

ORDINANCE NO. 2021-31

AN ORDINANCE OF THE CITY OF LARGO, FLORIDA AMENDING THE CITY OF LARGO CODE OF ORDINANCES BY AMENDING CHAPTER 5 TO ESTABLISH DEFINITIONS RELATING TO ANIMALS, AMENDING THE REGULATIONS REGARDING ANIMALS WITHIN THE CITY, PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 5 of the City of Largo Code of Ordinances codifies regulations relating to animals within the City; and

WHEREAS, the City Commission determines that it is in the public interest to amend the regulations relating to animals within the City; and

WHEREAS, the City Commission finds that enactment of this ordinance is consistent with its police powers and will protect the public health, safety, and welfare of the residents of the City, and is consistent with, furthers and implements the purposes, goals, policies, and objectives of the City's enacted Comprehensive Plan.

NOW, THEREFORE, THE CITY OF LARGO CITY COMMISSION HEREBY ORDAINS:

SECTION 1. The above recitals are true, correct, and are hereby incorporated by reference as the findings of the City Commission.

SECTION 2. Chapter 5, Article I of the City of Largo Code of Ordinances is hereby amended to add a definition section as follows:

Definitions.

As used in this chapter, and for the purpose of enforcement of the provisions imposed by this chapter, the following terms shall mean:

Abandon - means to forsake entirely or neglect or refuse to provide or perform the legal obligations for care and support of an animal.

Animal - means all living beings except humans.

Animal - domestic: Animals that are routinely kept for personal use or enjoyment, which are not exhibited to the public, nor raised for commercial purposes or profit. Domestic animals shall include dogs, cats, mice, hamsters, rabbits, non-fowl birds, and that are owned by and for the personal enjoyment of the residents of the household where kept.

Animal - farm or livestock: Animals commonly associated with farm use, or raised for commercial purposes or profit, including, but not limited to, hooved mammals such as cattle, sheep, goats, swine, pigs, and horses. Also, fowl as defined below are considered farm or livestock.

At large - Any animal shall be deemed to be at large when it is off the property of its owner and not under restraint or physical control of a competent person.

Dog Park - A dog park is a public park, typically fenced, where owners or guardians and their dogs can play together. Located within some dog parks are dog runs which are smaller fenced area, created for the same use, that is often located within an existing park. Dog parks offer dogs off-leash play areas and the chance to socialize with other canines and their owners.

Fowl - Any bird kept for its eggs or flesh. Fowl may include but are not limited to chickens, turkey, duck, goose, quail, pheasant, pigeons and guinea fowl.

Owner - Any person, group of persons, or corporation owning, keeping or harboring an animal or animals.

Pet store- Any retail establishment, open to the public, that engages in the retail sale of dogs and/or cats for compensation, regardless of the age of the dog or cat or the physical location of the animal. Such an establishment may be a permanent, temporary, or virtual establishment. An animal shelter or non-profit rescue organization shall not be considered a pet store under this chapter.

Public nuisance animal or animal premises - Any animal or combination of animals, or animal premises, that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, or the enjoyment of life or property.

Restraint or Physical Control - An animal is under restraint or physical control within the meaning of this chapter if it is controlled by a leash or on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

SECTION 3. Chapter 5, Article I, Section 5-1 of the City of Largo Code of Ordinances is hereby amended as follows:

Running at large.

(a) No person who owns, harbors, keeps or maintains any domestic, livestock or farm animal shall permit the same to wander on the public streets, nor shall such animals be secured, except temporarily, on the public streets or parkways of the city; and any such animal found to be wandering at large, or tied or secured on the public streets or parkways of the city, except temporarily, may be impounded.

(b) No person while having restraint or physical control of any animal shall allow such animal to run at large and trespass upon the property of another.

(c) Limitation on prohibition. Nothing in subsections (a)(b) of this section shall be construed to prevent the walking of a dog under leash control in areas open to the public.

(d) Dogs in parks. Any dog in a city park shall be restrained by a leash under the physical control of the owner or custodian. Nothing in this subsection would prohibit dog owners or guardian from allowing their dog(s) to be off-leash in any city park or portion of a city park which is designated as a "Dog Park."

SECTION 4. Chapter 5, Article I, Section 5-2 of the City of Largo Code of Ordinances is hereby repealed and deleted.

SECTION 5. Chapter 5, Article I, Section 5-3 of the City of Largo Code of Ordinances is hereby amended as follows:

Requirements for keeping farm or livestock animals.

- (a) It shall be unlawful for any person to keep or maintain any farm or livestock animal as defined in any residential section of the city within 300 feet of any residence and without the consent of the owner or occupant of such residence and permission from the city commission.
- (b) Nothing in this section shall restrict the keeping of female chickens (hens) as described and controlled under Section 5-4 (b,c,d,e,) of this code.
- (c) Places where any farm and livestock animals are allowed to be kept shall be kept clean and dry. All manure shall be picked up daily and kept in a bin or receptacle that will exclude flies and odors. Such bin shall be located at a point most remote from any dwelling or other structure owned or occupied by others than the owner of the premises and shall likewise be placed at a point most remote on the premises from any street. It shall be unlawful for any person to hold such manure on any premises in bins after the same shall have become a nuisance or unsanitary; provided, however, that any person may use such manure on their premises for the purpose of enriching their own ground or for any other use to which manure can properly be put when the same is not offensive or unsanitary.

