

Karla Strait

From: Sandy Golding [skgolding@bellsouth.net]
Sent: Tuesday, May 12, 2009 8:08 AM
To: kstrait@neptune-beach.com
Cc: 'Leona Sheddan'; 'Bob Hammesfahr'; 'nicole'; terri1700@yahoo.com; 'Mary Cleary'
Subject: NBAOC Meeting Notes & Updated Documents

CC: COUNCIL
CITY MANAGER
DATE: 5/12/09
(18)

Hi Karla,

The NBAOC met on Monday, May 11th at 8am. Please find attached the following:

NBAOC 05-11-09.doc:
Meeting notes from the meeting held 5/11/09

NBAOC Executive Summary – Amended 090511.doc:
The committee amended the Executive Summary to correct an error and include additional information.

Chapter 6 – Proposed Changes – Amended 090511.doc:
The committee has incorporated some additional changes and clarifications to the proposed changes to Chapter 6.

HSUS Dangerous Dog Model 1.05.pdf:
This is a copy of the Humane Society of the United States proposed legislation for dangerous dogs.

Could you please provide the amended Executive Summary, amended Chapter 6 and the HSUS Dangerous Dog Model legislation to the Neptune Beach City Council prior to the workshop meeting on Monday, May 18th ?

If you have any questions, please let me know.

Thanks!

Sandy Golding

The Humane Society of the United States

Model Dangerous Dog Legislation

§ 1. Definitions

For purposes of this section, the term:

- (a) "Dangerous dog" means any dog that:
 - (1) Causes a serious injury to a person or domestic animal; or
 - (2) Has been designated as a potentially dangerous dog and engages in behavior that poses a threat to public safety as described in paragraph (f) of this section.
- (b) "Serious injury" means any physical injury that results in broken bones or lacerations that require multiple sutures or cosmetic surgery.
- (c) "Proper enclosure" means secure confinement indoors or secure confinement in a locked pen, fenced yard, or structure measuring at least 6 feet in width, 12 feet in length, and 6 feet in height, capped if there is a dog house inside or if dog can climb fence, with secure sides, which provides proper protection from the elements for the dog, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property.
- (d) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of a dog.
- (e) "Impound" means taken into the custody of the Animal Control Authority or the organization authorized to enforce the dangerous dog law of this jurisdiction.
- (f) "Potentially dangerous dog" means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:
 - (1) Causing an injury to a person or domestic animal that is less severe than a serious injury;
 - (2) Without provocation, chasing or menacing a person or domestic animal in an aggressive manner;
 - (3) Running at large and impounded or owners cited by the Animal Control Authority two (2) or more times within any 12-month period.
 - (4) Acts in a highly aggressively manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape.
- (g) "Responsible person" means a person at least 18 years old who is familiar with the dog and has the size and experience to be able to keep the dog under complete control at all times.

§ 2. Determination of a potentially dangerous dog

- (a) After an investigation, which must be initiated within [xx number] days after the situation becomes known to the Animal Control Authority, the Animal Control Director or his/her designee is authorized to make a determination whether a dog is potentially dangerous based on the factors listed in § 1(f) and shall notify the owner of the dog in writing by certified mail or hand delivery with signature of that status within five (5) days after the completion of the investigation.
- (b) Following notice to the owner, if the Animal Control Director or his/her designee has probable cause to believe that a dog is a potentially dangerous dog and may pose a threat to public safety, the Animal Control Director or his/her designee may obtain a search warrant pursuant to this jurisdiction's Rules of Civil Procedure and impound the dog pending disposition of the case or until the dog owner has fulfilled the requirements of § 6. The owner of the dog may be liable to this jurisdiction for the costs and expenses of keeping the dog.
- (c) Upon notice, the owner may, within [xx number] business days after a determination that a dog is a potentially dangerous dog, bring a petition in this jurisdiction seeking review of the determination. A decision by this jurisdiction overturning the Animal Control Director or his/her designee's determination shall not affect the Animal Control Director or his/her designee's right to later declare a dog to be a potentially dangerous dog or a dangerous dog, or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.

§ 3. Determination of a dangerous dog

- (a) After an investigation, which must be initiated within [xx number] days after the situation becomes known to the Animal Control Authority, the Animal Control Director or his/her designee is authorized to make a determination whether a dog is dangerous based on the factors listed in § 1(a) and shall notify the owner of the dog in writing by certified mail or hand delivery with signature of that status within five (5) days after completing the investigation.
- (b) Following notice to the owner and prior to the hearing, if the Animal Control Director or his/her designee has probable cause and believes the dog to be a dangerous dog and that the animal poses an imminent threat to public safety, the Animal Control Director or his/her designee may obtain a search warrant pursuant to this jurisdiction's Rules of Civil Procedure and impound the dog pending disposition of the case or until the dog owner has fulfilled the requirements of § 6. The owner of the dog shall be liable to this jurisdiction for the costs and expenses of keeping the dog if the dog is determined to be a dangerous dog.
- (c) The owner may, within [xx number] business days after a determination that a dog is a dangerous dog, bring a petition in this jurisdiction seeking review of the determination. A decision by this jurisdiction overturning the Animal Control Director or his/her designee's determination shall not affect the Animal Control Director or his/her designee's right to later declare a dog to be a dangerous dog or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.

§ 4. Exceptions

No dog shall be declared a dangerous or potentially dangerous dog if:

- (a) The dog was used by a law enforcement official for legitimate law enforcement purposes;
- (b) The threat, injury, or damage was sustained by a person:
 - (1) Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog;
 - (2) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
 - (3) Who was committing or attempting to commit a crime; or
- (c) The dog was:
 - (1) Responding to pain or injury, or was protecting itself, its offspring; or
 - (2) Protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

§ 5. Consequences of a dangerous or potentially dangerous dog determination

- (a) If the Animal Control Director or his/her designee determines that a dog is a potentially dangerous dog under § 2, the owner shall comply with the provisions of §§ 5 and 6(a)(d) and any other special security or care requirements the Animal Control Director or his/her designee may establish.
- (b) If the Animal Control Director or his/her designee determines that a dog is a dangerous dog under § 3, the owner shall comply with the provisions of §§ 5 and 6(b)(c) and any other special security or care requirements the Animal Control Director or his/her designee may establish.
- (c) The Animal Control Director or his/her designee may require impoundment of the dog until the owner of the dog has satisfied all the requirements of the certificate of registration holding permit. The requirements must be met within thirty (30) days. If, after thirty (30) days, the owner has not satisfied all the requirements of the holding permit, the animal may be humanely euthanized on the thirty-first (31) day.

