for the animal(s), the court's
16 order shall provide that the owner shall have no further
17 custody of the animal(s) and that the animal(s) shall become
18 the property of ~~ACC~~ACPS. The order may also require that the
19 owner must pay all applicable fines (including outstanding
20 fines issued by ACPS and court costs) and shall require the
21 owner to pay all impound fees, boarding fees, applicable
22 veterinary expenses and other medical expenses and all other
23 costs associated with the care and maintenance of the animal
24 seized. The court may hold a separate hearing for proof of
25 costs.

26 (5) If the court also determines that the owner is
27 unable or unfit to provide for any animal(s) not already
28 seized and taken into custody by an animal control officer,
29 then the court may also order that any or all other animal(s)
30 in the custody of the owner be turned over to ACPS for

1 adoption or humane disposition. Pursuant to ~~F.S.~~ § 828.073,
2 F.S., the court may also enjoin the owner's further possession
3 or custody of other animals.

4 * * *

5 **Section 4. Amending Chapter 462 (Animals), Part 3**
6 **(Nuisances), Ordinance Code.** Chapter 462 (Animals), Part 3
7 (Nuisances), *Ordinance Code*, is hereby amended to Read as follows:

8 **CHAPTER 462. ANIMALS.**

9 * * *

10 **PART 3. NUISANCES.**

11 * * *

12 **Section 462.301. General.**

13 * * *

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

20 **Sec. 462.302. Noise.**

21 (a) It shall be unlawful for the owner, or any person having
22 temporary custody, of an animal or animals to allow or fail to
23 restrain the animal(s), to bark, meow, whine, howl, or to make
24 other sounds common to the species, persistently or continuously
25 for a period of thirty (30) minutes or longer when every animal is
26 not contained within an enclosure sufficient to baffle loud noises
27 and render them reasonably unobjectionable. For the purposes of
28 this section, persistently or continuously shall mean non-stop
29 utterances for thirty (30) consecutive minutes with individual
30 interruptions of less than thirty (30) seconds at a time during the

1 thirty (30) minute utterances. This subsection shall not apply to
2 animals maintained on land zoned for agricultural purposes, nor
3 shall it apply to a properly permitted animal shelter established
4 for the care and/or placement of unwanted or stray animals, nor a
5 properly zoned commercial boarding kennel or other animal facility.

6 (b) A violation of this Section, or any subsection of
7 Section 462.301, shall subject the violator to a civil fine of not
8 less than \$250 the amount designated in Chapter 462, Part 18. Each
9 separate occasion is considered a separate violation. The animal
10 control officer may cite the owner or custodian of the animal(s)
11 for violation of such Section or subsection when either the animal
12 control officer has received, from at least two (2) unrelated adult
13 witnesses from different residences, a sworn affidavit attesting to
14 the committing of a nuisance pursuant to such Section or
15 subsection, or the citing animal control officer has witnessed the
16 commission of such a nuisance. Affidavits attesting to the nuisance
17 must come from residents within a three (3) block radius
18 (approximately nine hundred foot radius).

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

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

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

29 * * *

1 (2) The dog is engaged in any legal hunt or training
2 procedure, including training or exhibiting in legal sports
3 such as obedience trials, conformation shows, field trials,
4 schutzhund, hunting/retrieving trials, and herding trials;
5 however, such dogs at all other times and in all other
6 respects shall be subject to this Chapter.

7 (3) The dog is in a City-designated or legally
8 established, with proper certificate of use, private "no "off-
9 leash" dog park and is under the supervision of the owner or a
10 responsible person.

11 (b) A violation of this Section shall subject the violator
12 to a civil fine of not less than \$250 the amount designated in
13 Chapter 462, Part 18. Each separate occasion is considered a
14 separate violation. The animal control officer may cite the owner
15 of such animal(s) for violation of this Section when either the
16 animal control officer has received, from at least two (2)
17 unrelated adult witnesses ~~from~~ residing at different residences, a
18 sworn affidavit attesting to the animal's having committed a
19 nuisance pursuant to this Section, or the citing animal control
20 officer has witnessed the commission of such a nuisance.

21 **Sec. 462.304. Habitual nuisance.**

22 * * *

23 (b) For the purpose of this Section, "habitually" means at
24 least two separate occurrences within a time period of no more than
25 one month; except that barking habitually, or making other
26 objectionable animal noises habitually, means making the sound
27 persistently or continuously for at least thirty (30) minutes
28 occurring at least three separate times within a period of no more
29 than eight (8) hours. For the purposes of this section,
30 "persistently" or "continuously" shall mean non-stop utterances for

1 thirty (30) consecutive minutes with interruption of less than
2 thirty (30) seconds at a time during the thirty (30) minute
3 utterances.

4 * * *

5 (d) Each violation of this Section shall be punishable by a
6 fine of not less than \$300 the amount designated in Chapter 462,
7 Part 18. A subsequent violation of this Section ~~within~~ occurring
8 ten (10) or more business days ~~30 days of~~ after a previous citation
9 for violation of this Section shall be considered a separate and
10 distinct violation. ~~subject the violator to double the fine, except~~
11 ~~that such fine shall not exceed the maximum fine allowable under~~
12 ~~the law.~~

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

14 Except where an exemption under section 462.403 applies:

15 (a) No owner or person having temporary custody of an
16 animal(s) shall permit the animal(s), either willfully or through
17 failure to exercise due care or control (for purposes of this
18 section an animal on a leash or tether longer than eight (8) feet
19 shall be considered failure to exercise due physical control), to
20 destroy or damage the property of another including, but not
21 limited to, the unprovoked biting, attacking or wounding of another
22 person's animal(s).

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

27 (c) An animal control officer may cite the owner or person
28 having temporary custody for violation of this Section when either
29 the animal control officer has received a sworn affidavit from an
30 adult witness, attesting to the animal's having committed a

1 violation of this subsection, or the citing animal control officer
2 has witnessed the commission of such violation.

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

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

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

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

17 (a) It shall be unlawful and punishable by a fine of not
18 less than the amount designated in Chapter 462, Part 18 \$250, for
19 the owner or person having temporary custody of a female dog or cat
20 in heat to permit or allow it to be upon the public street or in a
21 public place unless restrained by leash or similar device, ~~tether~~
22 ~~or chain~~ of four (4) feet or less and under the direct physical
23 control of the owner or person having temporary custody. The owner
24 or person having temporary custody of a female dog or cat in heat
25 shall, at all times when not upon the public street or in a public
26 place restrained as noted above, keep it restrained by leash or
27 similar device, ~~tether or chain~~ of four (4) feet or less and under
28 the direct physical control of the owner or person having temporary
29 custody; or securely confined on private property and inside a
30 secure building or secure enclosure having a secure top and bottom

1 attached to all sides so as to prevent ~~conception~~ copulation and/or
2 any other animal from entering the enclosure, with the exception of
3 controlled and intentional breeding or introduced under the control
4 of the owner, such as other female dogs not in heat. Female dogs in
5 heat are not allowed in any off-leash park. A female dog or cat
6 found to be in violation of this Section is hereby declared to be a
7 nuisance and may be impounded as provided in this Chapter. Animals
8 impounded under the provisions of this section shall be sterilized
9 before being returned to their owners, unless otherwise exempted by
10 this ordinance.

11 * * *

12 (c) For the purposes of this section, accidental, unplanned
13 or unwanted breeding and/or unwanted litters shall be considered
14 prima facie evidence of the failure to confine the female while in
15 heat and may be subject to the corresponding fine.

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

19 **Sec. 462.308. Injury to animals by motor vehicles; reporting**
20 **requirement.**

21 Any operator of a motor vehicle that has injured an animal
22 shall immediately notify the Office of the Sheriff, or ACPS ~~or the~~
23 ~~Jacksonville Humane Society~~ and advise as to the location of the
24 injured animal. Failure to notify one of these authorities shall
25 constitute a violation of this Section punishable by a fine of not
26 less than \$50 the amount designated in Chapter 462, Part 18.

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

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

* * *

1
2 (3) Animal owners that have a current City license and
3 permanent identification in the form of a registered microchip
4 ID (RFID) or attached City license tag, shall be exempt from
5 the above provision regarding sterilization for the first
6 impound of the animal provided the identification is accurate
7 to allow ACPS to identify its owner. Other valid permanent
8 identification may also be used provided ACPS can easily
9 identify the owner and a current City license is on file with
10 the owner's information.

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

27 **Sec. 462.310. Additional penalty for dogs and cats not spayed**
28 **or neutered.**

29 Any owner found to be in violation of any provision of this
30 Chapter that involves an at-large dog or cat shall be assessed an

1 additional fine of not less than the amount designated in Chapter
2 462, Part 18, \$100 if the dog or cat has not been spayed or
3 neutered, and is not impounded subject to sterilization upon
4 redemption. The owner of such dog or cat shall have the option of
5 paying this additional \$100 fine or, in the alternative, the owner
6 may, within ten (10) days of the violation, have the dog or cat
7 spayed or neutered. If the owner elects to have the dog or cat
8 spayed or neutered, the owner shall present proof of same to the
9 Tax Collector upon payment of the fine. The Tax Collector, upon
10 receipt of proof that the dog or cat has been spayed or neutered,
11 shall deduct the \$100 additional fine from the total fine amount.
12 Proof requires written verification, on letterhead and with the
13 veterinarian's license number noted, by the veterinarian who
14 performed the sterilization that the dog or cat has been
15 sterilized. The additional fine monies shall be dedicated to animal
16 sterilization programs and deposited into the Spay Neuter Trust
17 Fund.

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

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

24 ~~**Sec. 462.312. Testing and destruction of contaminated**~~
25 ~~**turtles.**~~

26 ~~No person shall sell, offer for sale, barter or give away live~~
27 ~~turtles, without first obtaining adequate bacteriological proof~~
28 ~~that the turtles are free from salmonella contamination. Adequate~~
29 ~~bacteriological proof shall consist of a certified statement by the~~
30 ~~Chief Public Health Official of the State from which the turtles~~

1 ~~are shipped, certifying that the turtles have been found free of~~
2 ~~salmonella, based upon laboratory examination, and describing the~~
3 ~~examination(s) upon which the statement is based. The certificate~~
4 ~~shall be displayed in a conspicuous manner by each pet shop and~~
5 ~~animal dealer selling such turtles. In addition, the DCMD may~~
6 ~~require that the seller take a series of at least six consecutive~~
7 ~~cultures of turtle excreta, to be taken at intervals of not less~~
8 ~~than one week, to determine if the turtles are contaminated with~~
9 ~~salmonella. The cultures shall be examined by a laboratory approved~~
10 ~~by the DCMD. The results of the examination shall be submitted to~~
11 ~~the DCMD. The DCMD may at any time take samples of tank water or~~
12 ~~any other appropriate samples from turtles offered for sale. The~~
13 ~~DCMD may order the immediate destruction of any lot of turtles~~
14 ~~found contaminated with salmonella.~~

15 **Sec. 462.312. Feeding of cats and dogs outdoors.**

16 (a) Rules applicable to all dogs and cats, excluding managed
17 community cats covered in subsection (b) below, are as follows:

18 (1) The feeding of cats and dogs outdoors shall take
19 place primarily during daylight hours to minimize the risk of
20 domestic-wildlife interactions that have increased potential
21 of rabies exposure for the cats or dogs. Any food provided
22 after daylight hours shall only be provided for such time
23 required for feeding, and no longer than thirty (30) minutes,
24 after which it shall be removed.

25 (2) Feeding outdoors is only allowed when an appropriate
26 amount of food for daily consumption of the cat(s) and/or
27 dog(s) being cared for is provided. Food must be appropriately
28 placed in a sanitary container sufficient for the cat/dog
29 being fed. Automatic feeders that are properly maintained and
30 secured may be used to dispense daily food rations and may be

1 present during night hours.

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

5 (4) Feeding outdoors must take place on the property
6 owned by the person placing the food or be done with the
7 consent of the property owner. Feeding on public property,
8 road right-of-ways, parks, common land of a multifamily
9 housing unit or any property without consent of the owner is
10 prohibited.

11 (5) Violations of this section are subject to a fine of
12 not less than the amount designated in Chapter 462, Part 18.

13 (b) Community Cat Management Initiatives: The City of
14 Jacksonville recognizes the need for innovation in addressing the
15 issues presented by feral, free-roaming and other community cats.
16 To that end it recognizes that there are community care givers of
17 cats, and acknowledges that properly managed community cats may be
18 part of the solution to the continuing euthanasia of cats; and
19 establishes the following requirements:

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

24 (2) A free community cat caregiver certification program
25 may be developed to educate people about community cats, the
26 importance of a veterinary provider relationship to best
27 address community cat needs, common disease(s) & proper care,
28 good management practices, and maintenance of the community
29 cats. The educational program shall be developed by community
30 veterinarians, community cat caregivers, ACPS and citizens

1 through an ad hoc advisory committee that will be disbanded
2 upon recommendation to the Chief of ACPS. The Chief of ACPS
3 may remove any member at any time for any reason within
4 his/her discretion. Periodically, ad hoc committees will be
5 convened to review, revise and update the program as needed.

