

1 Introduced by the Council President at the Request of the Mayor:  
2  
3

4 ORDINANCE 2002-

5 AN ORDINANCE CONCERNING ANIMAL CARE AND  
6 CONTROL; REPEALING CHAPTER 462, ORDINANCE  
7 CODE; CREATING A NEW CHAPTER 462; PROVIDING AN  
8 EFFECTIVE DATE.  
9

10  
11 **WHEREAS**, the uncontrolled breeding of cats and dogs has  
12 resulted in many becoming strays, unwanted and suffering from lack  
13 of care, constituting a public nuisance and a public health hazard,  
14 and requiring the impoundment of these stray animals at great  
15 expense to the community; and

16 **WHEREAS**, dangerous animals are an increasingly serious and  
17 widespread threat to the public safety and welfare of the people of  
18 Jacksonville, and such attacks are attributable, in part, to the  
19 failure of owners to properly confine, train and control their  
20 animals; and

21 **WHEREAS**, the city, through legislation, desires to take all  
22 reasonable measures to discourage and reduce the proliferation of  
23 unwanted animals and to discourage the mistreatment of animals; and

24 **WHEREAS**, the city also desires to encourage and expedite the  
25 adoption and placement of such animals; and

26 **WHEREAS**, existing law inadequately addresses the city's  
27 concerns, now therefore

28 **BE IT ORDAINED** by the Council of the City of Jacksonville:

29 **Section 1. Chapter 462, Ordinance Code, is hereby repealed in**  
30 **its entirety and there is created a new Chapter 462, Ordinance Code**  
31 **to read as follows:**

1 **PART 1. GENERAL**

2 **Sec. 462.101. Enforcement by Animal Care and Control**  
3 **Division.**

4 The Animal Care and Control Division Chief shall be  
5 responsible for the enforcement of this chapter. The powers and  
6 authority granted under this chapter shall be supplemental to the  
7 powers and authority already provided for by Florida Statutes,  
8 relating to local animal control regulations.

9 **Sec. 462.102. Definitions.**

10 For the purposes of this chapter, the following terms shall  
11 have the following definitions unless the context clearly requires  
12 otherwise.

13 (1) *Animal* means any live vertebrate creature including  
14 mammals, birds, reptiles, amphibians and fish, but not humans.

15 (2) *Animal Care and Control Division, or ACC,* means the  
16 city's Animal Care and Control Division of the city's Neighborhoods  
17 Department, acting alone or in concert with other local  
18 governmental units authorized to enforce the animal control laws of  
19 the city, county, or state.

20 (3) *Animal control officer* means any individual employed,  
21 contracted with, or appointed by the Animal Care and Control  
22 Division for the purpose of aiding in the enforcement of this  
23 chapter or any other law or ordinance relating to the control and  
24 treatment of animals, and also includes any state or local law  
25 enforcement officer or other employee whose duties, in whole or in  
26 part, include assignments that involve the seizure and impoundment  
27 of any animal.

28 (4) *Animal dealer* means any person engaging in the business  
29 of buying and/or selling animals for the purpose of resale to pet  
30 shops, research facilities, another animal dealer, including the  
31 sale of any animal from any roadside stand, booth, flea market or

1 other temporary side. Excluded from this definition are persons  
2 buying or selling animals fit and designed for human consumption  
3 and persons involved in the occasional selling of animals.

4 (5) *Animal shelter* means any public or private organization  
5 existing for the purpose of the prevention of cruelty to animals  
6 and/or for the sheltering of stray animals, and that is  
7 incorporated or chartered under the laws of the State of Florida.  
8 Also included are those private rescuers of animals who place for  
9 adoption, whether for a fee, a donation or for free, more than 20  
10 animals or more than two litters in a calendar year.

11 (6) *At-large* means (i) that an animal is off the property of  
12 its owner, unless restrained by leash, tether or other physical  
13 control device not to exceed eight feet in length and under the  
14 physical control of a responsible person, (ii) that the animal has  
15 entered upon the property of another person without authorization  
16 of that person; or (iii) that the animal has entered onto public  
17 property, street or right of way while not properly restrained as  
18 in (i).

