

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2010-527 [substitute]**

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

1 PROPERTY, ADD TO LIST OF ACTIONS CONSTITUTING
2 INTERFERENCE WITH PERFORMANCE OF DUTIES,
3 PRESCRIBE PROCEDURES, AND SET FORTH PENALTIES
4 FOR VARIOUS VIOLATIONS; AMENDING CHAPTER 462
5 (ANIMALS), PART 2 (CRUELTY TO OR NEGLECTING
6 ANIMALS), SECTIONS 462.201 (CRUELTY TO ANIMALS
7 DEFINED GENERALLY), 462.202 (EXEMPTIONS),
8 462.203 (NEGLECTING OR ABANDONING ANIMALS),
9 462.204 (RESTRAINT BY CHAINING), 462.205 (DOG
10 FIGHTING AND OTHER ANIMAL FIGHTING), 462.207
11 (ARTIFICIAL COLORING OF ANIMALS), 462.208
12 (SALE OF YOUNG ANIMALS FOR CERTAIN PURPOSES
13 PROHIBITED), 462.209 (CITATION) AND 462.210
14 (TAKING CUSTODY OF MISTREATED ANIMALS) TO
15 PROVIDE FOR THE DEPOSIT OF ALL FINES FROM
16 VIOLATIONS OF PART 2 INTO THE CRUELTY
17 PREVENTION TRUST FUND, FURTHER DEFINE THE
18 NEGLECTING OR ABANDONING OF ANIMALS, ADD
19 CONDITIONS TO RESTRAINT OF ANIMALS BY
20 CHAINING, AUTHORIZE ANIMAL CONTROL OFFICERS TO
21 REMOVE AN ANIMAL FROM CHAINS AND TAKE THE
22 ANIMAL TO THE SHELTER, INCLUDE THE POSSESSION
23 OF ANIMAL FIGHTING PARAPHERNALIA AS A
24 VIOLATION OF SECTION 462.205 AND SET FORTH THE
25 CIVIL FINE THEREFOR, PROHIBIT CERTAIN
26 ACTIVITIES WITH RESPECT TO ARTIFICIALLY
27 COLORED ANIMALS AND SET FORTH THE CIVIL FINE
28 THEREFOR, PROHIBIT THE SALE OF YOUNG ANIMALS
29 FOR CERTAIN PURPOSES, ESTABLISH GROUNDS FOR
30 CITATIONS, AND PRESCRIBE PROCEDURES WITH
31 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), TO ADD ADDITIONAL
19 CIRCUMSTANCES CONSTITUTING ANIMAL NUISANCE,
20 FURTHER DEFINE BEHAVIOR CONSTITUTING
21 PERSISTENT OR CONTINUOUS NOISE, LIMIT THE
22 CIVIL FINE FOR NOISE VIOLATIONS TO \$500, HOLD
23 PERSONS HAVING TEMPORARY CUSTODY OF DOGS OR
24 CATS LIABLE FOR FAILING TO RESTRAIN AN ANIMAL
25 FROM BEING AT LARGE, LIMIT THE CIVIL FINE FOR
26 AT-LARGE ANIMALS TO \$500, LIMIT THE CIVIL FINE
27 FOR HABITUAL NUISANCE TO \$500, HOLD PERSONS
28 HAVING TEMPORARY CUSTODY OF DOGS OR CATS
29 LIABLE FOR DESTRUCTION OF PROPERTY AND BITING,
30 LIMIT THE CIVIL FINE FOR FAILURE TO CONFINE A
31 FEMALE DOG OR CAT IN HEAT TO \$500, HOLD

1 PERSONS HAVING TEMPORARY CUSTODY OF DOGS OR
2 CATS LIABLE FOR FAILURE TO CONFINED A FEMALE
3 DOG OR CAT IN HEAT, PROVIDE FOR STERILIZATION
4 OF ANIMALS IMPOUNDED UNDER SECTION 462.306,
5 LIMIT THE CIVIL FINE FOR FAILURE TO REPORT
6 INJURY TO ANIMALS BY MOTOR VEHICLES TO \$500,
7 PROVIDE FOR FORFEITURE OF DEPOSIT FOR
8 STERILIZATION AFTER 31 DAYS, ASSESS ADDITIONAL
9 FINE FOR AT-LARGE ANIMALS NOT SPAYED OR
10 NEUTERED, DELETE PROVISIONS FOR TESTING AND
11 DESTRUCTION OF CONTAMINATED TURTLES, ESTABLISH
12 RULES FOR FEEDING OF CATS AND DOGS OUTDOORS,
13 PROVIDE FOR COMMUNITY CAT MANAGEMENT
14 INITIATIVES, AND INCORPORATE PROVISIONS OF
15 FLORIDA ADMINISTRATIVE CODE CHAPTER 64D-3;
16 AMENDING CHAPTER 462 (ANIMALS), PART 4
17 (DANGEROUS DOGS), SECTIONS 462.402
18 (DEFINITIONS), 462.404 (CLASSIFICATION OF DOG
19 AS DANGEROUS; NOTICE AND HEARING REQUIREMENTS;
20 CONFINEMENT OF DOG; APPEAL; REGISTRATION
21 REQUIREMENTS), 462.405 (PROPER ENCLOSURE),
22 462.406 (INSURANCE), 462.407 (DANGEROUS DOG
23 OUTSIDE OF PROPER ENCLOSURE; OUTSIDE OF
24 PRIMARY ENCLOSURE), 462.408 (REQUIRED
25 NOTIFICATION CONCERNING DANGEROUS DOG),
26 462.409 (ATTACK OR BITE BY DANGEROUS DOG;
27 IMPOUNDMENT; DESTRUCTION), 462.410 (SEVERE
28 INJURY BY DOG; IMPOUNDMENT; DESTRUCTION), AND
29 462.412 (VIOLATION OF THIS PART), TO EXPAND
30 DEFINITION OF *SEVERE INJURY*, SET A DEADLINE
31 FOR FILING OF AFFIDAVIT FROM PERSON DESIRING

1 TO HAVE A DOG CLASSIFIED AS DANGEROUS,
2 ESTABLISH \$500 CIVIL FINE FOR FAILURE TO
3 SURRENDER DOG THAT IS THE SUBJECT OF A
4 DANGEROUS DOG INVESTIGATION, PROVIDE FOR
5 APPEALS, PROVIDE FOR BOARDING OF POTENTIALLY
6 DANGEROUS DOG, PROVIDE FOR NOTICES FOLLOWING
7 DANGEROUS DOG INVESTIGATION, DEFINE PROPER
8 ENCLOSURE FOR DANGEROUS DOGS, CLARIFY
9 INSURANCE REQUIREMENTS FOR DANGEROUS DOGS,
10 PROHIBIT SALE OR GIVING AWAY OF DOG DETERMINED
11 TO BE DANGEROUS, REQUIRE ADVANCE PAYMENT BY
12 OWNER OF IMPOUNDMENT COSTS IN CASES OF
13 INJURIES CAUSED BY DOG, AND ELIMINATING
14 POSSIBILITY OF REDEMPTION OF DANGEROUS DOG BY
15 OWNER; AMENDING CHAPTER 462 (ANIMALS), PART 4
16 (DANGEROUS DOGS), TO CREATE NEW SECTIONS
17 462.413 (DESIGNATING POTENTIALLY DANGEROUS
18 DOGS) AND 462.414 (FINES & FEES), *ORDINANCE*
19 *CODE*, TO ALLOW FOR DESIGNATION OF DOG AS
20 POTENTIALLY DANGEROUS AND REQUIRE ALL FINES
21 AND FEES COLLECTED UNDER PART 4 TO BE
22 DEPOSITED INTO THE ACPS TRAINING AND ANIMAL
23 CRUELTY PREVENTION TRUST FUND; AMENDING
24 CHAPTER 462 (ANIMALS), PART 5 (VACCINATION,
25 REGISTRATION AND LICENSING OF ANIMALS),
26 SECTIONS 462.501 (DEFINITIONS), 462.502
27 (VACCINATION, REGISTRATION AND LICENSING
28 REQUIRED), 462.503 (DISPLAY OF CITY LICENSE
29 TAGS), AND 462.504 (EXEMPTIONS) TO REFINE THE
30 DEFINITION OF *VACCINATION*, ADD CONDITIONS TO
31 *VACCINATION*, REGISTRATION AND LICENSING

1 REQUIREMENTS, PROVIDE FOR DISTRIBUTION OF
2 LICENSING FEES, PROVIDE EXEMPTION FROM VISIBLE
3 TAG REQUIREMENT WHEN ANIMAL HAS COMPLIED WITH
4 RADIO FREQUENCY IDENTIFICATION DEVICE (RFID)
5 REQUIREMENTS, AND REQUIRE PAYMENT OF
6 REGISTRATION FEE EVEN IF ANIMAL CANNOT BE
7 VACCINATED FOR RABIES; AMENDING CHAPTER 462
8 (ANIMALS), PART 6 (IMPOUNDMENT, SURRENDER,
9 REDEMPTION AND ADOPTION), SECTIONS 462.601
10 (IMPOUNDING OF ANIMALS), 462.602 (NOTICE TO
11 OWNER OF IMPOUNDMENT), 462.603 (REDEMPTION BY
12 OWNER), 462.604 (VOLUNTARY SURRENDER BY
13 OWNER), 462.605 (ADOPTION), 462.606 (PROPER
14 IDENTIFICATION AND ADDRESS VERIFICATION),
15 462.607 (RABIES VACCINATION REQUIRED), 462.608
16 (STERILIZATION), 462.609 (CONDITIONS
17 PREVENTING REDEMPTION OR ADOPTION), 462.610
18 (DISPOSITION OF UNREDEEMED AND SURRENDERED
19 ANIMALS), AND 462.611 (INVOLUNTARY
20 SHELTERING), PART 6 (IMPOUNDMENT, SURRENDER,
21 REDEMPTION AND ADOPTION), TO ESTABLISH HOLDING
22 PERIODS, PROVIDE FOR DISPOSITION OF ANIMALS
23 VOLUNTARILY SURRENDERED BY OWNERS, PROVIDE
24 ADDITIONAL REQUIREMENTS FOR STERILIZATION,
25 REQUIRE EXPEDITIOUS AND HUMANE EUTHANIZATION
26 OF CERTAIN ANIMALS AND DELETE IN ITS ENTIRETY
27 SECTION 462.611 (INVOLUNTARY SHELTERING);
28 AMENDING CHAPTER 462 (ANIMALS), PART 7
29 (PROGRAMS), SECTIONS 462.701 (ANIMAL CARE
30 EDUCATION PROGRAM), 462.702 (ANIMAL ADOPTION
31 PROGRAM), 462.703 (VETERINARIAN VOLUNTARY

1 PROGRAM FOR THE SALE AND ISSUANCE OF CITY
2 ANIMAL LICENSE TAGS), AND 462.704
3 (SPONSORSHIPS AND DONATIONS), TO ELIMINATE THE
4 VETERINARIAN VOLUNTARY PROGRAM FOR THE SALE
5 AND ISSUANCE OF CITY ANIMAL LICENSE TAGS, ADD
6 STERILIZATION PROGRAMS, AUTHORIZE ACPS TO
7 APPLY FOR AND ACCEPT GRANTS, AND AUTHORIZE THE
8 CHIEF OF ACPS TO USE PRIVATE DONATIONS FOR THE
9 BEST BENEFIT OF ACPS WHEN CONDITIONS HAVE NOT
10 BEEN PLACED ON THE USE OF A DONATION BY THE
11 DONOR; AMENDING CHAPTER 462 (ANIMALS), PART 8
12 (SWINE AS HOUSEHOLD PETS), SECTIONS 462.801
13 (MINIATURE VIETNAMESE POTBELLIED PIGS AS
14 HOUSEHOLD PETS) AND 462.802 (MAINTENANCE OR
15 USE AS FOOD SOURCE PROHIBITED; RESTRICTIONS ON
16 DISPOSITION), TO REQUIRE PROOF, UPON REQUEST,
17 THAT SWINE IS A REGISTERED, PUREBRED MINIATURE
18 POTBELLIED PIG, SET FORTH CIVIL FINE FOR
19 FAILURE TO PROVIDE SUCH PROOF, AND SET FORTH
20 CIVIL FINE FOR MAINTENANCE OR USE OF
21 POTBELLIED PIG AS FOOD SOURCE; AMENDING
22 CHAPTER 462 (ANIMALS), PART 9 (LIVESTOCK AND
23 POULTRY), SECTIONS 462.901 (LIVESTOCK),
24 462.903 (USE OF EXHAUST FANS), AND 462.904
25 (PENALTY), TO INCREASE THE POSSIBLE CIVIL FINE
26 FOR VIOLATIONS OF PART 9 TO \$500; AMENDING
27 CHAPTER 462 (ANIMALS), PART 10 (PET SHOPS),
28 SECTIONS 462.1001 (DEFINITIONS), 462.1003
29 (PERMIT REQUIRED), 462.1004 (APPLICATION FOR
30 ISSUANCE, RENEWAL OR REINSTATEMENT OF PERMIT),
31 462.1005 (ISSUANCE OF PERMIT; DENIAL OF

1 APPLICATION; REAPPLICATION), 462.1006 (GROUNDS
2 FOR SUSPENSION AND REVOCATION OF PERMIT;
3 APPEAL PROCESS; SURRENDER OF PERMIT;
4 DISPOSITION OF ANIMALS), 462.1007
5 (INSPECTION), 462.1008 (DISPLAY OF PERMIT),
6 462.1009 (VIOLATIONS, WARNINGS, CITATIONS,
7 PENALTIES), 462.1010 (NOTIFICATION; RECORDS;
8 REPORT OF SALE OR GIFT), AND 462.1011
9 (REGULATIONS AND STANDARDS), TO ADD
10 DEFINITIONS, APPLY PROVISIONS OF PART 10 TO
11 ANIMAL DEALERS, AS DEFINED THEREIN, ESTABLISH
12 ADDITIONAL PERMIT CONDITIONS, AND INCORPORATE
13 INTO PART 10 ALL HOUSING AND CARE GUIDELINES,
14 REGULATIONS OR LAWS ESTABLISHED BY THE FEDERAL
15 GOVERNMENT OR THE STATE OF FLORIDA; AMENDING
16 CHAPTER 462 (ANIMALS), PART 11 (ANIMAL
17 DEALERS), SECTIONS 462.1101 (DEFINITIONS),
18 462.1102 (EXEMPTION), 462.1103 (PERMIT
19 REQUIRED), 462.1104 (APPLICATION FOR ISSUANCE,
20 RENEWAL OR REINSTATEMENT OF PERMIT), 462.1105
21 (ISSUANCE OF PERMIT, DENIAL OF APPLICATION;
22 REAPPLICATION), 462.1106 (GROUNDS FOR
23 SUSPENSION AND REVOCATION OF PERMIT; APPEAL
24 PROCESS; SURRENDER OF PERMIT; DISPOSITION OF
25 ANIMALS), 462.1107 (INSPECTION), 462.1108
26 (DISPLAY OF PERMIT), 462.1109 (VIOLATIONS,
27 WARNINGS, CITATIONS, PENALTIES), 462.1110
28 (NOTIFICATION; RECORDS; REPORT OF SALE OR
29 GIFT), 462.1111 (REGULATIONS AND STANDARDS)
30 AND 462.1112 (PUTRESCIBLE MATERIAL; DEAD
31 ANIMALS; RECORDS) TO ADD DEFINITIONS AND

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

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

24
25 **BE IT ORDAINED** by the Council of the City of Jacksonville:

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

1 particularly for the disposition of license fees and, as amended,
2 shall 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 first eight dollars [\$8] shall go into the
12 general fund to cover costs of licensing program and outsourced
13 fees as applicable; the next two dollars (\$2) from each license
14 shall be deposited in the Animal Care and Protective Services
15 Veterinary Services Trust Fund, Section 111.455; the remaining
16 monies, beginning with the eleventh dollar collected per license,
17 shall be deposited in the Spay and Neuter Trust Fund] ~~for altered~~
18 ~~(spayed or neutered) animals and unaltered animals pursuant to~~
19 ~~Section 462.302. There shall also be deposited into the Spay and~~
20 ~~Neuter Trust Fund all funds forfeited under Section 462.309, fines~~
21 ~~collected for failure to confine a female dog or cat in heat under~~
22 ~~Section 462.307, all funds generated from the excess intact animal~~
23 ~~permits pursuant to Section 462.1305, together with any other~~
24 monies which may be from time to time appropriated to this trust
25 fund by the Council, or monies, gifts, or donations donated by non-
26 governmental sources. The monies deposited in this trust fund are
27 to be appropriated by Council and shall be utilized and expended,
28 solely for the administrative costs of running the licensing
29 program, education/promotion of sterilization and programs created
30 and established in Section 462.703315. Monies deposited in this
31 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 Finance is authorized and
4 directed to make disbursements from this trust fund upon the
5 written request of the Director of Environmental and Compliance, or
6 his designee, with respect to expenditures permitted by Section
7 462.~~703315(b) and (d)~~. Furthermore, the Director of Finance shall
8 be responsible for maintaining all required accounting records,
9 making the proper disbursements, and providing any required
10 financial information, including notifying the Director of
11 Environmental and Compliance, or his designee, of the exhaustion of
12 appropriated funds available for expenditure in this trust fund.
13 The Animal Care and Protective Services Division shall give to the
14 Health, Welfare and Human Services Committee an annual report as to
15 the disposition of the monies of this trust fund.