6 (3) All cats that are part of community cat management
7 programs must be sterilized, vaccinated against the threat of
8 rabies, and ear-tipped (preferable on the left ear) for easy
9 identification; if these requirements are met the community
10 cat is exempted from licensing, stray, at-large and possibly
11 other provisions of this ordinance that apply to owned
12 animals.

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

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

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

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

28 (c) Violations of this section are subject to a fine of not
29 less than the amount designated in Chapter 462, Part 18.

1 **Sec. 462.313. Rabies quarantine area, rabies alert or**
2 **restriction of infectious animals.**

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

15 * * *

16 **Sec. 462.315. Procedure for animal bites and for animals**
17 **suspected of having rabies.**

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

28 (a) If an animal is suspected of having rabies, or if an
29 animal bites any person or another animal, all persons having
30 knowledge of such condition or event shall immediately notify both

1 the DCHD and ACPS. The DCHD or ACPS shall immediately investigate
2 the incident. The DCHD or ACPS will take appropriate actions to
3 ensure the health and safety of the victim(s) and of the community.
4 The DCHD and ACPS will maintain close communication with respect to
5 all investigations of possible rabies exposure, and the DCHD and
6 ACPS will provide each other with detailed information on biting
7 dogs. When there is a need for quarantine, the DCHD may determine
8 the location of the quarantine and will follow the investigation
9 through the quarantine period. For those animals quarantined at
10 ACPS, the DCHD and ACPS will notify the owner that the animal is
11 confined for the quarantine period. The DCHD will inspect regularly
12 those animals quarantined at ACPS and will inform ACPS of the
13 findings. ~~Those animals quarantined at ACP shall be kept for a~~
14 ~~period of 48 hours after the quarantine period has expired, subject~~
15 ~~to further impoundment as may be required pursuant to Part 4 of~~
16 ~~this Chapter.~~ The owner shall bear all costs associated with
17 impoundment and quarantine at ACPS, payable at the time of intake
18 for animals brought to the shelter by owner/owner's agent or within
19 forty-eight (48) hours of notice of impoundment for field captured
20 animals, and shall pay to the City all additional costs prior to
21 redeeming the animal. At either ACPS's or the DCHD's discretion,
22 the animal may be quarantined by confinement and observation at a
23 veterinarian, and the owner shall be responsible for paying the
24 cost of quarantine to the veterinarian. Except as provided
25 elsewhere in this Chapter, the DCHD in accordance with 64D-3 FAC
26 (or its equivalent) or upon the authority, responsibility and
27 assumed liability of the Health Department, during the quarantine
28 period, may release to the owner for confinement by the owner any
29 animal which has bitten a person or another animal if:
30

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

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

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

10 (4) DCHD has reviewed the specific details of the case
11 and in its best judgment is willing to accept the
12 responsibility and any potential liability for such decision
13 of allowing the home quarantine.

14 * * *

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

25 (d) If a suspected animal or a bitten animal has
26 sufficiently exposed a person or another animal, and the suspected
27 animal or bitten animal has or develops symptoms of rabies, as
28 determined by a veterinarian, the owner and the veterinarian shall
29 notify the DCHD and ACPS. The DCHD shall determine whether the
30 animal shall be humanely euthanized. No animal in the custody of

1 ACPS or a designated veterinarian, which has or develops symptoms
2 of rabies, may be redeemed or released. If a suspected animal or a
3 bitten animal dies, or is euthanized pursuant to this Section,
4 during the quarantine period, the veterinarian responsible for the
5 destruction, the DCHD or ACPS shall cause the animal's head to be
6 detached without mutilation and submitted to a laboratory of the
7 State Department of Health in accordance with the procedure as
8 provided by the DCHD.

9 **Sec. 462.316. Penalty.**

10 Except as otherwise specifically provided in any Section of
11 this Part, a violation of this Part shall be a civil infraction
12 punishable by a fine of not less than the amount \$250 designated in
13 Chapter 462, Part 18. ~~Each subsequent violation shall be punishable~~
14 ~~by a fine that is double the original.~~ The Chief of ACPS is also
15 authorized to seek injunctive relief against nuisances.

16 **Section 5. Amending Chapter 462 (Animals), Part 4**
17 **(Dangerous dogs), Ordinance Code.** Chapter 462 (Animals), Part 4
18 (Dangerous dogs), *Ordinance Code*, is hereby amended to read as
19 follows:

20 **CHAPTER 462. ANIMALS.**

21 * * *

22 **PART 4. DANGEROUS DOGS.**

23 * * *

24 **Sec. 462.402. Definitions.**

25 As used in this Part, unless the context clearly requires
26 otherwise:

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

* * *

(4) Chases or approaches a human upon the streets, sidewalks or any public or private property other than the owner's 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 (1) 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 sufficient cause 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

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

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

26 (3) After the investigation, ACPS shall make an initial
27 determination as to whether there is sufficient cause to
28 classify the dog as a dangerous dog ~~and shall afford the owner~~
29 ~~an opportunity for a hearing before the Chief of ACP, or~~
30 ~~before an animal commission or board as may be established by~~

1 ~~ordinance or by executive order, prior to making a final~~
2 ~~determination.~~ ACPS shall provide to the owner written
3 notification of the sufficient cause finding, by ~~registered~~
4 signature verified certified mail, certified hand delivery
5 with the signature of the recipient, or service in conformance
6 with the provisions of ~~F.S.~~ Ch. 48, F.S., relating to service
7 of process. The owner may file a written request for a hearing
8 with the Chief of ACPS, or an established commission or board
9 to challenge the initial determination, within seven (7) days
10 from the date of receipt of the notification of the sufficient
11 cause finding and, if requested, the hearing shall be held as
12 soon as possible, but not sooner than five (5) and not later
13 than twenty-one (21) days after receipt of the request from
14 the owner. The Chief of ACPS, or an established commission or
15 board, shall ~~establish procedures for the hearing process~~
16 conduct a de novo hearing to receive evidence and testimony.
17 The Chief of ACPS may request a representative from the Office
18 of General Counsel to represent ACPS's initial determination.

19 (4) Upon a determination that ~~a dog~~ the initial
20 determination should be ~~classified as a dangerous dog upheld~~,
21 ACPS shall provide written notification to the owner by
22 ~~registered~~ signature verified certified mail, certified
23 documented hand delivery with signature of recipient or
24 service in conformance with the provisions of ~~F.S.~~ Ch. 48,
25 F.S., relating to service of process. If the owner does not
26 file a written request for a hearing with the Chief of ACPS,
27 as specified in paragraph (3), above, within seven (7) days of
28 receipt of the notification of the initial sufficient cause
29 ~~findings~~ determination, the notification of sufficient cause
30 finding becomes the final determination of classification

1 without requiring additional notification to the owner. ~~To~~
2 ~~appeal the classification, the~~ If the owner feels that the
3 hearing was improper, that due process was not served, or that
4 there was not sufficient evidence submitted to uphold the
5 initial determination, the owner must file a written request
6 for a judicial appeal, based on the original hearing record,
7 of the administrative determination hearing in the County
8 Court within ten (10) business days after receipt of a written
9 determination of dangerous dog classification. The dog may be
10 impounded by ACPS pending a resolution of the appeal.

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.~~ If the dog is determined not to be a dangerous or
16 potentially dangerous dog under the provisions of this ordinance or
17 state law, ACPS shall process a refund of boarding and intake fees
18 upon the owner's request.

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

1 eighteen (18) years of age and who present to ACPS sufficient
2 documentation, as determined by ~~ACC~~ACPS, of the following:

3 (1) Proof that the owner has a current certificate of
4 rabies vaccination and license for the dog in accordance with
5 Part 5 of this Chapter;

6 (2) Proof that the owner has obtained for the dog a
7 permanent identification mark, such as ~~a tattoo on the inside~~
8 ~~thigh or~~ an electronic radio frequency identification device
9 (RFID) implantation;

10 (3) Proof that the owner has obtained a proper
11 enclosure to confine the dog as required in this Part (See
12 Section 462.405);

13 * * *

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

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

24 (8) A dangerous dog declaration is permanent and may
25 never be removed from the dog once the determination has been
26 finalized and the time for all appeals has passed.

27 **Sec. 462.405. Proper enclosure for dangerous dogs.**

28 * * *

29 (b) "Proper enclosure" , or a "primary enclosure", means
30 that the dangerous dog is securely and humanely confined on the

1 owner's property within a structure that has four (4) walls, a
2 roof, and floor that protects the animal from weather and is
3 sufficiently ventilated to provide refuge from the heat of the day.
4 The floor shall not be constructed of a grid or slats with openings
5 of more than one-half (1/2) the width of the animals' feet and
6 unless an appropriately sized solid floor is also provided for the
7 animals to use to stand, sit and lay down, and the floor may not
8 sag under the animals' weight. A proper enclosure must be
9 positioned at a proper elevation to prevent water from running into
10 the structure or remaining in the structure for more than two (2)
11 hours following the water event. A personal residence (house, or
12 building) is only considered a proper enclosure for a dangerous dog
13 when adult supervision by the owner or a competent individual
14 acting as the owner's agent is present; if anyone other than direct
15 family members are present, the residence alone is not considered a
16 proper enclosure and a lockable kennel of sufficient size for the
17 dog (with a roof and floor) must be utilized when a person or
18 people other than the owner's immediate family is/are present, or
19 if the dog is left alone in the residence. There must be a locked
20 pen or other enclosure that is designed to prevent the dangerous
21 dog from escaping over, under or through the enclosure (the
22 "primary enclosure"). If the dog is maintained outside, a portion
23 of the owner's property must be fenced with a secured perimeter
24 fence, serving as a secondary enclosure, at least six (6) feet in
25 height providing at least five (5) feet of distance between all
26 sides of the fence and the primary enclosure or of sufficient
27 height and strength for the species to prevent entry by the public
28 and to prevent the dog's escape from the owner's property if the
29 dog escapes from the primary enclosure. Within the perimeter fence,
30 the dog must be humanely confined inside a primary enclosure

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

Sec. 462.406. Insurance.

12
13 In order to protect the public and to afford relief from the
14 severe harm and injury that is likely to result from a dangerous
15 dog attack, the owner of a dangerous dog shall obtain and maintain
16 insurance in the minimum amount of ~~\$100,000~~ 500,000 for each
17 individual dangerous dog owned to provide \$100,000 of potential
18 reimbursement for each person bitten in each incident to provide
19 insurance against liability for damage to persons and property
20 caused by the dangerous dog(s). By way of example, if two people
21 are bitten by the same dog in the same incident insurance must
22 cover a total of \$200,000 of potential claims, broken down to
23 \$100,000 per victim. The insurance shall be provided by an
24 insurance company authorized to do business in the State of
25 Florida, and the owner shall file a certificate of insurance with
26 ACPS. Alternatively, the owner shall post a ~~\$100,000~~ \$500,000 surety
27 bond conditioned upon the payment of damage to persons and property
28 caused by the dangerous dog(s) during the period of registration,
29 renewable annually.

1 **Sec. 462.407. Dangerous dog outside of proper enclosure;**
2 **outside of primary enclosure.**

3 (a) A dangerous dog must not be outside a proper enclosure
4 unless the dog is muzzled and securely restrained by a ~~chain or~~
5 leash or similar device of not more than ~~six feet~~ four (4) feet in
6 length and is under the control of the owner or competent custodian
7 eighteen (18) years of age or older. The muzzle must be made in a
8 manner that will not cause injury to the dog or interfere with its
9 vision or respiration but will prevent it from biting any human or
10 animal. The owner may exercise the dog outside of its primary
11 enclosure without a muzzle or leash only if the dog remains on the
12 owner's property within the secured perimeter fence and only if the
13 dog remains within the owner's sight and control at all times and
14 only members of the owner's immediate household or persons eighteen
15 (18) years of age or older are allowed within the perimeter fence
16 while the dog is present. When being transported, such dog must be
17 safely and securely restrained within a vehicle.

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

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

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

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

29 ~~Prior to~~ During the dangerous dog investigation, and after a
30 final determination that the dog is dangerous, a dangerous dog

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

7 **Sec. 462.409. Attack or bite by dangerous dog; impoundment;**
8 **destruction.**

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

1 ACPS's final written decision to ~~destroy~~ euthanize the dog. The
2 owner shall be responsible for payment of all boarding costs,
3 medical costs and other fees and charges associated with ACPS's
4 maintaining the dog, regardless of the outcome of any proceeding.
5 If the dog is determined not to be a dangerous or potentially
6 dangerous dog under the provisions of this ordinance or state law,
7 ACPS shall process a refund of boarding and intake fees upon
8 request.

