

ORDINANCE 2021-27

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FERNANDINA BEACH, FLORIDA, BY AMENDING CHAPTER 18, ANIMALS, BY RENUMBERING THE CHAPTER TO FIX ERRORS AND INCLUDE A NEW SECTION 1 TITLED PURPOSE/INTENT; BY AMENDING SECTION 2, DEFINITIONS, BY AMENDING SECTION 15 REMOVING REQUIREMENT FOR A SEPARATE LICENSE TO OWN A PET IN CITY LIMITS; BY AMENDING ARTICLE III TO CLARIFY THE NEED TO OBTAIN A BUSINESS TAX RECEIPT; AMENDING SECTIONS 1-10, 15-17, 20-25, 30-35, 40-41 FOR CLARITY WITHOUT CHANGING THEIR MEANING; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the interest of the health, safety, and welfare of citizens, the City Commission of the City of Fernandina Beach, Florida, regulates animals within the corporate City limits; and

WHEREAS, the City has been making an effort to ensure that the Code of Ordinances is written in plain language and is consistent throughout the document; and

WHEREAS, City staff have thoroughly reviewed Chapter 18, and found inconsistencies and language that requires updating; and

WHEREAS, it is in the City's best interest to amend Chapter 18, for clarity and to better reflect the community's values.

NOW, THEREFORE, THE CITY OF FERNANDINA BEACH, FLORIDA, HEREBY ENACTS:

SECTION 1. It is proposed that Chapter 18, Article I, General Provisions, Section 1, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

Sec. 18-1. Definitions.

~~For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~*Animal.* Every non-human species of animal, both domestic and wild.~~

~~*Animal at large.* Any animal not under restraint while off the premises of the owner.~~

~~*Animal auction.* Any place or facility where animals are commercially bought, sold, or traded, to the highest bidder.~~

~~*Animal control authority.* The person or persons designated to enforce this chapter.~~

~~*Animal establishment.* Any pet shop, grooming shop, animal auction, performing animal exhibition, kennel, or animal shelter; however, this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of U.S. Public Laws 89544 and 91579.~~

~~*Animal exhibition.* Any spectacle, display, act, or event, other than circuses, in which performing animals are used.~~

~~*Animal shelter.* Any facility operated by a humane society or the city or its authorized agents, for the purpose of impounding animals under the authority of this chapter or state law for care, confinement, return to owner, adoption, or euthanasia.~~

~~*Circus.* A commercial variety show featuring animal acts for public entertainment.~~

~~*Commercial animal establishment.* Any retail or wholesale pet shop, grooming shop, animal auction, riding school or stable, zoological park, animal training facility, circus, animal exhibition, or boarding or breeding animal facility.~~

~~*Domesticated animal.* An animal that is no longer wild.~~

~~*Feral animal.* An animal that is untamed, wild.~~

~~*Grooming shop.* A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.~~

~~*Guard dog.* Any dog that is kept for the purpose of guarding persons or property.~~

~~*Humane manner.* Care of an animal including, but not limited to adequate heat, ventilation, sanitary shelter, and wholesome food and water, consistent with the normal requirements and feeding habits, taking into consideration the animal's size, species, and breed.~~

~~*Humane officer or animal control officer.* Any person designated by the city to perform animal control duties.~~

~~*Kennel or cattery.* Any premises wherein any person engages in the commercial business of boarding, breeding, buying, letting for hire, training, selling or trading dogs or cats.~~

~~*Licensing authority.* The agency or department of the city or any designee thereof charged with administering the issuance and/or revocation of permits and licenses under the provision of this chapter.~~

~~*Neutered.* Rendered permanently incapable of reproduction by accepted veterinary sterilization procedures.~~

~~*Owner.* Any person or business enterprise owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.~~

~~*Person.* Any individual or business entity.~~

~~*Pet.* Any domestic animal kept for pleasure rather than commercial utility; an animal of a species that has been bred and raised to live in or about the home of humans and is dependent for food and shelter.~~

~~*Pet shop.* Any person or business entity that commercially buys, sells, trades or boards any species of animal.~~

~~*Public nuisance.* Any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to peace and quiet, enjoyment of life or property. This term shall mean and include, but is not limited to any animal that:~~

~~(1) Damages the property of anyone other than its owner; or~~

~~(2) Molests or intimidates pedestrians or passersby; or~~

~~(3) Chases vehicles and/or persons; or~~

~~(4) Makes clearly and audible disturbing noises, including, but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, or discomfort to neighbors or others outside the premises where the animal is kept or harbored; or~~

~~(5) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or~~

~~(6) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or~~

~~(7) Is offensive or dangerous to the public health, safety, or welfare because of the number and/or types of animals maintained; or~~

~~(8) Attacks other animals; or~~

~~(9) Has been found by a court of competent jurisdiction, after notice to its owner and a hearing, to be a public nuisance by virtue of being a menace to the public health, welfare, or safety.~~

~~*Restraint.* The control of an animal by a responsible person by means of a leash, lead, chain, tether or other restraining device, or within an enclosure on the real property limits where the animal is kept or harbored.~~

~~*Service animal.* Any animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals who are hearing impaired to intruders or pulling a wheelchair, or fetching dropped items. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government. Service animals will not be considered pets and, in general, when accompanying a person with a disability (as defined by Federal law and Department of Justice regulations), must be allowed wherever visitors or employees are allowed.~~

~~*Veterinary facility.* Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals and the practice of veterinary medicine.~~

~~*Vicious animal.* Any animal that attacks, bites, strikes, or injures human beings or other animals without provocation or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or other animals.~~

~~*Wild animal.* Any animal including feral dogs and cats, except the following: domesticated dogs, domesticated cats, farm animals, rodents, any hybrid animal that is part wild, and captive bred species of common cage birds and captive bred species of other caged animals commonly maintained as pets.~~

~~*Zoological park.* Any facility operated by a person, or business entity displaying or exhibiting one or more species of animals.~~

Sec. 18-1. Purpose/Intent.

This chapter is enacted pursuant to Florida law and is intended to regulate the possession, ownership, care and custody of animals in the interest of the health, safety and welfare of both the citizens and animals of the City.

SECTION 2. It is hereby proposed that Chapter 18, Article I, General Provisions, Section 2, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

~~(a) It shall be unlawful for any person to keep, maintain, pasture, or permit to run at large, within the corporate limits of the city, any horses, cattle, mules, goats, steers, bulls, swine, sheep, poultry, or other livestock of any kind or nature whatsoever for any purpose whatsoever; however, this shall not apply to any person who has applied in writing for and received a permit in writing therefor from the city manager.~~

~~(b) This chapter shall not apply to any person or persons wishing to ride horses or other riding animals for pleasure, parade shows, or any other purpose within the corporate limits of the city if such person or persons shall first have received a written permit therefor from the city manager. Such permits shall be issued by the city manager with such limitations imposed thereon as he may deem advisable and, likewise may be revoked or cancelled at his discretion.~~

Sec. 18-2. - Definitions.

For the purpose of this chapter the following definitions apply unless the context clearly indicates or requires a different meaning.

Altered means rendered permanently incapable of reproduction by accepted veterinary sterilization procedures.

Animal means any living creature other than a human being.

Animal at large means any animal not under restraint while off the premises of the owner.

Animal auction means any place or facility where animals are commercially bought, sold, or traded, to the highest bidder.

Animal control officer means the person or persons designated to enforce this chapter.

Animal exhibition means any spectacle, display, act, or event, other than circuses, in which performing animals are used.

Animal rescue organization means a humane society, animal welfare society, society for the prevention of cruelty to animals, or other such not-for-profit corporation or other legal entity devoted to the welfare, protection, and humane treatment of dogs, cats, or other animals that is duly registered with the Florida Department of State and the Florida Department of Agriculture and Consumer services, as applicable, and with the appropriate authority in the jurisdiction in which the not-for-profit legal entity is headquartered.

Animal shelter means any facility operated by a humane society or the City or its authorized agents for the purpose of impounding animals under the authority of this chapter or state law for care, confinement, return to owner, adoption, or euthanasia.