§ 6. Dangerous dog and potentially dangerous dog registration and handling requirements

- (a) The Animal Control Director or his/her designee shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner establishes to the satisfaction of the Animal Control Authority that:
 - (1) The owner of the potentially dangerous dog is 21 years of age or older;
 - (2) A valid license has been issued for the potentially dangerous dog pursuant to jurisdiction;
 - (3) The potentially dangerous dog has a current rabies vaccination;

- (4) The owner has a proper enclosure to prevent the entry of any person or animal and the escape of said potentially dangerous dog as described in § 1;
 - (5) The owner has paid an annual fee in an amount to be determined by the Animal Control Director or his/her designee, in addition to regular dog licensing fees, to register the potentially dangerous dog;
 - (6) The potentially dangerous dog has been spayed or neutered;
 - (7) The potentially dangerous dog has been implanted with a microchip containing owner identification information. The microchip information must be registered with the animal control authority of the jurisdiction; and
 - (8) The potentially dangerous dog owner shall enter the dog in a socialization and/or behavior program approved or offered by the jurisdiction.
- (b) The Animal Control Director or his/her designee shall issue a certificate of registration to the owner of a dangerous dog if the owner, in addition to satisfying the requirements for registration of a potentially dangerous dog pursuant to paragraph (a) of this section, establishes to the satisfaction of the Animal Control Authority that:
- (1) The owner of the dangerous dog has written permission of the property owner or homeowner's association where the dangerous dog will be kept if applicable;
 - (2) The owner will maintain the dangerous dog exclusively on the owner's property except for medical treatment or examination; and
 - (3) The owner of the dangerous dog has posted on the premises a clearly visible written warning sign that there is a dangerous dog on the property with a conspicuous warning symbol that informs children of the presence of a dangerous dog. The sign shall be very visible from the public roadway or 50 feet, whichever is less.
- (c) The Animal Control Director or his/her designee may order the immediate impoundment or humane euthanasia of a dangerous dog if the owner fails to abide by the conditions for registration or confinement or handling of a dangerous dog.
- (d) If any dog previously determined to be a potentially dangerous dog has not exhibited any of the behaviors specified in § 1(f) within the thirty-six (36) months since the date of the potentially dangerous dog determination, then that dog is eligible for a review of the determination with the potential for lifting the requirements of this section; provided, however, then that same dog may again be declared a dangerous or potentially dangerous dog if it again exhibits any of the specified behaviors.

§ 7. Dangerous or potentially dangerous dog owner responsibility

It shall be unlawful to:

- (a) Keep a dog determined to be dangerous or potentially dangerous without a valid certificate of registration issued under § 6;

- (b) Permit a potentially dangerous dog to be outside a proper enclosure unless the potentially dangerous dog is under the control of a responsible person as defined in § 1, muzzled, and restrained by a lead not exceeding four (4) feet in length; The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal;
- (c) Fail to maintain a dangerous dog exclusively on the owner's property as required except for medical treatment or examination. When removed from the owner's property for medical treatment of examination, the dangerous dog shall be caged or under the control of a responsible person as defined in § 1, muzzled and restrained with a lead not exceeding four (4) feet in length. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal;
- (d) Fail to notify the Animal Control Authority immediately upon escape if a dangerous or potentially dangerous dog is on the loose, is unconfined, has attacked another domestic animal, has attacked a human being; within five (5) business days if the dog has died; and within twenty-four (24) hours if the dog has been sold or has been given away. If the dangerous or potentially dangerous dog has been sold or given away, the owner shall also provide the Animal Control Director or his/her designee with the name, address, and telephone number of the new owner of the dangerous or potentially dangerous dog;
- (e) Fail to surrender a dangerous or potentially dangerous dog to the Animal Control Director or his/her designee for safe confinement pending a disposition of the case when there is a reason to believe that the dangerous or potentially dangerous dog poses an imminent threat to public safety; or
- (f) Fail to comply with any special security or care requirements for a dangerous or potentially dangerous dog the Animal Control Director or his/her designee may have established pursuant to the finding that the dog was potentially dangerous or dangerous.

§ 8. Penalties

- (a) An owner of a dangerous or potentially dangerous dog who violates the provisions of § 6 and § 7 shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not to exceed \$500 or imprisonment not to exceed 90 days, or both, for a first offense and not more than \$1,000 or imprisonment not to exceed 90 days, or both, for a second offense.
- (b) An owner of a dangerous or potentially dangerous dog that causes serious injury to or kills a human being or a domestic animal without provocation shall be fined up to \$10,000.
- (c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or the rules issued under authority of this act.

Revised Date May 2004

**THE HUMANE SOCIETY
OF THE UNITED STATES.**

Chapter 6 ANIMALS*

***Editor's note:** Section 1 of Ord. No. 1998-01, adopted April 6, 1998, repealed former Ch. 6 in its entirety, and enacted a new Ch. 6 to read as herein set out. Former Ch. 6 pertained to similar subject matter. For a detailed history of the provisions of former Ch. 6, see the Code Comparative Table.

Cross references: Horses on beaches, § 7-30.

State law references: Saltwater fisheries, F.S. ch. 370; wildlife, F.S. ch. 372; damage by dogs, F.S. ch. 767; cruelty to animals, F.S. ch. 828.

Article I. In General

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Sec. 6-4. Nuisances caused by animals.

Sec. 6-5. Penalties.

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Sec. 6-8. City of Jacksonville authorized to enforce animal ordinances.

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Article II. Dogs and Cats

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Sec. 6-30. Fecal Matter disposal.

Sec. 6-31. Dogs on the beach.

Sec. 6-32. Exceptions.

Sec. 6-33. Enforcement of municipal codes or ordinances; penalties.

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ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

Altered animal means any animal that is spayed or neutered.

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Animal means any domesticated mammal, reptile or bird, which, if improperly kept, could create a nuisance.

Animal control officer means any individual employed, contracted with, or appointed by the City of Neptune Beach for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

At large means:

(1) Off the premises of the owner of the dog, and upon public property or other private property without the permission of the owner or occupant of such private property, and not under control, custody, charge or possession of the owner or other person responsible for the dog, either by leash, or chain;

(2) Off the premises of the owner of the cat, and upon public property or other private property without the permission of the owner or occupant of such private property, and not under control, custody, charge or possession of the owner or other person responsible for the cat.

Inoculation means vaccination with a currently available vaccine recognized to prevent rabies in the vaccinated animal.

Nuisance means any wrongful thing done or permitted which injures or annoys another in the enjoyment of his legal rights, with particular reference to the breeding of flies, the creation of odors and other obnoxious circumstances caused by the keeping of animals, any fecal material left by an animal, or habitual, objectionable noisemaking, chasing after vehicles and persons or damaging or destroying of property by an animal.

Owner means any person, firm, corporation or organization owning, harboring, keeping or having control or custody of an animal or, if the animal is owned by a person under the age of eighteen (18), that person's parent or guardian.

Poultry means domesticated fowl of all kinds such as chickens, turkeys, ducks, geese and the like.

Rabies means acute, often fatal, infectious disease of the central nervous system, also known as hydrophobia.