SECTION 6. Chapter 5, Article I, Section 5-4 of the City of Largo Code of Ordinances is hereby amended as follows:

Fowl running at large; keeping of backyard fowl requirements.

- (a) Any fowl running at large within the city are hereby declared to be nuisances.
- (b) An exception to (a) of this code allows for the keeping of up to twelve (12) fowl per single-family residence. Such fowl must be owned by the household occupants where kept and raised for personal enjoyment and/or in-home egg or flesh consumption only and there shall be no breeding, selling and or commercial use. No male chicken (Rooster) are permitted at any time.
- (c) When fowl permitted in this Section are housed in an outdoor coop or similar structure on a single-family residence, such coop or similar structure shall not be located within the front yard of any interior lot and shall be maintained in a clean and sanitary condition at all times.
- (d) Fowl are not allowed on duplex, triplex, town homes, multi-family properties, apartment complexes, community gardens or any other property except as designated in section (b) of this code.

SECTION 7. Chapter 5, Article I, Section 5-5 of the City of Largo Code of Ordinances is hereby amended as follows:

Abandoning of animals.

(a) It is unlawful for any person who is the owner or possessor, or has charge or custody, of any animal to abandon such animal, to allow such animal to suffer injury or malnutrition or to abandon any animal in a street, road, private property or public place without providing for the care, sustenance, protection, and shelter of such animal.

SECTION 8. Chapter 5, Article I, Section 5-6 of the City of Largo Code of Ordinances is hereby amended as follows:

Shooting at animals with any weapon.

No person shall shoot or shoot at any animal in the city, with any weapon. This section shall not apply to the shooting, use, or possession of firearms or ammunition as those terms are defined in Section 790.001, Florida Statutes, and which are regulated solely by the State of Florida.

SECTION 9. Chapter 5, Article I, Section 5-7 of the City of Largo Code of Ordinances is hereby amended as follows:

Birds; city designated as sanctuary; prohibited acts.

(a) The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

(b) No person shall trap, shoot, hunt or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests. If birds of any species are found to be congregating in such numbers in a particular public locality that they constitute a nuisance in the opinion of animal services or appropriate city staff, then in such event the city may authorize the removal of such birds by any legal means available.

SECTION 10. Chapter 5, Article I of the City of Largo Code of Ordinances is hereby amended to add the following section:

Animals or animal premises creating nuisances.

(a) The owner, person acting for the owner, or person in control of any animal or animal premises that has been deemed a public nuisance animal or animal premises, as defined under this Article and outlined in this Section, shall be deemed to be in violation of this Section.

(b) It shall be unlawful for any person to keep or harbor any animal which barks, whines, howls, or makes other utterances of noises in a repeated or constant manner so as to create a public nuisance, or to keep or harbor any animal which chases after vehicles, bicycles, persons, or other animals in a manner which is likely to cause injury to person or property, or to keep or harbor any animal which destroys or damages property of another, or to keep or harbor any animal or provide any animal premises which unreasonably interferes with the use and enjoyment of the property of another, or have control or custody of any animal which is running at large, causes fouling of the air by odor, defecates on the property of another, or is offensive or dangerous to the public health, safety, or welfare, or to keep or harbor any animal or provide any animal premises that is considered to be a nuisance or menace in the opinion of the City Manager and/or his designee.

(c) It shall be unlawful for any person to feed or distribute grain, other food or garbage of any kind or nature in such a manner as to attract wild or domestic birds, fowl, mammals, or other animals of any kind in confined or concentrated areas in such numbers as to create a public nuisance.

SECTION 11. Chapter 5, Article II of the City of Largo Code of Ordinances is hereby amended to delete and repeal Sections 5-33 and 5-35.

Sec. 5-33. - Removal of dog excreta from certain public and private property.

It shall be unlawful for any dog owner or person in custody of a dog to fail to remove deposits of dog excreta made by a dog in that person's charge when the deposit of dog excreta is known or should be known to the dog owner or person in custody of the dog on any public property including, but not limited to, municipal parks and public rights-of-way; or on private property not owned or occupied as a residence by the dog owner or person in custody of the dog. If such depositing of excreta occurs, the dog owner or person in custody of the dog shall immediately cause its removal for disposal at the premises of the dog owner or person in custody of such dog.

SECTION 13. All ordinances or parts thereof inconsistent herewith are hereby repealed and superseded.

SECTION 14. This ordinance shall be codified and made part of the City of Largo Code of Ordinances, and all existing section numbers in Chapters 5, together with any cross references thereto, may be revised to accomplish such codification.

SECTION 15. It is the intention of the Largo City Commission that each provision hereof be considered severable, and, if any section, subsection, sentence, or provision of this ordinance is held invalid, the remainder of the ordinance shall not be affected.

SECTION 16. This ordinance shall become effective immediately upon its final passage and adoption.

APPROVED ON FIRST READING _____

PASSED AND ADOPTED ON

SECOND AND FINAL READING _____

CITY OF LARGO, FLORIDA

Louis (Woody) L. Brown, Mayor

REVIEWED AND APPROVED:

ATTEST:

Alan S. Zimmet, City Attorney

Diane Bruner, City Clerk