19 (7) *Business day* means Monday through Friday but excluding  
20 official holidays recognized by the city (New Years Day, Martin  
21 Luther King's Birthday, President's Day, Memorial Day, Independence  
22 Day, Labor Day, Veterans' Day, Thanksgiving and Christmas).

23 (8) *Control* means the provision, ownership, care and/or  
24 custody of an animal or animals.

25 (9) *Cruelty to or upon animals* means any act of cruelty upon  
26 an animal as defined in Part 2.

27 (10) *Feral* means a wild animal that exists in an untamed state  
28 or that has returned to an untamed state from domestication.

29 (11) *Game* means animals that may be legally hunted for food or  
30 sport including, but not limited to, deer, bear, wild hogs, rails,  
31 coots, gallinules, snipe, woodcock, wild turkeys, grouse,

1 pheasants, ducks and quail.

2 (12) *Harbor* means the act of caring for and keeping an animal  
3 or the act of providing a premise or residence to which the animal  
4 returns for food, shelter or care for a period of at least three  
5 (3) days.

6 (13) *Household pet* means any animal including, but not limited  
7 to, a dog; domesticated cat; rodent, such as a guinea pig, hamster,  
8 gerbil, domesticated rat, or domesticated mouse; domesticated or  
9 European ferret; lagomorph, such as a rabbit; bird; fish; reptile;  
10 or amphibian, kept as subordinate to residential use for the  
11 purpose of providing human companionship. The following animals are  
12 not considered household pets: wild animals as defined in this  
13 section; poultry, as defined in this section; livestock, as defined  
14 in this section; and hooved animals of any kind, except that *bona*  
15 *fide* purebred miniature Vietnamese potbellied pigs, kept for the  
16 sole purpose of providing human companionship and kept in  
17 compliance with all applicable provisions of this chapter are  
18 considered household pets.

19 (14) *Livestock* means horses, cattle, sheep, donkeys, mules,  
20 emu, ostriches, buffaloes, llamas, goats and swine; however, *bona*  
21 *fide* purebred miniature Vietnamese potbellied pigs kept for the  
22 sole purpose of providing human companionship and which are in  
23 compliance with all applicable provisions of this chapter are not  
24 considered livestock.

25 (15) *Nuisance* means any thing done or permitted which injures  
26 or annoys another in the enjoyment of his/her legal rights, in  
27 particular, relating to the breeding of fleas or flies, the  
28 creation of odors or noises and other obnoxious circumstances  
29 caused by the keeping of animals.

30 (16) *Occasional selling* means any selling, trading or giving  
31 away of an animal or a litter of puppies, kittens, or other

1 animals, that is on a random unsystematic basis and that does not  
2 exceed the selling, trading or giving away of 20 animals or two  
3 litters in a calendar year, whichever is greater.

4 (17) *Owner* means any person, household, firm, corporation, or  
5 other organization possessing, harboring, keeping, or having  
6 control or custody of an animal or, if the animal is owned by a  
7 person under the age of 18, that person's parent or guardian.  
8 There shall be an irrebuttable presumption that the person's name  
9 appearing on the animal's registration is the owner.

10 (18) *Person* means any individual person, firm, corporation or  
11 other organization. The knowledge and acts of agents and employees  
12 of a firm, corporation or other organization, with regard to the  
13 treatment of animals owned, in the custody of or transported by  
14 such firm, corporation or other organization, shall be the  
15 knowledge and acts of the firm, corporation or other organization.

16 (19) *Poultry* means domesticated birds, such as chickens,  
17 turkeys, ducks and geese, that are usually raised for eggs and/or  
18 to provide food for humans.

19 (20) *Rabies* means acute, fatal, infectious disease of the  
20 central nervous system, also known as hydrophobia.

21 (21) *Stray* means any animal that is found to be at large  
22 within the city limits, that does not contain an identification  
23 tag, and for which there is no identifiable owner.

24 (22) *Veterinarian* means a veterinarian licensed to practice  
25 veterinary medicine and surgery by the Florida State Board of  
26 Veterinary Medicine, except where the text clearly includes a  
27 veterinarian licensed by another state.