Vaccination means inoculation with a currently available vaccine recognized to prevent rabies.

Veterinarian means a person licensed to practice veterinary medicine and surgery by the state board of veterinary medicine.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 1, 5-2-05)

Cross references: Definitions and rules of construction generally, § 1-2.

Deleted: veterinarian

Sec. 6-2. Bird sanctuary; exception.

(a) The entire area embraced within the city is hereby designated as a bird sanctuary. The city manager is authorized to have the city so designated by appropriate signs.

(b) It shall be a violation to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or to rob birds' nests; provided, that if any birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property, then the birds may be destroyed in such numbers and in such manner as is deemed advisable by the city authorities.

(c) Anyone found guilty of violating this section shall be sentenced and have a fine imposed not to exceed of five hundred dollars (\$500.00) or thirty (30) days in prison or both fine and imprisonment.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 2, 5-2-05)

Sec. 6-3. Keeping of certain animals prohibited; licensing required for dogs and cats

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(a) Whoever shall keep or cause to be kept or have custody or control of or be in charge of or stable or pen up any equine or bovine animal, goat, sheep, swine or poultry, shall be guilty of a municipal offense, punishable as provided in section 6-5.

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(b) *Licensing required for dogs and cats.*

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(1) No person shall own, keep or harbor any dog or cat over four months of age within the Neptune Beach city limits unless such dog or cat is vaccinated against rabies and licensed. The provisions of this section do not apply to animals owned or held by a veterinary medical facility or government operated or licensed animal shelter.

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(2) All dogs and cats shall be vaccinated against rabies by a licensed veterinarian. Dogs or cats that should not be vaccinated due to medical problems can be exempted from the vaccination requirement with a letter documenting the medical reasons for the vaccination exemption from a licensed veterinarian.

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(3) A certificate of vaccination shall be issued to the owner of each animal vaccinated. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.

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(4) Application for a license must be made within 30 days after obtaining a dog or cat over four months of age, except that this requirement will not apply to a nonresident keeping a dog or cat within the Neptune Beach city limits for no longer than 60 days.

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Written application for a dog or cat license shall be made to the City of Neptune Beach and shall include the name and address of the owner and the name, breed, color, age, and sex of the dog or cat. Applicants shall pay the prescribed licensing fee and provide proof of vaccination as defined below.

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(5) The licensing period shall be based upon the rabies vaccination expiration date. At time of application, the resident owner shall provide proof of rabies vaccination and pay the licensing fees for an altered dog and cat described herein:

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1 year: \$10

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3 years: \$15

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The licensing fees for an unaltered dog and cat shall be as follows:

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1 year: \$15

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3 years: \$20

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(6) License renewal may be applied for within 60 days prior to the expiration date. New residents must apply for a license within 30 days of establishing residence.

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(7) License fees shall be waived for service animals, senior citizens 65 years of age or older and government-owned dogs used for law enforcement. All other licensing provisions shall apply.

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(8) Upon acceptance of the license application and fee, the City of Neptune Beach shall issue a durable license tag including an identifying number, date of expiration (mm/yyyy), city, county, and state. Both rabies and license tags must be attached to the collar of the dog or cat. Tags must be worn at all times while in public and are not transferable. The City of Neptune Beach shall maintain a record of all licenses issued and such records shall be available to Neptune Beach Animal Control.

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(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 2, 5-2-05)

Sec. 6-4. Nuisances caused by animals.

(a) Failure to remove fecal matter, loud noises, two (2) or more occurrences, and citations.

(1) It shall be a violation for the owner or any person having custody of an animal to fail to remove and dispose, immediately of fecal matter of the animal upon any property not owned, leased, rented or otherwise in the care, custody or control of the owner or any person having custody of the animal when the animal has caused the nuisance by defecating upon the property and when the owner of the animal has not received notification from the owner or any person having custody of the property that the animal's act and fecal matter will be tolerated.

(2) It shall be a violation for the owner of an animal to receive two (2) or more violations of this chapter relating to that animal within a six-month period, whether or not the violation with that animal has occurred while in the actual presence of the registered owner or the presence of the owner as defined in this chapter.

(3) A citation may be issued to the owner or any person having custody of an animal for violation of said subsection when, and only when, either (1) the city has received, from an adult witness, a sworn affidavit attesting to the animal having committed a nuisance pursuant to said subsection or (2) the citing officer, or other person duly authorized under this chapter to issue citations for nuisances pursuant to this chapter, has witnessed the commission of such nuisance.

(b) *Habitual nuisances.* It shall be a violation for the owner of an animal to permit the animal, either willfully or through failure to exercise due care or control, to commit a nuisance by running at large habitually; by chasing or running after vehicles or persons habitually; by causing serious annoyance to any neighboring residence habitually; by trespassing upon public or private school grounds habitually; interfering with the reasonable use and enjoyment of another persons' property; or by doing any other thing habitually which is so offensive as to create a nuisance. For the purpose of this subsection, "habitually" shall be defined as totaling at least three (3) different times within a time span of no less than twenty-four (24) hours and no more than fifteen (15) full calendar days. A citation may be issued to the owner or any person having custody of an animal for violation of this subsection when, and only when, the city has received, in total, at least one (1) sworn affidavit from each of at least two (2) unrelated adult witnesses of different residences such that taken together, said affidavits attest to the animal having committed a nuisance pursuant to this subsection or when the nuisance is witnessed by an officer of the public safety department.

(c) *Destruction of another's property.* It shall be a violation for the owner of an animal to permit the animal, either willfully or through failure to exercise due care or control, to destroy or damage the property of another. A citation may be issued to the owner or any person having custody of an animal for violation of this subsection when, and only when, (1) the department of public safety has received, from an adult witness, a sworn affidavit attesting to the animal having committed a violation pursuant to this subsection or (2) the citing officer or other person duly authorized under this chapter to issue citations for violations pursuant to this chapter, has witnessed the commission of such a nuisance.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 3, 5-2-05; Ord. No. 2005-15, § 1, 9-12-05)

Sec. 6-5. Penalties.

(a) A person who has been convicted of a municipal offense described in this chapter has committed a civil infraction punishable by a civil penalty not to exceed five hundred dollars (\$500.00).

(b) The department of public safety and all officers under its supervision may issue a citation for a civil penalty pursuant to the powers and authority contained in F.S. § 828.27, for the violation of any provision of this chapter. A five-dollar surcharge shall be assessed and collected upon each civil penalty imposed for violation of an ordinance relating to animal control or cruelty as authorized by F.S. § 828.27. The proceeds from such surcharge shall be used only to assist in paying for the costs of training for animal control officers in accordance with the requirements of F.S. § 828.27 and as said statute may be later revised. Said civil penalty shall be paid to the city. For violations of this chapter, the civil penalty shall be assessed and paid in the following amounts:

First offense . . . \$ 50.00

Second offense . . . 75.00

Third and any subsequent offense . . . 100.00

Any subsequent offense after the third offense shall be \$100 plus \$50 for each subsequent offense, not to exceed \$500.00.

