

ORDINANCE NO. 2024 - 08

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA RELATING TO ABANDONED ANIMALS; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 828.27, *Florida Statutes*, grants municipalities the authority to adopt and enforce restrictions relating to animal control and cruelty of animals; and

WHEREAS, Section 828.073, *Florida Statutes*, provides for animal control authorities to petition the court in cases of mistreatment of animals that have been neglected; and

WHEREAS, there is no current state statute or local ordinance which addresses the abandonment of animals; and

WHEREAS, this Ordinance will provide an expedient and cost-effective process to provide care, shelter and potentially a permanent home for abandoned animals; and

WHEREAS, this Ordinance is an exercise of the City of DeLand's powers as a municipality under the provisions of Article VIII, Section 2 of the *Constitution of the State of Florida*; and

WHEREAS, the City Commission determines that the enactment of this Ordinance is in the best interests of the health, safety, and welfare of the citizens of the City of DeLand; and

WHEREAS, the City Commission has taken all actions in accordance with the requirements and procedures mandated by State law and complied, in every respect, with the requirements of law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. Legislative Findings and Intent. The City Commission of the City of DeLand hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) set forth herein as the legislative findings and intent of the City Commission.

Section 2. New Provision Relating to Abandoned Animals in City Code. New provisions of the *Code of Ordinances of the City of DeLand* are created and enacted to read as follows:

Sec. 4-22 *Abandoned Animals*

(a) Definitions:

Abandon means to give up possession of, to cease caring for, or to forsake an animal entirely, or to refuse to provide or perform care and support of an animal.

(b) It shall be unlawful for any person to abandon an animal in or on any public or private property

(1) If an animal control officer has probable cause to suspect that an animal has been abandoned, but such animal does not appear to be in immediate distress or danger, the animal control officer may leave notices posted in conspicuous places informing the owner or responsible person to contact said officer within twenty-four (24) hours and notifying them that failure to do so may result in the animal being removed from the premises by the animal control authority and that a citation may be issued to the owner or person responsible for abandoning the animal.

(2) An abandoned animal removed by an animal control officer shall be deemed a stray animal and will become the property of the animal control authority if not claimed by the owner within three (3) business days of the animal being taken.

(c) A person violating this section shall be punished as provided in section 1-6 of this Code .

Section 3. Implementing Administrative Actions; Adoption of Administrative Rules.

(a). The City Manager is hereby authorized and directed to implement the provisions of this Ordinance as may be deemed necessary or appropriate by the City Manager.

(b). The City Manager may delegate responsibilities arising under this Ordinance to such City employees as deemed appropriate and necessary.

Section 4. Savings. The prior actions of the City of DeLand in terms of the matters relating to the regulation of abandoned animals, are hereby ratified and affirmed.

Section 5. Conflicts; Repealer. All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

Section 6. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 7. Codification; Direction to Code Codifier and City Staff; Correction of Scrivener's Errors.

(a). The provisions of Section 2 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of DeLand* and the Sections of this Ordinance may be

renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that the text of Section 1 and Sections 3 through 8 shall not be codified.

(b). The Code codifier is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable.

(c). In accordance with the City's ongoing codification program; the City Clerk-Auditor in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature.

Section 8. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this 19th day of February, 2024.

Christopher M. Cloudman
Mayor - Commissioner

ATTEST:

Julie A. Hennessy, MMC, City Clerk-Auditor

Passed on first reading: February 05, 2024.

Adopted on second reading: February 19, 2024.

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind, City Attorney