Breeder means any person or entity that causes animals to reproduce, regardless of the size or number of litters produced. However, this definition does not apply to a pet owner who breeds his or her own pet and keeps all the offspring, so long as the total number of animals does not exceed the maximum number set forth in Section 18-23.

Breeding includes the mating and production of offspring by animals and be deemed to have occurred upon the production of offspring, whether such offspring result from sexual activity or artificial insemination, and whether such sexual activity was intentional or the result of improper confinement.

Cat means a domesticated member of the feline family *Felis catus*.

Circus means a commercial variety show featuring animal acts for public entertainment.

Commercial animal breeding means the business of breeding dogs or cats for the purpose of sale, lease or exchange for something of monetary value.

Commercial animal establishment means any retail or wholesale pet shop, grooming shop, animal auction, riding school or stable, zoological park, animal training facility, circus, animal exhibition, or boarding or breeding animal facility.

Dog means a domesticated member of the canine family, *Canis lupus familiaris*, or resultant hybrids.

Domesticated animal means an animal that is no longer wild.

Enclosure means any place where any dog or cat is maintained outdoors including, but is not limited to, a fenced yard, kennel, or run and the dog or cat must be provided proper shelter within such enclosed area.

Feral animal means an animal that is untamed, wild.

Grooming shop means a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Humane manner means care of an animal including, but not limited to adequate heat, ventilation, sanitary shelter, and wholesome food and water, consistent with the normal requirements and feeding habits, taking into consideration the animal's size, species, and breed.

Kennel or cattery means any premises wherein any person engages in the commercial business of boarding, breeding, buying, letting for hire, training, selling or trading dogs or cats.

Licensing authority means the agency or department of the City or any designee thereof charged with administering the issuance and/or revocation of permits and licenses under the provision of this chapter.

Owner means any person or business enterprise owning, keeping, or harboring one or more animals. An animal will be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

Person means any individual or business entity.

Pet means any domestic animal kept for pleasure rather than commercial utility; an animal of a species that has been bred and raised to live in or about the home of humans and is dependent for food and shelter.

Pet dealer means any person that, in the ordinary course of business, engages in the sale to the public of more than two litters, or 20 dogs or cats, regardless of number per year, whichever is greater. This classification does not include pet shops, breeders who sell directly to the consumer, animal rescue organizations, and hobby breeders.

Pet shop means any person or business entity that commercially buys, sells, trades or boards any species of animal.

Public nuisance means any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to peace and quiet, enjoyment of life or property. This term will mean and include, but is not limited to any animal that:

- (1) Damages the property of anyone other than its owner; or
- (2) Molests or intimidates pedestrians or passersby; or
- (3) Chases vehicles or persons; or
- (4) Makes clearly and audible disturbing noises, including, but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, or discomfort to neighbors or others outside the premises where the animal is kept or harbored; or
- (5) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others near the premises where the animal is kept or harbored; or
- (6) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or
- (7) Is offensive or dangerous to the public health, safety, or welfare because of the number or types of animals maintained; or

(8) Attacks other animals; or

(9) Has been found by a court of competent jurisdiction, after notice to its owner and a hearing, to be a public nuisance by virtue of being a menace to the public health, welfare, or safety.

Restraint means the control of an animal by a responsible person by means of a leash, lead, chain, tether or other restraining device, or within an enclosure on the real property limits where the animal is kept or harbored.

Sale means the transfer of ownership in exchange for compensation or profit, including money, goods and services. This definition does not include adoption fees charged by an animal rescue organization.

Service animal means any animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals who are hearing impaired to intruders or pulling a wheelchair, or fetching dropped items. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government. Service animals will not be considered pets and, in general, when accompanying a person with a disability (as defined by Federal law and Department of Justice regulations), must be allowed wherever visitors or employees are allowed.

Shelter means a permanent structure with four sides, a solid roof, and a solid bottom.

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

Veterinary facility means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals and the practice of veterinary medicine.

Vicious animal means any animal that attacks, bites, strikes, or injures human beings or other animals without provocation or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or other animals.

Wild animal any animal including feral dogs and cats, except the following: domesticated dogs, domesticated cats, farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds and captive-bred species of other caged animals commonly maintained as pets.

Zoological Park any facility operated by a person, or business entity displaying or exhibiting one or more species of animals.

SECTION 3. It is proposed that Chapter 18, Article I, General Provisions, Section 3, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

Sec. 18-3. ~~Animals running at large.~~

~~No horse, mule, bull, steer, cow, hog, goat, or other livestock shall be allowed to go at large at any time within the limits of the city. The owner, keeper or driver permitting any horse, mule,~~

~~bull, steer, cow, hog, goat, or other livestock to run at large on the streets or open grounds in this city shall be punished as provided in section 18-30.~~

Sec. 18-3. - Livestock; horseback riding.

- (a) It is unlawful for any person to keep, maintain, pasture, or permit to run at large, within the corporate limits of the City, any horses, cattle, mules, goats, steers, bulls, swine, sheep, poultry, or other livestock of any kind or nature whatsoever for any purpose whatsoever; however, this does not apply to any person who has applied in writing for and received a permit in writing from the City Manager.
- (b) This chapter does not apply to any person or persons wishing to ride horses or other riding animals for pleasure, parade shows, or any other purpose within the corporate limits of the City if such person or persons have first received a written permit from the City Manager. Permits will be issued by the City Manager with such limitations imposed thereon as they may deem advisable and, likewise may be revoked or cancelled at their discretion.

SECTION 4. It is proposed that Chapter 18, Article I, General Provisions, Section 4, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

Sec. 18-4. - Owner to exercise care and control; standards of care; prohibition of tethering.

- ~~(a) *Care and control required.* No owner shall fail to exercise proper care and control of animals to prevent them from becoming a public nuisance.~~
- ~~(1) It shall be unlawful for the owner or custodian of an animal to allow an animal, to bark, meow, whine, howl, or to make other sounds common to its species, persistently or continuously for a period of 30 minutes or longer when such animal is not contained within an enclosure sufficient to baffle loud noises and render them reasonably unobjectionable.~~
- ~~(b) *Standard of care.* No owner shall fail to provide his animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter, space, and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.~~
- ~~(1) No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other between animals or between animals and humans.~~
- ~~(2) No owner of an animal shall abandon such animal.~~
- ~~(3) In no event shall any person except a state licensed veterinarian or other state licensed professional crop a dog's ears or dock a dog's tail or perform any other invasive surgical procedure on any animal.~~
- ~~(4) Any person who, as the operator of a motor vehicle, strikes a dog or cat within the city limits shall stop at once and render such assistance as may be possible. Such operator shall at once report the accident to the city police department or to the local humane society.~~
- ~~(5) No person shall expose any known poisonous substance, whether mixed with food or not, so that it shall be available to be eaten by any animal; however, it shall be lawful for a person to expose on his or her own property common pest control poisons mixed only with non-animal substance, which have been approved for such use by the appropriate state and federal governmental agencies.~~
- ~~(6) Placing or confining an animal or allowing it to be placed or confined or to remain in an unattended vehicle without sufficient ventilation or under conditions or for such a period of time~~

~~as may reasonably be expected to endanger the health or well being of such animal due to heat, lack of water or such other circumstances as may be expected to cause suffering, debility or death.~~

~~(7) No person may transport an animal in the back of a motor vehicle in a space intended for a load on the vehicle on a public way unless such space is enclosed or has side and tail racks to a height of at least 46 inches extending vertically from the floor, the animal is cross tethered to the vehicle, the animal is protected by a secured container or cage or the animal is otherwise protected in a manner which will prevent the animal from being thrown or from falling or jumping from the vehicle.~~

~~(c) A law enforcement officer or animal control officer who finds an animal in a vehicle in violation of this section may enter the vehicle by using the amount of force reasonably necessary to remove the animal. A law enforcement officer or animal control officer who acts in substantial compliance with the provisions of this section shall be immune from civil and criminal liability; and the city shall also be held immune from civil liability.~~

~~(d) No person shall give away any live animal as a prize for, or as an inducement to enter any contest, game, or other competition, or as an inducement to enter a place of amusement, or offer an animal as an incentive to enter into any business agreement whereby the offer is for the purpose of attracting trade, or to sell chances, coupons, or tickets to be redeemed for any live animal. Any person found to be in violation of this section shall be subject to fines and penalties as established in section 18-30 and section 1-12 of this Code.~~