(c) A defendant may pay a civil penalty as specified above in lieu of appearing in county court; however, should defendant's animal fail to be properly licensed, the license fee shall be double the fee in effect on the date of violation. A defendant may exercise this option by paying the specified fine at the public safety building within ten (10) days of their violation.

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(d) The civil penalty shall be paid within ten (10) days of the date of issuance of the citation and, if not paid by such time, the city shall proceed to enforce such violation as otherwise provided by law.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 3, 5-2-05)

Sec. 6-6. Quarantine of biting animal; laboratory analysis; city's liability; costs.

Any animal reported to have bitten a person shall be kept in quarantine for ten (10) days at a place as may be designated by the director of public safety for the purpose of determining if rabies exists. If the animal that has bitten a person is killed or dies within the quarantine period, the animal shall be released by its owner or custodian to the city for laboratory analysis by a licensed veterinarian. No liability for compensation to the owner of such animal shall attach to the city by virtue of any procedure hereunder by the city. All costs in connection with this chapter shall be borne by the owner of the animal.

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(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 3, 5-2-05)

Sec. 6-7. Impounding of animals.

(a) *Generally.* It shall be the duty of the department of public safety to catch and impound, in a place maintained or designated for that purpose, an animal found at large or unlicensed in violation of this chapter and those animals referenced in section 6-28 and section 6-6.

(b) *Notice to owner of impoundment.* When any animal is impounded, the department of public safety shall forthwith give notice by telephone or in person to the owner of the impounded animal when the owner can be identified from the tag being worn by such animal, by microchip or by reasonable inquiry in the immediate vicinity in which the animal is picked up, which notice shall advise the owner of the provisions relating to redemption and destruction of animals.

(c) *Redemption, adoption and inoculation of impounded animals; fees.*

(1) The department of public safety shall place impounded animals for a period not less than five (5) business days, excluding the day of intake and the day of disposition, in an appropriate holding facility, unless the animal is redeemed during that period as set forth below. An impounded animal may be redeemed by the owner or lawful custodian or may be released for adoption following the holding period upon the payment of a fee pursuant to the fee schedule listed in subsection (g). No animal that has been in recent contact with a rabid animal prior to

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the request for redemption shall be released until the animal has been held for the prescribed period of observation.

(2) The department of public safety may direct, in those instances when an animal has been requested to be redeemed or adopted and it cannot be determined whether the animal has had a valid inoculation for rabies, that the animal be inoculated against rabies, and proof of such inoculation shall be provided to the officer within seventy-two (72) hours. Failure of the owner of the animal to have such animal inoculated and to have adequate proof of the inoculation submitted to the department of public safety within said seventy-two (72) hours shall constitute an offense by the owner against the city. Anything to the contrary, notwithstanding in those instances when an animal has been requested to be redeemed or adopted, and it cannot be determined whether the animal has had a valid inoculation for rabies, the department of public safety is authorized to require, prior to release of an animal, administration of inoculation for rabies under the control and supervision of a veterinarian, payment of a fee for such inoculation and issuance of a license tag which shall evidence inoculation, registration and licensing.

(d) *Destruction of unredeemed animals.* An impounded animal that is not redeemed within the five (5) business day periods as referenced in Sec. 6-7(c)(1) may be disposed of or destroyed by humane means at the discretion of the department of public safety; provided, that no unredeemed animal shall be disposed of by selling or giving such animal to any person or entity for the ultimate purpose of using the animal for experimentation or for medical or other research.

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(e) *Unlicensed animals.* Any unlicensed dog or cat found in the city shall be picked up by the department of public safety or the designated authorized agent of the city and placed in a shelter for a period not not less than five (5) business days, excluding the day of intake and the day of disposition. The owner must comply with the tag requirement before the dog or cat is released. The license fee for dogs or cats that have been picked up shall be double the fee in effect on the date the dog or cat is picked up.

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(f) *Licensed animals running at large.* Any licensed dog or cat found at large, off the property of the owner, shall be impounded by the department of public safety or the designated authorized agent of the city and housed in an appropriate facility for a period of five (5) business days unless that animal is redeemed during that period described in Sec. 6-7(c)(1).

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(g) *Redemption costs.* The dogs or cats impounded under this division may be redeemed by the owner thereof by paying expenses accrued for services rendered and other charges as follows:

First offense . . . \$ 20.00

Second offense . . . 30.00

Third offense . . . 50.00

Feeding each animal per day . . . 5.00

(h) *Forgiveness policy.* With proper filing of an affidavit of indigency, the first offense may be forgiven the redemption costs defined in Sec. 6-7(q), excluding inoculation and licensing fees.

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(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 3, 5-2-05)

Sec. 6-8. City of Jacksonville authorized to enforce animal ordinances.

(a) Under the terms of the interlocal agreement, the Consolidated City of Jacksonville has agreed to perform animal control services as a county-wide function.

(b) The City of Jacksonville is authorized and requested, in its enforcement of animal control ordinances within the City of Neptune Beach, to enforce animal control ordinances passed by Neptune Beach in its Code of Ordinances, in addition to those ordinances passed by the Consolidated City of Jacksonville affecting Duval County.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 3, 5-2-05)

Sec. 6-9. Enforcement.

The department of public safety and all officers under its supervision shall be responsible for the enforcement of this chapter. The powers and authority granted under this chapter shall be supplemental to the powers and authority already provided for in F.S. § 828.27, relating to local animal control and cruelty ordinances which are hereby declared to be incorporated herein.

(Ord. No. 2005-09, § 3, 5-2-05)

Sec. 6-10. Interference with authorized personnel in performance of duties; breaking into official property, etc.

(a) No person shall interfere with authorized personnel performing their duties required by the provisions of this article.

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

(Ord. No. 2005-09, § 4, 5-2-05)

Sec. 6-11. Legislative findings.

The legislature finds that dangerous dogs are an increasingly serious and widespread threat to the safety and welfare of the people of this state because of unprovoked attacks which cause injury to persons and domestic animals; that such attacks are in part attributable to the failure of owners to confine and properly train and control their dogs; that existing laws inadequately address this growing problem; and that it is appropriate and necessary to impose uniform requirements for the owners of dangerous dogs.

(Ord. No. 2005-09, § 4, 5-2-05)

Sec. 6-12. Injuries caused by animals.

(a) An owner of an animal that injures a person or animal may be guilty of this section.