16 * * *

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

19 There is hereby created the *Animal Care and Protective*
20 *Services (ACPS)*~~Training and Veterinary Services Training~~ *Trust*
21 *Fund*, a permanent, ongoing trust fund which shall carry forward
22 each fiscal year and not lapse. All funds derived from the
23 surcharge added to and collected on civil penalties imposed for
24 violation of an ordinance relating to animal control and cruelty,
25 pursuant to Section 462.115, and all funds derived from the ninth
26 and tenth dollar generated from the sale of pet license tags, all
27 animal adoption fees, all fees collected for medical services
28 provided, sixth dollar collected, pursuant to Chapter 462, Part 8
29 (Swine as Household Pets), Ordinance Code, for a City license tag
30 issued for a potbellied pig or as a replacement license tag, from
31 the eleventh dollar collected, pursuant to Section 462.502

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

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

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

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

24 * * *

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

26 * * *

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

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

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

30
31 **Section 3. Amending Sections 462.101, 462.102, 462.103,**

1 **462.105, 462.106 and 462.108, Ordinance Code.** Sections 462.102
2 (Definitions), 462.103 (Administration and enforcement), 462.105
3 (Interference with performance of duties), 462.106 (Procedures),
4 and 462.108 (Civil Penalties), Part 1 (General), Chapter 462
5 (Animals), *Ordinance Code*, are hereby amended to modify
6 definitions, provide for enforcement of municipal and state laws
7 relating to animal care or cruelty, place additional conditions on
8 authority to enter private property, add to list of actions
9 constituting interference with performance of duties, prescribe
10 procedures, and set forth penalties for various violations, and, as
11 amended, shall read as follows:

12 **CHAPTER 462. ANIMALS.**

13 **PART 1. GENERAL.**

14 * * *

15 **Section 462.102. Definitions.**

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

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

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

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

31 (d)(e) Animal control officer (Animal Code Enforcement

1 Officer) means any individual employed, contracted with,
2 or appointed by the Animal Care and Protective Services
3 Division, who is authorized to investigate civil
4 infractions relating to animal control or cruelty and is
5 authorized to issue citations, for the purpose of aiding
6 in the enforcement of this Chapter or any other law or
7 ordinance relating to the control and treatment of
8 animals, as defined in F.S. §828.27, and also includes
9 any State or local law enforcement officer, as defined in
10 F.S. § 943.10.

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

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

28 (g)~~(f)~~ *Business day* means any day that business is
29 conducted at the main shelter ~~Monday through Friday but~~
30 excluding days the shelter is closed including official
31 holidays recognized by the City (New Years Day, Martin

1 Luther King's Birthday, President's Day, Memorial Day,
2 Independence Day, Labor Day, Veterans' Day, Thanksgiving
3 and Christmas). Unless a provision in this Chapter
4 specifically refers to "business" day, any reference to
5 "day" shall mean a calendar day.

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

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

15 (j) *Community Standards* means the minimum accepted standards
16 of care for animals based upon the overall Jacksonville
17 community of pet owners and established guidelines of
18 professional animal associations and/or groups. ~~The City~~
19 of Jacksonville may, from time to time, assemble a
20 representative group of animal owners and experts as an
21 issue-specific advisory committee to help identify
22 current community standards; such advisory committee
23 shall be limited in scope and service, and shall be
24 disbanded upon final recommendation to the Chief of ACPS.
25 Subsequent committees, as needed, will be formed anew
26 rather than having an ongoing membership of interested
27 parties. For purposes of representing the City, the Chief
28 of ACPS is considered a subject matter expert, including
29 but not limited to the recommendations of any such
30 Community Standards Advisory Committee. Nothing in this
31 definition prohibits other vetted experts from providing

1 their opinion of community standards in Jacksonville.

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

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

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

11 ~~(n)(k)~~ *Duval County Health Department, or DCHD,* means the
12 Health Department, Rabies Control and the Health Director
13 or the Director's designee.

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

26 ~~(p)(l)~~ *Feral* means a wild animal that exists in an untamed
27 state or that has returned to an untamed state generally
28 not socialized to human contact and is no longer
29 considered domesticated. Feral animals shall include,
30 but not be limited to cats, dogs and hogs.

31 ~~(q)(m)~~ *Game* means those animals that may be legally hunted

1 for food or sport including, but not limited to, deer,
2 bear, squirrels, rabbits, and where designated by the
3 Commission rules, wild hogs, wild ducks and geese, rails,
4 coots, gallinules, snipe, woodcock, wild turkeys, grouse,
5 pheasants, doves and quail.

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

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

22 (t) Hobby Breeder, Permitted Hobby Breeder, Breeder or Animal
23 Breeder means any breeder of animals not qualified as a
24 pet dealer whose primary source of income is not derived
25 from the sale of animals that may sell, trade, exchange
26 or otherwise place up to four (4) litters per calendar
27 year provided that the litters are registered with ACPS.
28 Registration shall be in the form of a letter stating the
29 when the litter was born and the number of animals in the
30 litter

31 (u)(o) Household pet means an animal including, but not

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

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

27 (w) Microchip Identification - See Radio Frequency
28 Identification Device (RFID)

29 (x)~~(q)~~ *Nuisance* means any ~~thing done~~ act performed or
30 permitted (including permitted by lack of appropriate
31 action/control required for prevention) which injures or

1 prevents another in the enjoyment of his/her legal
2 rights, in particular, the creation of conditions leading
3 ~~relating~~ to the excessive breeding of fleas or flies, the
4 creation of odors or noises and other obnoxious
5 circumstances caused by the keeping of animals.

6 ~~(y)~~ (r) Occasional seller or Occasional selling means any
7 selling, trading or giving away of an animal or a litter
8 of puppies, kittens, or other animals, that is on a
9 random unsystematic basis and that does not exceed the
10 selling, trading or giving away of a total of two litters
11 (actual number of individual animals may vary) or a total
12 of ten (10) individual unsterilized animals that are not
13 part of a litter per household; or a combination of one
14 litter and a total of up to six (6) individual
15 unsterilized animals that are not part of a litter
16 animals in a calendar year.

17 (z) Owner means any person, household, firm, corporation, or
18 other organization possessing, harboring, keeping, or
19 having control or custody of an animal or, if the animal
20 is owned by a person under the age of eighteen (18), that
21 person's parent or guardian. There shall be a rebuttable
22 presumption that the person's name appearing on the
23 animal's registration or radio frequency identification
24 device (RFID), a.k.a. microchip, is the owner.

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

1 (bb)~~(t)~~ *Poultry* means domesticated birds, such as chickens,
2 turkeys, ducks, geese, guineas and pigeons, that are
3 usually raised for eggs and/or to provide food for
4 humans.

5 (cc)~~(u)~~ *Quarantine or ten-day quarantine* means confining an
6 animal for observation of any symptoms of rabies, which
7 confinement is typically for a ten-day time period from
8 the date of the bite, scratch or other potential rabies
9 exposure, unless a longer time period is required
10 pursuant to State regulations and guidelines.

11 (dd)~~(v)~~ *Rabies* means an acute, fatal, infectious disease of
12 the central nervous system that is transmitted when the
13 virus is introduced into bite wounds, open cuts in skin,
14 or onto mucous membranes.

15 (ee)~~(w)~~ *Rabies alert* means public notification that there
16 has been a confirmed case of animal rabies within a
17 specific geographic area.

18 (ff)~~(x)~~ *Rabies quarantine area* means laboratory
19 confirmation that there is an epidemic level of rabid
20 animals within a geographic area.

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

25 (hh) *Radio Frequency Identification Device (RFID,)* a.k.a.
26 "microchip", a device about the size of a grain of rice
27 encased in surgical glass that is implanted underneath
28 the skin of a dog, cat or other animal that when scanned
29 produces a unique number that identifies the animal and
30 its owner (if properly registered). When present, an RFID
31 with registration information shall be considered the

1 primary indication of ownership.

2 (ii)(z) Stray means any animal that is found to be at-
3 large, whether lost by its owner or otherwise, or that is
4 on the common areas of apartments, condominiums, trailer
5 parks or other multi-residential premises, and that does
6 not have an identification tag and for which there is no
7 identifiable owner; however, if the City establishes a
8 program for the maintenance of feral cats, feral cats may
9 be treated as other than stray.

10 (jj) Sufficient Food means access to proper food for the
11 species of animal in order to maintain a regular body
12 weight as designated by objective measurement tools such
13 as body condition score systems. As an example regular
14 body weight would be the "ideal" level (4 or 5) on the
15 internationally recognized veterinary and animal welfare
16 Purina Body Score System Chart. Animals under active,
17 current veterinary care may deviate from the scale based
18 upon the expertise of a licensed veterinarian.

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

22 (ll)(aa) Transporting means shipping, transporting,
23 carrying, importing, exporting, receiving or delivering
24 for shipment, transportation, carriage or export.

25 (mm)(bb) Veterinarian means a ~~veterinarian licensed to~~
26 ~~practice veterinary medicine and surgery by the Florida~~
27 ~~State Board of Veterinary Medicine, except where the text~~
28 ~~clearly includes a veterinarian licensed by another~~
29 ~~State.~~ health care practitioner who is licensed to
30 engage in the practice of veterinary medicine in Florida
31 under the authority of Chapter 474, Florida Statutes.

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

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

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

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

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

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

1 ordinance by reference. If any provision of State Law is not
2 otherwise expressed in this ordinance, an animal control officer
3 may issue a citation using this subsection and noting the section
4 of Florida Statute violated. Such violations shall be subject to a
5 fine of not less than the amount designated in the attached fine
6 schedule.

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

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

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

20 (g) Community Service hours may be substituted for fines and
21 fees. Such service must be completed within a prescribed time or
22 the maximum fine and/or all fees shall be entered as a final
23 judgment.

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

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

1 interfering with the lawful execution of the duties of an animal
2 control officer or interfering with the lawful impoundment of an
3 animal. All alleged violators of any section of this ordinance
4 shall be required to provide positive photo identification and
5 accurate current residence; failure to do so shall be considered a
6 violation of this section.

7 **Sec. 462.106. Procedures.**

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

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

30 (c) After issuing the citation, the issuing officer shall
31 deposit the original and one copy of the citation with the County

1 Court in and for the Fourth Judicial Circuit.

2 (d) A citation issued by an animal control officer shall
3 contain:

4 (1) The date and time of issuance.

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

7 (3) The date and time the civil infraction was
8 committed.

9 (4) The facts constituting probable cause.

10 (5) The Ordinance Code Section violated.

11 (6) The name and authority of the animal control
12 officer.

13 (7) The procedure for the person to follow for payment
14 of the civil fine for contesting the citation, or for
15 mandatory court appearance.

16 (8) The applicable civil fine if the person elects to
17 contest the citation.

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

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

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

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

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

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

17 (g) Persons cited for the following must appear in County
18 Court:

19 (1) Violations of this Chapter, resulting in the
20 unprovoked biting, attacking or wounding of a person or
21 domestic animal;

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

24 (3) Violations of the animal cruelty provisions of Part
25 2 of this Chapter.

26 For citations involving the above listed mandatory court
27 appearance violations, the citation shall specify that the court
28 appearance is mandatory. If person so cited fails to appear within
29 the time prescribed in the citation to obtain a court date or
30 having obtained a court date, fails to appear in court, final
31 judgment may be entered against the person in the maximum civil

1 fine payable within sixty (60) days from the date of execution of
2 final judgment. Alternatively, upon the request of ACPS, the court
3 may issue an order to show cause, require the person to appear
4 before the Court to explain why action on the citation has not been
5 taken. If any person who is issued such an order fails to appear in
6 response to the court's directive, that person may be held in
7 contempt of court in addition to being ordered to pay civil fines,
8 court costs and restitution, as applicable.

9 (h) ACPS may establish a voluntary violator diversion program
10 (in addition to any community service requirements that may exist)
11 with the goal of educating owners, reducing the likelihood of
12 repeat offenses, and reducing the demands of the court resources
13 and docketing. If established, the violator shall pay a fee of
14 \$150.00 for the diversion program and upon successful completion
15 within a prescribed timeframe will have the citation reduced to a
16 written warning. All revenue collected from such diversion programs
17 will be deposited into the Training & Cruelty Prevention Trust
18 Fund, Section 111.456, Ordinance Code.

19 * * *

20 **Sec. 462.108. Civil penalties.**

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

23 (b) Whenever a provision of this Chapter does not establish
24 a specific fine for failing to do any act or thing required or for
25 doing any act or thing prohibited, in addition to court costs, the
26 civil fine for such civil infraction, shall be not less than \$100
27 the amount designated in the attached fine schedule. Unless
28 otherwise specifically provided in this Chapter, each animal is
29 considered a separate violation, and each Section and subsection is
30 considered a separate violation.

31 ACPS shall establish penalties considering any or all of the

1 following:

- 2 i) The gravity of the violation.
- 3 ii) The potential harm to the public.
- 4 iii) The danger to the animal or other animals.
- 5 iv) Other potential adverse effect on animals or people.
- 6 v) Previous violations.
- 7 vi) The deterrent for future violations or violators.

8 ACPS shall, from time to time, convene a temporary,
9 issue-specific advisory committee of a cross-section of
10 the community to review and recommend changes to the fine
11 and fee schedules. The committee will be disbanded
12 following the recommendation to the Chief of ACPS; a new
13 committee will be seated for future review. The Chief of
14 ACPS will review such recommendations and proceed as
15 appropriate with suggesting the applicable changes as
16 needed.

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

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

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

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

31 (f) A five dollar (\$5) surcharge shall be charged and

1 collected upon each civil fine imposed for a violation of this
2 Chapter, as authorized by F.S. § 828.27(4)(b). The proceeds from
3 such surcharge shall be deposited in the Animal Care and Protective
4 Services Training and Cruelty Prevention Trust Fund established by
5 Section 111.455~~455~~456 and shall be used only to pay for costs
6 associated with training for animal control officers. Fines and
7 surcharges shall be paid to the Tax Collector.

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

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

1 animals, and, as amended, shall read as follows:

2 **CHAPTER 462. ANIMALS.**

3 * * *

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

5 * * *

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

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

12 (a) Beating, tormenting, torturing, mutilating, molesting,
13 sodomizing, maiming, overloading, overworking or overdriving an
14 animal; or

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

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

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

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

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

5 **Sec. 462.202. Exemptions.**

6 The provisions of this Part do not apply to:

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

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

12 (c) Humane disposition of an animal by ACPS, a humane
13 society or society for the prevention of cruelty to animals, or a
14 veterinarian;

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

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

20 (f) Those procedures done for the purpose of administering
21 veterinary care.