~~(e) *Unlawful restraint of dogs and cats.* No person shall tether, fasten, chain, tie, or restrain a dog or cat, or cause a dog or cat to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or any other stationary object.~~

~~(f) Notwithstanding subsection (e) above, a person may do the following:~~

~~(1) A dog or cat may be tethered when it is in visual range of the owner, and the owner is located outside with the tethered animal.~~

~~(2) Tether, fasten, chain, tie, or otherwise restrain a dog or cat pursuant to the requirements of a camping or recreational area, or the requirements of subsection (b)(7) of this section.~~

~~(g) In all cases where tethering is permissible, the following conditions must all be met:~~

~~(1) The dog or cat must be attached to the tether by a buckle type collar or a body harness. A dog or cat shall not be tethered by means of a choke type, pinch type, prong type, or improperly fitting collar;~~

~~(2) The tether has the following properties: it is at least five times the length of the tethered animal's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than ten percent of the tethered animal's weight, and it is free of tangles;~~

~~(3) The dog or cat is tethered in such a manner as to prevent injury, strangulation, or entanglement;~~

~~(4) If there are multiple dogs or cats, each dog or cat must be tethered separately. The tethering of each dog or cat must be in accordance with the requirements of this Code;~~

~~(5) The dog or cat is not outside during a period of extreme weather, including without limitation extreme heat (over 85 degrees Fahrenheit) or cold temperatures (under 45 degrees Fahrenheit), thunderstorms, lightning storms, tornado watches or warnings, tropical storms, or hurricane watches or warnings;~~

~~(6) The dog or cat has access to water, adequate shelter, and dry ground;~~

- ~~(7) — The dog or cat is at least six months of age. Puppies or kittens shall not be tethered;~~
- ~~(8) — The dog or cat is not sick or injured; and~~
- ~~(9) — No tether may extend any closer than six feet from the perimeter fence or a lot line. If it is connected to a pulley, the running line must be at least 15 feet in length and less than seven feet above the ground. If multiple dogs or cats, they must be tethered separately, with no sharing of running lines, or near enough to each other that they may become tangled. No animal shall be tethered so that it has access to public property, including easements and rights of way or property owned by another private individual or entity.~~
- ~~(h) — *Enclosure* means any place where any dog or cat is maintained outdoors including, but is not limited to, a fenced yard, kennel, or run and the dog or cat shall be provided proper shelter within such enclosed area. The enclosure shall be suitable to prevent the escape of the dog or cat or the entry of young children. The enclosed area shall be large enough for the dog's or cat's size and temperament, considering the number of dogs or cats that may be using the enclosure at any given time. For dogs, the enclosure shall be large enough for each dog to achieve a running stride. It shall include a shaded area, either by natural or artificial means that is large enough during all hours to shade all dogs or cats in the enclosure without crowding. The enclosure and surrounding area shall be free from trash, standing water, and cleaned regularly to remove accumulated waste and debris, parasites, including fleas, ticks and rodents so as not to threaten the physical wellbeing of the dog or cat. Each dog or cat housed in the primary enclosure, shall be provided wholesome food and a continuous supply of visibly clean, fresh water provided in a sanitary manner and in a container sized appropriately for the dog's or cat's species and size.~~
- ~~(i) — *Shelter* shall include, but is not limited to, a permanent structure with four sides, a solid roof, and a solid bottom. Any structure in which a dog or cat is housed must be well ventilated with fresh air by means of windows, doors, vents, or fans. The structure shall protect the dog or cat from injury. The shelter shall have an entryway that the dog or cat can easily enter and exit in a natural manner and protects the dog or cat from exposure to the elements. The structure shall be weather proof and structurally sound, with insulation appropriate to local climatic conditions and sufficient to protect each dog or cat from inclement weather; the direct rays of the sun, wind, and rain; be constructed to allow each sheltered dog or cat freedom of movement to make normal postural adjustments, including the ability to stand up, turn around and lie down with its limbs outstretched in a normal posture. The dog or cat shall be provided clean, dry bedding, or shall have a clean, solid resting place that is appropriate for the dog's or the cat's size, age, health, and physical condition. The shelter shall be properly lighted to provide a regular lighting cycle of either natural or artificial light corresponding to the natural periods of daylight unless otherwise directed by a licensed veterinarian. Structures with wire, grid, or slat floors which permit the dog's or the cat's feet to pass through openings, sag under the dog's or cat's weight or which otherwise do not protect the dog's or cat's feet or toes from injury are prohibited. Examples of inadequate shelter include, but are not limited to, lean tos, metal drums, wire or airline carrier crates, cardboard boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.~~
- ~~(j) — A law enforcement officer or animal control officer has the right to determine if a space is considered suitable for the number and size of dogs (or cats) housed in an outdoor enclosure.~~
- ~~(k) — *Penalties for violation of this section.* The penalties for violation of this section are as follows: \$100.00 citation for the first offense; \$200.00 citation for the second offense; and \$300.00 for the third offense. These fines apply to violations occurring within a five year period. Appeals of citations shall be made in accordance with section 2-396 et seq. of this Code.~~

Sec. 18-4. - Animals running at large.

No horse, mule, bull, steer, cow, hog, goat, or other livestock is permitted to go at large at any time within the limits of the City. The owner, keeper or driver permitting any horse, mule, bull, steer, cow, hog, goat, or other livestock to run at large on the streets or open grounds in this City will be punished as provided in section 18-30.

SECTION 5. It is proposed that Chapter 18, Article I, General Provisions, Section 5, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

Sec. 18-5. - Vicious animals.

- ~~(a) Every vicious animal, as determined by the licensing authority, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner or keeper.~~
- ~~(b) It shall be unlawful to own, harbor, or maintain a dog within the city limits that has been declared dangerous by Nassau County or another Florida County in accordance with F.S. ch. 767.~~

Sec. 18-5. - Owner to exercise care and control; standards of care; prohibition of tethering.

- (a) Care and control required. An owner must exercise proper care and control of animals to prevent them from becoming a public nuisance.
 - (1) It is unlawful for the owner or custodian of an animal to allow an animal to bark, meow, whine, howl, or to make other sounds common to its species, persistently or continuously for a period of 30 minutes or longer when such animal is not contained within an enclosure sufficient to baffle loud noises and render them reasonably unobjectionable.
- (b) Standard of care. Owners must provide animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter, space, and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.
 - (1) No person may beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other between animals or between animals and humans.
 - (2) An owner must not abandon such animal.
 - (3) In no event may any person except a state licensed veterinarian or other state licensed professional crop a dog's ears or dock a dog's tail or perform any other invasive surgical procedure on any animal.
 - (4) Any person who, as the operator of a motor vehicle, strikes a dog or cat within the City limits must stop at once and render such assistance as may be possible. Such operator must report the accident to the City police department or to the local humane society.
 - (5) No person may expose any known poisonous substance, whether mixed with food or not, so that it is be available to be eaten by any animal; however, it is lawful for a person to expose on his or her own property common pest control poisons mixed only with non- animal substance, which have been approved for such use by the appropriate state and federal governmental agencies.
 - (6) Placing or confining an animal or allowing it to be placed or confined or to remain in an unattended vehicle without sufficient ventilation or under conditions or for such a period as may reasonably be expected to endanger the health or well-being of such animal due to heat, lack of

water or such other circumstances as may be expected to cause suffering, debility or death, is prohibited.

(7) No person may transport an animal in the back of a motor vehicle in a space intended for a load on the vehicle on a public way unless such space is enclosed or has side and tail racks to a height of at least 46 inches extending vertically from the floor, the animal is cross-tethered to the vehicle, the animal is protected by a secured container or cage or the animal is otherwise protected in a manner which will prevent the animal from being thrown or from falling or jumping from the vehicle.

c) A law enforcement officer or animal control officer who finds an animal in a vehicle in violation of this section may enter the vehicle by using the amount of force reasonably necessary to remove the animal. A law enforcement officer or animal control officer who acts in substantial compliance with the provisions of this section will be immune from civil and criminal liability and the City will also be immune from civil liability.

