

ORDINANCE NO. 2019-10

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 10, SECTION 10-3, CODE OF ORDINANCES, TO REVISE THE DEFINITION OF DANGEROUS DOG; AMENDING SECTION 10-9, CODE OF ORDINANCES, REGARDING THE CONFINEMENT REQUIREMENTS FOR A DANGEROUS DOG; AMENDING; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to update its regulations related to dangerous dogs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. Section 10-3 of the Code of Ordinances, City of Port Orange, Florida, is hereby amended to revise the definition of "dangerous dog" as follows:

**Sec. 10-3. - Definitions.**

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

- (1) Has aggressively bitten, attacked or endangered or has inflicted severe injury on a human being on public or private property;
- (2) Has more than once severely injured or killed a domestic animal while off the owner's property;
- (3) Has been used primarily or in part for the purpose of dogfighting or is a dog trained for dogfighting; or

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

Section 2. Section 10-9 of the Code of Ordinances, City of Port Orange, Florida, is hereby amended to read as follows:

**Sec. 10-9. – Dangerous dogs.**

- (a) The provisions of F.S. §§ 767.10 – 767.16, as amended, 767.11—767.13 are hereby adopted by reference as though fully published in this chapter. It is a violation of this chapter for any person to commit an act or omission, or cause an act to be committed, in violation of F.S. §§ 767.10 – 767.16, as amended. 767.11—767.13.
- (b) ~~In addition to~~ If outside of a proper enclosure, a dangerous dog shall be confined:
- (1) Inside a locked cage or animal carrier; or
  - (2) By a non-choke collar or harness, muzzled and securely tethered while being supervised and controlled by a competent adult. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting a person or animal.
- (c) It is a violation of this chapter for the owner of a dangerous dog to refuse or fail to confine such animal as required by this section.

(d) It is a violation of this chapter for any person to release or remove a dangerous dog from a proper enclosure or any other confinement as required by this section.

(e) The due process hearing procedures to challenge the initial determination by an Animal Control Officer to classify a dog as a dangerous dog and the proposed penalty shall be as set forth by resolution of city council.

Section 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provision of this ordinance are declared severable.

Section 6. This ordinance shall be become effective upon adoption.

MAYOR DONALD O. BURNETTE



ATTEST:

Robin L. Fenwick, CMC, City Clerk

Passed on first reading this 19 day of February, 2019.

Passed and adopted on second reading and final reading on the 5 day of March, 2019.

Reviewed and approved:   
Matthew J. Jones, Deputy City Attorney