

INTRODUCED BY:
COUNCILOR CHIN



ORDINANCE NO. 2020-05

A BILL TO BE ENTITLED

**AN ORDINANCE AMENDING SECTION 6-31 REGARDING
DOGS ON THE BEACH TO CLARIFY LEASH
REQUIREMENTS; CORRECTING A TYPO; PROVIDING
FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, pursuant to Section 6-31 of the Code of Ordinances of the City of Neptune Beach, the City regulates the presence of dogs on the Atlantic Ocean Beach adjacent to the City; and

WHEREAS, in the event that persons having dogs on the beach as permitted wish to swim with such dogs, certain leash restrictions contained in that Section make doing so difficult; and

WHEREAS, the City desires to clarify the leash requirements in such event; and

WHEREAS, the City Council for the City of Neptune Beach, Florida finds and declares that this ordinance is in the best interest of the public health, safety and welfare of the citizens and residents of the City, that it advances a significant and important governmental interest, and that it furthers the City's performance of municipal functions and rendering of municipal services.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

Section 1. Amending Section 6-31 of the City of Neptune Beach Code of Ordinances. Section 6-31 of the City of Neptune Beach Code of Ordinances is hereby amended to read as follows:

(a) Dogs are permissible on the Atlantic Ocean Beach adjacent to the city during the following time periods:

(1) At any hour from October 1st through March 31st; and

(2) During the hours of 5:00 p.m. through 9:00 a.m., from April 1st through September 30th.

(b) In addition to the above provisions, all owners, custodians and/or persons responsible for and in control of any dog(s) on the beach must comply with following:

- (1) Each such dog must be fastened to a suitable leash of dependable strength not to exceed twelve (12) feet in length and the leash must be held or controlled by that person at all times.
- (2) Any person having a dog on the beach during the above-enumerated hours must carry with and on such person suitable materials and utensils with which to remove from the beach any fecal matter deposited by such dog and must remove any fecal matter immediately upon its deposit by the dog under the person's supervision and control.
- (3) Each such dog must have affixed to its collar a current rabies inoculation tag evidencing the dog has been properly inoculated against rabies within the past year. The civil penalties for violation of this chapter shall be those set forth in section 6-5.
- (4) If dog and the person responsible for such dog's presence on the beach are in the Atlantic Ocean together, the dog shall be allowed to swim unleashed and then immediately put back on the leash before returning to the beach. This does not include walking the dog in the water.

Section 2. Severability. If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

Section 3. Effective Date. This Ordinance shall become immediately upon passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Scott Wiley	YES

Passed on First Reading this 3rd day of August, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Scott Wiley	YES

Passed on Second and Final Reading this 8th day of September, 2020.



Elaine Brown, Mayor

ATTEST:



Catherine Ponson, CMC, City Clerk

Approved as to form and
correctness:



Zachary Roth, City Attorney