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

10 Except as exempt from the provisions of this Part under
11 section 462.403, whether or not a dog has been previously
12 classified as a dangerous dog, if a dog attacks a human, causing
13 severe injury to or the death of the human, an animal control
14 officer shall be authorized to immediately impound the dog, placing
15 it in quarantine, as may be required pursuant to Section 462.315,
16 or otherwise impounding it for ten (10) business days. During that
17 quarantine period or ten (10) business days, whichever is longer,
18 the owner may request a hearing with the Chief of ACPS, as provided
19 in §767.12, Florida Statutes, or appeal an administrative
20 determination to euthanize the dog by filing a petition to the
21 County Court. Thereafter, If the owner does not request a hearing,
22 at the end of the ten (10) business day filing period the ~~dangerous~~
23 dog shall be ~~destroyed~~ euthanized in an expeditious and humane
24 manner. If, prior to the ten-day time period, the owner notifies
25 ACPS in writing of the owner's intent to challenge ACPS's decision
26 to ~~destroy~~ euthanize the dog, ACPS shall continue to impound the
27 dog so long as the owner either posts bond, or pays in advance by
28 certified check payable to the City the estimated costs associated
29 with impounding the dog, as estimated by ACPS. Should the animal
30 have to be boarded beyond the original estimated time covered by

1 the pre-payment of fees, the owner shall be required to pay in
2 advance by certified check the estimated weekly costs of boarding
3 and care until the final decision has been reached. Failure to pay
4 impound and boarding fees for any ten (10) consecutive day period
5 shall constitute abandonment by the owner. The owner shall be
6 provided with a written information form advising of the
7 consequences for failure to pay. ~~To appeal ACPS's final decision,~~
8 ~~the owner must file a written request for a hearing in the County~~
9 ~~Court within ten business days after ACP's final written decision~~
10 ~~to destroy the dog. The owner shall be responsible for payment of~~
11 ~~all boarding costs, medical costs and other fees and charges~~
12 ~~associated with ACPS's maintaining the dog, regardless of the~~
13 ~~outcome of any proceeding.~~ If the dog is determined not to be a
14 dangerous or potentially dangerous dog under the provisions of this
15 ordinance or state law, ACPS shall process a request for the
16 refunding of boarding and intake fees.

17 * * *

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

19 * * *

20 (b) An animal care ~~and control~~ officer may immediately
21 impound a dangerous dog if the owner fails to comply with any of
22 the requirements for maintaining a dangerous dog and after proper
23 ten (10) day notification in accordance with §767.13, F.S., or
24 after appeal thereof. ~~A dangerous dog impounded under this Section~~
25 ~~may be redeemed by its owner upon the owner's compliance with the~~
26 ~~provisions of this Part and upon payment of impound fees, boarding~~
27 ~~fees and applicable veterinary or other medical expenses. If the~~
28 ~~owner does not comply and redeem the dangerous dog within 14 days~~
29 ~~of the date the dog was impounded, the dog shall be destroyed~~
30 ethanized in an expeditious and humane manner.

1 (c) All fines and fees collected for violations of Part 4
2 shall be deposited in the ACPS Training and Animal Cruelty
3 Prevention Trust Fund.

4 **Section 6. Amending Chapter 462 (Animals), Part 5**
5 **(Vaccination, registration and licensing of animals), Ordinance**
6 **Code.** Chapter 462 (Animals), Part 5 (Vaccination, registration and
7 licensing of animals), *Ordinance Code*, is hereby amended to read as
8 follows:

9 **CHAPTER 462. ANIMALS.**

10 * * *

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

12 * * *

13 **Sec. 462.501. Definitions.**

14 As used in this Part, unless the context clearly requires
15 otherwise:

16 *Vaccination* means inoculation with a United States
17 Government-approved vaccine recognized to prevent and reduce the
18 possibility of rabies in the animal vaccinated administered by a
19 licensed veterinarian in good standing.

20 **Sec. 462.502. Vaccination, registration and licensing**
21 **required.**

22 (a) Except as otherwise provided in this Part, the owner of
23 every dog, cat or ferret four months of age or older shall have it
24 vaccinated by a veterinarian against rabies and shall obtain and
25 maintain, on an annual basis or duration of the valid vaccination,
26 registration with the veterinarian who administered or is
27 responsible for the administration of the vaccination. If a
28 veterinarian administers a vaccine licensed by the United States
29 Department of Agriculture that is approved for a three-year
30 duration of immunity, a dog or cat may be vaccinated at three to

1 four months of age, with a booster at one year and every three
2 years thereafter. "Failure to license" citations shall be issued at
3 forty-five (45) or more business days after vaccination or
4 immediately with no available proof of vaccination.

5 (b) The owner shall obtain a City license tag in a shape
6 determined by ACPS with a series of colors (other than those used
7 by the national rabies protocol) to identify the expiration of the
8 tag and ~~of an appropriate size,~~ bearing the registration number of
9 every the individual dog ~~and~~ or cat. The tag shall be good from the
10 date of vaccination for one year; for multi-year rabies
11 vaccination, renewals shall be good from the day and month of the
12 original vaccination expiring annually; if the City implements
13 multi-year tags they will be good from the date of vaccination
14 through the expiration of the term of the valid rabies
15 vaccination., ~~which tag shall be valid for 12 months or until the~~
16 ~~time of the next required vaccination, whichever occurs first.~~

17 (c) All veterinarians conducting business, whether permanently
18 or temporarily, within the City of Jacksonville shall be required
19 to sell a City pet tag, to all Duval County residents and/or part-
20 time residents, for all animals vaccinated against rabies. Copies
21 of Rabies certificates, records of license numbers sold and
22 remittance of funds shall be made within thirty (30) days of the
23 vaccination. If a client declines to purchase the license the
24 veterinary clinic shall write "REFUSED" in the space on the rabies
25 certificate where a pet license number is normally entered

26 (d) Veterinary Clinics may add a surcharge of up to two
27 dollars (\$2) per license sold to cover administrative costs as long
28 as the surcharge is not added to the cost of the license and is
29 invoiced on a separate line.

1 (e) Failure to sell the City license shall be considered
2 separate and distinct violation for each week in which licenses are
3 not actively sold/offered for sale to every Duval County resident
4 receiving a rabies vaccination and subject to a fine of not less
5 than the amount designated in Chapter 462, Part 18. It shall be a
6 separate and distinct violation for each location that the rabies
7 vaccine is provided to the public, each month. Repeat violations of
8 six (6) or more offenses within any calendar year may result in the
9 suspension, revocation, or non-renewal of the City Occupational
10 License.

11 ~~(e)~~(f) Upon vaccination against rabies, the veterinarian shall
12 provide the animal's owner and ACPS, or its agent, with a rabies
13 vaccination certificate, in the form prescribed by the Chief of
14 ACPS, which must contain at least the following information:

15 * * *

16 ~~(d)~~(g) Within thirty (30) days of receipt of the certificate
17 of vaccination arrival in the City as a new resident, the animal
18 owner shall obtain apply for a City license tag ~~to~~ from ACPS, or one
19 of its authorized license tag agents, as designated in writing by
20 the Chief of ACPS for any animals vaccinated outside the City. To
21 receive a license tag, the owner shall present a copy of the
22 completed form and payment of a license tag fee, in accordance with
23 the ACPS's licensing fee schedule and in the amount established for
24 each animal, depending on whether it has been spayed or neutered,
25 except that the following shall not be required to pay the license
26 tag fees. Licenses issued for no fee in accordance with the
27 exemptions provided below shall require documentation by the pet
28 owner of the applicable exemption claimed, they shall be required
29 to sign a form attesting to the exemption and required to show
30 affirmative proof of the exemption (that must be copied and

1 provided to ACPS) or they will be charged for the license. People
2 who feel they are exempt but had to pay for the license at the
3 veterinarian may request a refund through ACPS with proper
4 documentation and signing appropriate forms. The following limited
5 exemptions apply:

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

10 (2) Service dogs as defined in the final rule of the
11 Department of Justice [28 CFR Part 35, CRT Docket No. 105, AG
12 Order Number RIN 1190-AA46] shall be exempt from the fee
13 requirement for City licenses provided the person applying for
14 a free license completes a signed statement that the
15 provisions of this rule are met by the exempted pet.
16 Falsification of such documentation shall be subject to a \$500
17 fine.

18 ~~A disabled person who is licensing a certified service~~
19 ~~dog, provided a physician licensed in the State certifies the~~
20 ~~person's need for the dog;~~

21 (3) An owner who is 62 years of age or older, or
22 totally disabled, as determined by the Social Security
23 Administration, for up to three animals, upon proper written
24 and photo documentation.

25 ~~(e)~~ (h) Upon receipt of the appropriate fee, ACPS shall
26 promptly issue to the owner a license tag, which shall be valid for
27 one year or the duration of the vaccination depending on the
28 licensing program maintained by the City one year. The City license
29 tag shall be of a shape and color as determined by the Chief of
30 ACPS that distinguishes license tags by expiration year of the

1 vaccination/license calendar year and current status. Veterinarians
2 shall not issue a separate rabies tag and shall inform the client
3 of the City license requirement. The owner shall promptly affix the
4 City's license tag to a collar which shall be worn by the dog or
5 cat at all times.

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

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

21 (k) In addition to failure to initially license or renew a
22 license, it shall be a distinct and separate violation of this
23 section if the pet license is not acquired or renewed within
24 five(5) business days of vaccination or previous license
25 expiration. This late renewal or licensing violation is subject to
26 a fine of not less than the amount designated in Chapter 462, Part
27 18. Service of these citations shall be via certified mail if the
28 person is not present for hand delivery. Citations for violations
29 of this section may be issued five (5) business days following
30 vaccination up to forty-five (45) calendar days at which time

1 violations of 462.502(a) shall be issued.

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

3 (a) An owner or of any dog, cat or ferret four months of age
4 or older shall provide the dog, cat or ferret with a collar or
5 harness, that has attached to it a valid City license tag as
6 provided in this Part. A dog, cat or ferret wearing a current tag
7 not issued for that dog, cat or ferret is not considered to be a
8 valid ~~tag license tax~~. The collar or harness and City license tag
9 shall be worn by the dog, cat or ferret at all times when the
10 animal is outside of the owner's residence. Failure to comply with
11 this Section shall be a civil infraction punishable by a fine of
12 not less than the amount \$50 designated in Chapter 462, Part 18.

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

21 (c) The display of a license tag not belonging to the animal
22 it is attached to is a violation of this section subject to a fine
23 of not less than the amount designated in Chapter 462, Part 18.

24 **Sec. 462.504. Exemptions.**

25 * * *

26 (c) A dog, cat or ferret temporarily brought into the City
27 for a period of less than thirty (30) consecutive days ~~month period~~
28 is exempt from registration and licensing.

29 (d) A dog, cat or ferret is exempt from rabies vaccination
30 if a veterinarian has examined the animal and has certified in

1 writing that vaccinating the animal at that time would endanger the
2 animal's health because of its age, infirmity, disability, illness
3 or other medical considerations. An animal exempt under this
4 provision must be vaccinated as soon as its health allows. A
5 registration fee equal to the cost of a pet license for a dog, cat
6 or ferret shall be paid even if the animal cannot currently be
7 vaccinated for rabies. An exemption that extends beyond twelve (12)
8 months must be renewed annually through submission of a new
9 exemption letter. No exemption letter shall be deemed valid after
10 one (1) year from the date it was written.

11 **Section 7. Amending Chapter 463 (Animals), Part 6**
12 **(Impoundment, surrender, redemption and adoption), Ordinance Code.**
13 Chapter 463 (Animals), Part 6 (Impoundment, surrender, redemption
14 and adoption), *Ordinance Code*, is hereby amended to read as
15 follows:

16 **CHAPTER 462. ANIMALS.**

17 * * *

18 **PART 6. IMPOUNDMENT, SURRENDER, REDEMPTION AND ADOPTION.**

19 * * *

20 **Section 462.601. Impounding of animals.**

21 * * *

22 (b) Holding periods established:

23 (1) ACC ACPS shall shelter and care for impounded
24 potentially owned, adult dogs and cats, whether tagged or
25 stray, for ~~five~~ six (6) days, excluding beginning the day of
26 capture (intake), ~~the day of release (disposition)~~ and
27 excluding official holidays recognized by the City or when the
28 shelter is otherwise closed to the public due to an unexpected
29 event.

1 (2) Litters of puppies and kittens estimated to be less
2 than six (6) months of age, as determined by the emergence of
3 adult canine teeth, without an actively nursing mother shall
4 have no required holding period for placement. For this
5 section a "litter" shall be considered two (2) or more animals
6 of apparently the same age and breed/mix.

7 (3) The City shall establish a program for the handling
8 and disposition of feral animals with no requirement for a
9 holding period before disposition. All dogs and cats that are
10 so unsocialized as to pose a threat to the safety and welfare
11 of employees or the public shall be expeditiously and humanely
12 euthanized (excluding any cat that qualifies for a community
13 cat management program established by the City).

14 4. Due to the low reclaim rate and high euthanasia rate
15 for cats, all cats that do not have positive, traceable
16 identification through a currently registered microchip
17 (RFID), City pet tag, or private identification tag (although
18 still subject to the holding period established above) may be
19 sterilized immediately upon intake and placed in the adoption
20 area as soon as two days after impound.