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

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

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

29 (a) Failing to provide any one of the following: sufficient
30 potable water free of debris and algae; sufficient wholesome food;
31 adequate shelter with sufficient level floor, three structurally

1 sound walls and solid roof to protect the animal from the weather,
2 extreme temperature and direct sunlight; current and active
3 veterinary care/treatment to prevent suffering; sufficient exercise
4 and wholesome exchange of air. A standard of usual and customary
5 practice, based upon the guidelines of the Jacksonville Veterinary
6 Medical Society (JVMS), the Florida Veterinary Medical Association
7 (FVMA) and/or the American Veterinary Medical Association (AVMA),
8 shall be used to define active treatment.

9 (b) Keeping an animal in an enclosure which prevents the
10 animal from free and full movement with full extension of its limbs
11 (including standing fully upright) and/or without wholesome
12 exercise and change of air [Nothing in this section is meant to
13 prohibit the temporary transport of animals in 'airline crates' or
14 the use of a temporary crate while cleaning the enclosure or to
15 separate animals while feeding. Crates used for temporary holding
16 of animals in conjunction with or training for dog shows,
17 performance events or hunting are not covered by this provision is
18 such holding does not include overnight or extended periods of more
19 than two hours, while not in transport, in such confined spaces.];

20 (c) Caging or confining an animal and failing to supply the
21 animal, during such caging or confinement, ~~without~~ sufficient
22 water, ~~without~~ sufficient space to stand fully erect on all legs
23 and/or ~~unable~~ to turn completely around within the cage or
24 confinement and ~~without~~ sufficient wholesome food;

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

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

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

31 **Sec. 462.204. Restraint by chaining.**

1 Restraint by chaining may be used provided the following
2 conditions are met:

3 (a) The chain or tether shall not weigh more than one-eighth
4 (1/8) of the animal's body weight, current weight, or normal weight
5 for the breed/species, whichever is lowest. When a violation of
6 this provision occurs, an animal control officer is authorized to
7 take reasonable measures to remove the animal from the chain and
8 take the chain and animal to the shelter;

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

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

14 (d) The animal, while restrained by chain or tether, is able
15 to access proper shelter [a.k.a. 'enclosure'] with sufficient floor
16 to support the weight of the animal without sagging and that is not
17 constructed of wire, mesh or slats that have spacing that is more
18 than one-third the width of the animals foot, three walls, and roof
19 to protect the animal from the weather, extreme temperatures and
20 direct sunlight; and is able to access sufficient potable water
21 free from debris and algae and sufficient wholesome food.

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

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

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

29 (a) In addition to penalties prescribed by F.S. § 828.122,
30 any animal baited, bred, trained, transported, sold, owned,
31 possessed or used for animal fighting or baiting shall be subject

1 to seizure pursuant to Section 462.210. For purposes of this
2 Section, "baiting" shall mean to 'face off' two or more animals; to
3 have two or more animals in close proximity while restrained to
4 simulate a fight or aggression superiority, to attack with
5 violence, to provoke or to harass an animal with one or more
6 animals for the purpose of training an animal for, or to cause an
7 animal to engage in, fights with or among other animals. "Baiting"
8 also means the use of live animals in the training of racing
9 greyhounds.

10 (b) Exemptions allowed:

11 i. Exempt from the 'face off' provision of this
12 section are two dogs engaged in a sanctioned
13 breed exhibition or contest that is properly
14 noticed to ACPS at least two weeks in advance of
15 the event and open to ACPS officers for
16 observation of the event.

17 ii. 'Animal fighting' and 'Baiting' do not include
18 traditional and lawful hunting practices, field trials
19 or performance events, or the training for such events.

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

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

29 **Sec. 462.206. Controlling poisonous substances.**

30 (a) It shall be unlawful for any person to intentionally
31 knowingly or negligently place or leave any poison or poisonous

1 substances injurious to domestic animals in any place accessible to
2 domestic animals or to intentionally expose any non-vermin animal
3 to poison or poisonous substances. It shall also be unlawful for
4 any person to fail to remove or mitigate any poison or poisonous
5 substances injurious to domestic animals that are in any place
6 accessible to domestic animals or to expose any animal to poison or
7 poisonous substances after being advised to remove or mitigate an
8 existing condition regarding a poisonous substance. Nothing in this
9 section is intended to address the unintentional poisoning of an
10 animal due to the animal's ingestion of plants that are naturally
11 growing, potted or part of a maintained landscape. For the purposes
12 of this section 'knowingly' shall mean that a reasonable person
13 should have known under the given circumstances.

14 (b) It shall be unlawful for any person to intentionally
15 feed an animal any intoxicating substance or to impair the physical
16 condition of an animal by non-therapeutic administration of a drug
17 or narcotic not legally permitted or licensed for that purpose.
18 This provision does not apply to animal control officers in the
19 performance of their duties.

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

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

23 It shall be unlawful for any person to artificially color any
24 animal in the City or cause this coloration to be done or to bring
25 into the City, possess, offer for sale, sell, barter or give away
26 an artificially colored animal. A violation of this Section shall
27 subject the violator to a civil fine of not less than \$250 the
28 amount designated in the attached fine schedule.

29 It shall be unlawful for any person or business entity to
30 knowingly allow or permit anyone to display, possess, offer for
31 sale, barter or give away an artificially colored animal. The

1 manager on site and/or the property owner shall be subject to a
2 civil fine of not less than the amount designated in the attached
3 fine schedule. 'Knowingly' for this section shall mean that a
4 reasonable person with the knowledge of the facts available would
5 or should have known or had reasonable cause to believe that the
6 animal had been colored.

7 **Sec. 462.208. Sale of young animals for certain purposes**
8 **prohibited.**

9 (a) It shall be unlawful for any person to sell, offer for
10 sale, or give away within the City any chicken, duckling or other
11 birds under four (4) weeks of age or rabbit under two (2) months of
12 age, to be used as pets, toys or retail merchandising premiums.
13 This Section shall not be construed to apply to any animal to be
14 used or raised for agricultural purposes by persons with proper
15 facilities to care for it or for poultry or livestock exhibitions.

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

20 (c) A violation of this Section shall subject the violator
21 to a civil fine of not less than \$250 the amount designated in the
22 attached fine schedule.

23 **Sec. 462.209. Citation.**

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

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

30 (a) The purpose of this Section is to provide a means by
31 which a neglected or mistreated animal, pursuant to a violation of

1 any Section of this Part, can be removed from its owner and/or
2 current custody or can be made the subject of an order to provide
3 care.

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

6 (1) Seize and take custody of any animal found
7 neglected, cruelly treated, or otherwise treated in violation
8 of this Part, by removing the animal from its current location
9 or

10 (2) Order the owner of the animal found neglected,
11 cruelly treated or otherwise treated in violation of this
12 Part, to provide certain care to the animal without removing
13 the animal from its current location.

14 (c) Within thirty (30) days after the seizure of the animal
15 or the issuance of the order to provide care, the animal control
16 officer shall petition the County Court for a hearing. The hearing
17 shall be held not more than fifteen (15) days after the request for
18 such hearing is made. The hearing shall be for the purpose of
19 determining whether or not the owner has violated this Part and to
20 determine whether the owner is fit to have custody of the animal.
21 The hearing shall be concluded and the court order entered as
22 expeditiously as possible, and in any case, not more than sixty
23 (60) days after the date the hearing commenced. No fee shall be
24 charged for the filing of the petition.

25 (d) ACPS shall have written notice served upon the owner of
26 the animal seized at least five (5) days prior to the hearing. If
27 the owner is residing in the City, notice shall be in conformance
28 with the provisions of F.S. Ch. 48, relating to service of process.
29 There shall be no fee charged by the sheriff for service of such
30 notice. If the owner of the animal is unknown, or is known but is
31 residing outside of the City, notice of the hearing shall be by

1 publication in conformance with the provisions of F. S. Ch. 49.

2 (e) Fees and disposition of animals:

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

5 (2) If the court determines that the owner is not
6 guilty of any violation of this Part and is able and fit to
7 provide adequately for and have custody of the animal, then
8 the court shall enter an order providing that the animal be
9 claimed by the owner and removed from the custody of ACPS
10 within seven (7) days after the date of the order, or the
11 animal is considered abandoned by the owner and becomes the
12 property of ACPS. The court may hold a separate hearing for
13 proof of costs and if so directed, ACPS shall process a
14 request for the refunding of boarding and intake fees.

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

1 (4) If the court determines that the owner is unable or
2 unfit to adequately provide for the animal(s), the court's
3 order shall provide that the owner shall have no further
4 custody of the animal and that the animal(s) shall become the
5 property of ACCACPS. The order may also require that the owner
6 must pay all applicable fines (including outstanding fines
7 issued by ACPS and court costs) and shall require the owner to
8 pay all impound fees, boarding fees, applicable veterinary
9 expenses and other medical expenses and all other costs
10 associated with the care and maintenance of the animal seized.
11 The court may hold a separate hearing for proof of costs.

12 (5) If the court also determines that the owner is
13 unable or unfit to provide for any animal(s) not already
14 seized and taken into custody by an animal control officer,
15 then the court may also order that any or all other animal(s)
16 in the custody of the owner be turned over to ACPS for
17 adoption or humane disposition. Pursuant to F.S. § 828.073,
18 the court may also enjoin the owner's further possession or
19 custody of other animals.

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

23 (1) Testimony from the animal control officer who
24 seized the animal; testimony from other witnesses as to the
25 condition of the animal when seized and as to the conditions
26 under which the animal was kept.

27 (2) Testimony and evidence as to the veterinary care
28 provided to the animal.

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

31 (4) Expert testimony as to the community standards for

1 proper and reasonable care of the same type of animal.

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

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

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

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

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

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

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

19
20 **Section 5. Amending Sections 462.301, 462.302, 462.303,**
21 **462.304, 462.305, 462.307, 462.308, 462.309, 462.310, 462.311,**
22 **462.312, 462.313, 462.315, and 462.316 Ordinance Code.** Sections
23 462.301 (General), 462.302 (Noise), 462.303 (Animals at-large
24 prohibited), 462.304 (Habitual nuisance), 462.305 (Destruction of
25 property and biting), 462.306 (Custody of racing dogs), 462.307
26 (Requirement to confine female dog or cat in heat), 462.308 (Injury
27 to animals by motor vehicles; reporting requirement), 462.309
28 (Sterilization of dogs and cats), 462.310 (Additional penalty for
29 dogs and cats not spayed or neutered), 462.311 (Diseased animals
30 within the City), 462.312 (Testing and destruction of contaminated
31 turtles), 462.313 (Rabies quarantine area, rabies alert or

1 restriction of infectious animals), 462.315 (Procedure for animal
2 bites and for animals suspected of having rabies) and 462.316
3 (Penalty), Part 3 (Nuisances), Chapter 462 (Animals), *Ordinance*
4 *Code*, are hereby amended to add additional circumstances
5 constituting animal nuisance, further define behavior constituting
6 persistent or continuous noise, limit the civil fine for noise to
7 \$500, hold persons having temporary custody of dogs or cats liable
8 for failing to restrain an animal from being at large, limit the
9 civil fine for at-large animals to \$500, limit the civil fine for
10 habitual nuisance to \$500, hold persons having temporary custody of
11 dogs or cats liable for destruction of property and biting, limit
12 the civil fine for failure to confine a female dog or cat in heat
13 to \$500, hold persons having temporary custody of dogs or cats
14 liable for failure to confine a female dog or cat in heat, provide
15 for sterilization of animals impounded under Section 462.306, limit
16 the civil fine for failure to report injury to animals by motor
17 vehicles to \$500, provide for forfeiture of deposit for
18 sterilization after 31 days, assess additional fine for at-large
19 animals not spayed or neutered, delete provisions for testing and
20 destruction of contaminated turtles, establish rules for feeding of
21 cats and dogs outdoors, provide for community cat management
22 initiatives, and incorporate provisions of Florida Administrative
23 Code Chapter 64D-3, and, as amended, shall read as follows:

24 **CHAPTER 462. ANIMALS.**

25 * * *

26 **PART 3. NUISANCES.**

27 * * *

28 **Section 462.301. General.**

29 (a) Animals shall not be kept on property in a manner that
30 causes any one or more of the following: creates unsanitary
31 conditions; is a source of infestation by insects or rodents;

1 creates physical conditions that endanger the health or safety of
2 humans, that are detrimental to property values, or that tend to
3 degrade the appearance of a neighborhood.

4 (b) Whenever an animal defecates upon any property not
5 owned, leased, rented, or otherwise in the care, custody, or
6 control of the animal's owner, the animal's owner shall immediately
7 remove and properly dispose of feces. The only exception is by
8 permission of the property owner.

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

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

21 **Sec. 462.302. Noise.**

22 (a) It shall be unlawful for the owner, or any person having
23 temporary custody, of an animal or animals to allow or fail to
24 restrain the animal(s), to bark, meow, whine, howl, or to make
25 other sounds common to the species, persistently or continuously
26 for a period of thirty (30) minutes or longer when every animal is
27 not contained within an enclosure sufficient to baffle loud noises
28 and render them reasonably unobjectionable. For the purposes of
29 this section, persistently or continuously shall mean non-stop
30 utterances for thirty (30) consecutive minutes with individual
31 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, or 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 the attached fine schedule.
9 Each separate occasion is considered a separate violation. The
10 animal control officer may cite the owner of the animal(s) for
11 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 shall permit the animal or fail to restrain the
27 animal from being the dog or cat to be at-large, except a dog shall
28 be considered exempt from these provisions if:

29 (1) The dog is engaged in the performance of duties while
30 under the supervision and control of law enforcement
31 officials performing law enforcement work.

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

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

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

20 **Sec. 462.304. Habitual nuisance.**

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

1 (b) For the purpose of this Section, "habitually" means at
2 least two separate occurrences within a time period of no more than
3 one month; except that barking habitually, or making other
4 objectionable animal noises habitually, means making the sound
5 persistently or continuously for at least thirty (30) minutes
6 occurring at least three separate times within a period of no more
7 than eight (8) hours. For the purposes of this section,
8 "persistently" or "continuously" shall mean non-stop utterances for
9 thirty (30) consecutive minutes with interruption of less than
10 thirty (30) seconds at a time during the thirty (30) minute
11 utterances.

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

20 (d) Each violation of this Section shall be punishable by a
21 fine of not less than \$300 the amount designated in the attached
22 fine schedule. A subsequent violation of this Section within thirty
23 (30) days of a previous citation for violation of this Section
24 shall subject the violator to double the fine, except that such
25 fine shall not exceed the maximum fine allowable under the law.

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

27 **Except where an exemption under section 462.403 applies:**

28 (a) No owner or person having temporary custody of an animal
29 shall permit the animal, either willfully or through failure to
30 exercise due care or control, to destroy or damage the property of
31 another including, but not limited to, the unprovoked biting,

1 attacking or wounding of another person's animal.

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

5 (c) An animal control officer may cite the owner or person
6 having temporary custody for violation of this Section when either
7 the animal control officer has received a sworn affidavit from an
8 adult witness, attesting to the animal's having committed a
9 violation of this subsection, or the citing animal control officer
10 has witnessed the commission of such violation.

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

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

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

23 **Sec. 462.307. Requirement to confine female dog or cat in**
24 **heat.**

25 (a) It shall be unlawful and punishable by a fine of not
26 less than the amount designated in the attached fine schedule \$250,
27 for the owner or person having temporary custody of a female dog or
28 cat in heat to permit or allow it to be upon the public street or
29 in a public place unless restrained by leash, tether or chain of
30 four (4) feet or less and under the direct physical control of the
31 owner or person having temporary custody. The owner or person

1 having temporary custody of a female dog or cat in heat shall, at
2 all times, when not upon the public street or in a public places
3 restrained as noted above keep it restrained by leash, tether or
4 chain of four (4) feet or less and under the direct physical
5 control of the owner or person having temporary custody; or
6 securely confined on private property and inside a secure building
7 or secure enclosure having a secure top and bottom attached to all
8 sides so as to prevent ~~exception~~ copulation and/or any other
9 animal from entering the enclosure, with the exception of
10 controlled and intentional breeding. Female dogs in heat are not
11 allowed in any off-leash park. A female dog or cat found to be in
12 violation of this Section is hereby declared to be a nuisance and
13 may be impounded as provided in this Chapter. Animals impounded
14 under the provisions of this section shall be sterilized before
15 being returned to their owners, unless otherwise exempted by this
16 ordinance.