(d) No person may give away any live animal as a prize for, or as an inducement to enter any contest, game, or other competition, or as an inducement to enter a place of amusement or offer an animal as an incentive to enter into any business agreement whereby the offer is for the purpose of attracting trade, or to sell chances, coupons, or tickets to be redeemed for any live animal. Any person found to be in violation of this section will be subject to fines and penalties as established in section 18-30 and section 1-12 of this Code.

(e) *Unlawful restraint of dogs and cats.* It is unlawful to tether, fasten, chain, tie, or restrain a dog or cat, or cause a dog or cat to be tethered, fastened, chained, tied, or restrained, to a doghouse, tree, fence, or any other stationary object.

(f) Notwithstanding subsection (e) above, a person may do the following:

(1) A dog or cat may be tethered when it is in visual range of the owner, and the owner is located outside with the tethered animal.

(2) Tether, fasten, chain, tie, or otherwise restrain a dog or cat pursuant to the requirements of a camping or recreational area, or the requirements of subsection (b)(7) of this section.

(g) In all cases where tethering is permissible, the following conditions must all be met:

(1) The dog or cat must be attached to the tether by a buckle-type collar or a body harness. A dog or cat must not be tethered by means of a choke-type, pinch-type, prong-type, or improperly fitting collar;

(2) The tether has the following properties: it is at least five times the length of the tethered animal's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than ten percent of the tethered animal's weight, and it is free of tangles;

(3) The dog or cat is tethered in such a manner as to prevent injury, strangulation, or entanglement;

(4) Each dog or cat must be tethered separately in accordance with the requirements of this Code;

(5) The dog or cat is not outside during a period of extreme weather, including without limitation extreme heat (over 85 degrees Fahrenheit) or cold temperatures (under 45 degrees Fahrenheit), thunderstorms, lightning storms, tornado watches or warnings, tropical storms, or hurricane watches or warnings;

(6) The dog or cat has access to water, adequate shelter, and dry ground;

- (7) The dog or cat is at least six months of age. Puppies or kittens must not be tethered;
- (8) The dog or cat is not sick or injured; and
- (9) No tether may extend any closer than six feet from the perimeter fence or a lot line. If it is connected to a pulley, the running line must be at least 15 feet in length and less than seven feet above the ground. Multiple dogs or cats must be tethered separately, with no sharing of running lines, nor be near enough to each other that they may become tangled. No animal may be tethered so that it has access to public property, including easements and rights-of-way or property owned by another private individual or entity.
- (h) Enclosures must be suitable to prevent the escape of the dog or cat or the entry of young children. The enclosed area must be large enough for the dog's or cat's size and temperament, considering the number of dogs or cats that may be using the enclosure at any given time. For dogs, the enclosure must be large enough for each dog to achieve a running stride. It must include a shaded area, either by natural or artificial means, that is large enough during all hours to shade all dogs or cats in the enclosure without crowding. The enclosure and surrounding area must be free from trash, standing water, and cleaned regularly to remove accumulated waste and debris, parasites, including fleas, ticks and rodents so as not to threaten the physical wellbeing of the dog or cat. Each dog or cat housed in the primary enclosure must be provided wholesome food and a continuous supply of visibly clean, fresh water provided in a sanitary manner and in a container sized appropriately for the dog's or cat's species and size.
- (i) Any shelter in which a dog or cat is housed must be well ventilated with fresh air by means of windows, doors, vents, or fans. The structure must protect the dog or cat from injury. The shelter must have an entryway that the dog or cat can easily enter and exit in a natural manner and protects the dog or cat from exposure to the elements. The structure must be weatherproof and structurally sound, with insulation appropriate to local climatic conditions and sufficient to protect each dog or cat from inclement weather; the direct rays of the sun, wind, and rain; be constructed to allow each sheltered dog or cat freedom of movement to make normal postural adjustments, including the ability to stand up, turn around and lie down with its limbs outstretched in a normal posture. The dog or cat must be provided clean, dry bedding, or must have a clean, solid resting place that is appropriate for the dog's or the cat's size, age, health, and physical condition. The shelter must be properly lighted to provide a regular lighting cycle of either natural or artificial light corresponding to the natural periods of daylight unless otherwise directed by a licensed veterinarian. Structures with wire, grid, or slat floors which permit the dog's or the cat's feet to pass through openings, sag under the dog's or cat's weight or which otherwise do not protect the dog's or cat's feet or toes from injury are prohibited. Examples of inadequate shelter include, but are not limited to, lean-tos, metal drums, wire or airline carrier crates, cardboard boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.
- (j) A law enforcement officer or animal control officer has the right to determine if a space is considered suitable for the number and size of dogs (or cats) housed in an outdoor enclosure.
- (k) Penalties for violation of this section. The penalties for violation of this section are as follows: \$100.00 citation for the first offense; \$200.00 citation for the second offense; and \$300.00 for the third offense. These fines apply to violations occurring within a five-year period. Appeals of citations must be made in accordance with Chapter 2 of this Code.

SECTION 6. It is proposed that Chapter 18, Article I, General Provisions, Section 6, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

Sec. 18-6. - Animals as public nuisance.

~~It shall be unlawful to house, maintain, or otherwise harbor an animal which has been determined to be a public nuisance in the city, except as provided in section 18-7 of this chapter as it pertains vicious animals.~~

Sec. 18-6. - Vicious animals.

- (a) Every vicious animal, as determined by the licensing authority, must be confined by the owner within a building or secure enclosure and must be securely muzzled or caged whenever off the premises of its owner or keeper.
- (b) It is unlawful to own, harbor, or maintain a dog within the City limits that has been declared dangerous by Nassau County or another Florida County in accordance with F.S. ch. 767.

SECTION 7. It is proposed that Chapter 18, Article I, General Provisions, Section 7, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

Sec. 18-7. - Wild animals.

- (a) ~~No person shall own, possess, or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to accredited zoological park facilities.~~
- (b) ~~No person shall keep, or permit to be kept, any wild animal as a pet.~~
- (c) ~~*Protection of birds.* It shall be unlawful to entrap, ensnare, or in any way capture, injure, or destroy any wild birds within the corporate limits of this city and any person or persons who shall entrap, ensnare, capture, injure, or destroy any such birds or shall rob, remove, carry away, or interfere with any of the nests of birds, shall upon conviction be punished as provided section 18-30.~~
- (d) ~~*Killing or trapping squirrels.* It shall be unlawful for any person to kill or trap any squirrel within the city; however, when squirrels are actually destroying property of landowners or occupants, such may be destroyed by the chief of police or his designee or by state certified pest control personnel.~~
- (e) ~~*Chemical substance to kill, chase or remove animals or wildlife.* The use of gasoline or any other chemical or gaseous substance to kill, chase and/or drive animals from their retreats is prohibited.~~
- (f) ~~*Trapping in general.* Any person trapping an animal shall:~~
- ~~(1) Use a humane trap; and~~
 - ~~(2) Provide the trapped animal with protection from the direct rays of the sun, direct effect of the wind, irrigation and sprinkler system; and~~
 - ~~(3) Provide fresh water and fresh bait in the trap each time the trap is set; and~~
 - ~~(4) Check the trap in the morning and, if the animal has not been trapped, spring the trap; and~~
 - ~~(5) Notify animal control service by 10:00 a.m. the following morning if an animal has been trapped so that an enforcement officer can remove any trapped animal. This subsection does not apply to traps set pursuant to a trapping permit granted by the Florida Fish and Wildlife Conservation Commission; and~~
 - ~~(6) Not to remove any animal trapped, tamper with the trap or move the trap with an animal inside; and~~
 - ~~(7) Make every attempt to locate the offspring of any trapped animal who is a lactating mother.~~

Sec. 18-7. - Animals as public nuisance.

It is unlawful to house, maintain, or otherwise harbor an animal which has been determined to be a public nuisance in the City, except as provided in section 18-6 of this chapter as it pertains to vicious animals.

SECTION 8. It is proposed that Chapter 18, Article I, General Provisions, Section 8, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

Sec. 18-8. - Animal exhibitions.