(b) The department of public safety and all officers under its supervision may issue a citation for a civil penalty. A surcharge equal to all administrative costs, including but not limited to any filing fees required by the clerk of court for the filing of civil citations by the City of

Neptune Beach shall be assessed and collected from the defendant upon each civil penalty imposed for violation of this section. For violations of this chapter, the civil penalty shall be assessed and paid in the following amounts:

(1) First offense . . . \$ 300.00

(2) Second offense and any subsequent offense . . . 500.00

(c) Definition of injury by an animal. An injury by an animal is defined as a wound or other harm inflicted or caused by an animal, requiring documented medical treatment to a person or another animal.
(Ord. No. 2006-22, § 1, 11-6-06)

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(d) If an animal is off of the property of its owner or off the property of the person who has custody of the animal and the animal attacks and injures any person or other animal, the owner or person in custody of the animal shall be guilty of a violation of this article.
(Ord. No. 2005-09, § 4, 5-2-05)

Sec. 6-13. Dangerous Dogs; Definitions.

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(a) *Definitions.*

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

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(1) Has aggressively bitten, attacked, endangered or has inflicted severe injury on a human being on public or private property;

(2) Has severely injured or killed a domestic animal while off the owner's property;

(3) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or

(4) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one (1) or more persons and dutifully investigated by the appropriate authority.

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Potentially dangerous shall mean any dog that, according to animal services division records, other animal control or law enforcement authorities, or as attested to by sworn affidavit, has posed a threat to public safety by:

(1) Causing an injury to a person or domestic animal that is *less than a severe injury*; or

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(2) Without provocation, repeatedly acting in a highly aggressive manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape.

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Proper enclosure of a dangerous dog means, while on the owner's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal

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from escaping. Such pen or structure shall have secure sides and secure top to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements.

Proper enclosure for a potentially dangerous dog shall mean a securely constructed fenced area, in good repair and condition, that the dog is unable to climb over, dig under, or in any way pass or reach through if the dog is to be allowed off leash outside the owner's residence. This area must have secure gates that are to be locked at all times when the animal is present.

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Severe injury means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

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

(Ord. No. 2005-09, § 4, 5-2-05)

Deleted: (b) *Running at-large prohibited.* It shall be unlawful for any owner or keeper of any vicious dog to permit such dog to run at large or without the enclosure of the owner or keeper thereof within the corporate limits of the city without being properly muzzled. Any dog known to have bitten any person is hereby defined as a "vicious dog" but the term "vicious dog" shall not be limited to only those dogs who are known to have bitten any person.

Sec. 6-14. Classification of dogs as dangerous; certification of registration; notice and hearing requirements; confinement of animal; exemption; appeals; unlawful acts.

(a) *Classification.*

(1) An animal control authority shall investigate reported incidents involving any dog that may be potentially dangerous or 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 potentially dangerous or dangerous. Any animal that is the subject of a potentially dangerous or dangerous dog investigation, that is not impounded with the animal control authority shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the potentially dangerous or dangerous dog classification. The address of where the animal resides shall be provided to the animal control authority. No dog that is the subject of a potentially dangerous or dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a potentially dangerous or dangerous dog classification. In the event that a dog is to be destroyed, the dog shall not be relocated or ownership transferred.

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(2) By resolution, the City Council will appoint an animal control hearing board and delineate its duties and responsibilities. The animal control hearing board shall be appointed from a slate of nominations by the City Council and shall be comprised of seven (7) individuals representing each of the following backgrounds:

- (1) Certified law enforcement officer or police K-9 handler, not currently employed by the City of Neptune Beach
- (2) Licensed Florida state veterinarian
- (3) Humane Society representative
- (4) Attorney licensed by the Florida Bar
- (5) Certified dog trainer
- (6) Two (2) members of the public

(3) A dog shall not be declared potentially dangerous or dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared potentially dangerous or dangerous if the dog was

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(1) responding to pain or injury or was protecting its offspring; or

(2) protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault,

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(4) After the investigation, the animal control authority shall make an initial determination as to whether there is sufficient cause to classify the dog as potentially dangerous or dangerous and shall afford the owner an opportunity for a hearing before the animal control hearing board prior to making a final determination. The animal control authority shall provide written notification of the sufficient cause finding, to the owner, by registered mail, certified hand delivery, or service in conformance with the provisions of chapter 48 relating to service of process. The owner may file a written request for a hearing within seven (7) calendar days from the date of receipt of the notification of the sufficient cause finding and, if requested, the hearing shall be held as soon as possible, but not more than twenty-one (21) calendar days and no sooner than five (5) days after receipt of the request from the owner. Each applicable local governing authority shall establish hearing procedures that conform to this subsection.

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(5) Once a dog is classified as a potentially dangerous or dangerous dog, the animal control authority shall provide written notification to the owner by registered mail, certified hand delivery or service, and the owner may file a written request for a hearing in the county court to appeal the classification within ten (10) business days after receipt of a written determination of potentially dangerous or dangerous dog classification and must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal. Each applicable local governing authority must establish appeal procedures that conform to this subsection.

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(b) Severity determination. A determination shall be made as to the location relevance, the situation relevance/severity, and the aggression severity/danger of the case in question as it applies to public safety before determination of potentially dangerousness or dangerousness. Dogs shall be determined less dangerous as the evidence indicates lower numbers in the rankings. Dogs shall be determined to be more dangerous as the evidence indicates higher numbers in the rankings, considering the following criteria:

(i) Location relevance shall be ranked as follows from low (1) to high (5):

- _____ (1) Uninvited on property
- _____ (2) Invited on property
- _____ (3) Off property, on leash
- _____ (4) Off property, off leash – owner present
- _____ (5) Off property, off leash – owner absent

(ii) Situation relevance/severity shall be ranked as follows from low (1) to high (9):

- _____ (1) Chasing, harassing or worrying waterfowl/small animals
- _____ (2) Chasing, harassing or worrying livestock
- _____ (3) Attacking waterfowl/small animals
- _____ (4) Attacking livestock

- (5) Attacking dogs/cats
- (6) Threatening human adults
- (7) Threatening human children
- (8) Attacking human adults
- (9) Attacking human children

(iii) Aggression severity/danger shall be ranked as follows from low (1) to high (12):

- (1) Bark
- (2) Growl
- (3) Snap/lunge – no contact
- (4) Bite and release leaving no marks
- (5) Bite and release leaving marks with no broken skin
- (6) Bite and release leaving a scratch
- (7) Bite and release leaving 1 – 4 punctures
- (8) Bite and release leaving 1 – 4 punctures plus lacerations
- (9) Multiple bite attack
- (10) Bite without releasing with punctures/lacerations
- (11) Severe mauling
- (12) Fatality

The above factors are a guideline and should not be the sole determining factors in declaring a dog potentially dangerous or dangerous. The animal control hearing board shall base their determination of whether a dog is potentially dangerous or dangerous on the totality of the circumstances.