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

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

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

28 **Sec. 462.308. Injury to animals by motor vehicles; reporting**
29 **requirement.**

30 Any operator of a motor vehicle that has injured an animal
31 shall immediately notify the Office of the Sheriff, or ACPS ~~or the~~

1 ~~Jacksonville Humane Society~~ and advise as to the location of the
2 injured animal. Failure to notify one of these authorities shall
3 constitute a violation of this Section punishable by a fine of not
4 less than \$50 the amount designated in the attached fine schedule.

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

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

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

11 (2) Entering into a written agreement with the adopted
12 purchaser that guarantees that sterilization will be
13 performed prior to sexual maturity or as soon as
14 medically possible if it is determined by a veterinarian
15 that sterilization would endanger the animal's health due
16 to its age, infirmity, disability or illness.

17 (3) Animal owners that have a current City license and
18 permanent identification in the form of a registered
19 microchip ID (RFID) or attached City license tag, shall
20 be exempt from the above provision regarding
21 sterilization for the first impound of the animal
22 provided the identification is accurate to allow ACPS to
23 identify its owner. Other valid permanent identification
24 may also be used provided ACPS can easily identify the
25 owner and a current City license is on file with the
26 owner's information.

27 (b) Unless otherwise provided for in this Chapter, costs
28 associated with sterilization shall be paid by the prospective
29 purchaser or adopter as a part of the purchase price or donation.
30 Where it is necessary to enter into an agreement to sterilize, the
31 purchaser or adopter shall pay a sufficient deposit in cash or cash

1 equivalent that is equal to or greater than the current market fee
2 for sterilization, as determined by the animal shelter, as a
3 condition of the agreement to sterilize, which deposit shall be
4 refundable upon presenting to the animal shelter written
5 verification by the veterinarian who performed the sterilization
6 that the animal has been sterilized within thirty (30) days after
7 the adoption or adequate age/health to allow for sterilization. The
8 deposit shall be forfeited and considered a donation to the shelter
9 after thirty-one (31) days, and such funds shall be deposited in
10 the Spay Neuter Trust Fund for sterilization programs.

11 **Sec. 462.310. Additional penalty for dogs and cats not spayed**
12 **or neutered.**

13 Any owner found to be in violation of any provision of this
14 Chapter that involves an at-large dog or cat shall be assessed an
15 additional fine of not less than the amount designated in the
16 attached fine schedule, \$100 if the dog or cat has not been
17 impounded ~~spayed or neutered~~. The owner of such dog or cat shall
18 have the option of paying this additional \$100 fine or, in the
19 alternative, the owner may, within ten (10) days of the violation,
20 have the dog or cat spayed or neutered. If the owner elects to have
21 the dog or cat spayed or neutered, the owner shall present proof of
22 same to the Tax Collector upon payment of the fine. The Tax
23 Collector, upon receipt of proof that the dog or cat has been
24 spayed or neutered, shall deduct the \$100 additional fine from the
25 total fine amount. Proof requires written verification, on
26 letterhead and with the veterinarian's license number noted, by the
27 veterinarian who performed the sterilization that the dog or cat
28 has been sterilized. The additional fine monies shall be dedicated
29 to animal sterilization programs and deposited into the Spay Neuter
30 Trust Fund.

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

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

6 ~~**Sec. 462.312. Testing and destruction of contaminated**~~
7 ~~**turtles.**~~

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

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

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

30 (1) The feeding of cats and dogs outdoors shall take place
31 ~~only primarily~~ during daylight hours to minimize the risk

1 of domestic-wildlife interactions that have increased
2 potential of rabies exposure for the cats or dogs. Any
3 food provided after daylight hours shall only be provided
4 for such time required for feeding, and no longer than
5 thirty (30) minutes, after which it shall be removed.

6 (2) Feeding outdoors is only allowed when an appropriate
7 amount of food for daily consumption of the cat(s) and/or
8 dog(s) being cared for is provided. Food must be
9 appropriately placed in a sanitary container sufficient
10 for the cat/dog being fed.

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

14 (4) Feeding outdoors must take place on the property owned by
15 the person placing the food or be done with the consent
16 of the property owner. Feeding on public property, road
17 right-of-ways, parks, common land of a multifamily
18 housing unit or any property without consent of the owner
19 is prohibited.

20 (5) Violations of this section are subject to a fine of not
21 less than the amount designated in the attached fine
22 schedule.

23 (b) Community Cat Management Initiatives: The City of
24 Jacksonville recognizes the need for innovation in addressing the
25 issues presented by feral, free-roaming and other community cats.
26 To that end it recognizes that there are community care givers of
27 cats, and acknowledges that properly managed community cats may be
28 part of the solution to the continuing euthanasia of cats; and
29 establishes the following requirements:

30 (1) All managed community cat colonies/groups must be
31 maintained on private property of the caregiver, or with

1 permission on the private property of another landowner
2 (including city, state, and federal public property).

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

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

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

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

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

22 (c) Violations of this section are subject to a fine of not
23 less than the amount [designated in the attached fine schedule.](#)

24 **Sec. 462.313. Rabies quarantine area, rabies alert or**
25 **restriction of infectious animals.**

26 The DCHD and ACPS will make every effort to communicate and
27 coordinate efforts with respect to any rabies quarantine area,
28 rabies alert or other health emergency. Should the DCHD or ACPS
29 determine that a state of emergency exists within the City by
30 reason of animals being infected by rabies or other infection or
31 dangerous disease that shall constitute a danger to the public

1 health, safety and general welfare of the City, the City may, by
2 resolution, declare a state of emergency and may promulgate such
3 other emergency regulations deemed necessary for the protection of
4 the health, safety and general welfare of the City. Owners of
5 animals must comply with all applicable laws, rules and regulations
6 relating to the quarantine of animals.

7 * * *

8 **Sec. 462.315. Procedure for animal bites and for animals**
9 **suspected of having rabies.**

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

20 (a) If an animal is suspected of having rabies, or if an
21 animal bites any person or another animal, all persons having
22 knowledge of such condition or event shall immediately notify both
23 the DCHD and ACPS. The DCHD or ACPS shall immediately investigate
24 the incident. The DCHD or ACPS will take appropriate actions to
25 ensure the health and safety of the victim(s) and of the community.
26 The DCHD and ACPS will maintain close communication with respect to
27 all investigations of possible rabies exposure, and the DCHD and
28 ACPS will provide each other with detailed information on biting
29 dogs. When there is a need for quarantine, the DCHD may determine
30 the location of the quarantine and will follow the investigation
31 through the quarantine period. For those animals quarantined at

1 ACPS, the DCHD and ACPS will notify the owner that the animal is
2 confined for the quarantine period. The DCHD will inspect regularly
3 those animals quarantined at ACPS and will inform ACPS of the
4 findings. ~~Those animals quarantined at ACP shall be kept for a~~
5 ~~period of 48 hours after the quarantine period has expired, subject~~
6 ~~to further impoundment as may be required pursuant to Part 4 of~~
7 ~~this Chapter.~~ The owner shall bear all costs associated with
8 impoundment and quarantine at ACPS, payable at the time of intake
9 for animals brought to the shelter by owner/owner's agent or within
10 forty-eight (48) hours of notice of impoundment for field captured
11 animals, and shall pay to the City all additional costs prior to
12 redeeming the animal. Failure to pay required quarantine fees
13 within six days of impound shall constitute abandonment (as applied
14 in stray animals), and the City may take ownership at that point
15 and do as it deems necessary with said animal/property. At either
16 ACPS's or the DCHD's discretion, the animal may be quarantined by
17 confinement and observation at a veterinarian, and the owner shall
18 be responsible for paying the cost of quarantine to the
19 veterinarian. Except as provided elsewhere in this Chapter, the
20 DCHD, during the quarantine period, may release to the owner for
21 confinement by the owner any animal which has bitten a person or
22 another animal if:

- 23 (1) All animals involved were already vaccinated against
24 rabies in accordance with this Chapter; ~~and or~~
25 (2) All persons involved who may be exposed to rabies and
26 all owners of animals involved that may be exposed to
27 rabies (or a parent, if any such person is a minor),
28 consent in writing to the release, or
29 (3) The bite occurred within the family of the owner of the
30 animal that bit, and the responsible adult(s) of that
31 family request home quarantine, or

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

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

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

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

20 (d) If a suspected animal or a bitten animal has
21 sufficiently exposed a person or another animal, and the suspected
22 animal or bitten animal has or develops symptoms of rabies, as
23 determined by a veterinarian, the owner and the veterinarian shall
24 notify the DCHD and ACPS. The DCHD shall determine whether the
25 animal shall be humanely destroyed. No animal in the custody of
26 ACPS or a designated veterinarian, which has or develops symptoms
27 of rabies, may be redeemed or released. If a suspected animal or a
28 bitten animal dies, or is destroyed pursuant to this Section,
29 during the quarantine period, the veterinarian responsible for the
30 destruction, the DCHD or ACPS shall cause the animal's head to be
31 detached without mutilation and submitted to a laboratory of the

1 State Department of Health in accordance with the procedure as
2 provided by the DCHD.

3 **Sec. 462.316. Penalty.**

4 Except as otherwise specifically provided in any Section of
5 this Part, a violation of this Part shall be a civil infraction
6 punishable by a fine of not less than the amount \$250 designated in
7 the attached fine schedule. Each subsequent violation shall be
8 punishable by a fine that is double the original fine up to the
9 maximum allowed by law. The Chief of ACPS is also authorized to
10 seek injunctive relief against nuisances.

11
12 **Section 6. Amending Sections 462.402, 462.404, 462.405,**
13 **462.406, 462.407, 462.408, 462.409, 462.410, and 462.412, 462.313,**
14 **Ordinance Code.** Sections 462.402 (definitions), 462.404
15 (Classification of dog as dangerous; notice and hearing
16 requirements; confinement of dog; appeal; registration
17 requirements), 462.405 (Proper enclosure), 462.406 (Insurance),
18 462.407 (Dangerous dog outside of proper enclosure; outside of
19 primary enclosure), 462.408 (Required notification concerning
20 dangerous dog), 462.409 (Attack or bite by dangerous dog;
21 impoundment; destruction), 462.410 (Severe injury by dog;
22 impoundment; destruction), and 462.412 (Violation of this Part),
23 Part 4 (Dangerous Dogs), Chapter 462 (Animals), *Ordinance Code*, are
24 hereby amended to expand definition of *Severe injury*, set a
25 deadline for filing of affidavit from person desiring to have a dog
26 classified as dangerous, establishing \$500 civil fine for failure
27 to surrender dog that is the subject of a dangerous dog
28 investigation, providing for appeals, provide for boarding of
29 potentially dangerous dog, provide for notices following dangerous
30 dog investigation, define proper enclosure for dangerous dog,
31 clarify insurance requirements for dangerous dog, prohibit sale or

1 giving away of dog determined to be dangerous, require advance
2 payment by owner of impoundment costs in cases where injuries
3 caused by dog, and eliminate possibility of redemption of dangerous
4 dog by owner, and, as amended, shall read as follows:

5 **CHAPTER 462. ANIMALS.**

6 * * *

7 **PART 4. DANGEROUS DOGS.**

8 * * *

9 **Section 462.402. Definitions.**

10 **Sec. 462.402. Definitions.**

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

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

17 (1) On public or private property, including the
18 owner's property, aggressively attacks, bites or
19 endangers a human or inflicts severe injury on a
20 human;

21 (2) On public or private property, including the
22 owner's property, attacks and bites another dog or
23 other domesticated animal and causes severe injury
24 or death to the dog or domesticated animal;

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

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

1 provoking the dog.

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

6 * * *

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

10 (a) Investigation and initial determination:

11 (1) An animal control officer shall investigate reported
12 incidents involving any ~~potentially dangerous dog~~ that
13 may be dangerous and shall, if possible, interview the
14 owner and require a sworn affidavit from any person,
15 including any animal control officer or enforcement
16 officer, desiring to have a dog classified as a dangerous
17 dog. The affidavit requesting the investigation must be
18 presented to ACPS within thirty (30) days of the incident
19 leading to the request. The Chief of ACPS shall have the
20 authority to grant a deadline extension upon due cause
21 and extenuating circumstances for a period not to exceed
22 an additional thirty (30) days. Any dog that is the
23 subject of a dangerous dog investigation may be impounded
24 by ACPS pending the outcome of the investigation and any
25 related hearings and appeals. An animal control officer
26 is authorized to enter any building or place, except a
27 building used ~~exclusively~~ for a private residence, in
28 order to seize any suspected dangerous dog. If the dog is
29 within a private residence and the occupant of the
30 residence or the owner of the suspected dangerous dog
31 refuses to surrender it, ACPS may obtain, from a court of

1 competent jurisdiction, a warrant to seize the dog.
2 Failure to surrender the dog is a violation of this
3 section subject to a five hundred dollar (\$500) fine.

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

20 (3) After the investigation, ACPS shall make an initial
21 determination as to whether there is sufficient cause to
22 classify the dog as a dangerous dog and shall afford the
23 owner an opportunity for a hearing before the Chief of
24 ACPS, or a duly designated staff member, or before an
25 animal commission or board as may be established by
26 ordinance or by executive order, prior to making a final
27 determination. ACPS shall provide to the owner written
28 notification of the sufficient cause finding, by
29 registered mail, certified hand delivery, or service in
30 conformance with the provisions of F.S. Ch. 48, relating
31 to service of process. The owner may file a written

1 request for a hearing with the Chief of ACPS, or an
2 established commission or board, within seven (7) days
3 from the date of receipt of the notification of the
4 sufficient cause finding and, if requested, the hearing
5 shall be held as soon as possible, but not sooner than
6 five (5) and not later than twenty-one (21) days after
7 receipt of the request from the owner. If the owner is
8 not notified of the hearing within twenty-one (21) days
9 of the receipt of the request for a hearing before the
10 Chief of ACPS, the owner may proceed directly to the
11 County Court to request a hearing before a judge. The
12 Chief of ACPS, or an established commission or board,
13 shall establish procedures for the hearing process.

14 (4) Upon a determination that a dog should be
15 classified as a dangerous dog, ACPS shall provide written
16 notification to the owner by registered mail, certified
17 hand delivery or service in conformance with the
18 provisions of F.S. Ch. 48, relating to service of
19 process. If the owner does not file a written request for
20 a hearing with the Chief of ACPS within seven (7) days of
21 receipt of the notification of sufficient cause findings,
22 the notification of sufficient cause finding becomes the
23 final determination of classification without requiring
24 additional notification to the owner. ~~To appeal the~~
25 ~~classification, the~~ If the owner feels that the
26 procedure was improper or that due process was not
27 served, the owner must file a written request for a
28 judicial review of the administrative determination
29 ~~hearing~~ in the County Court within ten (10) business days
30 after receipt of a written determination of dangerous dog
31 classification. The dog may be impounded by ACPS pending

1 a resolution of the appeal.

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

5 (b) The owner of the dangerous dog shall be responsible for
6 payment of all boarding costs and other fees as required if ACPS
7 impounds the dog during the investigation, hearing and/or any
8 appeal, ~~unless the dog is ultimately determined not to be a~~
9 ~~dangerous dog.~~ If the dog is determined not to be a dangerous or
10 potentially dangerous dog under the provisions of this ordinance or
11 state law, ACPS shall process a request for the refunding of
12 boarding and intake fees.

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

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

30 (2) Proof that the owner has obtained for the dog a
31 permanent identification mark, such as a ~~tattoo on the~~

1 ~~inside thigh or~~ an electronic radio frequency
2 identification device (RFID) implantation;

3 (3) Proof that the owner has obtained a proper enclosure to
4 confine the dog as required in this Part (See Section
5 462.405);

6 (4) Proof that the owner is the fee simple owner of the
7 property upon which the proper enclosure is located or,
8 alternatively, proof of permission from the fee simple
9 owner of the property upon which the proper enclosure is
10 located;

11 (5) Proof that the owner has obtained insurance as required
12 in this Part; and

13 (6) Proof that the dog has been surgically sterilized by a
14 veterinarian.