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

27 (d) ACPS shall not be required to shelter or care for any
28 animal that is severely injured, has a contagious disease or is
29 deemed by ACPS as a danger to the community or an undue risk to
30 employees of ACPS unless such animal has a currently registered

1 microchip or ownership information in the form of City pet tag or
2 private identification tag on the animal. All animals without such
3 positive, traceable identification that meet the previous criteria
4 shall be expeditiously and humanely euthanized.

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

6 Upon impounding an animal that is licensed, tagged, or
7 otherwise identifiable through microchip or tattoo, ACPS shall
8 promptly notify the owner by telephone, or mail unless the owner
9 has been informed directly or via note left on property/residence
10 by an officer or employee of ACPS. ~~or in person.~~ Such notice shall
11 advise the owner of the period for impoundment. ACPS, at its
12 discretion, may make a reasonable inquiry in the immediate vicinity
13 in which a stray animal is picked up in order to locate the owner,
14 if any, of a stray animal.

15 **Sec. 462.603. Redemption by owner.**

16 (a) Except as otherwise provided in this Chapter, the owner
17 of any impounded animal may redeem the animal, upon payment to the
18 City of the following: (1) an ~~impound~~ intake fee for each animal
19 redeemed; (2) a boarding fee per animal, per day; (3) all
20 outstanding fines and final judgments, except for any fine of which
21 a timely appeal is pending; (4) all veterinary charges, drug and
22 other medical expenses; (5) the cost of sterilization or a
23 sterilization deposit, as applicable; (6) the cost of an implanted
24 and registered radio frequency identification device
25 (RFID) (microchip), rabies vaccinations, if applicable; and (7) the
26 cost of license and registration, if applicable. At the request of
27 the owner, ACPS shall provide an itemized list of charges.

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

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

2 (a) Every owner who voluntarily surrenders an animal must
3 provide photo identification and sign a form acknowledging that the
4 surrender is voluntary and acknowledging the discretion of ACPS to
5 dispose of the animal. ACPS shall not be liable for the disposition
6 of any voluntarily surrendered animal after receipt of the animal
7 from its owner. The animal shall be immediately available for
8 adoption, placement or other appropriate disposition once
9 surrendered.

10 (b) Owners surrendering animals shall be responsible for
11 paying an intake fee, and should the animal(s) not be current on
12 vaccination required by the City, rabies vaccination fees shall
13 also be paid by the owner wishing to surrender his/her animal(s).

14 (c) Owners wishing to surrender an animal with the request for
15 euthanasia shall be allowed to do so at the discretion of ACPS. It
16 is not the policy or practice of ACPS to supply "on-demand"
17 euthanasia procedures, but in the interest of relieving a suffering
18 animal, ACPS may provide the service for a fee or at no charge, at
19 its sole discretion. Notwithstanding the foregoing, such fees shall
20 not apply to any animal surrendered to ACPS by a licensed
21 veterinarian or boarding kennel pursuant to §705.19, Florida
22 Statutes.

23 (d) No owner surrendered or stray animals from outside the
24 ACPS jurisdiction shall be accepted except for humane reasons; such
25 animals shall be referred to another agency. The photo
26 identification of the owner/person wishing to surrender an animal
27 that shows an address outside of ACPS jurisdiction shall be used as
28 the origin of the animal. If an animal is accepted for humane
29 reasons from an owner or person living outside of ACPS'
30 jurisdiction, a fee equal to the average cost(s) of all services

1 provided shall be charged.

2 **Sec. 462.605. Adoption.**

3 (a) A person adopting an animal from ACPS shall pay an
4 adoption fee, which shall include the cost of sterilization or a
5 ~~\$100~~500 deposit, in accordance with Section 462.608. In addition to
6 the adoption fee, the adopter shall pay ~~the cost of the rabies~~
7 ~~vaccination,~~ the cost of license and registration.

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

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

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

15 In order to redeem or adopt an animal, a person must be at
16 least eighteen (18) years of age, provide photo identification and
17 a recent utility bill or other proof of legitimate residency. ACPS
18 may require verification of the address prior to adoption or
19 redemption. If the person attempting to redeem or adopt an animal
20 is using the address of another person, that person must cosign and
21 consent to housing the animal at that address; verbal approval by a
22 landlord or rental agent may be accepted in lieu of co-signature
23 for apartments or lease arrangements that allow pets. ACPS may
24 require that fees and costs associated with redeeming or adopting
25 be paid only in cash or by certified check payable to the City.

26 **Sec. 462.607. Rabies vaccination required.**

27 All dogs, cats and ferrets must have current rabies
28 vaccinations, in accordance with Section 462.502 and in accordance
29 with ~~F.S.~~ § 828.30, F.S., in order to be redeemed or adopted. This
30 requirement may only be waived if the owner can produce to ACPS a

1 rabies vaccination certificate from a veterinarian and any other
2 information necessary in order for ACPS to determine that the
3 animal has a current vaccination.

4 **Sec. 462.608. Sterilization.**

5 Except as otherwise provided in this Part, all dogs and cats
6 redeemed or adopted from ACPS shall be sterilized by a veterinarian
7 before redemption or adoption, except when a veterinarian
8 determines that sterilization would endanger the animal's health
9 due to its age, infirmity, disability or illness. In such case, the
10 owner or adopter shall sign a written agreement that sterilization
11 shall be performed as soon as health permits, and in the case of
12 kittens and puppies, at by eight (8) weeks of age. In addition, if,
13 at the discretion of ACPS, the owner or adopter chooses to have
14 another veterinarian perform the sterilization, he or she shall pay
15 a deposit in the amount of \$~~100~~500 to ACPS as a condition of the
16 agreement to sterilize, which deposit shall be refundable upon
17 presenting to ACPS signed, written verification on letterhead with
18 the veterinarian's license number noted by the veterinarian who
19 performed the sterilization that the animal has been sterilized
20 within thirty (30) days of redemption or adoption. If the owner
21 cannot afford the deposit and can make arrangements for the
22 immediate sterilization of the pet through a veterinarian of their
23 choice within Duval County, ACPS will transport or may arrange
24 transportation for the animal directly to the veterinary clinic
25 where it will remain until it is sterilized. ~~An animal redeemed by~~
26 ~~its owner who submits proof that the animal is used for breeding or~~
27 ~~exhibition purposes is exempt from sterilization~~ Deposits shall be
28 forfeited on the thirty-first (31st) day if proper verification of
29 sterilization or a confirmable appointment for sterilization is not
30 provided, or ten (10) days following the scheduled appointment if

1 proof of sterilization is not provided, and the funds shall be
2 deposited in the Spay Neuter Trust Fund to be used for
3 sterilization of pets.

4 Animal owners that have a current City license and permanent
5 identification in the form of a registered microchip ID (RFID) or
6 attached City license tag, shall be exempt from the above provision
7 regarding sterilization for the first impound of the animal
8 provided the identification is accurate to allow ACPS to identify
9 its owner. Other valid permanent identification may also be used
10 provided ACPS can easily identify the owner and a current City
11 license is on file with the owner's information. Determination of
12 the first impound shall be based upon the available records of
13 ACPS. In addition to the one-time exemption provided at no
14 additional charge, an owner can request the release of the animal
15 one additional time upon payment of a fee of five hundred (\$500)
16 dollars, to be deposited in the Spay and Neuter Trust Fund;
17 however, any future impound/intake of the same animal shall result
18 in sterilization before reclaim.

19 For the purposes of controlling pet overpopulation and
20 ensuring all animals redeemed or adopted from ACPS are sterilized
21 in an expeditious manner, the City of Jacksonville shall be
22 considered the legal owner of: all stray dogs that remain in the
23 shelter three (3) days after intake/impound (i.e. on the fourth day
24 sterilization may take place) unless positive, traceable ownership
25 may be indicated by a registered microchip, city tag or private id
26 tag; and, all stray cats upon intake/impound unless positive,
27 traceable ownership may be indicated by a registered microchip,
28 city tag, other form of traceable permanent identification, or
29 private identification tag. ACPS is hereby authorized to perform
30 sterilization procedures on any animal anytime after it becomes

1 City property. Such ownership provisions shall not affect the
2 holding periods established in section 462.601.

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

4 * * *

5 (b) No animal that is infected with, or is suspected of
6 being infected with, any dangerous disease that is communicable to
7 humans or other animals including, but not limited to, rabies,
8 distemper, and parvo virus, as determined by a veterinarian, may be
9 redeemed or adopted, and shall be expeditiously and humanely
10 ethanized.

11 (c) No dog previously classified as a dangerous dog may be
12 redeemed pending any hearing requested by the owner to stop a
13 destruction order, nor adopted; and no animal that is considered by
14 ACPS to be highly aggressive and a danger to the community even if
15 not previously classified as dangerous unless the owner has
16 complied with the requirements of Part 4, and no dog classified as
17 a dangerous dog may be adopted. Such animals shall be expeditiously
18 and humanely ethanized after any requested hearing or within ten
19 business days if no notice of hearing request is received.

20 * * *

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

25 **Sec. 462.610. Disposition of unredeemed and surrendered**
26 **animals dogs and cats.**

27 ACPS, at its discretion, may adopt, medically treat and/or
28 place with an appropriate facility or agency equipped for care of
29 such animals, or humanely dispose of any impounded animal that is
30 not redeemed by the owner, if any, after the time period provided

1 in Section 462.601, and any animal that is voluntarily surrendered,
2 ~~after the time period provided in Section 462.604.~~ No live
3 unredeemed animal or voluntarily surrendered animal may be disposed
4 of by selling or giving such animal to any person or entity for the
5 purpose of using the animal for experimentation, for medical or
6 other research, or for food or other commercial processing. Animals
7 may be placed with foster homes to provide shelter for animals
8 requiring extended care in order that they may become adoptable.

9 ~~**Sec. 462.611. Involuntary sheltering.**~~

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

17 ~~(b) ACP shall notify the owner, or, if the owner is~~
18 ~~deceased, the executor of the owner's estate, that the dog or cat~~
19 ~~is in the care and custody of ACP. Such notice shall also inform~~
20 ~~the owner or executor that the dog or cat will be held for 14 days,~~
21 ~~at which time, if the dog or cat is not redeemed in accordance with~~
22 ~~this Part, including the payment of all applicable costs and fees,~~
23 ~~the owner shall forfeit and relinquish all rights and claims to the~~
24 ~~dog or cat, and it shall become the property of ACP.~~

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

1 ~~(d) If, at the end of any paid extension, the owner or~~
2 ~~executor has not redeemed the dog or cat, or otherwise authorized~~
3 ~~disposition of the dog or cat, the owner or executor shall forfeit~~
4 ~~and relinquish all rights and claims to the dog or cat, and it~~
5 ~~shall become the property of ACP.~~

6 ~~(e) ACP shall hold animals, other than dogs or cats, for a~~
7 ~~period of 48 hours, in accordance with the provisions of this~~
8 ~~Section, except for wild animals that are endangered or threatened~~
9 ~~or otherwise protected from destruction by regulation of the~~
10 ~~Commission. ACP shall coordinate with the Commission for~~
11 ~~disposition of such wild animals.~~

12 **Section 8. Amending Chapter 462 (Animals), Part 7**
13 **(Programs), Ordinance Code.** Chapter 462 (Animals), Part 7
14 (Programs), *Ordinance Code*, is hereby amended to read as follows:

15 **CHAPTER 462. ANIMALS.**

16 * * *

17 **PART 7. PROGRAMS.**

18 * * *

19 **Section 462.701. Animal Care Education Program.**

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

27 (b) The Chief of ACPS shall be responsible for the creation
28 and administration of the ACE Education Program, which will target
29 both adults and children and will provide education and public
30 awareness of animal issues such as: responsible pet health care;

1 procedures for adoption of animals from the City; promoting the
2 benefits of animal sterilization; avoiding nuisances; and other
3 animal issues of general interest and concern to the citizens of
4 the City.

5 (c) There shall be available to ACPS for this purpose an
6 amount of money from the Spay and Neuter ~~Rebate~~ Trust Fund (the
7 "Trust Fund"), created by Section 111.450, of no more than twenty-
8 five (25) percent of the funds contained in the Trust Fund at the
9 beginning of the fiscal year, and that are available for
10 expenditure in this program. Any donations of monies, or in kind,
11 by nongovernmental sources into the Trust Fund shall be subject to
12 any specific conditions place upon their use by the donor.