(c) Certificate of registration. Within fourteen (14) days after the dog has been classified as potentially dangerous or dangerous by the animal control authority or a potentially dangerous or dangerous dog classification is upheld by the county court on appeal, the owner of the dog must obtain a certificate of registration for the dog from the animal control authority serving the area in which he or she resides, and the certificate shall be renewed annually. The annual cost for such certificate of registration shall be one hundred dollars (\$100.00). Animal control authorities are authorized to issue such certificates of registration, and renewals thereof, only to persons who are at least eighteen (18) years of age and who present to the animal control authority sufficient evidence of:

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(1) A current certificate of rabies vaccination for the dog.

(2) A proper enclosure to confine a potentially dangerous or dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a potentially dangerous or dangerous dog on the property.

(3) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.

(4) Liability insurance for dangerous dogs only, excluding potentially dangerous dogs, in the amount of at least one hundred thousand dollars (\$100,000.00), together with a surety bond on said dog of at least one hundred thousand dollars (\$100,000.00).

(5) Completion of dog obedience/behavior training by the owner and dog from a list of no fewer than three obedience/behavioral instructors recommended by the animal control hearing board and approved by the animal control authority.

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(6) Dogs classified as potentially dangerous or dangerous shall be spayed or neutered by a licensed veterinarian within thirty (30) business days of such classification, or within thirty (30) business days of the classification as a potentially dangerous or dangerous dog being upheld by a county court unless:

(1) A licensed veterinarian certifies in writing that the dog is incapable of reproduction; or

(2) A licensed veterinarian certifies in writing that spaying or neutering the dog would be injurious to the dog's health; provided, however, that if the health condition of the dog is of a temporary nature, then the dog shall be spayed or neutered immediately after the health condition has been corrected.

(d) Notice. The owner shall immediately notify the appropriate animal control authority when a dog that has been classified as dangerous:

- (1) Is loose or unconfined.
- (2) Has bitten a human being or attacked another animal.
- (3) Is sold, given away, or dies.
- (4) Is moved to another address.

Prior to a potentially dangerous or dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control authority. The new owner must comply with all of the requirements of this act and implementing local ordinances, even if the animal is moved from one local jurisdiction to another within the state. The animal control officer must be notified by the owner of a dog classified as potentially dangerous or dangerous that the dog is in his or her jurisdiction.

(e) Confinement.

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(1) Dangerous dog confinement. It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within his or her sight and only members of the immediate household or persons eighteen (18) years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.

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(2) Potentially dangerous dog confinement. It is unlawful for the owner of a potentially dangerous dog to allow the potentially dangerous dog to be off leash when not kept inside the

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owner's residence or within a securely fenced area. It is a violation for the owner of a potentially dangerous dog to allow the dog to be left alone and unsupervised outside the owner's residence. When being transported, such dogs shall be safely and securely restrained within a vehicle, using an approved tether system.

(f) Exemptions.

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(1) Hunting dogs are exempt from the provisions of this act when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from the provisions of this act when engaged in any legal procedures. However, such dogs at all other times in all other respects shall be subject to this and local laws. Dogs that have been classified as dangerous shall not be used for hunting purposes.

(2) This section does not apply to dogs used by law enforcement officials for law enforcement work.

(g) Penalty. Any person who violates any provision of this section is guilty of a non-criminal infraction, punishable by a fine not exceeding five hundred dollars (\$500.00). Failure to complete the above certification requirements within 120 days of the animal control hearing board declaring a dog dangerous, shall result in confiscation of the dog by the animal control authority.

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(Ord. No. 2005-09, § 4, 5-2-05)

Sec. 6-15. Attack or bite by dangerous dog; penalties; confiscation; destruction.

(a) If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the owner is guilty of a misdemeanor of the first degree, punishable as provided in F.S. § 775.082 or 775.083. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time, or impounded and held for ten (10) business days after the owner is given written notification under F.S. § 767.12, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing under F.S. § 767.12. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

(b) If a dog that has not been declared dangerous attacks and causes severe injury to or death of any human, the dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time or held for ten (10) business days after the owner is given written notification under F.S. § 767.12, and thereafter destroyed in an expeditious and humane manner. This ten-day period shall allow the owner to request a hearing under F.S. § 767.12. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure. In addition, if the owner of the dog had prior knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog is guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 or 775.083.

(c) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner is guilty of a felony of the third degree, punishable as provided in F.S. §§ 775.082, 775.083, or 775.084. In addition, the dog shall be immediately

confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time or held for ten (10) business days after the owner is given written notification under F.S. § 767.12, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing under F.S. § 767.12. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

(d) If the owner files a written appeal under F.S. § 767.12 or this section, the dog must be held and may not be destroyed while the appeal is pending.

(e) If a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner is not guilty of any crime specified under this section.

(Ord. No. 2005-09, § 4, 5-2-05)

Sec. 6-16. Bite by a police or service dog; exemption from quarantine.

Any dog that is owned, or the service of which is employed, by a law enforcement agency, or any dog that is used as a service dog for blind, hearing impaired, or disabled persons, and that bites another animal or human is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination that was administered by a licensed veterinarian.

(Ord. No. 2005-09, § 4, 5-2-05)

~~Secs. 6-17-6-26. Reserved.~~

ARTICLE II. DOGS AND CATS

Sec. 6-27. Leash required; exceptions.

All dogs not on the property of the owner shall be securely fastened to a suitable leash of dependable strength not to exceed sixteen (16) feet in length held by the owner. Such leash must be attached to a fixed object or specifically held by a person capable of controlling the animal.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 5, 5-2-05)

Cross references: Streets, sidewalks and other public places, Ch. 18.

Sec. 6-28. Rabid animals.

If an animal is suspected of having rabies, or has been bitten by an animal suspected of having rabies, such animal shall be confined by a chain on the owner's premises and the department of public safety or licensed veterinarian notified at once. The animal shall be removed immediately to the proper place for observation for a period of ten (10) days at the expense of the owner.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 5, 5-2-05)

Sec. 6-29. Persons bitten must report to police department.

Deleted: Sec. 6-17. Animal causing injury.

Deleted: (a) An owner of an animal that injures a person or animal may be guilty of this section.¶

¶
(b) The department of public safety and all officers under its supervision may issue a citation for a civil penalty. A surcharge equal to all administrative costs, including but not limited to any filing fees required by the clerk of court for the filing of civil citations by the City of Neptune Beach shall be assessed and collected from the defendant upon each civil penalty imposed for violation of this section. For violations of this chapter, the civil penalty shall be assessed and paid in the following amounts:¶

¶
(1) First offense . . . \$ 300.00¶

¶
(2) Second offense and any subsequent offense . . . 500.00¶

¶
(c) *Definition of injury by an animal.* An injury by an animal is defined as a wound or other harm to a person or another animal inflicted or caused by an animal. ¶

(Ord. No. 2006-22, § 1, 11-6-06)¶

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In the event any person is bitten by an animal within the corporate limits of the city, then it shall become the duty of such person or the owner of the animal with knowledge thereof, to report such incident to the department of public safety within twenty-four (24) hours thereafter. (Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 5, 5-2-05)

Sec. 6-30. Fecal Matter disposal.