15 The owner is responsible for pre-payment of all boarding
16 fees during the time it takes to complete these requirements).

17 If the owner does not comply with all of these requirements
18 within fourteen (14) days, ownership reverts to the City, and
19 the dog shall be destroyed in an expeditious and humane
20 manner. Notice of the potential humane destruction of the
21 animal for failure to comply shall be included in the notice
22 of final ruling on the dangerous dog.

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

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

28
29 **Sec. 462.405. Proper enclosure for dangerous dogs.**

30 (a) The owner of a dangerous dog must obtain and maintain a
31 proper enclosure to confine the dog and must have posted on the

1 premises a clearly visible warning sign at each entry point that
2 informs both children and adults of the presence of a dangerous dog
3 on the property.

4 (b) "Proper enclosure" means that the dangerous dog is
5 securely and humanely confined on the owner's property within a
6 structure that has four walls, a roof, and floor that protects the
7 animal from weather and is sufficiently ventilated to provide
8 refuge from the heat of the day. 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 four
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 a competent individual is present; if
14 anyone other than direct family members are present, the residence
15 alone is not considered a proper enclosure and a lockable kennel of
16 sufficient size for the dog (with a roof and floor) must be
17 utilized when people other than the owner's immediate family, or a
18 responsible adult acting as their agent, are/is present or if the
19 dog is left alone in the residence. There must be a, locked pen or
20 other enclosure that is designed to prevent the dangerous dog from
21 escaping over, under or through the enclosure (the "primary
22 enclosure"). If the dog is maintained outside, a portion of the
23 owner's property must be fenced with a secured perimeter fence at
24 least six (6) feet in height providing at least five (5) feet of
25 distance between all sides of the fence and the primary enclosure
26 of sufficient height and strength to prevent entry by the public
27 and to prevent the dog's escape from the owner's property if the
28 dog escapes from the primary enclosure. Within the perimeter fence,
29 the dog must be humanely confined inside a primary enclosure
30 consisting of a locked pen, kennel or other structure of adequate
31 size that provides protection from the elements. The primary

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

10 **Sec. 462.406. Insurance.**

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

28 **Sec. 462.407. Dangerous dog outside of proper enclosure;**
29 **outside of primary enclosure.**

30 (a) A dangerous dog must not be outside a proper enclosure
31 unless the dog is muzzled and securely restrained by a chain or

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

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

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

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

- 21 (a) Is loose or unconfined;
22 (b) Has attacked or bitten a human or another animal;
23 (c) ~~Is sold, given away, or dies; or~~
24 (d) Is relocated to another address.

25 ~~Prior to~~ During the dangerous dog investigation, and after a
26 final determination that the dog is dangerous, a dangerous dog
27 being may not be sold or given away. ~~, the owner shall provide the~~
28 ~~name, address, and telephone number of the new owner to ACC. The~~
29 ~~new owner must comply with all of the requirements of this Part if~~
30 ~~the animal remains in this City. If a dog classified as dangerous~~
31 ~~by any competent authority is brought into the City, the owner must~~

1 ~~notify ACC of the dog's presence within three days of its arrival.~~

2 **Sec. 462.409. Attack or bite by dangerous dog; impoundment;**
3 **destruction.**

4 If a dog that has previously been classified as a dangerous
5 dog is believed to have attacked or bitten a person or animal
6 without provocation, an animal control officer is authorized to
7 immediately impound the dangerous dog, placing it in quarantine as
8 may be required pursuant to Section 462.315, or otherwise
9 impounding it for ten (10) business days after the owner is given
10 written notification. Thereafter, the dangerous dog shall be
11 destroyed in an expeditious and humane manner. If, prior to the
12 ten-day time period, the owner notifies ACPS in writing of the
13 owner's intent to challenge ACPS's decision to destroy the dog,
14 ACPS shall continue to impound the dangerous dog so long as the
15 owner either posts bond or pays in advance by certified check
16 payable to the City the estimated costs associated with impounding
17 the dangerous dog, as estimated by ACPS. Should the animal have to
18 be boarded beyond the original estimated time covered by the pre-
19 payment of fees, the owner shall be required to pay in advance by
20 certified check the estimated weekly costs of boarding and care
21 until the final decision has been reached. Failure to pay impound
22 and boarding fees for any ten consecutive day period shall
23 constitute abandonment. To appeal ACPS's final decision, the owner
24 must file a written request for a hearing in the County Court
25 within ten business days after ACPS's final written decision to
26 destroy the dog. The owner shall be responsible for payment of all
27 boarding costs, medical costs and other fees and charges associated
28 with ACPS's maintaining the dog, regardless of the outcome of any
29 proceeding. If the dog is determined not to be a dangerous or
30 potentially dangerous dog under the provisions of this ordinance or
31 state law, ACPS shall process a request for the refunding of

1 boarding and intake fees.

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

3 Except as exempt from the provisions of this Part under
4 section 462.403, whether or not a dog has been previously
5 classified as a dangerous dog, if a dog attacks a human, causing
6 severe injury to or the death of the human, an animal control
7 officer shall be authorized to immediately impound the dog, placing
8 it in quarantine, as may be required pursuant to Section 462.315,
9 or otherwise impounding it for ten (10) business days. During that
10 quarantine period or ten (10) business days, whichever is longer,
11 the owner may file for a hearing with the Chief of ACPS, as
12 provided in §767.12, Florida Statutes, or a judicial review of an
13 administrative determination to destroy the dog by petition to the
14 County Court. Thereafter, If the owner does not request a hearing,
15 at the end of the 10 business day filling period the dangerous dog
16 shall be destroyed in an expeditious and humane manner. If, prior
17 to the ten-day time period, the owner notifies ACPS in writing of
18 the owner's intent to challenge ACPS's decision to destroy the dog,
19 ACPS shall continue to impound the dog so long as the owner either
20 posts bond, or pays in advance by certified check payable to the
21 City the estimated costs associated with impounding the dog, as
22 estimated by ACPS. Should the animal have to be boarded beyond the
23 original estimated time covered by the pre-payment of fees, the
24 owner shall be required to pay in advance by certified check the
25 estimated weekly costs of boarding and care until the final
26 decision has been reached. Failure to pay impound and boarding fees
27 for any ~~five~~ ten (10) consecutive day period shall constitute
28 abandonment by the owner. To appeal ACPS's final decision, the
29 owner must file a written request for a hearing in the County Court
30 within ten business days after ACPS's final written decision to
31 destroy the dog. The owner shall be responsible for payment of all

1 boarding costs, medical costs and other fees and charges associated
2 with ACPS's maintaining the dog, regardless of the outcome of any
3 proceeding. If the dog is determined not to be a dangerous or
4 potentially dangerous dog under the provisions of this ordinance or
5 state law, ACPS shall process a request for the refunding of
6 boarding and intake fees.

7 * * *

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

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

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

20
21 **Section 7. Amending Chapter 462, Part 4.** Part 4

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

29 **CHAPTER 462. ANIMALS.**

30 * * *

31 **PART 4. DANGEROUS DOGS.**

* * *

Sec. 462.413. Designating Potentially Dangerous Dogs

(a) The Chief of ACPS, or designee, has the authority to designate a dog not exempt from this part under section 462.203 to be potentially dangerous if the dog:

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

(b) If a dog has been determined to be potentially dangerous the owner must [after any hearing or appeals process has concluded, if requested]:

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

1 dangerous dog, which shall be renewed annually, from
2 ACPS.

3 **Section 462.414 Fines & Fees**

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

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

21 **CHAPTER 462. ANIMALS.**

22 * * *

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

24 * * *

25 **Sec. 462.501. Definitions.**

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

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

1 **Sec. 462.502. Vaccination, registration and licensing**
2 **required.**

3 (a) Except as otherwise provided in this Part, the owner of
4 every dog, cat or ferret four months of age or older shall have it
5 vaccinated by a veterinarian against rabies and shall obtain and
6 maintain, on an annual basis or duration of the valid vaccination,
7 registration with the veterinarian who administered or is
8 responsible for the administration of the vaccination. If a
9 veterinarian administers a vaccine licensed by the United States
10 Department of Agriculture that is approved for a three-year
11 duration of immunity, a dog or cat may be vaccinated at three to
12 four months of age, with a booster at one year and every three
13 years thereafter.

14 (b) The owner shall obtain a City license tag in a shape
15 determined by ACPS with a series of colors (other than those used
16 by the national rabies protocol) to identify the expiration of the
17 tag and ~~of an appropriate size,~~ bearing the registration number of
18 every dog and cat. The tag shall be good from the date of
19 vaccination for one year; for multi-year rabies vaccination,
20 renewals shall be good from the day and month of the original
21 vaccination expiring annually; if the City implements multi-year
22 tags they will be good from the date of vaccination through the
23 expiration of the term of the valid rabies vaccination. ~~appropriate~~
24 for the rabies vaccination given, which tag shall be valid for 12
25 months or until the time of the next required vaccination
26 (depending on the license program of the City) upon proper payment
27 of the associated fee, whichever occurs first.

28 All veterinarians conducting business, whether permanently or
29 temporarily, within the City of Jacksonville shall be required to
30 sell a City pet tag for all animals vaccinated against rabies.
31 Copies of Rabies certificates, records of license numbers sold and

1 remittance of funds shall be made within thirty (30) days of the
2 vaccination. If a client declines to purchase the license, they
3 shall sign a form provided by ACPS (or a form worded the same as
4 such form that may be printed by the veterinary clinic) that states
5 the client was advised of the law and refused to purchase the tag
6 with the understanding that the refusal to license is a violation
7 of ordinance subject to a fine. That form shall be attached to the
8 copy of the rabies certificate submitted to ACPS.

9 Veterinary Clinics may add a surcharge of up to two dollars
10 (\$2) per license sold to cover administrative costs as long as the
11 surcharge is not added to the cost of the license and is invoiced
12 on a separate line.

13 Failure to sell the City license violations shall be
14 considered separate and distinct violations for each month of the
15 year in which licenses are actively sold/offered for sale to each
16 client receiving a rabies vaccination and subject to a fine of not
17 less than the amount designated in the attached fine schedule.
18 Repeat violations may result in the suspension, revocation, or non-
19 renewal of the City Occupational License.

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

- 24 (1) The license number of the administering veterinarian.
- 25 (2) The name, address and phone number of the veterinarian
26 and owner.
- 27 (3) The date of vaccination.
- 28 (4) The expiration date of the vaccination.
- 29 (5) The species, age, sex, color, breed, weight, and name of
30 the animal vaccinated.
- 31 (6) Whether the animal has been spayed or neutered.

- 1 (7) The rabies vaccine manufacturer.
- 2 (8) The vaccine lot number and expiration date.
- 3 (9) The type and brand of vaccine used.
- 4 (10) The route of administration of the vaccine.
- 5 (11) The signature or signature stamp of the veterinarian.

6 (d) Within thirty (30) days of receipt of the certificate of
7 vaccination or arrival in the City as a new resident, the owner
8 shall obtain ~~apply for~~ a City license tag ~~to~~ from ACPS, or one of
9 its authorized license tag agents, as designated in writing by the
10 Chief of ACPS for any animals vaccinated outside the City. To
11 receive a license tag, the owner shall present a copy of the
12 completed form and payment of a license tag fee, in accordance with
13 the ACPS's licensing fee schedule and in the amount established for
14 each animal, depending on whether it has been spayed or neutered,
15 except that the following shall not be required to pay the license
16 tag fees [Licenses issued for no fee in accordance with the
17 exceptions provided below shall require documentation by the pet
18 owner of the applicable exemption claimed, they shall be required
19 to sign a form attesting to the exemption and required to show
20 affirmative proof of the exemption (that must be copied and
21 provided to ACPS) or they will be charged for the license. People
22 who feel they are exempt but had to pay for the license at the
23 veterinarian may request a refund through ACPS with proper
24 documentation and signing appropriate forms.]:

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

30 (2) Service dogs as defined in the final rule of the
31 Department of Justice [28 CFR Part 35, CRT Docket No.

1 105, AG Order Number RIN 1190-AA46] shall be exempt from
2 the fee requirement for City licenses provided proper
3 written documentation of the service provided has been
4 presented to ACPS at the time of licensing and that the
5 animal has a registered microchip (RFID. Falsification of
6 such documentation shall be subject to a \$500 fine.
7

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

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

20 (3) Two pets per household, owned by a person who is 62
21 years of age or older, or a person that is totally
22 disabled as determined by the Social Security
23 Administration, may be exempt from the license fee upon
24 proper written documentation provided that such animals
25 are sterilized and have a registered microchip (RFID).

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

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

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

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

20 (h) In addition to failure to initially license or renew a
21 license, it shall be a distinct and separate violation of this
22 section if the pet license is not acquired or renewed within the
23 thirty (30) days of vaccination or previous license expiration.
24 This late renewal or licensing violation is subject to a fine of
25 not less than the amount designated in the attached fine schedule.
26 Service of these citations shall be via certified mail if the
27 person is not present for hand delivery.

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

29 An owner or of any dog, cat or ferret four months of age or
30 older shall provide the dog, cat or ferret with a collar or
31 harness, that has attached to it a valid City license tag as

1 provided in this Part. A dog, cat or ferret wearing a current tag
2 not issued for that dog, cat or ferret is not considered to be a
3 valid tag license tax. The collar or harness and City license tag
4 shall be worn by the dog, cat or ferret at all times when the
5 animal is outside of the owner's residence. Failure to comply with
6 this Section shall be a civil infraction punishable by a fine of
7 not less than the amount \$50 designated in the attached fine
8 schedule.

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

17 The display of a license tag not belonging to the animal it is
18 attached to is a violation of this section subject to a fine of not
19 less than the amount designated in the attached fine schedule.

20 **Sec. 462.504. Exemptions.**

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

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

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

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

1 (d) A dog, cat or ferret is exempt from rabies vaccination
2 if a veterinarian has examined the animal and has certified in
3 writing that vaccinating the animal at that time would endanger the
4 animal's health because of its age, infirmity, disability, illness
5 or other medical considerations. An animal exempt under this
6 provision must be vaccinated as soon as its health allows. A
7 registration fee equal to the cost of a pet license for a dog, cat
8 or ferret shall be paid even if the animal cannot currently be
9 vaccinated for rabies.

10
11 **Section 9. Amending Sections 462.601, 462.602, 462.603,**
12 **462.604, 462.605, 462.606, 462.607, 462.608, 462.909, 462.610, and**
13 **462.611, Ordinance Code.** Sections 462.601 (Impounding of animals),
14 462.602 (Notice to owner of impoundment), 462.603 (Redemption by
15 owner), 462.604 (Voluntary surrender by owner), 462.605 (Adoption),
16 462.606 (Proper identification and address verification), 462.607
17 (Rabies vaccination required), 462.608 (Sterilization), 462.609
18 (Conditions preventing redemption or adoption), 462.610
19 (Disposition of unredeemed and surrendered animals), and 462.611
20 (Involuntary sheltering), Part 6 (Impoundment, Surrender,
21 Redemption and Adoption), Chapter 462 (Animals), *Ordinance Code*,
22 are hereby amended to establish holding periods, provide for
23 disposition of animals voluntarily surrendered by owners, provide
24 additional requirements for sterilization, require expeditious and
25 humane euthanization of certain animals and delete in its entirety
26 Section 462.611 (Involuntary sheltering) and, as amended, shall
27 read as follows:

28 **CHAPTER 462. ANIMALS.**

29 * * *

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

31 * * *

1 **Section 462.601. Impounding of animals.**

2 (a) An animal control officer is authorized to capture and
3 impound, in a place maintained or designated for that purpose, any
4 animal that is stray, at-large or as otherwise authorized by this
5 Chapter.

6 (b) Holding periods established:

7 1. ACC ACPS shall shelter and care for impounded potentially
8 owned, adult dogs and cats, whether tagged or stray, for
9 five six (6) days, excluding beginning the day of capture
10 (intake), ~~the day of release (disposition)~~ and excluding
11 official holidays recognized by the City when the shelter
12 is closed to the public.