28 (23) *Wild animal* means any animal not commonly domesticated,  
29 not common to North America or regardless of geographic origin, is  
30 of a wild or predatory nature including, but not limited to,  
31 alligator, black-footed ferret, cheetah, coyote, crocodile, fox,

1 leopard, lion, monkey, ocelot, opossum, porcupine, panther,  
2 piranha, raccoon, skunk, squirrel, tiger, venomous fish, venomous  
3 reptiles, wolf and wolf hybrid.

4 **Sec. 462.103. Administration and enforcement.**

5 (1) The Chief of the Animal Care and Control Division (ACC),  
6 and his/her designated animal control officers are authorized to  
7 investigate, on public or private property, civil infractions  
8 relating to animal control or cruelty and to issue citations for  
9 violations of this chapter as provided herein. Animal control  
10 officers are also authorized to capture and impound animals found  
11 in violation of this chapter. Animal control officers are not  
12 authorized to bear arms or make arrests; however, they may carry a  
13 device to chemically subdue and tranquilize an animal, provided  
14 they have the prerequisite training pursuant to F.S. § 828.27.

15 (2) ACC and the Jacksonville Sheriff's Office shall have  
16 concurrent jurisdiction and be responsible for the enforcement of  
17 this part. Animal control officers, as herein defined, shall be  
18 authorized to issue citations for violation of this chapter.

19 **Sec. 462.104. Authority to enter private property.**

20 An animal control officer may not enter a secured dwelling,  
21 but he/she is authorized to enter upon any private property that is  
22 unfenced, or fenced but improperly secured, for the purpose of  
23 investigating a complaint of violation of this Chapter or for the  
24 purpose of seizing and impounding any animal that the animal  
25 control officer observed to be in violation of this chapter.

26 **Sec. 462.105. Interference with performance of duties.**

27 It shall be unlawful and a class D offense against the city,  
28 as defined in section 632.101, for any person to interfere with,  
29 prevent or hinder anyone in the performance of any duty required by  
30 this chapter.

31 **Sec. 462.106. Procedures.**

1 (1) An animal control officer is authorized to issue a  
2 citation to a person when the animal control officer has probable  
3 cause to believe that the person has committed a civil infraction  
4 in violation of this Chapter and that the county court will hear  
5 the charge.

6 (2) A citation issued by an animal control officer shall be  
7 hand delivered, whenever possible, to the violator (or the  
8 violator's representative having supervisor responsibilities at the  
9 location of the violation). Whenever the animal control officer is  
10 unable to hand deliver the citation, a letter shall be sent by mail  
11 to the violator, giving the violator ten calendar days to arrange  
12 to meet with the animal control officer to permit delivery of the  
13 citation. Failure to contact the animal control officer shall be  
14 considered a willful refusal to sign for and accept issuance of the  
15 citation.

16 (3) After issuing the citation to the alleged violator, the  
17 animal control officer shall deposit the original and one copy of  
18 the citation with the County Court in and for the Fourth Judicial  
19 Circuit.

20 (4) A citation issued by an animal control officer shall  
21 contain:

22 (a) The date and time of issuance.

23 (b) The name and address of the person to whom the  
24 citation is issued.

25 (c) The date and time the civil infraction was  
26 committed.

27 (d) The facts constituting probable cause.

28 (e) The ordinance code section violated.

29 (f) The name and authority of the animal control  
30 officer.

31 (g) The procedure for the person to follow for payment

1 of the civil fine for contesting the citation, or for mandatory  
2 court appearance.

3 (h) The applicable civil fine if the person elects to  
4 contest the citation.

5 (i) The applicable civil fine if the person elects not  
6 to contest the citation.

7 (j) A conspicuous statement that if the person fails to  
8 pay the civil fine within the time allowed, or fails to appear in  
9 county court to contest the citation, the person shall be deemed to  
10 have waived his/her right to contest the citation and that, in such  
11 case, judgement may be entered against the person for an amount up  
12 to the maximum civil fine.

13 (5) Unless cited for a violation for which court appearance  
14 is mandatory, a person cited for a civil infraction shall, within  
15 ten days of the date of receipt of the citation, either.

16 (a) Pay the civil fine to the Tax Collector or to the  
17 Clerk of Court in accordance with the applicable section(s) of this  
18 chapter and the issued citation, or

19 (b) Obtain a court date from the office of the Clerk of  
20 the County Court to appeal the citation.