- ~~(a) No person may sponsor, promote, or train a wild animal to participate in, contribute to the involvement of a wild animal in, or attend as a spectator any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activity and irrespective of whether or not a fee is charged to spectators.~~
- ~~(b) All equipment used on a performing animal shall fit properly and be in good working condition and shall not cause injury to the animal.~~

Sec. 18-8. - Wild animals.

- (a) No person may own, possess, or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee. This section does not apply to accredited zoological park facilities.
- (b) No person may keep, or permit to be kept, any wild animal as a pet.
- (c) *Protection of birds.* It is unlawful to entrap, ensnare, or in any way capture, injure, or destroy any wild birds within the corporate limits of this City and any person or persons who entrap, ensnare, capture, injure, or destroy any such birds or rob, remove, carry away, or interfere with any of the nests of birds, will upon conviction be punished as provided section 18-30.
- (d) *Killing or trapping squirrels.* It is unlawful for any person to kill or trap any squirrel within the City; however, when squirrels are destroying property of landowners or occupants, such may be destroyed by state-certified pest control personnel.
- (e) *Chemical substance to kill, chase or remove animals or wildlife.* The use of gasoline or any other chemical or gaseous substance to kill, chase and/or drive animals from their retreats is prohibited.
- (f) *Trapping in general.* Any person trapping an animal must:
- (1) Use a humane trap; and
 - (2) Provide the trapped animal with protection from the direct rays of the sun, direct effect of the wind, irrigation and sprinkler system; and
 - (3) Provide fresh water and fresh bait in the trap each time the trap is set; and
 - (4) Check the trap in the morning and, if the animal has not been trapped, spring the trap; and
 - (5) Notify animal control service by 10:00 a.m. the following morning if an animal has been trapped so that an enforcement officer can remove any trapped animal. This subsection does not apply to

traps set pursuant to a trapping permit granted by the Florida Fish and Wildlife Conservation Commission; and

(6) Not to remove any animal trapped, tamper with the trap or move the trap with an animal inside; and

(7) Make every attempt to locate the offspring of any trapped animal who is a lactating mother.

SECTION 9. It is proposed that Chapter 18, Article I, General Provisions, Section 9, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

~~Sec. 18-9. - Animal waste.~~

~~The owner of every animal shall be responsible for the removal of any excreta deposited by that animal within the city limits on any public walk, road, street, recreation area, beach, or private property.~~

Sec. 18-9. - Animal exhibitions.

(a) No person may sponsor, promote, or train a wild animal to participate in, contribute to the involvement of a wild animal in, or attend as a spectator any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to events and activities taking place in either public or private facilities or property and applies regardless of the purpose of the event or activity and irrespective of whether a fee is charged to spectators.

(b) All equipment used on a performing animal must fit properly and be in good working condition and must not cause injury to the animal.

SECTION 10. It is proposed that Chapter 18, Section 10, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

~~Sec. 18-10. - License requirements.~~

~~(a) Except as provided in sections 18-16 through 18-22, no person shall own or harbor any dog or cat over four months of age within the city limits unless such dog or cat is vaccinated and licensed. The provisions of this section do not apply to animals owned by a licensed research facility, or held in a veterinary medical facility, government operated facility, or authorized animal shelter.~~

~~(b) Application for a license must be made within 30 days after obtaining a dog or cat over four months of age, except that this requirement will not apply to a non-resident keeping a dog or cat within the city for no longer than 60 days. However, all such animals must have proof of a rabies vaccination meeting the standards of this chapter. Written application for a dog or cat license shall be made to the city, its designee or contractor and shall include the name and address of the owner and name, breed, color, age, weight, and sex of the dog or cat. Applicants also shall pay the prescribed licensing fee and provide proof of a current rabies vaccination. All fees described herein shall be set by resolution of the city commission.~~

~~(c) Licensing period and fees.~~

- ~~(1) The licensing period shall be for one year, beginning the date of license purchase. License renewal may be applied for within 60 days prior to expiration date. New residents must apply for a license within 30 days of establishing residence.~~
- ~~(2) All cat and dog owners who have purchased a one year license shall be granted a 30 day grace period within which to purchase a new license.~~
- ~~(3) A license shall be issued after payment of a fee of \$100.00 for each unneutered dog or cat and \$5.00 for each neutered dog or cat. A three year license fee will be available for animals that can show proof of a three year vaccination. The three year license fee will be \$15.00. Persons who fail to obtain a license as required within the time period specified in this section will be subject to a delinquent fee of \$20.00.~~
- ~~(4) A refund shall be granted to the owner of any dog or cat when evidence is shown to the city that the animal has been neutered within a period of 120 days from the date of purchase of a license. Evidence shall consist of a signed statement from a licensed veterinarian that the animal has been neutered as of a certain date.~~

~~(d) Waiver of license fees.~~

- ~~(1) License fees shall be waived for service animals or government owned dogs used for law enforcement.~~
- ~~(2) License fees may also be waived when financial need is demonstrated by the owner of a pet dog or cat. Any person whose income does not exceed \$6,000.00 per year shall be exempt from payment of fees as set forth in subsection (e) below. The annual license must be obtained showing proof that the dog or cat has been vaccinated and neutered. This exemption of fees shall be granted for no more than two licenses per household, per year.~~

~~(e) Upon acceptance of the license application and fee, the licensing authority shall issue a durable license tag including an identifying number, year of issuance, and shall indicate the City of Fernandina Beach, Nassau County, Florida. Both rabies and license tags must be attached to the collar of the dog or cat. Tags must be worn at all times and license tags are not transferable. Transfer of ownership may be obtained for a fee. The city shall maintain a record of all licenses issued.~~

Sec. 18-10. - Animal waste.

The owner of every animal is responsible for the removal of any excreta deposited by that animal within the City limits on any public walk, road, street, recreation area, beach, or private property.

SECTION 11. It is proposed that Chapter 18, Article I, General Provisions, Sections 11-14, of the Code of Ordinances, City of Fernandina Beach, Florida, are hereby repealed and reserved.

Sec. 18-11. - Rabies vaccination.

- ~~(a) All dogs and cats shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians.~~
- ~~(b) A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the compendium. Each owner shall also receive a durable vaccination tag.~~

Sec. 18-12. - Guard or sentry dogs; license required.

~~No person shall train any dog to be used as a guard or sentry dog without possessing a valid license for that purpose. This section shall not apply to the city or county governments or any of their agencies. The~~

~~application for a guard or sentry dog training license shall state the name and address of the owner and trainer, location of the facility, and the maximum number of dogs to be housed at the training facility. The facility should be open for inspection at any time by animal control or police officers.~~

~~Sec. 18-13. – Dogs not to run at large.~~

~~All dogs shall not be permitted to run at large.~~

~~Sec. 18-14. – Dogs, cats in heat.~~

~~Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.~~

Sections 18-11 through 18-14. Reserved.

SECTION 12. It is proposed that Chapter 18, Article II, Dogs and Cats, Section 15, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

~~Sec. 18-15. – Procedure when dog bites person.~~

~~Animal bites shall be handled pursuant to State of Florida, Department of Epidemiology protocol and procedures set forth by the Department of Health and Rehabilitative Services.~~

Sec. 18-15. – Rabies vaccines and licensing.

- (a) No person may own or harbor any dog or cat over four months of age within the City limits unless such dog or cat is vaccinated against rabies by a licensed veterinarian. The provisions of this section do not apply to animals owned by a licensed research facility, or held in a veterinary medical facility, government-operated facility, or authorized animal shelter.
 - (b) A certificate of vaccination will be issued to the owner of each animal vaccinated on a form recommended by the compendium. Each owner will also receive a durable vaccination tag.
 - (c) Proof of vaccination must be made within 30 days after obtaining a dog or cat over four months of age in order to meet the requirements. This requirement does not apply to a non-resident keeping a dog or cat within the City for no longer than 60 days. However, all such animals must have proof of a rabies vaccination meeting the standards of this chapter.
 - (d) Owners may purchase such certificates or rabies tags directly from the City’s designated humane society or from a participating veterinarian’s office. All fees described herein will be set by ordinance of the City Commission.
- (1) Fees and procedures for the vaccination of animals will be set by the agency handling such vaccinations.