13 2. Litters of puppies and kittens estimated to be less than
14 six (6) months of age without an actively nursing mother
15 shall have no required holding period for placement. For
16 this section a "litter" shall be considered two or more
17 animals of apparently the same age and breed/mix.

18 3. The City shall establish a program for the handling and
19 disposition of feral animals with no requirement for a
20 holding period before disposition. All dogs and cats that
21 are so unsocialized as to pose a threat to the safety and
22 welfare of employees or the public shall be expeditiously
23 and humanely euthanized (excluding any cat that qualifies
24 for a community cat management program established by the
25 City).

26 4. Due to the low reclaim rate and high euthanasia rate for
27 cats, all cats that do not have positive, traceable
28 identification through a currently registered microchip
29 (RFID), City pet tag, or private identification tag
30 (although still subject to the holding period established
31 above) may be sterilized immediately upon intake and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 is not the policy or practice of ACPS to supply "on-demand"
2 euthanasia procedures, but in the interest of relieving a suffering
3 animal, ACPS may provide the service for a fee or at no charge.
4 Notwithstanding the foregoing, such fees shall not apply to any
5 animal surrendered to ACPS by a licensed veterinarian or boarding
6 kennel pursuant to §705.19, Florida Statutes.

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

15 **Sec. 462.605. Adoption.**

16 (a) A person adopting an animal from ACPS shall pay an
17 adoption fee, which shall include the cost of sterilization or a
18 ~~\$100~~250 deposit, in accordance with Section 462.608. In addition to
19 the adoption fee, the adopter shall pay the cost of the rabies
20 vaccination, the cost of license and registration.

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

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

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

28 In order to redeem or adopt an animal, a person must be at
29 least eighteen (18) years of age, provide photo identification and
30 a recent utility bill or other proof of legitimate residency. ACPS
31 may require verification of the address prior to adoption or

1 redemption. If the person attempting to redeem or adopt an animal
2 is using the address of another person, that person must cosign and
3 consent to housing the animal at that address. ACPS may require
4 that fees and costs associated with redeeming or adopting be paid
5 only in cash or by certified check payable to the City.

6 **Sec. 462.607. Rabies vaccination required.**

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

14 **Sec. 462.608. Sterilization.**

15 Except as otherwise provided in this Part, all dogs and cats
16 redeemed or adopted from ACPS shall be sterilized by a veterinarian
17 before redemption or adoption, except when a veterinarian
18 determines that sterilization would endanger the animal's health
19 due to its age, infirmity, disability or illness. In such case, the
20 owner or adopter shall sign a written agreement that sterilization
21 shall be performed as soon as health permits, and in the case of
22 kittens and puppies, at by eight (8) weeks of age. In addition, if,
23 at the discretion of ACPS, the owner or adopter chooses to have
24 another veterinarian perform the sterilization, he or she shall pay
25 a deposit in the amount of \$~~100~~500 to ACPS as a condition of the
26 agreement to sterilize, which deposit shall be refundable upon
27 presenting to ACPS signed, written verification on letterhead with
28 the veterinarian's license number noted by the veterinarian who
29 performed the sterilization that the animal has been sterilized
30 within thirty (30) days of redemption or adoption. If the owner
31 cannot afford the deposit and can make arrangements for the

1 immediate sterilization of the pet through a veterinarian of their
2 choice within Duval County, ACPS will transport the animal directly
3 to the veterinary clinic where it will remain until sterilized. ~~An~~
4 ~~animal redeemed by its owner who submits proof that the animal is~~
5 ~~used for breeding or exhibition purposes is exempt from~~
6 ~~sterilization.~~ Deposits shall be forfeited on the thirty-first (31st)
7 day if proper verification of sterilization or a confirmable
8 appointment for sterilization is not provided, or ten (10) days
9 following the scheduled appointment if proof of sterilization is
10 not provided, and the funds shall be deposited in the Spay Neuter
11 Trust Fund to be used for sterilization of pets.

12 Animal owners that have a current City license and permanent
13 identification in the form of a registered microchip ID (RFID) or
14 attached City license tag, shall be exempt from the above provision
15 regarding sterilization for the first impound of the animal
16 provided the identification is accurate to allow ACPS to identify
17 its owner. Other valid permanent identification may also be used
18 provided ACPS can easily identify the owner and a current City
19 license is on file with the owner's information. Determination of
20 the first impound shall be based upon the available records of
21 ACPS.

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

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

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

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

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

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

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

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

29 **Sec. 462.610. Disposition of unredeemed and surrendered**
30 **animals dogs and cats.**

31 ACPS, at its discretion, may adopt, medically treat and/or

1 place with an appropriate facility or agency equipped for care of
2 such animals, or humanely dispose of any impounded animal that is
3 not redeemed by the owner, if any, after the time period provided
4 in Section 462.601, and any animal that is voluntarily surrendered,
5 ~~after the time period provided in Section 462.604.~~ No live
6 unredeemed animal or voluntarily surrendered animal may be disposed
7 of by selling or giving such animal to any person or entity for the
8 purpose of using the animal for experimentation, for medical or
9 other research, ~~or for food or other commercial processing.~~ Animals
10 may be placed with foster homes to provide shelter for animals
11 requiring extended care in order that they may become adoptable.

12 **~~Sec. 462.611. Involuntary sheltering.~~**

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

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

28 ~~(c) The owner or executor may, before end of the fourteenth~~
29 ~~day, request that the dog or cat be kept for a period of up to 30~~
30 ~~days provided that the owner or executor pays the fees and costs~~
31 ~~associated with boarding the animal, including all applicable~~

1 ~~veterinary fees and medical costs, as determined by ACP prior to~~
2 ~~the end of the 14-day period.~~

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

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

14
15 **Section 10. Amending Sections 462.701, 462.702,**
16 **462.703, and 462.704, Ordinance Code.** Sections 462.701 (Animal
17 Care Education Program), 462.702 (Animal Adoption Program), 462.703
18 (Veterinarian voluntary program for the sale and issuance of City
19 animal license tags), and 462.704 (Sponsorships and donations),
20 Part 7 (Programs), Chapter 462 (Animals), *Ordinance Code*, are
21 hereby amended to eliminate the veterinarian voluntary program for
22 the sale and issuance of City animal license tags, add
23 sterilization programs, authorize ACPS to apply for and accept
24 grants, and authorize the Chief of ACPS to use private donations
25 for the best benefit of ACPS when conditions have not been placed
26 on the use of a donation by the donor, and, as amended, shall read
27 as follows:

28 **CHAPTER 462. ANIMALS.**

29 * * *

30 **PART 7. PROGRAMS.**

31 * * *

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

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

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

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

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

1 **Sec. 462.702. Animal Adoption Program.**

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

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

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

29 (a) It is the intent of the City to provide program(s) to
30 promote the sterilization of companion animals as one of the
31 important parts of a comprehensive program to reduce pet

1 overpopulation and the growing intake by area pet shelters.

2 (b) The Chief of ACPS shall be responsible for the creation
3 and administration of low cost sterilization programs for people
4 with limited means who could not otherwise afford the procedure and
5 any other programs that help reduce pet overpopulation and growing
6 animal intake in area shelters. Such programs may include
7 reimbursement rates for participating veterinarians based upon a
8 fee schedule established by the Chief of ACPS that may be amended
9 from time to time and shall be on file with the Legislative
10 Services Division. Funding for such programs shall include money
11 from licenses as designated in Section 462.502(g).

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

15 **Sec. 462.704. Sponsorships and donations.**

16 In order to forward the purposes of ACPS and the City through
17 established programs, such as an animal adoption program and an
18 animal education program, ACPS may apply for and accept grants,
19 solicit sponsors and donations for naming rights for ACPS
20 facilities, equipment, or events; and may accept all unsolicited
21 donations for such programs.

22 Any donations of monies or property by nongovernmental sources
23 shall be subject to any conditions of the donor. If there are no
24 conditions, the donation shall be used to the best benefit of ACPS
25 as determined by the Chief.

26 Donations from private citizens and anonymous donations shall
27 be made available for immediate use to the best benefit of ACPS as
28 determined by the Chief of ACPS, subject to the approval of the
29 Department Director.

30
31 **Section 11. Amending Sections 462.801 and 462.802,**

1 **Ordinance Code.** Sections 462.801 (Miniature Vietnamese Potbellied
2 Pigs as household pets) and 462.802 (Maintenance or use as food
3 source prohibited; restrictions on disposition), Part 8 (Swine as
4 Household Pets), Chapter 462 (Animals), *Ordinance Code*, are hereby
5 amended to require proof, upon request, that swine is a registered,
6 purebred miniature potbellied pig, set forth civil fine for failure
7 to provide such proof, and set forth a civil fine for maintenance
8 or use of a potbellied pig as food source, and, as amended, shall
9 read as follows:

10 **CHAPTER 462. ANIMALS.**

11 * * *

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

13 * * *

14 **Section 462.801. Miniature Vietnamese Potbellied Pigs as**
15 **household pets.**

16 (a) It is prohibited to keep a pig or other swine as a
17 household pet, except for a purebred miniature Vietnamese
18 potbellied pig, *sus scrofa vittatus*, that is registered with a
19 purebred registry which is recognized by ACPS and that is kept for
20 the sole purpose of providing human companionship. The potbellied
21 pig shall be no younger than six (6) weeks of age and shall be
22 spayed or neutered. Owners must supply upon request of an animal
23 control officer or employee/agent of ACPS proof that the swine is a
24 registered, purebred miniature potbellied pig (sus scrofa
25 vittatus); failure to do so shall result in an order to remove the
26 swine and a citation of not less than the amount **designated in the**
27 **attached fine schedule.**

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

31 (c) A potbellied pig shall be maintained primarily within

1 the residence of its owner. No potbellied pig shall be kept
2 outside; however, a potbellied pig may be exercised from time to
3 time within a securely-fenced enclosure on the owner's residential
4 property or while under the owner's physical control by means of
5 secure leash, chain, or cord.

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

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

14 (1) Potbellied pigs are not required to have rabies
15 vaccination; however the owner must provide, with
16 application for annual license, a written certification
17 by a veterinarian that such pig, within thirty (30)
18 business days before such application, has been
19 vaccinated against and/or been blood-tested, with
20 negative status, for pseudorabies and for brucellosis.

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

25 (3) The owner must provide, with the initial and each
26 renewal application for annual license, a sworn affidavit
27 signed by the owner that ~~the owner owns and keeps at the~~
28 ~~owner's residence~~ no more than two potbellied pigs ~~and~~
29 ~~that there are no other potbellied pigs~~ kept at the same
30 residence.

31 (4) Before submitting an initial or renewal application for

1 annual license, the owner shall allow ACPS a reasonable
2 and timely opportunity to examine the pig, and relevant
3 documentation, for the purpose of ascertaining that such
4 pig is a true miniature Vietnamese potbellied pig. ACPS
5 shall have the authority to refuse application for annual
6 license for any pig that ACPS can not identify as a true
7 miniature Vietnamese potbellied pig.

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

10 **Sec. 462.802. Maintenance or use as food source prohibited;**
11 **restrictions on disposition.**

12 No potbellied pig regulated by the provisions of this Part
13 shall be maintained or used as a food source. No owner or animal
14 shelter shall dispose of a potbellied pig by use, sale, trade, or
15 gift of such pig as a food source, or as a research animal, but
16 shall dispose of it only by sale, trade, or gift as a household pet
17 or by surrender to ACPS, to the Jacksonville Humane Society or to a
18 veterinarian for humane euthanasia. Failure to comply with any
19 provision of this Section shall constitute a civil infraction
20 punishable by a fine of not less than the amount \$100 fine
21 designated in the attached fine schedule.

22
23 **Section 12. Amending Sections 462.901, 462.903 and**
24 **462.904, Ordinance Code.** Sections 462.901 (Livestock), 462.903
25 (Use of exhaust fans), and 462.904 (Penalty), Part 9 (Livestock and
26 Poultry), Chapter 462 (Animals), *Ordinance Code*, are hereby amended
27 to increase the possible civil fine for violations of Part 9 to
28 \$500, and, as amended, shall read as follows:

29 **CHAPTER 462. ANIMALS.**

30 * * *

31 **PART 9. LIVESTOCK AND POULTRY.**

1 * * *

2 **Section 462.901. LIVESTOCK.**

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

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

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

18 * * *

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

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

29 **Sec. 462.904. Penalty.**

30 Except as otherwise specifically provided in any Section of
31 this Part, a violation of this Part shall be a civil infraction

1 punishable by a fine of not less than the amount \$100 designated in
2 the attached fine schedule. Each subsequent violation shall be
3 punishable by a fine that is double the original fine up to the
4 maximum allowed by law. The Chief of ACPS is also authorized to
5 seek injunctive relief against nuisances.

6
7 **Section 13. Amending Sections 462.1001, 462.1003,**
8 **462.1004, 462.1005, 462.1006, 462.1007, 462.1008, 462.1009,**
9 **462.1010, and 462.1011, Ordinance Code.** Sections 462.1001
10 (Definitions), 462.1003 (Permit required), 462.1004 (Application
11 for issuance, renewal or reinstatement of permit), 462.1005
12 (Issuance of permit; denial of application; reapplication),
13 462.1006 (Grounds for suspension and revocation of permit; appeal
14 process; surrender of permit; disposition of animals), 462.1007
15 (Inspection), 462.1008 (Display of permit), 462.1009 (Violations,
16 warnings, citations, penalties), 462.1010 (Notification; records;
17 report of sale or gift), and 462.1011 (Regulations and standards),
18 Part 10 (Pet Shops), Chapter 462 (Animals), *Ordinance Code*, are
19 hereby amended to add definitions, apply provisions of Part 10 to
20 Animal Dealers, as defined therein, establish additional permit
21 conditions, and incorporate into Part 10 all housing and care
22 guidelines, regulations or laws established by the federal
23 government of the State of Florida, and, as amended, shall read as
24 follows:

25 **CHAPTER 462. ANIMALS.**

26 * * *

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

28 * * *

29 **Sec. 462.1001. Definitions.**

30 As used in this Part, unless the context clearly requires
31 otherwise:

1 (a) Animal Dealer means any person who, in the ordinary
2 course of business, engages in the sale of more than four
3 (4) litters or twenty (20) intact dogs or cats per year,
4 whichever comes first, to the public, to pet shops, to
5 breeders or to other animal dealers. This definition
6 includes, but is not limited to, engaging in the selling
7 of animals to pet shops, research facilities, kennels,
8 breeders or other animal dealers, or retail selling from
9 any roadside stand, booth, flea market or other temporary
10 site, but excludes the occasional selling of animals and
11 the selling of animals fit for and to be used for human
12 consumption.

13 ~~(a)~~(b) Pet shop means any commercial or residential
14 premises, to include any structure incidental thereto and
15 regardless of location, in which animals are kept and
16 offered for retail sale as pets including, but not
17 limited to, pet shops, pet stores and pet departments
18 incidental to department stores, but excludes the
19 occasional selling of animals, and those individuals that
20 have current, valid hobby breeder or occasional seller
21 permits.

22 ~~(b)~~(c) Occasional selling means any selling, trading or
23 giving away of an animal or a litter of puppies, kittens,
24 or other animals, that is on a random unsystematic basis
25 and that does not exceed the selling, trading or giving
26 away of a total of two litters (actual number of
27 individual animals may vary) or a total of 10 individual
28 unsterilized animals that are not part of a litter per
29 household; or a combination of one litter and a total of
30 up to six (6) individual unsterilized animals that are
31 not part of a litter—40 animals in a calendar year. To

1 qualify for 'occasional selling' the person(s) must
2 register the litters or other unsterilized animals to be
3 sold, traded, given away or exchanged with ACPS by
4 sending written notice of the intent to sell or otherwise
5 exchange the animals; and providing numbers of animals
6 involved.

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

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

13 * * *

14 **Sec. 462.1003. Permit required.**

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

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

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

26 **Sec. 462.1004. Application for issuance, renewal or**
27 **reinstatement of permit.**

28 (a) No permit or renewal or reinstatement of a permit shall
29 be issued to any person who has been convicted of cruelty to
30 animals, under any federal, State or local law, or fined for animal
31 cruelty under Part 2 and upheld on appeal, or shall be issued to

1 any pet shop that is owned by, or employs or plans to employ, any
2 person who has been convicted of cruelty to animals under any
3 federal, State, or local law, or fined for animal cruelty under
4 Part 2 and upheld on appeal.