It shall be a violation for any owner of a dog to allow such dog to defecate on any property within the city other than the owner's private property without immediately removing such fecal matter with some sort of material, utensil or suitable container and depositing the fecal matter in a trash container. The owner in violation of this chapter shall pay a civil penalty to the department of public safety as set forth in section 6-5. (Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 5, 5-2-05)

Sec. 6-31. Dogs on the beach.

(a) It shall be unlawful for any person who shall own, keep, harbor or be in control of or in charge of a dog to allow or permit such dog to wander, stray or be unleashed or unaccompanied on the Atlantic Ocean Beach adjacent to the city.

(b) It shall be unlawful for any person who shall own, keep, harbor or be in control of or in charge of a dog to allow the dog upon Atlantic Ocean Beach in the city during the hours 10:00 a.m. to 4:00 p.m. from May 1st to September 30th.

(c) It shall be lawful for any person who shall own, keep, harbor or be in control of or in charge of a dog to allow the dog upon Atlantic Ocean Beach in the city at any time between October 1st and April 30th.

(d) Any person having a dog on the beach during the above enumerated hours must fulfill the following requirements:

(1) Each such dog must be fastened to a suitable leash of dependable strength not to exceed sixteen (16) feet in length and the leash must be held or controlled by that person at all times.

(2) Must carry with and on such person suitable materials and utensils with which to remove from the beach any fecal matter deposited by such dog and must remove any fecal matter immediately upon its deposit by the dog under the person's supervision and control.

(3) Each such dog must have affixed to its collar a current rabies inoculation tag evidencing the dog has been properly inoculated against rabies. The civil penalties for violation of this chapter shall be those set forth in section 6-5.

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-15, § 3, 9-12-05; Ord. No. 2005-23, § 1, 12-5-05)

Editor's note: Ord. No. 2005-15, § 2, adopted Sept. 12, 2005, deleted former § 6-31, which pertained to registration and licensing requirements and derived from Ord. No. 1998-01, § 1, adopted Apr. 6, 1998 and Ord. No. 2005-09, § 5, adopted May 2, 2005. Former §§ 6-32 and 6-33 have been renumbered as §§ 6-31 and 6-32.

Sec. 6-32. Exceptions.

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Deleted: When walking a dog on any property within the city, other than the owner's property, the owner of that dog shall carry some sort of material, utensil or suitable container with which to depose of the defecation

Deleted: and it shall be the duty of each such person to keep such stray or unaccompanied dog from that area

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The provisions of this chapter, except section 6-28, are inapplicable to police dogs, guide dogs for the blind or visually handicapped and service dogs. The guide dog or service dog must be capable of being properly identified as being from a recognized school for seeing-eye dogs, hearing-ear dogs, service dogs, including, but not limited to, seizure-alert and seizure-response dogs, or guide dogs.

Deleted: seeing-eye dogs, police dogs and dogs for the handicapped

(Ord. No. 1998-01, § 1, 4-6-98; Ord. No. 2005-09, § 5, 5-2-05; Ord. No. 2005-15, § 3, 9-12-05)

State law references: Dog guides, service dogs, etc., F.S. §§ 413.08, 767.16.

Sec. 6-33. Enforcement of municipal codes or ordinances; penalties.

Violations of section 6 of the Neptune Beach Municipal Ordinances are hereby declared to be civil infractions for which there may be imposed by the county court a maximum penalty not to exceed five hundred dollars (\$500.00).

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

(Ord. No. 2006-09, § 1, 7-10-06)

**NEPTUNE BEACH ANIMAL ORDINANCE COMMITTEE
EXECUTIVE SUMMARY OF PROPOSED ORDINANCE CHANGES**

Date: November 3, 2008

To: Neptune Beach City Council
From: Neptune Beach Animal Ordinance Committee:
Leona Sheddan (Chair), Executive Director Jacksonville Humane Society
Terri Hunnewell (Vice Chair), Attorney
Dr. Mary Cleary, Veterinarian
Sandy Golding, Community Leader
Nicole Habl, Attorney
Bob Hammesfahr, Veteran Dog Trainer

The Neptune Beach Animal Ordinance Committee has thoroughly reviewed the current Neptune Beach animal ordinances contained in Neptune Beach municipal code of ordinances Sec. 6-1 through Sec. 6-33. The following is an executive summary of the committee's proposed changes to the Neptune Beach animal ordinances.

LICENSING (Sec. 6-3)

The committee recommends that licensing of dogs and cats be required in Neptune Beach for the following reasons:

1. Establishes a comprehensive database of dogs and cats in Neptune Beach.
2. Monitors pet-related incidents.
3. Enforces compliance with rabies vaccination.
4. Generates funds to support Animal Control.
5. Encourages sterilization of dogs and cats in Neptune Beach.
6. Creates an opportunity to educate Neptune Beach animal owners on responsible pet ownership.

PENALTIES (Sec. 6-5)

Added \$50 penalty for subsequent offenses after the third offense to ensure that the penalty is a deterrent.

QUARANTINE (Sec. 6-6)

The previous ordinance required laboratory analysis of any animal suspected of being infected with rabies. Because laboratory analysis requires killing the animal, the committee recommends holding the animal for a 10-day quarantine period to determine if rabies exists. If the animal is killed or dies during quarantine, the laboratory analysis should be done on the dead animal.

IMPOUNDING (Sec. 6-7)

The committee recommends changing the impound hold period to 5 business days, excluding intake and disposition days, to give owners a more reasonable period of time to locate, claim and redeem their animal before the animal is sent to Jacksonville to be destroyed.

PENALTIES – FORGIVENESS POLICY (Sec. 6-7(h))

Deleted: 5

**NEPTUNE BEACH ANIMAL ORDINANCE COMMITTEE
EXECUTIVE SUMMARY OF PROPOSED ORDINANCE CHANGES**

It has been shown that excessive costs to claim an animal cause owners to abandon their pets, leaving them as wards of the city of Neptune Beach. By including a forgiveness policy for the first offense, low-income families can redeem their beloved pets. This makes the NB ordinance rehabilitative rather than punitive for those that can't afford the penalties.

**NEPTUNE BEACH ANIMAL ORDINANCE COMMITTEE
EXECUTIVE SUMMARY OF PROPOSED ORDINANCE CHANGES**

INJURIES CAUSED BY ANIMALS (Sec. 6-12)

Moved the language from Sec. 6-17 to Sec. 6-12 to delete repetition in the ordinance and clarified the definition of injury by an animal. Due to the significant financial impact of this section, the committee believes that objective medical findings are relevant and necessary.

DANGEROUS DOGS; DEFINITIONS (Sec. 6-13)

The addition of the potentially dangerous dog designation is intended to be proactive toward identifying dogs and owners that need education and training to prevent future serious incidents.