SECTION 13. It is proposed that Chapter 18, Article II, Dogs and Cats, Section 16, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

Sec. 18-16. – Permit required.

- (a) ~~No person, or business enterprise shall operate a commercial animal establishment without first obtaining a permit in compliance with this section.~~

- ~~(b) The licensing authority shall promulgate regulations for the issuance of permits to commercial animal establishment and shall include requirements for humane care of all animals and for compliance with provisions of this chapter and other applicable laws. The licensing authority may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.~~
- ~~(c) The permit period shall begin with the city's fiscal year and shall run for one year. Renewal applications for permits shall be made 30 days prior to, and up to 60 days after the start of the fiscal year. Applications for a permit to establish a new commercial animal establishment under the provisions of this subchapter may be made at any time.~~
- ~~(d) If there is a change in ownership of a commercial animal establishment, the owner may have the current permit transferred to his name upon payment of a transfer fee.~~
- ~~(e) Every facility regulated by this subchapter shall be considered a separate enterprise requiring an individual permit. Penalty, see section 18-30.~~
- ~~(f) No person shall own or keep at their residence more than four dogs and more than four cats, over four months of age within the city limits. Any person having more than the number of animals permitted in either category is required to file for a private animal permit, at which time an authorized agent will inspect the premises where the animals are to be housed to determine if it is appropriate to house the animals, and determine if the premises are adequate to house the number of animals for which a permit is requested. This provision shall not be applicable to persons who at the time of passage of this provision already possess more than four dogs or four cats, but as normal attrition occurs such persons shall not exceed the prescribed limits without a permit as required herein.~~
- ~~(g) Fees for permits under this section shall be set by resolution of the city commission.~~

Sec. 18-16. – In general.

- (a) Dogs are not permitted to run at large.
- (b) Every female dog or cat in heat must be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
- (c) No person may own or keep at their residence more than four dogs and more than four cats over four months of age within the City limits. This provision will not be applicable to persons who at the time of passage of this provision already possess more than four dogs or four cats, but as normal attrition occurs such persons must not exceed the prescribed limits without a permit as required herein.

SECTION 14. It is proposed that Chapter 18, Article II, Dogs and Cats, Section 17, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

~~Sec. 18-17. – Requirements for sales of dogs and cats; definitions; permitted sources; certificate of source; penalties.~~

- ~~(a) *Definitions.* For purposes of this Section, the following words, terms, and phrases shall have the following meanings:-~~
 - ~~(1) *Animal Rescue Organization* means a humane society, animal welfare society, society for the prevention of cruelty to animals, or other such not-for-profit corporation or other legal entity~~

~~devoted to the welfare, protection, and humane treatment of dogs, cats, or other animals that is duly registered with the Florida Department of State and the Florida Department of Agriculture and Consumer Services, as applicable, and with the appropriate authority in the jurisdiction in which the not for profit legal entity is headquartered.~~

~~(2) *Breeder* means any person or entity that causes dogs or cats to reproduce, regardless of the size or number of litters produced. However, this definition shall not apply to a pet owner who breeds his or her own pet and keeps all of the offspring, so long as the total number of animals does not exceed the maximum number set forth in Section 18-16 above.~~

~~(3) *Cat* means an animal of any age of *Felis catus*.~~

~~(4) *Dog* means an animal of any age of the *Canis lupus familiaris* or resultant hybrids.~~

~~(5) *Hobby Breeder* means any person who breeds occasionally, once or twice a year, and doesn't consider the proceeds of the sale of puppies or kittens to be taxable income and thus they do not report it on their income tax.~~

~~(6) *Pet dealer* means any person that, in the ordinary course of business, engages in the sale to the public of more than two litters, or 20 dogs or cats, regardless of number per year, whichever is greater. This classification shall include pet shops as well as breeders who sell directly to the consumer. Animal rescue organizations and hobby breeders shall be exempt from this classification.~~

~~(7) *Pet shop* means a retail establishment that, in the ordinary course of business, engages in the sale of dogs or cats.~~

~~(8) *Public animal shelter* means a facility that is used for housing or containing dogs or cats or other animals and that is operated by or on behalf of a state, county, municipality, or other governmental entity.~~

~~(9) *Sale* means the transfer of ownership in exchange for compensation or profit, including money, goods, and services. This definition shall not include adoption fees charged by an animal rescue organization.~~

~~(b) *Permitted sources*. After October 1, 2015, pet dealers and pet shops shall not display, sell, trade, deliver, barter, lease, rent, auction, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats in the City, unless the pet dealer or pet shop certifies that the dog or cat comes from one of the following sources:~~

~~(1) An animal rescue organization, as defined in this section above; or~~

~~(2) A public animal shelter, as defined in this section above.~~

~~(c) *Certificate of source*. A pet dealer or pet shop that obtains dogs or cats from a permitted source shall post conspicuously on the cage of each dog and cat:~~

~~(1) Copy of a notarized affidavit of verification from the source from which the dog or cat was obtained. A copy of the certificate of source shall also be provided to the purchaser or transferee of any dog or cat;~~

~~(2) The name and address of the source from which the dog or cat was obtained and date thereof;~~

~~(3) A description of the dog or cat including species, breed, sex, color, and distinctive markings, physical condition and health, and age (if known); and~~

~~(4) For each dog or cat receiving medical care while in the custody or control of the pet dealer or pet shop, the type of service rendered, date, and veterinarian's name.~~

~~(d) This section shall not apply to the display, offer for sale, delivery, bartering, auction, giving away, transfer, or sale of dogs, cats, or rabbits from the premises on which they were bred and reared.~~

~~(e) *Penalties.* Any person who violates this section shall be subject to a fine of \$250.00 per day per dog or cat for the first violation within a 12 month period, and a fine of \$500.00 per day per animal for any subsequent violation within a 12 month period. The Fernandina Beach Police Department and/or Fernandina Beach Animal Rescue, Inc. shall enforce the provisions set forth within this Section.~~

Sec. 18-17. - Procedure when dog bites person.

Animal bites will be handled pursuant to State of Florida, Department of Epidemiology protocol and procedures set forth by the Department of Health and Rehabilitative Services.

SECTION 15. It is proposed that Chapter 18, Article II, Dogs and Cats, Sections 18 and 19, of the Code of Ordinances, City of Fernandina Beach, Florida, are hereby created and reserved.

Sec. 18-18. - Permit issuance; revocation.

~~(a) After an application is filed, the licensing authority shall inspect the facility prior to issuing the permit. The licensing authority may revoke any permit if the person holding the permit fails to comply with this chapter, the regulations promulgated by the licensing authority, or any law or regulation governing the protection and keeping of animals, after notice and an opportunity for a hearing on the revocation.~~

~~(b) Any person whose permit or license is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept, or harbored. No part of the permit or license fee shall be refunded.~~

~~(c) It shall be a condition of the issuance of any permit or license that the licensing authority shall be permitted to inspect all animals and the premises where animals are kept at any reasonable time and shall, if permission for such inspection is refused, revoke the permit or license of the refusing owner.~~

~~(d) If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a permit or revoke any pre-existing license.~~

~~(e) No person who has been convicted of cruelty to animal shall be issued a permit or license to operate an animal establishment.~~

~~(f) Any person having been denied a license or permit may not reapply for a period of 30 days. Each reapplication shall be accompanied by a non-refundable fee.~~

Sec. 18-19. - Breeding cats and dogs.

Persons operating kennels for the breeding of dogs or cats may elect to license such animals individually.

Sections 18-18 through 18-19. Reserved.

SECTION 16. It is proposed that Chapter 18, Article III, Commercial Animal Establishments, Section 20, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

Sec. 18-20. - Exemptions.

~~No permit or license fee shall be required of any veterinary hospital, animal shelter, or government-operated zoological park.~~

Sec. 18-20. - Requirements.

No person, or business enterprise may operate a commercial animal establishment without first obtaining a local business tax receipt in compliance with Chapter 74 of this Code. Every facility regulated by this article is considered a separate enterprise requiring an individual permit local business tax receipt.

SECTION 17. It is proposed that Chapter 18, Article III, Commercial Animal Establishments, Section 21, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

Sec. 18-21. - Failure to obtain permit.