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

23 **Sec. 462.702. Animal Adoption and Pet Placement Partnership**
24 **Program.**

25 The Chief of ACPS shall be responsible for the creation and
26 administration of an Animal Adoption Program to promote the
27 adoption of animals from ACPS. The program shall include an
28 application process and other pre-adoption screening procedures for
29 the purpose of approving or denying adoptions. ~~The Chief of ACPS~~
30 ~~shall establish an animal adoption fee schedule, which may be~~

1 ~~amended from time to time, and which fee schedule will be on file~~
2 ~~with the Legislative Services Division.~~ All funds from adoption
3 fees shall be deposited into the Spay and Neuter ~~Rebate~~ Trust Fund
4 and shall be exempt from the 75/25 split in Section 462.701. The
5 program may include placement of animals with available animal
6 shelters and animal rescuers to augment ACPS's adoption program.
7 The program may also include the use of available animal foster
8 homes to provide shelter for animals requiring extended care in
9 order that they may become adoptable and to provide shelter for
10 puppies and kittens to remain with their mothers until the age of
11 eight weeks.

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

14 ~~In cooperation with local veterinarians there is hereby~~
15 ~~established a voluntary program authorizing veterinarians to sell~~
16 ~~and issue City animal license tags. Veterinarians shall be allowed~~
17 ~~to retain, as payment for handling the paperwork and collecting the~~
18 ~~fee, subject to proper documentation, the amount of \$1.50 from the~~
19 ~~sale and issuance of each City animal license tag for an animal,~~
20 ~~whether altered or unaltered. All license tags, forms and~~
21 ~~procedures shall be established by and provided by ACP.~~

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

26 (b) The Chief of ACPS shall be responsible for the creation
27 and administration of low cost sterilization programs for people
28 with limited means who could not otherwise afford the procedure and
29 any other programs that help reduce pet overpopulation and growing
30 animal intake in area shelters. Such programs may include

1 reimbursement rates for participating veterinarians based upon a
2 fee schedule established by the Chief of ACPS that may be amended
3 from time to time and shall be on file with the Legislative
4 Services Division. Funding for such programs shall include money
5 from licenses as designated in Section 462.502(g).

6 (c) The Chief of ACPS is authorized to seek and accept
7 grants, donations and other public and private funding to assist in
8 the payment of sterilization programs.

9 **Sec. 462.704. Sponsorships and donations.**

10 (a) In order to forward the purposes of ACPS and the City
11 through established programs, such as an animal adoption program
12 and an animal education program, ACPS may apply for and accept
13 grants, solicit sponsors and donations for naming rights for ACPS
14 facilities, equipment, or events; and may accept all unsolicited
15 donations for such programs.

16 (b) Any donations of monies or property by nongovernmental
17 sources shall be subject to any conditions of the donor. If there
18 are no conditions, the donation shall be used to the best benefit
19 of ACPS as determined by the Chief.

20 (c) Donations from private citizens and anonymous donations
21 shall be made available for immediate use to the best benefit of
22 ACPS as determined by the Chief of ACPS, subject to the approval of
23 the Department Director.

24 **Section 9. Amending Chapter 462 (Animals), Part 8 (Swine**
25 **as household pets), Ordinance Code.** Chapter 462 (Animals), Part 8
26 (Swine as household pets), *Ordinance Code*, is hereby amended to
27 read as follows:
28
29
30

1 **CHAPTER 462. ANIMALS.**

2 * * *

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

4 * * *

5 **Section 462.801. Miniature Vietnamese Potbellied Pigs as**
6 **household pets.**

7 (a) It is prohibited to keep a pig or other swine as a
8 household pet, except for a purebred miniature Vietnamese
9 potbellied pig, *sus scrofa vittatus*, that is registered with a
10 purebred registry which is recognized by ACPS and that is kept for
11 the sole purpose of providing human companionship. The potbellied
12 pig shall be no younger than six (6) weeks of age and shall be
13 spayed or neutered. Owners must supply upon request of an animal
14 control officer or employee/agent of ACPS proof that the swine is a
15 registered, purebred miniature potbellied pig (*sus scrofa*
16 *vittatus*); failure to do so shall result in an order to remove the
17 swine and a citation of not less than the amount designated in
18 Chapter 462, Part 18.

19 (b) No person or residence shall own or keep more than one
20 potbellied pig per acre, or portion thereof, and no more than a
21 total of two potbellied pigs.

22 * * *

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 application
28 for annual license, a written certification by a veterinarian
29 that such pig, within thirty (30) business days before such
30 application, has been vaccinated against and/or been blood-

1 tested, with negative status, for pseudorabies and for
2 brucellosis.

3 (2) The owner must provide, with the initial
4 application for annual license, a written certification from a
5 veterinarian that such pig is spayed or neutered and is no
6 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 that
11 there are ~~no other potbellied pigs~~ kept at the same residence.

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

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

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

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

1 provision of this Section shall constitute a civil infraction
2 punishable by a fine of not less than the amount \$100 fine
3 designated in Chapter 462, Part 18.

4 **Section 10. Amending Chapter 462 (Animals), Part 9**
5 **(Livestock and Poultry), Ordinance Code.** Chapter 462 (Animals),
6 Part 8 (Swine as household pets), *Ordinance Code*, is hereby amended
7 to read as follows:

8 **CHAPTER 462. ANIMALS.**

9 * * *

10 **PART 9. LIVESTOCK AND POULTRY.**

11 * * *

12 **Section 462.901. LIVESTOCK.**

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

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

25 * * *

26 **Sec. 462.903. Use of exhaust fans.**

27 No exhaust from a fan or other similar device may be directed
28 to flow towards any residence from any area in which poultry or
29 livestock is kept. Exhaust fans in areas for keeping poultry or
30 livestock shall emit exhaust only through a stack that is

1 constructed in accordance with the City's building code and with
2 the approval of the Building Inspection Division. The outlet from
3 such stack shall be no less than fifteen (15) feet higher than the
4 highest building or residence located within a radius of three
5 hundred (300) feet from the area in any direction.

6 **Sec. 462.904. Penalty.**

7 Except as otherwise specifically provided in any Section of
8 this Part, a violation of this Part shall be a civil infraction
9 punishable by a fine of not less than the amount \$100 designated in
10 Chapter 462, Part 18. Each subsequent violation shall be punishable
11 by a fine that is double the original fine up to the maximum
12 allowed by law. The Chief of ACPS is also authorized to seek
13 injunctive relief against nuisances.

14 **Section 11. Amending Chapter 462 (Animals), Part 10 (Pet**
15 **shops), Ordinance Code.** Chapter 462 (Animals), Part 10 (Pet shops),
16 *Ordinance Code*, is hereby amended to read as follows:

17 **CHAPTER 462. ANIMALS.**

18 * * *

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

20 * * *

21 **Sec. 462.1001. Definitions.**

22 As used in this Part, unless the context clearly requires
23 otherwise:

24 (a) Animal Dealer means any person, entity or corporation
25 who, in the ordinary course of business, engages in the sale of
26 more than twenty (20) unsterilized dogs, cats, puppies and/or
27 kittens per year, whichever comes first, to the public, to pet
28 shops, to breeders or to other animal dealers. This definition
29 includes, but is not limited to, engaging in the selling of animals
30 to pet shops, research facilities, or other animal dealers, or

1 retail selling from any roadside stand, booth, flea market or other
2 temporary site.

3 ~~(a)~~ (b) *Pet shop* means any commercial or residential
4 premises, to include any structure incidental thereto and
5 regardless of location, in which animals are kept and offered for
6 retail sale as pets including, but not limited to, pet shops, pet
7 stores and pet departments incidental to department stores, but
8 excludes the occasional selling of animals, and those individuals
9 that have current, valid hobby breeder or occasional seller
10 permits.

11 ~~(b) Occasional selling means any selling, trading or giving~~
12 ~~away of an animal or a litter of puppies, kittens, or other~~
13 ~~animals, that is on a random unsystematic basis and that does not~~
14 ~~exceed the selling, trading or giving away of a total of 40 animals~~
15 ~~in a calendar year.~~

16 (c) *Premises* means land and/or any building(s) ~~the physical~~
17 ~~plant~~ under common ownership, control or possession.

18 (d) Health Certificate mean "Official Certificate of
19 Veterinary Inspection (OCVI)" [Form DACS-09085 and in accordance
20 with F.S. §828.29, F.S.] issued by a Florida licensed veterinarian
21 accredited by the U.S.D.A.

22 * * *

23 **Sec. 462.1003. Permit required.**

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

27 (b) The fee established for permitting of a pet shop or
28 animal dealer shall be considered an application fee which includes
29 inspection, research and approval/denial of the application. The
30 fee is non-refundable and shall be retained even if the applicant

1 is denied a permit.

2 (c) The permit fee schedule, which may be amended from time
3 to time is attached to this Chapter, Part 18.

4 **Sec. 462.1004. Application for issuance, renewal or**
5 **reinstatement of permit.**

6 * * *

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

12 * * *

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

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

25 * * *

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

1 the facilities.

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

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

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

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

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

26 (1) The pet shop owner or animal dealer (prospective
27 permittee) ~~or permittee~~ or the person to have primary
28 management responsibility for the pet shop is under
29 eighteen(18) years of age or has been convicted of cruelty to
30 animals; or

* * *

(3) The pet shop owner or animal dealer (prospective permittee) ~~or permittee~~ has had a permit issued under this Part suspended or revoked more than ~~one~~ one (1) time within five (5) years before the date of the current application; or

(4) The pet shop owner or animal dealer, the prospective permittee, or the individual to have primary management responsibility for the pet shop or animal dealer operation 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 operation 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 period ~~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

1 (15th) business day, after service of written notice by one of the
2 following methods:

3 (1) By personal service upon the permittee, a member or
4 officer thereof, or service upon the person having primary
5 management responsibility for the pet shop or animal dealer
6 operation; or

7 * * *

8 (c) A permittee shall promptly surrender to ACPS ~~a~~ the pet
9 shop or animal dealer permit upon the effective date of a
10 suspension or revocation, subject to appeal as provided herein. At
11 the end of the suspension period for a suspended permit, ACPS shall
12 return the permit promptly to the permittee.

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

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

28 (f) Suspension of a permit shall not relieve the permittee
29 of the responsibility to abide by the provisions of this Part and
30 applicable provisions of this Chapter and shall not limit ACPS's

1 authority to inspect the premises as otherwise provided in this
2 Part, to issue warnings and citations accordingly and to take other
3 appropriate action as provided by this Chapter.

4 **Sec. 462.1007. Inspection.**

5 (a) The ~~signature~~ acceptance of the permit applicant
6 constitutes consent by the permittee or prospective permittee for
7 ACPS, or its designee, to inspect, during reasonable hours,
8 announced or unannounced and without warrant, the entire pet shop
9 premises or animal dealer operation where the animals are
10 maintained or housed, every vehicle used regularly for transporting
11 animals for commercial purposes, and to examine any ~~and all~~
12 pertinent records.

13 (b) Prior to and as a condition for the issuance, renewal or
14 reinstatement of a permit, a pet shop or animal dealer operation,
15 and every vehicle used regularly for transporting animals for
16 commercial purposes, shall submit to and pass inspection by ACPS.
17 ACPS may conduct reinspection(s), for appropriate improvement,
18 whenever such inspection is failed.

19 (c) During any inspection pursuant to this Part, a pet shop
20 or animal dealer shall allow ACPS, or its designee, unlimited
21 access to the entire pet shop or animal dealer operation premises
22 where the animals are maintained or housed to observe practices, to
23 obtain pertinent information regarding the facilities and any of
24 the vehicles used regularly for transporting animals, and to
25 examine any of the pet shop's or animal dealer's operation
26 pertinent records.

27 (d) The permittee shall notify ACPS sufficiently in advance
28 of the use of any alteration, remodeling or expansion to the pet
29 shop facility or animal dealer operation in order to allow ACPS the
30 opportunity to inspect such remodeling ~~or expansion prior to its~~

1 use.

2 (e) ACPS, or its designee, is authorized to inspect each pet
3 shop or animal dealer operation at least once each year to
4 determine compliance with this Part.

5 **Sec. 462.1008. Display of permit and notice of breeder/animal**
6 **dealer origin.**

7 (a) A pet shop or animal dealer shall display its current
8 permit prominently in the permitted premises' primary structure in
9 a clear, transparent cover or frame and mounted in such a manner as
10 to make it clearly visible and readily readable to the public. The
11 permit shall, during reasonable hours, be available for inspection
12 by ACPS or its designee. Mutilation, obstruction or removal of the
13 permit shall be a violation of this Part.

14 (b) Any business or individual that sells, trades, exchanges
15 or gives away dogs or cats must display the name of the breeder or
16 animal dealer in a highly visible location along with the dog or
17 cat, and must make available to ACPS the address and phone number
18 of the breeder upon request.