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

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

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

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

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

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

30 (e) Each permittee and each prospective permittee shall
31 notify ACPS promptly of any and all changes in the information

1 submitted in the application for issuance, renewal or reinstatement
2 of a permit. Each permittee and each prospective permittee shall
3 also promptly notify ACPS of any enlargement to or remodeling of
4 the facilities.

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

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

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

21 **Sec. 462.1005. Issuance of permit; denial of application;**
22 **reapplication.**

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

- 28 (1) The prospective permittee or permittee, or the person to
29 have primary management responsibility for the pet shop
30 is under eighteen(18) years of age or has been convicted
31 of cruelty to animals; or

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

3 (3) The prospective permittee or permittee has had a permit
4 issued under this Part suspended or revoked more than
5 once within five (5) years before the date of the current
6 application; or

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

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

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

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

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

27 (b) Except as otherwise ordered by the Building Codes
28 Adjustment Board (the "Board"), or by a court of competent
29 jurisdiction, suspension of a permit shall take effect on the fifth
30 (5th) business day, and revocation of a permit on the fifteenth
31 (15th) business day, after service of written notice by one of the

1 following methods:

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

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

8 (c) A permittee shall promptly surrender to ACPS a permit
9 upon the effective date of a suspension or revocation, subject to
10 appeal as provided herein. At the end of the suspension period for
11 a suspended permit, ACPS shall return the permit promptly to the
12 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 and humanely disposed of each animal in its
23 charge as of the effective date of suspension or revocation. If
24 permittee fails to so demonstrate, ACPS may, at its sole discretion
25 and at the former permittee's sole expense, seize and impound,
26 sell, adopt or otherwise humanely dispose of any animals still in
27 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
31 authority to inspect the premises as otherwise provided in this

1 Part, to issue warnings and citations accordingly and to take other
2 appropriate action as provided by this Chapter.

3 **Sec. 462.1007. Inspection.**

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

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

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

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

30 (e) ACPS, or its designee, is authorized to inspect each pet
31 shop or animal dealer operation at least once each year to

1 determine compliance with this Part.

2 **Sec. 462.1008. Display of permit and notice of breeder/animal**
3 **dealer origin.**

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

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

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

18 Every pet shop or animal dealer shall comply with the
19 provisions and regulations of this Part. Each failure to comply
20 with any provisions or regulations shall be a separate violation.
21 At the discretion of ACPS, ACPS may issue a warning notice instead
22 of a civil citation. Issuance of a warning notice shall constitute
23 an order that every violation cited shall be corrected within three
24 business days, and ACPS may conduct an inspection to determine
25 whether every cited violation has been corrected. For issuance of a
26 civil citation, the first violation of a given provision or
27 regulation shall be punishable by fine of not less than the amount
28 \$250—designated in the attached fine schedule, and each subsequent
29 violation of a provision or regulation shall be punishable by
30 double the previous fine up to the allowable maximum fine and shall
31 subject the pet shop or animal dealer operation to suspension or

1 revocation of the permit.

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

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

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

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

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

28 **Sec. 462.1011 Regulations and standards.**

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

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

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

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

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

24 (2) Possess all necessary wildlife permits and comply with
25 all rules and regulations;

26 (3) Inform the prospective owner of the animal of the
27 requirement for special Commission permitting;

28 (4) Make available to the new owner at the time of transfer
29 of ownership of the animal an appropriate Commission form
30 of application; and

31 (5) Make and retain, on the pet shop or animal dealer

1 operation premises for at least two years, a complete
2 record of the purchase or other acquisition and of the
3 sale, trade, or gift of the animal.

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

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

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

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

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

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

5 (3) Every animal shall have fresh water available at all
6 times, except for salt-water animals and except when
7 veterinary treatment requires otherwise. Water containers
8 shall be mounted or secured in a manner that prevents
9 tipping and be of the removable type, except when
10 veterinary treatment requires otherwise.

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

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

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

23 (1) Enclosures other than those which also serve as a
24 primary residence for a person or persons shall be
25 constructed of nonporous, nonabsorbent, impervious
26 material. Floors shall be fiberglass, concrete, tile or
27 other nonporous and impervious material. Dog and cat
28 enclosures may be covered throughout with a minimum of
29 three inches of gravel.

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

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

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

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

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

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

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

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

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

26 (k) Room temperature shall be maintained at temperature a
27 ~~comfortable level for every animal in the room, and not lower than~~
28 fifty degrees Fahrenheit (50° F) sixty-eight degrees Fahrenheit (68°
29 F) 68 degrees F. and not higher than eighty-five degrees
30 Fahrenheit (85° F) 80 degrees F for four (4) or more consecutive
31 hours. Where an animal dealer is operating out of his/her primary

1 residence, the room temperature for the animals can be the same as
2 maintained for the human residents (within a temperature range that
3 a reasonable person would keep the residence while occupied by
4 him/her and any family members) provided adequate provisions have
5 been made to protect or provide for animals when temperatures fall
6 outside the above mentioned temperatures. Examples include but are
7 not limited to blankets in colder temperatures and fans in hotter
8 temperatures.

9 (l) Ventilation of any and all indoor areas of the premises
10 in which animals are housed shall be to the outside air by forced
11 draft and shall provide appropriate change and circulation of the
12 air.

13 (m) Interior lighting shall be appropriate for good
14 visibility for cleaning purposes and for animal health and comfort.
15 Whether natural, artificial, or a combination of both, such
16 lighting shall be provided in reasonable cycles conducive to the
17 animals' natural biological rhythms.

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

23 (o) Every pet shop or animal dealer shall have readily
24 accessible a deep sink, with adequate hot and cold running water,
25 suitable for the cleaning of equipment, utensils, mops, and cages,
26 and which may be used for the bathing and/or dipping of animals
27 only after the sink has been thoroughly cleaned of any
28 contaminants.

29 (p) Every pet shop or animal dealer shall have readily
30 accessible at least one restroom facility containing at least one
31 toilet and one sink that are available for use by personnel and

1 patrons, pursuant to F.S. Ch. 381, as may be amended, and
2 applicable State rules and regulations.

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

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

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

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

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

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

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

21 (x) Every pet shop or animal dealer shall have on the
22 premises such brooms, mops, hoses, vacuum cleaners, brushes,
23 disinfectants, and other cleansing implements and materials as are
24 required to maintain sanitary conditions. Such implements and
25 materials shall be stored in a sanitary manner separate from any
26 place where food is stored or where animals are housed or otherwise
27 maintained. Cleaning materials must be present at the time of any
28 inspection in amounts sufficient to clean the entire facility.

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

31 (z) A permittee shall promptly correct unsanitary conditions

1 and any other conditions which violate any provision or regulation
2 of this Part.

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

7
8 **Section 14. Amending Sections 462.1101, 462.1102,**
9 **462.1103 462.1104, 462.1105, 462.1106, 462.1107, 462.1108,**
10 **462.1109, 462.1110, 462.1111, and 462.1112, Ordinance Code.**

11 Sections 462.1101 (Definitions), 462.1102 (Exemption), 462.1103
12 (Permit required), 462.1104 (Application for issuance, renewal or
13 reinstatement of permit), 462.1105 (Issuance of permit, denial of
14 application; reapplication), 462.1106 (Grounds for suspension and
15 revocation of permit; appeal process; surrender of permit;
16 disposition of animals), 462.1107 (Inspection), 462.1108 (Display
17 of permit), 462.1109 (Violations, warnings, citations, penalties),
18 462.1110 (Notification; records; report of sale or gift), 462.1111
19 (Regulations and standards) and 462.1112 (Putrescible material;
20 dead animals; records), Part 11 (Animal Dealers), Chapter 462
21 (Animals), *Ordinance Code*, are hereby amended to add definitions
22 and require current, valid health certificates for all dogs and
23 cats sold or exchanged, and delete in their entirety Sections
24 462.103 (Permit required), 462.1104 (Application for issuance,
25 renewal or reinstatement of permit), 462.1105 (Issuance of permit,
26 denial of application; reapplication), 462.1106 (Grounds for
27 suspension and revocation of permit; appeal process; surrender of
28 permit; disposition of animals), 462.1107 (Inspection), 462.1108
29 (Display of permit), 462.1109 (Violations, warnings, citations,
30 penalties), 462.1110 (Notification; records; report of sale or
31 gift), 462.1111 (Regulations and standards) and 462.1112

1 (Putrescible material; dead animals; records), and, as amended,
2 shall read as follows:

3 **CHAPTER 462. ANIMALS.**

4 * * *

5 **PART 6. ~~ANIMAL DEALERS~~ HOBBY BREEDERS AND CASUAL SELLERS.**

6 * * *

7 **Section 462.1101. DEFINITIONS.**

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

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

16 (a) *Hobby Breeder, Breeder or Animal Breeder* means any
17 person, business, organization or corporation that is not covered
18 under Part 10 (Pet Shops & Animal Dealers), that breeds dogs, cats,
19 or other animals.

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

24 (c) *Occasional selling* means any selling, trading or giving
25 away of an animal or a litter of puppies, kittens, or other
26 animals, that is on a random unsystematic basis and that does not
27 exceed the selling, trading or giving away of a total of **two**
28 **litters (actual number of individual animals may vary) or a total**
29 **of ten (10) individual unsterilized animals that are not part of a**
30 **litter per household; or a combination of one litter and a total of**
31 **up to six (6) individual unsterilized animals that are not part of**

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

6 **Sec. 462.1102. Exemption-Health Certificates Required**

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

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

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

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

26 (d) Violations of this section are subject to a fine of not
27 less than ~~\$250 and not more than~~ the amount ~~designated in the~~
28 ~~attached fine schedule~~. Each animal not in compliance with this
29 section shall be considered a separate infraction and violation of
30 this section.

31 (e) Animal shelters and rescue groups offering animals for

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

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

7 **1. Hobby Breeder Permit Required.**

8 A hobby breeder shall be any breeder of animals not qualified
9 as a pet dealer whose primary source of income is not derived from
10 the sale of animals. ACPS shall issue, at no charge, an annual
11 hobby breeder permit upon application by interested individuals if
12 the following provisions are in place:

- 13 (a) A physical inspection of the property is required,
14 (b) All animals on the premises must be current on required
15 rabies vaccination and City license, and
16 (c) The applicant has not been found guilty of animal
17 cruelty.

18 A permitted hobby breeder may sell, trade, exchange or
19 otherwise place up to four (4) litters per calendar year provided
20 that the litters are registered with ACPS. Registration shall be in
21 the form of a letter stating when the litter was born and the
22 number of animals in the litter.

23 **2. Occasional Seller Permit Required.**

24 ACPS shall issue, at no charge, an annual occasional seller
25 permit upon application by interested individuals if the following
26 provisions are in place:

- 27 (a) All animals on the premises must be current on required
28 rabies vaccination and City license, and
29 (b) The applicant must not have been convicted of animal
30 abuse.

31 An occasional seller must register the litters or other

1 unsterilized animals to be sold, traded, given away or exchanged
2 with ACPS by sending written notice before the animals are offered
3 for sale or otherwise exchanged; providing numbers of animals
4 involved. An occasional seller shall not be subject to the other
5 requirements of this part.

6 **Sec. 462.1104. Inspections**

7 (a) A recipient of a hobby breeder permit shall allow an
8 annual inspection without a warrant of the premises used for
9 sheltering, maintaining and/or breeding animals upon seventy-two
10 (72) hours notice, except for those portions of the premises used
11 solely for human habitation or to house personal pets not used for
12 breeding.

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

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

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

27 **Sec 462.1105. Regulations and Standards.**

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

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

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

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

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

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

26 (4) Adequate exercise or Exercise: the opportunity for an
27 animal to move sufficiently inside or outside of its
28 primary enclosure to maintain normal muscle tone and mass
29 for the genus, species, subspecies (where appropriate),
30 age, and condition of the animal.

1 (5) Adequate feed or Feed: the provision of and access to
2 food that is of sufficient quantity and nutritive value
3 to maintain each animal in good health; is accessible to
4 each animal; is prepared so as to permit ease of
5 consumption for the genus, species, subspecies (where
6 appropriate), age, and condition of the animal; is
7 provided in a clean and sanitary manner; is placed so as
8 to minimize contamination by excrement and pests; and is
9 provided at suitable intervals for the genus, species,
10 subspecies (where appropriate), age, and condition of the
11 animal, but at least once daily, except as prescribed by
12 a veterinarian. Animals under current active veterinary
13 care may deviate from "ideal" body weight.

14 (6) Adequate lighting or Lighting: sufficient
15 illumination to permit routine maintenance, cleaning, and
16 housekeeping of the facility and observation of the
17 animals; to provide regular diurnal lighting cycles of
18 either natural or artificial light, diffused throughout
19 the facility; and to promote the well-being of the
20 animals. When referring to a private residential
21 dwelling and its surrounding grounds it means sufficient
22 illumination to permit routine maintenance and cleaning
23 thereof, and observation of the companion animals; and to
24 provide regular diurnal lighting cycles of either natural
25 or artificial light to promote the well-being of the
26 animals.

27 (7) Adequate shelter or Shelter: the provision of and
28 access to shelter that is suitable for the genus,
29 species, subspecies (where appropriate), age, and
30 condition of the animal. The shelter shall have adequate

1 space, cleaning and lighting for each animal that is safe
2 and protects each animal from injury, rain, sleet, snow,
3 hail, direct sunlight, the adverse effects of heat or
4 cold, physical suffering, and impairment of health. Under
5 this chapter, primary enclosures with wire or grid floor
6 are not adequate shelter if the grid or slat floors,
7 regardless of the material from which they are made, (i)
8 permit the animals' feet to pass through the openings,
9 (ii) sag under the animals' weight, or (iii) otherwise do
10 not protect the animals' feet or toes from injury.

11 (8) Adequate space: sufficient space to allow for each
12 animal's safety and for each animal to (i) easily stand,
13 sit, lie, turn about, and make all other normal body
14 movements in a normal position for the animal and (ii)
15 interact safely with other animals in the enclosure.
16 When freedom of movement would endanger the animal,
17 temporarily and appropriately restricting movement of the
18 animal according to professionally accepted standards for
19 the species is considered provision of adequate space.

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

30 (10) Adequate Ventilation: where fresh air is

1 periodically available in such frequency as to not allow
2 stagnation of the air in the areas where animals are
3 kept, and all air is properly circulated as needed and
4 appropriate for the species.

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

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

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

17 (e) Every animal other than aquatic animals shall be provided
18 an appropriate waterproof primary enclosure, unless a residence is
19 the primary enclosure. The primary enclosure shall protect the
20 animal from the weather, extreme temperatures and direct sunlight.
21 To the extent the animal is sheltered in a cage, run or other such
22 primary enclosure (hereinafter "enclosure"), the following shall
23 also apply:

24 (1) Enclosures shall be constructed of nonporous,
25 nonabsorbent, material impervious to water, except where
26 the primary residence of the permittee is the enclosure.
27 Floors shall be fiberglass, concrete, tile or other
28 nonporous and impervious material.

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

31 (3) Enclosures shall be kept clean and dry and, except

1 for birdcages, shall be maintained throughout each day
2 and shall be emptied and cleaned at least once per day.

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

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

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

18 (7) Every Hobby Breeders permittee shall have an exercise
19 plan for their animals approved by a licensed
20 veterinarian.

21 (8) Every birdcage and enclosure shall, for each bird
22 within, have appropriate and sufficient food and water.
23 Every enclosure for large birds shall be wide enough to
24 allow any bird in the enclosure to extend both its wings
25 fully at the same time without any part of its body,
26 including its tail, touching the top of or any side of
27 the enclosure and shall be at least twice the height of
28 the tallest bird in the enclosure. Every enclosure for
29 small birds shall be large enough for all the birds in it
30 to perch at the same time. Every bird shall be provided
31 with sufficient perching-space. In each birdcage,

1 perches shall be parallel, aligned horizontally and not
2 vertically, and perches shall be mounted so that the tail
3 of any perched bird will not touch the bottom of the
4 enclosure. Birds shall be housed at least twelve (12)
5 inches above the floor for large specie birds or at least
6 thirty (30) inches above the floor for other birds; and
7 in a well-ventilated area.