~~Failure to obtain a permit before opening any animal establishment pursuant to this chapter shall be punishable under section 18-30.~~

Sec. 18-21. - Requirements for sales of dogs and cats; permitted sources; certificate of source; penalties.

- (a) Permitted sources. Pet dealers and pet shops must not display, sell, trade, deliver, barter, lease, rent, auction, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats in the City, unless the pet dealer or pet shop certifies that the dog or cat comes from one of the following sources:
- (1) An animal rescue organization, as defined in this section above; or
 - (2) A public animal shelter, as defined in this section above.
- (b) Certificate of source. A pet dealer or pet shop that obtains dogs or cats from a permitted source must post conspicuously on the cage of each dog and cat:
- (1) Copy of a notarized affidavit of verification from the source from which the dog or cat was obtained. A copy of the certificate of source must also be provided to the purchaser or transferee of any dog or cat;
 - (2) The name and address of the source from which the dog or cat was obtained and date thereof;
 - (3) A description of the dog or cat including species, breed, sex, color, and distinctive markings, physical condition and health, and age (if known); and
 - (4) For each dog or cat receiving medical care while in the custody or control of the pet dealer or pet shop, the type of service rendered, date, and veterinarian's name.
- (c) This section does not apply to the display, offer for sale, delivery, bartering, auction, giving away, transfer, or sale of dogs, cats, or rabbits from the premises on which they were bred and reared.
- (d) Penalties. Any person who violates this section will be subject to a fine of \$250.00 per day per dog or cat for the first violation within a 12-month period, and a fine of \$500.00 per day per animal for any subsequent violation within a 12-month period. The Fernandina Beach Police Department or the City's designated animal rescue organization may enforce the provisions set forth within this Section.

SECTION 18. It is proposed that Chapter 18, Article III, Commercial Animal Establishments, Section 22, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

~~Sec. 18-22. -Change of permit category.~~

~~Any person who has a change in the category under which a permit was issued shall be subject to reclassification and readjustment of the permit fee and such person should promptly report the change to the licensing authority.~~

Sec. 18-22. -Issuance; revocation.

After an application for a local business tax receipt is filed, the City will inspect the facility prior to issuing the permit. The City will revoke any business tax receipt if the person holding the permit fails to comply with this chapter or any law or regulation governing the protection and keeping of animals, after notice and an opportunity for a hearing on the revocation. Any person whose business tax receipt is revoked must humanely dispose of all animals owned, kept, or harbored within ten days. No part of the permit or license fee will be refunded. If the applicant has withheld or falsified any information on the application, the City will refuse to issue a business tax receipt or revoke any pre-existing business tax receipt. No person who has been convicted of animal cruelty will be issued a business tax receipt to operate an animal establishment. Any person having been denied a business tax receipt may not reapply for a period of 30 days. Each reapplication must be accompanied by a non-refundable fee.

SECTION 19. It is proposed that Chapter 18, Article III, Commercial Animal Establishments, Section 23, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

~~Sec. 18-23. – Impoundment and fines authorized.~~

- ~~(a) Unrestrained dogs and nuisance animals shall be taken by a police officer, animal control officer, or humane officer and be deposited in an animal shelter and there be confined in a humane manner.~~
- ~~(b) Impounded domestic dogs and cats shall be kept for not fewer than five calendar days. Impounded wild animals shall not be kept for any minimum period.~~
- ~~(c) If, by a license tag or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner by telephone or certified mail.~~
- ~~(d) A wild animal which has been captured by or placed within the custody of animal control shall not be deemed impounded and need not be held for any minimum length of time.~~
- ~~(e) In addition to, or in lieu of, impounding an animal at large, the animal control officer, humane officer, or police officer may issue to the known owner a notice of ordinance violation or a citation. Such notice or citation shall be given to the owner for a first offense with a penalty of \$100.00. A second offense penalty shall be \$200.00, and a \$500.00 penalty for each offense thereafter within a 24-month period. The fees shall be paid 30 days after the notice of violation or citation is issued. The fees shall be paid to the City of Fernandina Beach. If the notice of violation or citation is contested, a written request for a hearing before the city's Code Enforcement and Appeals Board shall be submitted within ten calendar days after the notice of violation or citation is issued to the violating animal owner. Anyone wishing to appeal a notice of violation or citation under this section shall submit their written request for a hearing and pay an appeal fee of \$75.00.~~
- ~~(f) Failure of the named violator to appeal the decision of the animal control officer, humane officer or police officer within the prescribed time period shall constitute a waiver of the violator's right to administrative appeal hearing before the Code Enforcement and Appeals Board. A waiver of the right to an administrative appeal hearing shall be treated as an admission of the violation and penalties shall be assessed accordingly.~~
- ~~(g) Any party aggrieved by the decision of the Code Enforcement and Appeals Board may appeal that decision to a court of competent jurisdiction as provided in F.S. § 162.11.~~

~~Sec. 18-23. - Breeding cats and dogs.~~

Commercial animal breeding is prohibited within City limits. No person will permit, establish, or operate a commercial animal breeding operation at any property within any zone of the City.

SECTION 20. It is proposed that Chapter 18, Article III, Commercial Animal Establishments, Section 24, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

~~Sec. 18-24. – Reclaiming impounded animal; fees.~~

- ~~(a) An owner reclaiming a licensed impounded animal wearing current license tags shall pay a flat fee \$10.00 plus \$12.00 for each day of impoundment. Subsequent impoundments of licensed animals occurring within 12 months shall be charged a flat rate of \$20.00 plus \$24.00 per day of impoundment. A third impoundment of a licensed animal within 12 months of the second impoundment shall be charged a flat rate of \$30.00 plus \$36.00 per day and the animal may be subject to confiscation by animal control.~~
- ~~(b) An owner reclaiming an unlicensed impounded animal shall pay a flat fee of \$40.00 plus \$12.00 for each day the animal has been impounded, plus the appropriate city license fee after showing proof.~~
- ~~(c) Any domesticated animal not reclaimed by its owner within five calendar days shall become the property of the city or humane society and shall be placed for adoption in a suitable home or humanely euthanized pursuant to F.S. § 828.058, euthanasia of dogs and cats.~~
- ~~(d) All fees shall be paid to the city or designee license authority before the animal is released to the owner.~~

Sec. 18-24. - Failure to obtain permit.

Failure to obtain a business tax receipt before opening any animal establishment pursuant to this chapter will be punishable under section 18-30.

SECTION 21. It is proposed that Chapter 18, Article III, Commercial Animal Establishments, Section 25, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

~~Sec. 18-25. – Reserved.~~

Sec. 18-25. - Change of permit category.

Any person who has a change in the category under which a business tax receipt was issued will be subject to reclassification and readjustment of the and such person should promptly report the change to the City.

SECTION 22. It is proposed that Chapter 18, Article III, Commercial Animal Establishments, Sections 26-29, of the Code of Ordinances, City of Fernandina Beach, Florida, are hereby repealed and reserved.

~~Sec. 18-26. – Authority to destroy animal which cannot be caught and impounded.~~

~~If any animal at large or wild animal is endangering the public and/or damaging property, and if such animal cannot safely be taken up and impounded as provided for in section 18-23, it may be killed by the chief of police, any police officer, or other person appointed by the city manager to catch or dispose of animals at large or wild animals, provided all reasonable means and efforts have first been taken to catch the animal before destroying it.~~

~~Sec. 18-27. – Authority to euthanize injured animals.~~

~~The animal control officer or police officer shall be empowered to euthanize any captured or impounded injured or diseased animal at any time, when in the opinion of the animal control officer or police officer,~~

~~the injuries are causing severe pain and suffering to the animal and that there is little probability that the animal will recover from such injury or disease.~~

~~Sec. 18-28. – Sterilization.~~

~~No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized within 30 days or until sufficient maturity is reached, whichever shall first occur. A fee for cats and for dogs shall be paid at the time of adoption. The fee shall be set by resolution of the city commission.~~

~~Sec. 18-28.1. – Adoptions.~~

~~Fees and procedures for the adoption of dogs and cats shall be set by the agency handling such adoptions. The fees established will be appropriate to cover the costs of preparing the animal medically for adoption including: heartworm or FIV-HIV testing, sterilization, annual rabies shot, booster shots, worming, treatment for fleas and ticks, monthly heartworm prevention, and any other medical care determined by the agency staff.~~

~~Sec. 18-29. – Enforcement by city; interference with city officials prohibited.~~

~~The civil and criminal provisions of this chapter shall be enforced by those persons or agencies designated by the city. It shall be a violation of this chapter to interfere with a humane officer or animal control officer in the performance of his or her duties.~~

Sections 18-26 through 18-29. Reserved.