21 (6) If a person fails to pay the civil fine within the time  
22 prescribed in the citation or fails to obtain a court date, or  
23 having obtained a court date, fails to appear in court to contest  
24 the citation, the person shall be deemed to have waived the right  
25 to contest the citation. In such case, final judgement may be  
26 entered against the person in the maximum civil fine payable within  
27 sixty days from the date of execution of the final judgement.  
28 Alternatively, upon the request of ACC, the court may issue an  
29 order to show cause, require the person to appear before the Court  
30 to explain why action on the citation has not been taken. If any  
31 person who is issued such an order fails to appear in response to



1 the court's directive, that person may be held in contempt of court  
2 in addition to paying the civil fine, court costs and restitution,  
3 as applicable.

4 (7) Persons cited for the following must appear in county  
5 court:

6 (a) Violations of this chapter, resulting in the  
7 unprovoked biting, attacking or wounding of a person or domestic  
8 animal;

9 (b) Violations of this chapter, resulting in the  
10 destruction or loss of personal property;

11 (c) Violations of the animal cruelty provisions of Part  
12 \_\_\_\_\_ of this chapter.

13 For citations involving the above listed mandatory court  
14 appearance violations, the citation shall specify that the court  
15 appearance is mandatory. If person so cited fails to appear within  
16 the time prescribed in the citation to obtain a court date or  
17 having obtained a court date, fails to appear in court, final  
18 judgment may be entered against the person in the maximum civil  
19 fine payable within sixty (60) days from the date of execution of  
20 final judgment. Alternatively, upon the request of ACC, the court  
21 may issue an order to show cause, require the person to appear  
22 before the Court to explain why action on the citation has not been  
23 taken. If any person who is issued such an order fails to appear in  
24 response to the court's directive, that person may be held in  
25 contempt of court in addition to being ordered to pay civil fines,  
26 court costs and restitution, as applicable.

27 **Sec. 462.107. County Court jurisdiction.**

28 (1) The County Court in and for the Fourth Judicial Circuit  
29 shall hear charges of code violations pursuant to the issuance of  
30 citations.

31 (2) Any person so charged may contest the citation in the

1 County Court.

2 **Sec. 462.108. Civil Penalties.**

3 (1) The maximum fine for each civil infraction under this  
4 chapter is Five Hundred Dollars, unless otherwise provided by law.

5 (2) Whenever a provision of this chapter does not establish a  
6 specific fine for failing to do any act or thing required or for  
7 doing any act or thing prohibited, in addition to court costs, the  
8 civil fine for such civil infraction, shall be One Hundred Dollars.

9 (3) A person who has committed a civil infraction, but does  
10 not contest the citation and pays the infraction in a timely  
11 manner, shall be assessed the uncontested fine amount as specified  
12 for the infraction in this chapter.

13 (4) Unless otherwise provided, repeat violations will be  
14 assessed double fines for each subsequent violation except that the  
15 fine amount shall not exceed the maximum fine allowable by law.

16 (5) Any person shall be guilty of a class D offense (as  
17 defined in section 632.101) who:

18 (a) Willfully refuses to sign and accept a citation  
19 issued by an animal control officer.

20 (b) Willfully fails to appear in court; or

21 (c) Fails to show cause.

22 (6) A five-dollar surcharge shall be charged and collected  
23 upon each civil fine imposed for a violation of this chapter, as  
24 authorized by F.S. § 828.27(4)(b). The proceeds from such surcharge  
25 shall be deposited in the Animal Care and Control Training Trust  
26 Fund established by section 110.358 and shall be used only to pay  
27 for costs associated with training for animal control officers.  
28 Fines and surcharges shall be paid to the Tax Collector.