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

9 (10) Animals shall not be commingled inappropriately for
10 their genus and species, except that rodents may be
11 placed in enclosures containing reptiles when being used
12 as reptile food. Large and small birds shall not be
13 commingled in the same enclosure. Except when the
14 enclosure is a residence, dogs, cats, and birds shall not
15 be commingled in the same enclosure. No enclosure shall
16 be overcrowded.

17 **Sec.1106. Citations.**

18 Where the violation is not severe in nature defined by the
19 eminent risk to the animal or persons in the dwelling or
20 neighboring area, Animal Control Officer shall issue a warning for
21 the first violation with a reasonable time to cure the violation.
22 The Animal Control Officer shall perform a follow-up investigation
23 to determine whether the situation has been corrected and shall
24 issue a citation for a continuing or subsequent violation.

25
26 **Sec. 462.1103. Permit required.**

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

29 ~~**Sec. 462.1104. Application for issuance, renewal or**~~
30 ~~**reinstatement of permit.**~~

31 ~~(a) No permit or renewal or reinstatement of a permit shall~~

1 ~~be issued to any person who has been convicted of cruelty to~~
2 ~~animals under any federal, State or local law, or fined for animal~~
3 ~~cruelty under Part 2 and upheld on appeal, or shall be issued to~~
4 ~~any animal dealer that is owned by, or employs or plans to employ,~~
5 ~~any person who has been convicted of cruelty to animals under any~~
6 ~~federal, State, or local law, or fined for animal cruelty under~~
7 ~~Part 2 and upheld on appeal.~~

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

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

18 ~~(d) The application for issuance, renewal or reinstatement~~
19 ~~of a permit shall include such information and documentation as ACP~~
20 ~~may reasonably require including, but not limited to, the~~
21 ~~following:~~

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

23 ~~(2) Name, date of birth, home and business addresses, and~~
24 ~~home and business telephone numbers of the permittee and~~
25 ~~the individuals having primary management responsibility.~~

26 ~~If permittee is a corporation, partnership or other~~
27 ~~organization, the name, date of birth, home and business~~
28 ~~addresses and home and business telephone numbers of each~~
29 ~~officer or partner; and~~

30 ~~(3) The animal cruelty conviction histories, and any civil~~
31 ~~finances for animal cruelty upheld on appeal, of each of the~~

1 ~~above listed persons.~~

2 ~~(e) Each permittee and each prospective permittee shall~~
3 ~~promptly notify ACP of any and all changes in the information~~
4 ~~submitted in the application for issuance, renewal or reinstatement~~
5 ~~of a permit. Each permittee and each prospective permittee shall~~
6 ~~also promptly notify ACP of any enlargement to or remodeling of the~~
7 ~~facilities.~~

8 ~~(f) Each permittee and each prospective permittee shall~~
9 ~~notify ACP of any change of the individual person having primary~~
10 ~~management responsibility for the animal dealer no later than the~~
11 ~~time of the change.~~

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

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

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

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

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

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

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

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

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

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

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

19 ~~(a) ACP is authorized to suspend or revoke a permit for~~
20 ~~violation of a provision or regulation of this Part or for a~~
21 ~~violation of Part 2 of this Chapter. Permit suspension shall be for~~
22 ~~a period of time not to exceed six months, to be determined at the~~
23 ~~discretion of ACP. Revocation shall be for a period of one year.~~
24 ~~Thirty days before the end of the revocation year, the former~~
25 ~~permittee may apply for another permit.~~

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

1 ~~(1) By personal service upon the permittee, a member or~~
2 ~~officer thereof, or service upon the person having~~
3 ~~primary management responsibility for the animal dealer;~~
4 ~~or~~

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

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

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

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

27 ~~(f) Suspension of a permit shall not relieve the permittee~~
28 ~~of the responsibility to abide by the provisions of this Part and~~
29 ~~applicable provisions of this Chapter and shall not limit ACP's~~
30 ~~authority to inspect the premises as otherwise provided in this~~
31 ~~Part, to issue warnings and citations accordingly and to take other~~

1 ~~appropriate action as provided by this Chapter.~~

2 ~~**Sec. 462.1107. Inspection.**~~

3 ~~(a) The signature of the permit applicant shall constitute~~
4 ~~consent by the permittee or prospective permittee for ACP, or its~~
5 ~~designee, to inspect, during reasonable hours, announced or~~
6 ~~unannounced without warrant, the animal dealer's premises, as~~
7 ~~provided herein, to inspect any temporary site of retail selling,~~
8 ~~and to inspect every vehicle used regularly for transporting~~
9 ~~animals for commercial purposes, and to inspect any and all~~
10 ~~pertinent records.~~

11 ~~(b) Prior to and as a condition for the issuance, renewal or~~
12 ~~reinstatement of a permit, an animal dealer and every vehicle used~~
13 ~~regularly for transporting animals for commercial purposes, shall~~
14 ~~undergo and pass inspection by ACP. ACP may conduct~~
15 ~~reinspection(s), for appropriate improvement, whenever such~~
16 ~~inspection is failed.~~

17 ~~(c) During any inspection pursuant to this Part, an animal~~
18 ~~dealer shall allow ACP, or its designee, access to those portions~~
19 ~~of the premises used for sheltering, maintaining, and/or breeding~~
20 ~~animals. ACP is not authorized to access those portions of the~~
21 ~~premises used solely for human habitation. ACP shall be allowed to~~
22 ~~observe practices, to obtain pertinent information regarding the~~
23 ~~facilities and any of the vehicles use regularly for transporting~~
24 ~~animals, and to examine any of the permittee's pertinent records.~~

25 ~~(d) The permittee shall notify ACP sufficiently in advance~~
26 ~~of any remodeling or expansion of the animal facilities in order to~~
27 ~~allow ACP the opportunity to inspect such remodeling or expansion~~
28 ~~prior to its use.~~

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

1 ~~Sec. 462.1108. Display of permit.~~

2 ~~An animal dealer shall display its current permit prominently,~~
3 ~~in that area of the permitted premises used for maintaining the~~
4 ~~animals, in a clear, transparent cover or frame and mounted in such~~
5 ~~a manner as to make it clearly visible and readily readable to the~~
6 ~~public. The permit shall, during reasonable hours, be available for~~
7 ~~inspection by ACP or its designee. An animal dealer shall also have~~
8 ~~the permit available for inspection when retail selling from any~~
9 ~~temporary site. Mutilation, obstruction or removal of the permit~~
10 ~~shall be a violation of this Part.~~

11 ~~Sec. 462.1109. Violations, warnings, citations, penalties.~~

12 ~~Every animal dealer shall comply with the provisions and~~
13 ~~regulations of this Part. Each failure to comply with any~~
14 ~~provisions or regulations shall be a separate violation. At the~~
15 ~~discretion of ACP, ACP may issue a warning notice instead of a~~
16 ~~civil citation. Issuance of a warning notice shall constitute an~~
17 ~~order that every violation cited shall be corrected within three~~
18 ~~business days, and ACP may conduct an inspection to determine~~
19 ~~whether every cited violation has been corrected. For issuance of a~~
20 ~~civil citation, the first violation of a given provision or~~
21 ~~regulation shall be punishable by fine of \$250, and each subsequent~~
22 ~~violation of a provision or regulation shall be punishable by~~
23 ~~double the previous fine up to the allowable maximum fine and shall~~
24 ~~subject the animal dealer to suspension or revocation of the~~
25 ~~permit.~~

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

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

31 ~~(b) Every animal dealer shall maintain, on the premises for~~

1 ~~at least two years, a record of the name, address and telephone~~
2 ~~number of every person and/or business from which it obtains any~~
3 ~~animal, except small fish.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 ~~(f) No animal dealer shall sell, trade, give away, or offer~~
29 ~~for sale, trade, or gift, any animal that is infected with, or is~~
30 ~~suspected of being infected with or of having been exposed to, any~~
31 ~~disease which is communicable to humans or to other animals,~~

1 including, but not limited to, rabies, distemper, mange, parvo
2 virus or other infectious or dangerous diseases as determined by a
3 veterinarian.

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

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

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

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

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

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

31 ~~(i) No animal shall be tranquilized for grooming purposes~~

1 ~~or, in the absence of explicit direction from a veterinarian, for~~
2 ~~the purpose of keeping the animal in a docile state.~~

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

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

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

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

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

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

26 ~~(6) Every animal shall have sufficient space to stand fully~~
27 ~~erect, lie down fully outstretched, and turn completely~~
28 ~~around in a natural position without touching the sides~~
29 ~~or top of the enclosure with any part of its body,~~
30 ~~including ears and tail, and without touching any other~~
31 ~~animal in the enclosure. If the animal cannot access~~

1 additional indoor or outdoor space for exercising, then
2 this enclosure must provide adequate space for
3 exercising.

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

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

28 ~~(9) Animals shall not be commingled inappropriately for
29 their genus and species, except that rodents may be
30 placed in enclosures containing reptiles when being used
31 as reptile food. Large and small birds shall not be~~

1 ~~commingled in the same enclosure. Dogs, cats, and birds~~
2 ~~shall not be commingled in the same enclosure. Every dog~~
3 ~~or cat over six months of age shall be kept in its own~~
4 ~~enclosure. No enclosure shall be overcrowded.~~

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

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

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

14 ~~(n) Any floor in any area in which an animal is housed,~~
15 ~~displayed, bred, fed, or otherwise maintained, that employs flush~~
16 ~~or floor type cleaning, shall be of nonporous construction and~~
17 ~~graded to a floor drain.~~

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

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

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

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

1 ~~sufficient to clean those facilities used for housing and~~
2 ~~maintaining the animals.~~

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

7 ~~**Sec. 462.1112. Putrescible material, dead animals, records.**~~

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

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

17 ~~(c) Records of animal deaths, including description of~~
18 ~~animal, age, sex, nature of death, and method and location of~~
19 ~~disposal of the animal, shall be maintained on the premises for at~~
20 ~~least two years.~~

21
22 **Section 15. Amending Sections 462.1201 and 462.1202,**
23 **Ordinance Code.** Sections 462.1201 (Sterilization of adopted
24 animals) and 462.1202 (Infected or diseased animals), Part 12
25 (Animal Shelters), Chapter 462 (Animals), *Ordinance Code*, are
26 hereby amended to require sterilization of animals given away,
27 prohibit the giving away of an animal having a condition preventing
28 adoption, and imposing a civil fine of \$500 for a violation of
29 Section 462.1202, and, as amended, shall read as follows:

30 **CHAPTER 462. ANIMALS.**

31 * * *

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

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

3 An animal adopted or given away from an animal shelter or
4 rescue organization or private individual seeking to place homeless
5 or unwanted animals shall be sterilized by a veterinarian prior to
6 the adoption, except as provided in Section 462.608. The animal
7 shelter or rescue organization may require the new pet owner to pay
8 for the cost of sterilization.

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

10 No animal shelter or rescue organization or private individual
11 seeking to place homeless or unwanted animals shall knowingly adopt
12 or give away an animal that has a condition preventing adoption, as
13 provided in Section 462.609. A violation of this section is subject
14 to a \$500 fine.

15
16 **Section 16. Amending Chapter 462.** Chapter 462
17 (Animals), *Ordinance Code*, is hereby amended, in part, to create a
18 new Part 13 (Excessive Intact Animal Permits) to establish
19 Excessive Intact Animal Permit requirements, provide a penalty for
20 non-compliance with Part 13, clarify application of Part 13 to
21 multi-family buildings, exempt sterilized dogs and cats from
22 application of Part 13, and provide for deposit into the Spay
23 Neuter Trust Fund of fines and fees collected under Part 13, and,
24 as amended, shall read as follows:

25 **CHAPTER 462. ANIMALS.**

26 * * *

27 **Sec. 462.1301. Permit Requirements**

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

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

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

17 (c) No dwelling, residence, structure, or property may house
18 more than forty (40) unsterilized cats and/or dogs over the age of
19 six (6) months [determined by the emergence of adult canine teeth]
20 unless an annual "Excessive Intact Animal Permit - Level Three" fee
21 has been paid to ACPS. The cost of the permit shall be fifty (\$50)
22 per animal (beginning with the sixth intact animal) listed up to a
23 total of twenty (20) intact animals, and two hundred (\$200) per
24 animal(beginning with the twenty-first intact animal) listed over
25 twenty up to forty (40) intact animals, and five hundred (\$500) per
26 animal beginning with the forty-first (41st) animal.

27 (d) Permit holders complying with the requirements of this
28 section may breed animals without securing a hobby breeder &
29 occasional seller permit in Part 11, provided that no more than
30 four (4) litters are sold, traded, exchanged or otherwise placed
31 per calendar year provided that the litters are registered with

1 ACPS. Registration shall be in the form of a letter stating when
2 the litter was born and the number of animals in the litter.

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

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

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

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

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

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

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

20 All fines and fees collected under part 13 (Sec. 462.1301-
21 462.1304) shall be deposited in the Animal Cruelty Prevention Trust
22 Fund.

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

30 **CHAPTER 462. ANIMALS.**

31 * * *

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

2 Due to the immediate nature of certain grant funding
3 opportunities that may exist from time to time, the Chief of ACPS,
4 or designee, is authorized to seek, apply for, and accept grant
5 funding for costs associated with ACPS and its programs on behalf
6 of the City of Jacksonville. Any such funds received shall be
7 properly accounted for and reported to the Mayor and City Council
8 in a timely manner.

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

15 **CHAPTER 462. ANIMALS.**

16 * * *

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

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

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

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

29 The City of Jacksonville shall maintain a low cost option for
30 the implantation of the permanent identification device (RFID -
31 microchip) where such cost is equivalent to the actual cost of the

1 device and its implantation.

2 Violation of this section is subject to a fine of not less
3 than the amount as designated in the attached fine schedule.

4
5 **Section 19. Amending Chapter 462.** Chapter 462
6 (Animals), *Ordinance Code*, is hereby amended, in part, to create a
7 new Part 16 (Importation of Animals, Quarantine, Vaccination
8 Requirements) to incorporate federal rules and regulations
9 regarding the importation of animals into the City's Ordinance
10 Code, set vaccination and quarantine requirements for imported dogs
11 and cats, and impose a fine of \$500 for violation of Part 16, and,
12 as amended, shall read as follows:

13 **CHAPTER 462. ANIMALS.**

14 * * *

15 **PART 16: IMPORTATION OF ANIMALS, QUARANTINE, VACCINATION**
16 **REQUIREMENTS**

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

18 All of the rules in the Federal Register and any federal laws
19 or agency regulations regarding the care and maintenance of
20 imported animals are hereby incorporated into the Municipal Code of
21 the City of Jacksonville.

22 **Section 462.1602. Vaccination and quarantine.**

23 Any dog or cat that is imported into the United States that is
24 within the jurisdictional boundaries of ACPS shall be subject to
25 the following requirements:

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

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

1 reported to ACPS;

2 (c) No quarantine is required only if the dog or cat was
3 vaccinated at least thirty (30) days prior to entry into the United
4 States; i.e., the dog or cat is at least sixteen weeks of age
5 (twelve weeks old before vaccination and thirty days quarantine
6 after vaccination);

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

9 **Section 462.1603. Penalty.**

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

12
13 **Section 20. Effective Date.** This ordinance shall
14 become effective upon signature by the Mayor or upon becoming
15 effective without the Mayor's signature.

16
17 Form Approved:

18
19 _____
20 Office of General Counsel

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

22 G:\SHARED\LEGIS.CC\2010\ord\06.07.10.ACPS.Chapt.111.Part4.Chapt.462.amend.doc

23

Schedule A: Progressive Penalty Table

Section Reference		First Offense	Second Offense	Third Offense
462.106	Diversion	\$150	n/a	n/a
462.108	Unspecified	\$100	\$250	\$500
462.201	Cruelty	\$500	Mandatory	Mandatory
462.203	Neglect	\$500	Mandatory	Mandatory
462.204	Chaining	\$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
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
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