SECTION 23. It is proposed that Chapter 18, Article IV, Impoundment, Section 30, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended as follows:

~~Sec. 18-30. – Penalty.~~

- ~~(a) Any person violating any provision of this chapter may be punished pursuant to section 1-12. If a violation continues, each day of violation shall be deemed a separate violation. Any fine imposed under this article shall become a lien pursuant to the procedures of section 2-393 of this Code and F.S. ch. 162.~~
- ~~(b) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines. A certified copy of an order imposing a civil fine or city bill for penalties due under this chapter may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three months from the filing of any such lien that remains unpaid, the city may foreclose or otherwise execute on the lien. All costs and attorneys fees incurred by the city for collecting any fine shall be paid by the violator.~~

Sec. 18-30. - Impoundment and fines authorized.

- (a) Unrestrained dogs and nuisance animals will be taken by a police officer, animal-control officer and be deposited in an animal shelter and be confined in a humane manner.
- (b) Impounded domestic dogs and cats will be kept for not fewer than five calendar days. Impounded wild animals will not be kept for any minimum period.

- (c) If, by a license tag or other means, the owner of an impounded animal can be identified, the animal-control officer will immediately notify the owner by telephone or certified mail upon impoundment.
- (d) A wild animal which has been captured by or placed within the custody of animal control will not be deemed impounded and need not be held for any minimum length of time.
- (e) In addition to, or in lieu of, impounding an animal at large, the animal control officer, or police officer may issue to the known owner a citation. Such citation will be given to the owner for a first offense with a penalty of \$100.00. A second offense penalty will be \$200.00, and a \$500.00 penalty for each offense thereafter within a 24-month period. The fees must be paid 30 days after the citation is issued. The fees must be paid to the City of Fernandina Beach. If the citation is contested, a written request for a hearing before the City's Special Magistrate must be submitted within ten calendar days after the citation is issued to the violating animal owner. Anyone wishing to appeal a citation under this section must submit their written request for a hearing and pay an appeal fee of \$75.00.
- (f) Failure of the named violator to appeal the decision of the animal control officer or police officer within the prescribed time period will constitute a waiver of the violator's right to administrative appeal hearing before the Special Magistrate. A waiver of the right to an administrative appeal hearing will be treated as an admission of the violation and penalties will be assessed accordingly.
- (g) Any party aggrieved by the decision of the Special Magistrate may appeal that decision to a court of competent jurisdiction as provided in F.S. § 162.11.

SECTION 24. It is proposed that Chapter 18, Article IV, Impoundment, Section 31, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby created to read as follows:

Sec. 18-31. - Reclaiming impounded animal; fees.

- (a) An owner reclaiming a licensed impounded animal wearing current license tags must pay a flat fee \$10.00 plus \$12.00 for each day of impoundment. A second impoundment of a licensed animal occurring within 12 months will be charged a flat rate of \$20.00 plus \$24.00 per day of impoundment. A third impoundment of a licensed animal within 12 months of the second impoundment will be charged a flat rate of \$30.00 plus \$36.00 per day and the animal may be subject to confiscation by animal control.
- (b) An owner reclaiming an unlicensed impounded animal must pay a flat fee of \$40.00 plus \$12.00 for each day the animal has been impounded, plus the appropriate City license fee after showing proof of vaccination.
- (c) Any domesticated animal not reclaimed by its owner within five calendar days will become the property of the City or humane society and be placed for adoption in a suitable home or humanely euthanized pursuant to F.S. § 828.058.
- (d) All fees must be paid to the humane society before the animal is released to the owner.

SECTION 25. It is proposed that Chapter 18, Article IV, Impoundment, Section 32, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby created to read as follows:

Sec. 18-32. - Authority to destroy animal which cannot be caught and impounded.

If any animal at large or wild animal is endangering the public or damaging property, and if such animal cannot safely be taken up and impounded as provided for in section 18-22, it may be killed by any sworn police officer or a person designated by the chief of police to catch or dispose of animals at large or wild

animals, provided all reasonable means and efforts have first been taken to catch the animal before destroying it.

SECTION 26. It is proposed that Chapter 18, Article IV, Impoundment, Section 33, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby created to read as follows:

Sec. 18-33. - Authority to euthanize injured animals.

An animal control officer or police officer is empowered to euthanize any captured or impounded injured or diseased animal at any time, when in the opinion of the animal control officer or police officer, the injuries are causing severe pain and suffering to the animal and that there is little probability that the animal will recover from such injury or disease.

SECTION 27. It is proposed that Chapter 18, Article IV, Impoundment, Section 34, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby created to read as follows:

Sec. 18-34. - Alteration.

No unclaimed dog or cat may be released for adoption without being altered or without written agreement from the adopter guaranteeing that such animal will be altered within 30 days or until sufficient maturity is reached, whichever is earliest. A fee for cats and for dogs must be paid at the time of adoption. The fee will be set by resolution of the City Commission.

SECTION 28. It is proposed that Chapter 18, Article IV, Impoundment, Section 35, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby created to read as follows:

Sec. 18-35. - Adoptions.

Fees and procedures for the adoption of dogs and cats will be set by the agency handling such adoptions. The fees established will be appropriate to cover the costs of preparing the animal medically for adoption including heartworm or FIV-HIV testing, alteration, annual rabies shot, booster shots, worming, treatment for fleas and ticks, monthly heartworm prevention, and any other medical care determined by the agency staff.

SECTION 29. It is proposed that Chapter 18, Article IV, Impoundment, Sections 36-39, of the Code of Ordinances, City of Fernandina Beach, Florida, are hereby created and reserved.

Sections 18-36 through 18-39. Reserved.

SECTION 30. It is proposed that Chapter 18, Article V, Enforcement, Section 40, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby created to read as follows:

Sec. 18-40. - Enforcement by City; interference with City officials prohibited.

The civil and criminal provisions of this chapter will be enforced by those persons or agencies designated by the City. It constitutes a violation of this chapter to interfere with an animal control officer in the performance of their duties.

SECTION 31. It is proposed that Chapter 18, Article V, Enforcement, Section 41, of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby created to read as follows:

Sec. 18-41. - Penalty.

(a) Any person violating any provision of this chapter may be punished pursuant to section 1-12. If a violation continues, each day of violation will be deemed a separate violation. Any fine imposed under

this article will become a lien pursuant to the procedures of section 2-393 of this Code and F.S. ch. 162.

(b) The City may institute proceedings in a court of competent jurisdiction to compel payment of civil fines. A certified copy of an order imposing a civil fine or City bill for penalties due under this chapter may be recorded in the public records and thereafter will constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but will not be deemed to be a court judgment except for enforcement purposes. After three months from the filing of any such lien that remains unpaid, the City may foreclose or otherwise execute on the lien. All costs and attorney's fees incurred by the City for collecting any fine must be paid by the violator.

SECTION 32. It is proposed that Chapter 18, Article IV, Impoundment, Sections 42-49, of the Code of Ordinances, City of Fernandina Beach, Florida, are hereby created and reserved.

Sections 18-42 through 18-49. Reserved.

SECTION 33. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof is held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application will not be affected thereby.

SECTION 34. The provisions of this Ordinance will take effect immediately upon its passage and enactment.

ENACTED this 21st day of September, 2021.

CITY OF FERNANDINA BEACH

Michael A. Lednovich
COMMISSIONER – MAYOR

ATTEST:

APPROVED AS TO FORM & LEGALITY:



Caroline Best
CITY CLERK

Tammi E. Bach
CITY ATTORNEY

Date of First Reading: August 17, 2021

Date of Second Reading/Final Hearing: September 21, 2021