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

20 Every pet shop or animal dealer shall comply with the
21 provisions and regulations of this Part. Each failure to comply
22 with any provisions or regulations shall be a separate violation.
23 At the discretion of ACPS, ~~ACP may issue a warning notice~~ may be
24 issued instead of a civil citation. Issuance of a warning notice
25 shall constitute an order that every violation cited shall be
26 corrected within three (3) business days, and ACPS after three (3)
27 days may conduct a follow up ~~an~~ inspection to determine whether
28 every cited violation has been corrected. For issuance of a civil
29 citation, the first violation of a given provision or regulation
30 shall be punishable by fine of not less than the amount \$250

1 designated in Chapter 462, Part 18. ~~and each subsequent violation~~
2 ~~of a provision or regulation shall be punishable by double the~~
3 ~~previous fine up to the allowable maximum fine and shall subject~~
4 ~~the pet shop to suspension or revocation of the permit.~~

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

6 (a) Every pet shop or animal dealer shall furnish ACPS with
7 the name, home and business addresses and home and business
8 telephone numbers of at least one (1) responsible person who has
9 access to the pet shop or animal dealer operation and may be
10 contacted after business hours in the event of an emergency.

11 (b) Every pet shop or animal dealer shall maintain, on the
12 premises for at least two (2) years, a record of the name, address
13 and telephone number of every person and/or business from which it
14 obtains any animal, except small fish.

15 (c) Every pet shop or animal dealer shall maintain on the
16 premises for at least two (2) years, a record of each dog, cat,
17 bird, ferret and any animal subject to permit by the Commission
18 that is sold, traded or given away, including the date of
19 transaction, the name and address of the purchaser or recipient,
20 the name and address of the owner if different from the purchaser
21 or recipient, and a description of the animal, including type,
22 breed(s), color(s), age, sex, and other pertinent information for
23 proper identification of the animal. Every pet shop or animal
24 dealer obtaining a permit from the Commission for the keeping,
25 possessing or exhibiting of any venomous reptile shall notify ACPS
26 immediately.

27 (d) Every pet shop or animal dealer operation permittee
28 shall provide to ACPS, on a quarterly basis, a report of those
29 animals sold, traded or given away, and containing the information
30 as required herein.

1 **Sec. 462.1011 Regulations and standards.**

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

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

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

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

26 * * *

27 (5) Make and retain, on the pet shop or animal dealer
28 operation premises for at least two years, a complete record
29 of the purchase or other acquisition and of the sale, trade,
30 or gift of the animal.

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

6 (f) No pet shop or animal dealer shall sell, trade, give
7 away, or offer for sale, trade, or gift, any animal that is
8 infected with, or is suspected of being infected with or of having
9 been exposed to and during the disease incubation period for, any
10 disease which is communicable to humans or to other animals
11 including, but not limited to, rabies, distemper, mange, parvo
12 virus or other infectious or dangerous diseases as determined by a
13 veterinarian.

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

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

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

* * *

1
2 (j) Every animal shall be provided appropriate waterproof
3 shelter (except for aquatic animals) that protects it from the
4 weather, extreme temperatures and direct sunlight. To the extent
5 the animal is sheltered in a cage, run or other such enclosure
6 (hereinafter "enclosure"), the following shall also apply:

7 (1) Enclosures other than those which also serve as a
8 primary residence for a person or persons shall be constructed
9 of nonporous, nonabsorbent, impervious material. Floors shall
10 be fiberglass, concrete, tile or other nonporous and
11 impervious material. Dog and cat enclosures may be covered
12 throughout with a minimum of three inches of gravel.

* * *

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

1 ~~with separate ventilation sufficient to minimize the~~
2 ~~likelihood of transmission of psittacosis to other birds and~~
3 ~~to humans. Appropriate precaution shall be taken by personnel~~
4 ~~when cleaning enclosures that house or display psittacine~~
5 ~~birds.~~

6 * * *

7 (9) Animals shall not be commingled inappropriately for
8 their genus and species, except that rodents may be placed in
9 enclosures containing reptiles when being used as reptile
10 food. Large and small birds shall not be commingled in the
11 same enclosure. No combination of dogs, cats, and birds shall
12 not be commingled in the same enclosure. Every dog or cat over
13 six months of age shall be kept in its own enclosure. No
14 enclosure shall be overcrowded. Where an animal dealer is
15 operating out of his/her primary residence, animals may be
16 comingled within the residence if they are compatible; this
17 includes dogs and cats over the age of six months provided the
18 area occupied is adequate and not overcrowded.

19 (k) Room temperature shall be maintained at a temperature a
20 comfortable level for every animal in the room, and not lower than
21 fifty degrees Fahrenheit (50° F) 68 degrees F. and not higher than
22 eighty-five degrees Fahrenheit (85° F) 80 degrees F for four (4)
23 or more consecutive hours. Where an animal dealer is operating out
24 of his/her primary residence, the room temperature for the animals
25 can be the same as maintained for the human residents (within a
26 temperature range that a reasonable person would keep the residence
27 while occupied by him/her and any family members) provided adequate
28 provisions have been made to protect or provide for animals when
29 temperatures fall outside the above mentioned temperatures.
30 Examples include but are not limited to blankets in colder

1 temperatures and fans in hotter temperatures. No animal(s) shall be
2 maintained in any location where the ambient temperature of the
3 surrounding area is under thirty-five degrees Fahrenheit (35° F) or
4 higher than one hundred degrees Fahrenheit (100° F).

5 * * *

6 (n) Every pet shop or animal dealer operation shall have
7 readily accessible a conveniently-located sink, use of which shall
8 be limited to hand washing, equipped with adequate hot and cold
9 running water, hand cleaning soap, and sanitary toweling or a
10 sanitary drying device.

11 (o) Every pet shop or animal dealer operation shall have
12 readily accessible a deep sink, with adequate hot and cold running
13 water, suitable for the cleaning of equipment, utensils, mops, and
14 cages, and which may be used for the bathing and/or dipping of
15 animals only after the sink has been thoroughly cleaned of any
16 contaminants.

17 (p) Every pet shop or animal dealer operation shall have
18 readily accessible at least one restroom facility containing at
19 least one toilet and one sink that are available for use by
20 personnel and patrons, pursuant to ~~F.S.~~ Ch. 381, F.S., as may be
21 amended, and applicable State rules and regulations.

22 * * *

23 (r) Any floor in any area in which an animal is housed,
24 displayed, bred, fed, or otherwise maintained shall be of
25 impervious construction and when flush or floor-type cleaning is
26 employed, graded to a floor drain; except where an animal dealer is
27 operating out of his/her primary residence.

28 * * *

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

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

4 (v) Every pet shop or animal dealer operation shall be kept
5 pest-free and vermin-free.

6 * * *

7 (x) Every pet shop or animal dealer operation shall have on
8 the premises such brooms, mops, hoses, vacuum cleaners, brushes,
9 disinfectants, and other cleansing implements and materials as are
10 required to maintain sanitary conditions. Such implements and
11 materials shall be stored in a sanitary manner separate from any
12 place where food is stored or where animals are housed or otherwise
13 maintained. Cleaning materials must be present at the time of any
14 inspection in amounts sufficient to clean the entire facility.

15 (y) A pet shop owner or animal dealer ~~permittee~~ shall
16 regularly assign personnel the duty of maintaining sanitary
17 conditions throughout the premises.

18 (z) A pet shop owner or animal dealer ~~permittee~~ shall
19 promptly correct unsanitary conditions and any other conditions
20 which violate any provision or regulation of this Part.

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

25 **Section 12. Repealing Chapter 462 (Animals), Part 11**
26 **(Animal Dealers), Ordinance Code.** Chapter 462 (Animals), Part 11
27 (Animal Dealers), *Ordinance Code*, is hereby repealed in its
28 entirety. A copy of the repealed Chapter 462 (Animals), Part 11
29 (Animal Dealers), *Ordinance Code*, is attached hereto as **Exhibit 1.**

1 **Section 13. Creating a new Part 11 (Hobby breeders and**
2 **casual sellers), Chapter 462 (Animals), Ordinance Code.** There is
3 hereby created a new Part 11 (Hobby breeders and casual sellers) of
4 Chapter 462 (Animals), *Ordinance Code*, and shall read as follows:

5 **CHAPTER 462. ANIMALS.**

6 * * *

7 **PART 11. HOBBY BREEDERS AND CASUAL SELLERS.**

8 **Section 462.1101. DEFINITIONS.**

9 As used in this Part, unless the context clearly requires
10 otherwise:

11 (a) *Hobby Breeder* means any person, business, organization or
12 corporation that is not covered under Part 10 (Pet Shops & Animal
13 Dealers), that breeds dogs, cats, ~~or other animals~~ puppies or
14 kittens and whose primary source of income is not derived from the
15 sale of animals who may sell, trade, exchange or otherwise place up
16 to twenty unsterilized animals (the individual litter that brings
17 the total offspring born to 20 or more meets the requirement of the
18 20 animal maximum) per calendar year provided that the litters are
19 registered with ACPS. Registration shall be in the form of a letter
20 stating when the litter was born and the number of animals in the
21 litter.

22 (b) *Health Certificate* mean "Official Certificate of
23 Veterinary Inspection (OCVI)" [Form DACS-09085, in accordance with
24 §828.29, F.S.] issued by a Florida licensed veterinarian accredited
25 by the U.S.D.A.

26 (c) *Occasional selling* means any selling, trading or giving
27 away of an animal or a litter of puppies, kittens, or other
28 animals, that is on a random unsystematic basis and that does not
29 exceed the selling, trading or giving away of a total of up to (the
30 litter that brings the total to ten offspring born sale meet the

1 requirement of the 10 animal maximum if the animals are being bred)
2 in any calendar year.

3 **Sec. 462.1102. Health Certificates Required**

4 (a) The owner of any cat or dog that is sold or exchanged for
5 valuable consideration between private parties is required to
6 provide to the new owner a current, valid OCVI Health Certificate
7 with each animal at the time the animal is offered and a copy of
8 the Health Certificate must be provided at the time of exchange.

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

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

20 (d) Violations of this section are subject to a fine of not
21 less than the amount designated in Chapter 462, Part 18. Each
22 animal not in compliance with this section shall be considered a
23 separate infraction and violation of this section.

24 (e) Animal shelters and rescue groups offering animals for
25 adoption are exempt from the provisions of this section. To qualify
26 for the exemption, a rescue group must be a not for profit
27 organized (or operating as an agent of an organization) under
28 Section 501(c)(3) of the Internal Revenue Code with the express
29 mission/business function of adopting sterilized homeless and
30 unwanted animals. A copy of the I.R.S. letter of designation shall

1 be provided to ACPS upon request.

2 **Sec. 462.1103. Hobby Breeder & Occasional Seller Permits.**

3 All permits issued under this section shall require verifiable
4 proof that all required animals are current on rabies vaccination
5 and licensing. Since such information is exempt from public records
6 disclosure in accordance with Section 828.30(5), Florida Statutes,
7 such information shall not be disclosed to the general public
8 consistent with and pursuant to that exemption. Hobby Breeder
9 and/or Occasional Seller permits are limited to one (1) per person,
10 entity, corporation and location. If two (2) or more hobby breeders
11 and/or occasional sellers occupy one (1) location or if any hobby
12 breeder and/or occasional occupies or operates more than one (1)
13 location only one (1) hobby breeder permit and/or occasional seller
14 permit, in aggregate, shall be issued. If multiple locations are to
15 be used or if multiple people are breeding in a location a Pet Shop
16 & Animal Dealer permit may be required.

17 (a) Hobby Breeder Permit Required.

18 A hobby breeder shall be person, entity or corporation not
19 qualified as a pet dealer whose primary source of income is not
20 derived from the breeding and/or sale of animals. ACPS shall issue,
21 at no charge for a breeder that owns thirty (30) or fewer
22 unsterilized animals one year of age or older (if more than thirty
23 are owned a per animal fee may be charged at the rate of \$10 per
24 animal - there shall be no maximum number of animals established),
25 an initial and subsequent renewal annual hobby breeder permit upon
26 application by interested individuals if the following provisions
27 are in place:

28 (1) A physical inspection of the property where ACPS has
29 determined that the property is in compliance with sections
30 462.1104 and 462.1105,

1 (2) All animals on the premises must be current on
2 required rabies vaccination and City license, if required, and

3 (3) The applicant has not been found guilty of animal
4 negligence, cruelty or abuse.

5 A permitted hobby breeder may sell, trade, exchange or
6 otherwise place up to twenty animals (the litter that brings the
7 total to twenty offspring born sale meet the requirement of the 20
8 animal maximum if the animals are being bred) per calendar year
9 provided that the litters are registered with ACPS. Registration
10 shall be in the form of a letter stating when the litter was born
11 and the number of animals in the litter.

12 (b) Occasional Seller Permit Required.

13 ACPS shall issue, at no charge for an occasional seller that
14 owns fifteen (15) or fewer unsterilized animals one year of age or
15 older (if more than fifteen are owned a per animal fee may be
16 charged at the rate of \$10 per animal - there shall be no maximum
17 number of animals established), an initial and subsequent renewal
18 annual occasional seller permit upon application by interested
19 individuals if the following provisions are in place:

20 (1) All animals on the premises must be current on
21 required rabies vaccination and City license, and

22 (2) The applicant must not have been convicted of animal
23 negligence, cruelty or abuse.

