

ORDINANCE NO. 17-003

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING CHAPTER 4 – ANIMALS**; ARTICLE IV – IMPOUNDMENT; SEC. 4-76 – RELEASE OF IMPOUNDED ANIMALS; REQUIREMENT AND FEES; PROVIDING FOR A SEVERABILITY CLAUSE; AND REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 4 of the Code of Ordinances of the City of Fort Pierce, Florida provides for the regulation and control of animals within the city limits; and

WHEREAS, animals that are impounded in accordance with Chapter 4 of the Code of Ordinances of the City of Fort Pierce, FL are housed and cared for at the local animal shelter until they are released to the care of their owners; and

WHEREAS, the cost associated with housing and caring for such animals is billed to the City of Fort Pierce, Florida in an annual service contract with the animal shelter; and

WHEREAS, the animal owner is responsible for reimbursement to the City of Fort Pierce, Florida the impound fees charged by the animal control shelter for housing and caring for the impounded animal unless certain conditions or circumstance exist that warrant a reduction or waiver of such fees; and

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida:

SECTION 1. Chapter 4, Article IV, Section 4-76 of the Code of Ordinances of the City of Fort Pierce, Florida, is hereby amended so that the same shall read thereafter as follows:

Sec. 4-76. - Release of impounded animals; requirements and fees.

- (a) An animal shelter shall not release an animal impounded under this chapter to an owner until the following conditions have been met:
- (1) ~~The owner has paid all fees and costs that would otherwise be charged to the city by the animal shelter. The shelter has received approval to release the impounded animal by a City of Fort Pierce Animal Control Officer.~~
 - (2) The owner has paid an impoundment fee ~~of fifty dollars (\$50.00) equal to the per animal fee charged by the shelter to the city as specified in the contract in effect at that time, in addition to any other cost charged by the animal shelter.~~
 - (3) Based upon the circumstances that resulted in the animal's impound, the City Manager or his/her designee may waive all or a portion of the impound fee. Such circumstances include, but are not limited to, the number of interactions with the animal in the past, compliance with city registration and rabies requirements, the quality of care the animal received prior to impound, compliance with city tethering requirements and quarantine holds due to bite cases.
 - (34) The owner of any dog or cat provides, or acquires through the animal shelter, proof of current and valid rabies vaccination and proof of registration as required within this chapter, except that owners residing outside the city shall not be required to comply with registration provisions within this chapter.
- (b) The animal shelter shall collect all fees required prior to the release of any animal, provide a receipt for same to the owner upon payment, and transmit the collected fees to the city ~~in a manner provided by administrative rule as provided for by law.~~

SECTION 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 4. This Ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM
& CORRECTNESS:

James M. Messer
City Attorney

STATE OF FLORIDA)
ST. LUCIE COUNTY)^{ss}

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 17-003 was duly advertised by title only in the St. Lucie News Tribune on January 7, 2017; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on January 17, 2017; and was duly introduced, read by title only, and passed on second and final reading on February 6, 2017, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 6th day of February, 2017.

Linda Hudson,
Mayor Commissioner

Linda W. Cox,
City Clerk

(CITY SEAL)