CLASSIFICATION OF DOGS AS DANGEROUS (Sec. 6-14)

Formation of an Animal Control Hearing Board (Sec. 6-14(a)(2)):

The committee recommends an animal control hearing board be appointed to hear the potentially dangerous or dangerous dog cases as needed. The composition of this board is intended to provide a balanced level of expertise for fair and reasonable findings.

Addition of Severity Determination (Sec. 6-14(b)):

The addition of the severity determination allows for more objective finding.

Addition of Training Requirement (Sec. 6-14(c)(5)):

The committee believes dog training and owner education is key to reducing the potential for future public injury.

Addition of Spay/Neuter Requirement (Sec. 6-14(c)(6)):

The committee recommends requiring spay/neuter of potentially dangerous or dangerous dogs as a proactive measure to reduce the potential for future public injury. Neutering males has the potential to reduce behavioral issues. Spaying females prevents procreation of genetically predisposed behavior.

Penalty (Sec. 6-14(g)):

By the time a dog has been designated as potentially dangerous or dangerous, a significant problem exists that needs to be addressed. Active owner participation and completion of the certification requirements is mandatory. Failure to comply will result in the dog being confiscated and destroyed because there is no other option for that animal. Protection of the community is paramount.

LEASH REQUIREMENT (Sec. 6-27)

The recommended addition to the leash requirement is important to ensure that people are adequately controlling their animals while on leash in public.

RABID ANIMALS (Sec. 6-28)

The proposed change is recommended to make this section consistent with Sec. 6-6.

**NEPTUNE BEACH ANIMAL ORDINANCE COMMITTEE
EXECUTIVE SUMMARY OF PROPOSED ORDINANCE CHANGES**

DOGS ON THE BEACH (Sec. 6-31)

In response to input from the community, the committee recommends increased access to the beach for dog owners and dogs. As redrafted, the ordinance allows animals on the beach at any time from Oct. 1 to May 1. Access is restricted only during peak public use. In doing so, the committee has taken into consideration public safety and animal health and welfare.

EXCEPTIONS (Sec. 6-32)

The recommended change puts this section in compliance with Florida Statutes Sec. 413.08.



MINUTES
ANIMAL ORDINANCE COMMITTEE MEETING
May 11, 2009, at 8:00 a.m.
Public Services Building, 2010 Forest Ave.
Neptune Beach, Florida

Pursuant to proper notice a Meeting of the Animal Ordinance Committee was held May 11, 2009 at 8:00 a.m., in the Conference Room, Public Services Building, 2010 Forest Ave., Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Leona Sheddan, Chairperson
Sandy Golding, Community Leader
Bob Hammesfahr, Veteran Dog Trainer

STAFF:

None

Call to Order

Chairperson Sheddan called the meeting to order at 8:15 a.m.

Executive Summary
of Proposed Changes

The committee will prepare an executive summary of the proposed changes to the Neptune Beach animal ordinances for the City Council. The committee recommends that the executive summary contain the following information regarding the proposed changes to the Neptune Beach animal ordinances:

Penalties (Sec. 6-5)

Added description of the changes made to Sec. 6-5 Penalties to the Executive Summary: "Added \$50 penalty for subsequent offenses after the third offense to ensure that the penalty is a deterrent."

Penalties –
Forgiveness Policy
(Sec. 6-7)

Corrected Sec. 6-5(h) reference error in Executive Summary heading "PENALTIES – FORGIVENESS POLICY (Sec. 6-5(h))" to reflect proper section reference of Sec. 6-7(h).

Committee Review of
Proposed Changes

The committee reviewed all the proposed changes to the Neptune Beach animal ordinances (Sec. 6-1 through Sec. 6-33) and made additional changes or corrections.

Definition of Injuries
Caused by Animals
(Sec. 6-12(c))

Moved "inflicted or caused by an animal" for definition clarification. Proposed rewording: "An injury by an animal is defined as a wound or other harm inflicted or caused by an animal, requiring documented medical treatment to a person or another animal. "

Certificate of
Registration Sec. 6-
14(c)(2)

Added "potentially dangerous" to the sign requirement. Proposed rewording with added text underlined:

"A proper enclosure to confine a potentially dangerous or dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a potentially dangerous or dangerous dog on the property.

Certificate of
Registration Sec. 6-

Added exclusion for potentially dangerous dogs to the liability insurance requirement. Liability insurance should only be required if a dog is declared dangerous. Proposed

- 14(c)(4) rewording with added text underlined:
Liability insurance for dangerous dogs only, excluding potentially dangerous dogs, in the amount of at least one hundred thousand dollars (\$100,000.00), together with a surety bond on said dog of at least one hundred thousand dollars (\$100,000.00).
- Penalty Sec. 6-14(g) Removed confiscation requirement for potentially dangerous dogs if certification requirements are not met within 120 days. HSUS Model Legislation recommends confiscation of dangerous dogs only if certification requirements are not met. Proposed rewording with removed text stricken:
Penalty. Any person who violates any provision of this section is guilty of a non-criminal infraction, punishable by a fine not exceeding five hundred dollars (\$500.00). Failure to complete the above certification requirements within 120 days of the animal control hearing board declaring a dog ~~potentially dangerous~~ or dangerous, shall result in confiscation of the dog by the animal control authority.
- Dogs on the Beach, Sec. 6-31(b) and (c) Corrected date overlap on Oct. 1st and May 1st in which dogs would be allowed on the beach at all times as well as restricted between 10am and 4pm. Corrected text with removed text stricken and new text underlined:
(b) It shall be unlawful for any person who shall own, keep, harbor or be in control of or in charge of a dog to allow the dog upon Atlantic Ocean Beach in the city during the hours 10:00 a.m to 4:00 p.m. from May 1st to September 30th ~~October 1st~~.
(c) It shall be lawful for any person who shall own, keep, harbor or be in control of or in charge of a dog to allow the dog upon Atlantic Ocean Beach in the city at any time between October 1st and April 30th ~~May 1st~~.
- HSUS Model Dangerous Dog Legislation It was decided that a copy of the HSUS Model Dangerous Dog Legislation should be provided to the Neptune Beach City Council. The HSUS Model Dangerous Dog Legislation supports our committee's proposed changes to the Dangerous Dog portion of the Neptune Beach animal ordinances:
1) Addition of the potentially dangerous dog designation
2) Training requirement for potentially dangerous or dangerous dog registration
3) Spay/neuter requirement for potentially dangerous or dangerous dog registration
- Approval of Proposed Changes Sandy will send the amended Executive Summary and amended draft of the Neptune Beach animal ordinances to the other committee members for their approval prior to sending to the Neptune Beach City Council.
- Adjournment There being no further business, the meeting adjourned at 9:30 am.

Leona Sheddan, Chairperson