24 An occasional seller must register the litters or other
25 unsterilized animals to be sold, traded, given away or exchanged
26 with ACPS by sending written notice before the animals are offered
27 for sale or otherwise exchanged; providing numbers of animals to be
28 sold, traded or given away. An occasional seller shall not be
29 subject to the other requirements of this part.

1 **Sec. 462.1104. Inspections**

2 (a) A recipient of a hobby breeder permit shall allow an
3 inspection once every two years without a warrant of the premises
4 used for sheltering, maintaining and/or breeding animals upon
5 seventy-two (72) hours notice, except for those portions of the
6 premises used solely for human habitation or to house personal pets
7 not used for breeding.

8 (b) The inspection shall be performed by an ACPS Animal
9 Control Officer or, at the sole discretion of the permittee, by a
10 State of Florida licensed veterinarian. If a veterinarian does the
11 inspection, the permittee shall pay the veterinarian for the cost
12 of the inspection and the submission of the inspection report to
13 ACPS. The veterinarian may not issue citations, but shall report
14 the inspection findings to ACPS within twenty-four (24) hours of
15 the inspection. ACPS may use the report of the veterinarian in the
16 regular course of business to support an application for a search
17 warrant where violations are reported.

18 (c) A Hobby Breeder permittee shall comply with all applicable
19 requirements of Chapter 462 of the Jacksonville ordinances.

20 (d) The regulations and standards for inspections shall be
21 described in section 462.1105.

22 **Sec 462.1105. Regulations and Standards.**

23 (a) Every Hobby Breeder permittee shall have a primary
24 veterinarian responsible for the veterinary care of the animals.

25 (b) Appropriate veterinary care shall be provided to each
26 animal requiring veterinary treatment for any condition.

27 (c) Every animal shall be provided with adequate care for its
28 genus, species, subspecies (if applicable), age, and sex including,
29 but not limited to, the following:

1 (1) Access to usual and customary veterinary care for the
2 species needed to prevent suffering or impairment of health.

3 (2) *Adequate care* or *Care*: the responsible practice of
4 good animal husbandry, handling, production, management,
5 confinement, feeding, watering, protection, shelter,
6 transportation, treatment, and, when necessary, euthanasia,
7 appropriate for the genus, species, subspecies (where
8 appropriate), age, and condition of the animal and the
9 provision of veterinary care when needed to prevent suffering
10 or impairment of health.

11 (3) *Adequate cleaning* or *Cleaning*: the removal of
12 carcasses, debris, food waste and excrement from the primary
13 enclosure with sufficient frequency to minimize the animals'
14 contact with the above-mentioned contaminants; the cleaning of
15 the primary enclosure so as to prevent the animals confined
16 therein from being directly or indirectly sprayed with the
17 stream of water, or directly or indirectly exposed to
18 hazardous chemicals or disinfectants; and the sanitization of
19 the primary enclosure with sufficient frequency to minimize
20 odors and the hazards of disease.

21 (4) *Adequate exercise* or *Exercise*: the opportunity for an
22 animal to move sufficiently inside or outside of its primary
23 enclosure to maintain normal muscle tone and mass for the
24 genus, species, subspecies (where appropriate), age, and
25 condition of the animal.

26 (5) *Adequate feed* or *Feed*: the provision of and access to
27 food that is of sufficient quantity and nutritive value to
28 maintain each animal in good health; is accessible to each
29 animal; is prepared so as to permit ease of consumption for
30 the genus, species, subspecies (where appropriate), age, and

1 condition of the animal; is provided in a clean and sanitary
2 manner; is placed so as to minimize contamination by excrement
3 and pests; and is provided at suitable intervals for the
4 genus, species, subspecies (where appropriate), age, and
5 condition of the animal, but at least once daily, except as
6 prescribed by a veterinarian. Animals under current active
7 veterinary care may deviate from "ideal" body weight.

8 (6) *Adequate lighting* or *Lighting*: sufficient
9 illumination to permit routine maintenance, cleaning, and
10 housekeeping of the facility and observation of the animals;
11 to provide regular diurnal (to simulate natural day and night
12 light cycles) lighting cycles of either natural or artificial
13 light, diffused throughout the facility; and to promote the
14 well-being of the animals. When referring to a private
15 residential dwelling and its surrounding grounds it means
16 sufficient illumination to permit routine maintenance and
17 cleaning thereof, and observation of the companion animals;
18 and to provide regular diurnal lighting cycles of either
19 natural or artificial light to promote the well-being of the
20 animals.

21 (7) *Adequate shelter* or *Shelter*: the provision of and
22 access to shelter that is suitable for the genus, species,
23 subspecies (where appropriate), age, and condition of the
24 animal. The shelter shall have adequate space, cleaning and
25 lighting for each animal that is safe and protects each animal
26 from injury, rain, sleet, snow, hail, direct sunlight, the
27 adverse effects of heat or cold, physical suffering, and
28 impairment of health. Under this chapter, primary enclosures
29 with wire or grid floor are not adequate shelter if the grid
30 or slat floors, regardless of the material from which they are

1 made,

2 (i) permit the animals' feet to pass through the
3 openings,

4 (ii) sag under the animals' weight, or

5 (iii) otherwise do not protect the animals' feet or
6 toes from injury.

7 (8) *Adequate space:* sufficient space to allow for each
8 animal's safety and for each animal to

9 (i) easily stand, sit, lie, turn about, and make all
10 other normal body movements in a normal position for the
11 animal and

12 (ii) interact safely with other animals in the
13 enclosure. When freedom of movement would endanger the
14 animal, temporarily and appropriately restricting
15 movement of the animal according to professionally
16 accepted standards for the species is considered
17 provision of adequate space.

18 (9) *Adequate water:* the provision of and access to clean,
19 fresh, potable water of a drinkable temperature that is
20 provided in a suitable manner, in sufficient volume, and at
21 suitable intervals to maintain normal hydration for the genus,
22 species, subspecies (where appropriate), age, and condition of
23 the animal, except as prescribed by a veterinarian; and is
24 provided in clean, durable receptacles that are accessible to
25 each animal and are placed so as to minimize contamination of
26 the water by excrement and pests.

27 (10) *Adequate Ventilation:* where fresh air is
28 periodically available in such frequency as to not allow
29 stagnation of the air in the areas where animals are kept, and
30 all air is properly circulated as needed and appropriate for

1 the species.

2 (11) Water containers and food receptacles shall either
3 be secured in a manner that prevents tipping and be of the
4 removable type or of sufficient weight, shape and size to
5 resist tipping by the species of animal being fed.

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

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

13 (e) Every animal shall be provided an appropriate waterproof
14 primary enclosure, unless a residence is the primary enclosure.
15 The primary enclosure shall protect the animal from the weather,
16 extreme temperatures and direct sunlight. To the extent the animal
17 is sheltered in a cage, run or other such primary enclosure
18 (hereinafter "enclosure"), the following shall also apply:

19 (1) Enclosures shall be constructed of nonporous,
20 nonabsorbent, material impervious to water, except where the
21 primary residence of the permittee is the enclosure. Floors
22 shall be fiberglass, concrete, tile or other nonporous and
23 impervious material.

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

26 (3) Enclosures shall be kept clean and dry and shall be
27 maintained throughout each day and shall be emptied and
28 cleaned at least once per day.

29 (4) When an enclosure becomes empty through sale or other
30 transfer of its occupant or occupants, the enclosure shall not

1 be used to hold or house another animal until it has been
2 thoroughly cleaned and disinfected.

3 (5) Every cat enclosure shall be of a size that is no
4 less than thirty (30) cubic feet of space per cat contained
5 and shall contain a spill-resistant litter pan of sufficient
6 size and with sufficient litter for the number of cats within
7 the enclosure.

8 (6) Every animal shall have sufficient space to stand
9 fully erect, lie down fully outstretched, and turn completely
10 around in a natural position without touching the sides or top
11 of the primary enclosure with any part of its body, including
12 ears and tail, and without touching any other animal in the
13 enclosure.

14 (7) Every Hobby Breeder permittee shall have an exercise
15 plan for their animals approved by a licensed veterinarian.

16 (8) Animals shall not be commingled inappropriately for
17 their genus and species, except that rodents may be placed in
18 enclosures containing reptiles when being used as reptile
19 food. Except when the enclosure is a residence; no
20 combination of dogs, cats, and/or birds shall be commingled in
21 the same enclosure. No enclosure shall be overcrowded.

22 **Sec. 462.1106. Citations.**

23 Where the violation is not severe in nature, defined by the
24 imminent risk of suffering or harm to the animal or persons in the
25 dwelling or neighboring area, an Animal Control Officer shall issue
26 a warning for the first violation with a reasonable time to cure
27 the violation. The Animal Control Officer where practical shall
28 perform a follow-up investigation to determine whether the
29 situation has been corrected and shall issue a citation for any
30 continuing or subsequent violation. All fees and fines associated

1 with this section shall be deposited in the Spay and Neuter Trust
2 Fund.

3 **Section 14. Amending Chapter 462 (Animals), Part 12**
4 **(Animal shelters), Ordinance Code.** Chapter 462 (Animals), Part 12
5 (Animal shelters), *Ordinance Code*, is hereby amended to as follows:

6 **CHAPTER 462. ANIMALS.**

7 * * *

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

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

10 An animal adopted, transferred or given away from an animal
11 shelter or rescue organization or private individual seeking to
12 adopt, transfer, exchange, foster, give away or otherwise find a
13 home for homeless or unwanted animals shall be sterilized by a
14 veterinarian prior to the adoption, except as provided in Section
15 462.608. The animal shelter or rescue organization may require the
16 new pet owner to pay for the cost of sterilization.

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

18 No animal shelter or rescue organization or private individual
19 seeking to place homeless or unwanted animals shall knowingly adopt
20 or give away any animal that has a condition preventing adoption,
21 as provided in Section 462.609. A violation of this section is
22 subject to a fine not less than the amount designated in Chapter
23 462, Part 18.

24 **Section 15. Creating a new Part 13 (Excessive Unsterilized**
25 **Animal Permits), Chapter 462 (Animals), Ordinance Code.** There is
26 hereby created a new Part 13 (Excessive Unsterilized Animal
27 Permits), Chapter 462 (Animals), *Ordinance Code*, and shall read as
28 follows:
29
30

CHAPTER 462. ANIMALS.

* * *

PART 13. EXCESSIVE UNSTERILIZED ANIMAL PERMITS.

Sec. 462.1301. Permit Requirements

Any and all persons or businesses or other entities that have not secured a current, valid permit under Part 10 Pet Shops & Animal Dealers or Part 11 Hobby Breeders & Occasional Sellers shall be subject to the following requirements:

(a) No dwelling, residence, structure, or property may house more than five (5) unsterilized cats and/or dogs over the age of six (6) months, determined by the emergence of adult canine teeth, unless an annual "Excessive Unsterilized Animal Permit - Level One" fee has been paid to ACPS. The cost of the permit shall be fifty (\$50) per animal (beginning with the sixth unsterilized animal) listed up to a total of twenty (20) unsterilized animals.

(b) No dwelling, residence, structure, or property may house more than twenty (20) unsterilized cats and/or dogs over the age of six (6) months determined by the emergence of adult canine teeth unless an annual "Excessive Unsterilized Animal Permit - Level Two" fee has been paid to ACPS. The cost of the permit shall be fifty (\$50) per animal (beginning with the sixth unsterilized animal) listed up to a total of twenty (20) unsterilized animals, and two hundred (\$200) per animal (beginning with the twenty-first unsterilized animal) listed over twenty up to forty (40) unsterilized animals.

(c) No dwelling, residence, structure, or property may house more than forty (40) unsterilized cats and/or dogs over the age of six (6) months, determined by the emergence of adult canine teeth, unless an annual "Excessive Unsterilized Animal Permit - Level Three" fee has been paid to ACPS. The cost of the permit shall be

1 fifty (\$50) per animal (beginning with the sixth unsterilized
2 animal) listed up to a total of twenty (20) unsterilized animals,
3 and two hundred (\$200) per animal (beginning with the twenty-first
4 unsterilized animal) listed over twenty up to forty (40)
5 unsterilized animals, and five hundred (\$500) per animal beginning
6 with the forty-first (41st) animal.

7 (d) Permit holders complying with the requirements of this
8 section may breed animals without securing a hobby breeder or
9 occasional seller permit in Part 11, provided that no more than
10 four (4) litters are sold, traded, exchanged or otherwise placed
11 per calendar year provided that the litters are registered with
12 ACPS. Registration shall be in the form of a letter stating when
13 the litter was born and the number of animals in the litter.

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

15 If no current permit has been secured by a pet owner for
16 excessive unsterilized animals as defined above, and more than five
17 (5) unsterilized cats and/or dogs are found on the property, in the
18 dwelling, structure, or residence, the owner, occupant, or
19 custodian/caregiver of such animals shall be subject to a fine of
20 not less than the amount designated in Chapter 462, Part 18, for
21 each individual unsterilized dog/cat over five (5).

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

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

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

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

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

1 All fines and fees collected under ~~part~~ Part 13 (Sec.
2 462.1301-462.1304) shall be deposited in the Animal Care &
3 Protective Services Training and Cruelty Prevention Trust Fund.

4 **Section 16. Creating a new Part 14 (Grant Funds and**
5 **Similar Revenue Streams), Chapter 462 (Animals), Ordinance Code.**

6 There is hereby created a new Part 14 (Grant Funds and Similar
7 Revenue Streams), Chapter 462 (Animals), *Ordinance Code*, and shall
8 read as follows:

9 **CHAPTER 462. ANIMALS.**

10 * * *

11 **PART 14. GRANT FUNDS AND SIMILAR REVENUE STREAMS**

12 Due to the immediate nature of certain grant funding
13 opportunities that may exist from time to time, the Chief of ACPS,
14 or designee, is authorized to seek, apply for, and accept grant
15 funding for costs associated with ACPS and its programs on behalf
16 of the City of Jacksonville. Any such funds received shall be
17 properly accounted for and reported to the Mayor and City Council
18 in a timely manner.

19 **Section 17. Creating a new Part 15 (Permanent Pet**
20 **Identification Requirement), Chapter 462 (Animals), Ordinance Code.**

21 There is hereby created a new Part 15 (Permanent Pet
22 Identification Requirement), Chapter 462 (Animals), *Ordinance Code*,
23 and shall read as follows:

24 **CHAPTER 462. ANIMALS.**

25 * * *

26 **PART 15. PERMANENT PET IDENTIFICATION REQUIREMENT.**

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

1 (a) Effective January 1, 2011, all dogs and cats [four (4)
2 months of age or older] sold, transferred, exchanged, adopted,
3 returned to their owner from a shelter, or given away shall be
4 required to be implanted with a permanent identification device
5 (RFID - microchip) that is registered to the legal owner of the
6 animal.

7 (b) The City of Jacksonville shall maintain a low cost option
8 for the implantation of the permanent identification device (RFID -
9 microchip) where such cost is equivalent to the actual cost of the
10 device and its implantation.

11 (c) Violation of this section is subject to a fine of not less
12 than the amount as designated in Chapter 462, Part 18.

13 **Section 18. Creating a new Part 16 (Importation of**
14 **Animals, Quarantine, Vaccination Requirements), Chapter 462**
15 **(Animals), Ordinance Code.** There is hereby created a new Part 16
16 (Importation of Animals, Quarantine, Vaccination Requirements),
17 Chapter 462 (Animals), *Ordinance Code*, and shall read as follows:

18 **CHAPTER 462. ANIMALS.**

19 * * *

20 **PART 16: IMPORTATION OF ANIMALS, QUARANTINE, VACCINATION**
21 **REQUIREMENTS**

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

23 All of the rules in the Federal Register and any federal laws
24 or agency regulations regarding the care and maintenance of
25 imported animals are hereby incorporated into the Municipal Code of
26 the City of Jacksonville.

27 **Section 462.1602. Vaccination and quarantine.**

28 Any dog or cat that is imported into the United States that is
29 within the jurisdictional boundaries of ACPS shall be subject to
30 the following requirements:

1 (a) All dogs and cats three (3) months of age or older must
2 be vaccinated upon importation unless there is a record of
3 vaccination prior to entry;

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

8 (c) No quarantine is required only if the dog or cat was
9 vaccinated at least thirty (30) days prior to entry into the United
10 States; i.e., the dog or cat is at least sixteen (16) weeks of age
11 (twelve weeks old before vaccination and thirty (30) days
12 quarantine after vaccination);

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

15 **Section 462.1603. Penalty.**

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

18 **Section 19. Creating a new Part 17 (Establishment of**
19 **Fees), Chapter 462 (Animals), Ordinance Code.** There is hereby
20 created a new Part 17 (Establishment of Fees), Chapter 462
21 (Animals), *Ordinance Code*, and shall read as follows:

22 **CHAPTER 462. ANIMALS.**

23 * * *

24 **PART 17: ESTABLISHMENT OF FEES**

25 The Chief of ACPS shall recommend adjustment to the fees for
26 the various services provided by ACPS. A recommendation regarding
27 the adjustment of fees will be made by the Chief of ACPS for
28 adoption by the City Council no less than once every three (3)
29 years. The Division Chief, or designee, has the authority to reduce
30 or waive fees based upon individual circumstances with the goal of

1 returning pets to responsible owners even if they cannot afford the
2 total fees amassed.

3 **Section 20. Creating a new Part 18 (Fine & Fee Schedules),**
4 **Chapter 462 (Animals), Ordinance Code.** There is hereby created a
5 new Part 18 (Fine & Fee Schedules), Chapter 462 (Animals),
6 *Ordinance Code*, and shall read as follows:

7 **CHAPTER 462. ANIMALS.**

8 * * *

9 **PART 18: FINE AND FEE SCHEDULES**

10 **Section 462.1801. Fine Schedule.**

Section Reference		First Offense	Second Offense	Third Offense
462.103(c)	State law	\$250	\$400	\$500
462.108	Unspecified	\$100	\$250	\$500
462.201	Cruelty	\$500	Mandatory	Mandatory
462.203	Neglect	\$500	Mandatory	Mandatory
462.204	Tethering	\$500	Mandatory	Mandatory
462.205	Fighting	\$500	Mandatory	Mandatory
462.206	Poison	\$500	Mandatory	Mandatory
462.207	Coloring	\$250	\$400	\$500
462.208	Young	\$250	\$400	\$500
462.301	General	\$250	\$400	\$500
462.302	Noise	\$250	\$400	\$500
462.303	At Large	\$250	\$400	\$500
462.304	Habitual	\$300	\$450	\$500
462.305	Destruction	\$250	\$400	\$500
462.306	Racing	\$250	\$400	\$500
462.307	In Heat	\$250	\$400	\$500
462.308	Reporting	\$150	\$250	\$500
462.309	Sterilization	\$250	\$400	\$500

Substituted 9/28/10
 Substituted 10/26/10
 Substituted 12/14/10

462.310	Additional	\$250	\$400	\$500
462.311	Diseased	\$300	\$450	\$500
462.312	Feeding	\$300	\$450	\$500
462.316	General	\$250	\$400	\$500
462.404	Dangerous	\$500	Mandatory	Mandatory
462.405	Enclosure	\$500	Mandatory	Mandatory
462.406	Insurance	\$500	Mandatory	Mandatory
462.407	Outdoors	\$500	Mandatory	Mandatory
462.408	Notification	\$500	Mandatory	Mandatory
462.409	Previous	\$500	Mandatory	Mandatory
462.410	Severe	\$500	Mandatory	Mandatory
462.412	General	\$500	Mandatory	Mandatory
462.413	Potentially	\$350	\$500	Mandatory
462.502(a)	Vaccination	\$250	\$400	\$500
462.502(b)	License	\$250	\$400	\$500
462.502(c)	Certificate	\$100	\$250	\$500
462.502(d) + (h)	Late	\$25	\$100	\$250
462.503	Display	\$250	\$400	\$500
462.606	Proper ID	\$250	\$400	\$500
462.801	Pet Swine	\$250	\$400	\$500
462.802	As Food	\$500	\$500	Mandatory
462.901	Livestock	\$100	\$250	\$500
462.902	Poultry	\$100	\$250	\$500
462.903	Exhaust	\$100	\$250	\$500
462.1003	Permit	\$350	\$500	Mandatory
462.1008	Display	\$250	\$400	\$500
462.1009	General	\$250	\$400	\$500
462.1010	Notification	\$250	\$400	\$500
462.1011	Standards	\$250	\$400	\$500

Substituted 9/28/10
 Substituted 10/26/10
 Substituted 12/14/10

462.1012	Putrescible	\$250	\$400	\$500
462.1102	Certificate	\$250	\$400	\$500
462.1201	Sterilization	\$250	\$400	\$500
462.1202	Infected	\$350	\$450	\$500
462.1301	Permit	\$400	\$450	\$500
462.15	RFID	\$100	\$250	\$500
462.16	Importation	\$500	\$500	Mandatory

1 **Section 462.1802. Uncontested Fine Schedule (Reduced fine paid**
 2 **for uncontested violations in accordance with §828.27(1)(f)(8).**

Section Reference		First Offense	Second Offense	Third Offense
462.103(c)	State Law	\$200	\$320	\$400
462.108	Unspecified	\$80	\$200	\$400
462.201	Cruelty	\$400	n/a	n/a
462.203	Neglect	\$400	n/a	n/a
462.204	Tethering	\$400	n/a	n/a
462.205	Fighting	\$400	n/a	n/a
462.206	Poison	\$400	n/a	n/a
462.207	Coloring	\$200	\$320	\$400
462.208	Young	\$200	\$320	\$400
462.301	General	\$200	\$320	\$400
462.302	Noise	\$200	\$320	\$400
462.303	At Large	\$200	\$320	\$400
462.304	Habitual	\$240	\$360	\$400
462.305	Destruction	\$200	\$320	\$400
462.306	Racing	\$200	\$320	\$400
462.307	In Heat	\$200	\$320	\$400
462.308	Reporting	\$120	\$200	\$400
462.309	Sterilization	\$200	\$320	\$400
462.310	Additional	\$200	\$320	\$400

Substituted 9/28/10
 Substituted 10/26/10
 Substituted 12/14/10

462.311	Diseased	\$240	\$360	\$400
462.312	Feeding	\$240	\$360	\$400
462.316	General	\$200	\$320	\$400
462.404	Dangerous	\$400	n/a	n/a
462.405	Enclosure	\$400	n/a	n/a
462.406	Insurance	\$400	n/a	n/a
462.407	Outdoors	\$400	n/a	n/a
462.408	Notification	\$400	n/a	n/a
462.409	Previous	\$400	n/a	n/a
462.410	Severe	\$400	n/a	n/a
462.412	General	\$400	n/a	n/a
462.413	Potentially	\$280	\$400	n/a
462.502(a)	Vaccination	\$200	\$320	\$400
462.502(b)	License	\$200	\$320	\$400
462.502(c)	Certificate	\$80	\$200	\$400
462.502(d) + (h)	Late	\$20	\$80	\$200
462.503	Display	\$200	\$320	\$400
462.606	Proper ID	\$200	\$320	\$400
462.801	Pet Swine	\$200	\$320	\$400
462.802	As Food	\$400	\$400	n/a
462.901	Livestock	\$80	\$200	\$400
462.902	Poultry	\$80	\$200	\$400
462.903	Exhaust	\$80	\$200	\$400
462.1003	Permit	\$280	\$400	n/a
462.1008	Display	\$200	\$320	\$400
462.1009	General	\$200	\$320	\$400
462.1010	Notification	\$200	\$320	\$400
462.1011	Standards	\$200	\$320	\$400
462.1012	Putrescible	\$200	\$320	\$400

Substituted 9/28/10
 Substituted 10/26/10
 Substituted 12/14/10

462.1102	Certificate	\$200	\$320	\$400
462.1201	Sterilization	\$200	\$320	\$400
462.1202	Infected	\$280	\$320	\$400
462.1301	Permit	\$320	\$320	\$400
462.15	RFID	\$80	\$200	\$400
462.16	Importation	\$400	\$400	n/a

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Section 462.1803. Fee Schedule.

Fee Item/ Service/Function	First
Reclaim/Intake (1 st Reclaim free for City licensed pets)	\$25
Daily Boarding	\$15
Quarantine Fee (10 days or any portion thereof)	\$200
Owner Surrender (per animal)	\$25
Owner Surrender (out of City)	\$175
Rabies Vaccination	\$10
Medical Expenses/Sterilization	At Cost/ Varies
Spay/Neuter Deposit	\$500
Microchip (RFID)	\$10
Dangerous Dog Investigation (includes up to 14 days board)	\$300
Dangerous Dog Hearing Appeal (Paid only if appeal is upheld to cover fees)	\$375
Annual Dangerous Dog Permit	\$200
Annual Pet Shop Permit	\$300
Annual Guard Dog Registration Fee (per animal)	\$75
Annual Pet License	\$20
Replacement Tag	\$6
Late Permit/License	\$25
Cat Adoption Fee (does not include license fee)	\$60
Kitten Adoption Fee (does not include license fee)	\$60
Dog Adoption Fee (does not include license fee)	\$80

Substituted 9/28/10
Substituted 10/26/10
Substituted 12/14/10

Puppy adoption Fee (does not include license fee)	\$80
Tough to Place Pet (over age 3 for dogs/over 1 year for cats)	Free
Pet Placement/Rescue Fee	Free
Cat Trap Deposit	\$75
Late Trap Return Fee (daily after 1 st week)	\$5
Citation Education Diversion Program	\$150
Owner Requested Transport and/or Disposal Pickup Fee	\$50
Requested Euthanasia & Disposal	\$40

1 **Section 21.** **Effective Date.** This ordinance shall
2 become effective upon signature by the Mayor or upon becoming
3 effective without the Mayor's signature.

4 Form Approved:

5
6 /s/ Margaret M. Sidman

7 Office of General Counsel

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

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