29 **PART 2. CRUELTY TO ANIMALS**

30 **Sec. 462.201. Cruelty to animals defined generally.**

31 (1) It shall be unlawful for any person to cause, procure or

1 inflict cruelty to or upon animals, whether or not such cruelty  
2 results in severe injury or death. For purposes of this part, it  
3 shall be considered causing, procuring and/or inflicting cruelty,  
4 if one or more of the following occurs:

5 (a) Abandoning the animal by failing to provide any one  
6 of the following: sufficient water; wholesome food; shelter and  
7 protection from weather, including a waterproof structure with  
8 floor and walls to protect the animal from extreme temperature if  
9 sheltered outside for any length of time; veterinary care to  
10 prevent suffering; sufficient exercise and change of air; or by  
11 forsaking it entirely by leaving it upon or beside any street, road  
12 or other public or private place without providing for its care,  
13 sustenance, protection and shelter; or

14 (b) beating, tormenting, torturing, mutilating,  
15 molesting, maiming, overloading, overworking or overdriving an  
16 animal; or

17 (c) riding, driving or working the animal when it is  
18 sick and unfit to work; or;

19 (d) intentionally trying (by use of a wire, pole, stick,  
20 rope or other) to cause it to fall or lose its balance, felling,  
21 roping or lassoing a horse's legs for the purpose of entertainment  
22 or sport; or

23 (e) carrying any animal in or upon any vehicle in an  
24 inhumane way including, but not limited to, carrying an animal in  
25 the back of an open truck or other open vehicle without being  
26 safely tethered to avoid injury; or

27 (f) any act, omission or neglect whereby unnecessary or  
28 unjustifiable pain or suffering is caused, permitted or allowed to  
29 continue when there is reasonable remedy or relief.

30 (2) An animal control officer shall issue a citation to the  
31 owner or other person violating this part based upon either the

1 animal control officer's having witnessed the violation of this  
2 section or the animal control officer having received at least two  
3 sworn affidavits from two unrelated adults from two different  
4 residences who witnessed the violation of this section.

5 **Sec. 462.202. Exemptions.**

6 The provisions of this part do not apply to:

7 (1) Lawful hunting of animals by a properly permitted person  
8 in strict compliance with Florida Statutes and the rules and  
9 regulations of the Fish and Wildlife Conservation Commission;

10 (2) Efforts by lawful authorities to control an animal that  
11 is posing an immediate danger to other animals or humans;

12 (3) Humane disposition of animals by ACC, a humane society or  
13 society for the prevention of cruelty to animals, or a licensed  
14 veterinarian;

15 (4) The killing of animals for human consumption performed in  
16 compliance with applicable Florida State Statutes, rules and  
17 regulations; and

18 (5) Those procedures done in the interest of medical science  
19 and performed in compliance with applicable Florida State Statutes,  
20 rules and regulations.

21 **Sec. 462.203. Dog fighting and other animal fighting.**

22 It shall be unlawful for any person to cause, instigate or  
23 permit dog fighting, cock fighting, bull fighting or other combat  
24 between two or more animals or between one or more animal and one  
25 or more human. For purposes of this section, to cause, instigate or  
26 permit animal fighting includes, but is not limited to: training  
27 animals to fight; attending training or fighting; betting or wagering  
28 money or other valuable consideration on the training or fighting;  
29 promoting, staging, advertising, or charging admission to the  
30 training or fighting.

31 **Sec. 462.204. Controlling poisonous substances.**

1 (1) It shall be unlawful for any person to intentionally  
2 place or leave any poison or poisonous substances injurious to  
3 domestic animals in any place accessible to domestic animals or to  
4 intentionally expose any animal to poison or poisonous substances.

5 (2) It shall be unlawful for any person to intentionally feed  
6 an animal any intoxicating substance or to impair the physical  
7 condition of an animal by nontherapeutic administration of a drug  
8 or narcotic. This provision does not apply to animal control  
9 officers in the performance of their duties.

10 **Sec. 462.205. Artificial coloring of animals or fowl.**

11 It shall be unlawful for any person to artificially color any  
12 animal or fowl in the city or cause this coloration to be done or  
13 to bring into the city, possess, offer for sale, sell, barter or  
14 give away an artificially colored animal.

15 **Sec. 462.206. Sale of young animals for certain purposes**  
16 **prohibited.**

17 It shall be unlawful for any person to sell, offer for sale,  
18 or give away within the city any chicken, duckling or other birds  
19 under four weeks of age or rabbit under two months of age, to be  
20 used as pets, toys or retail merchandising premiums. This section  
21 shall not be construed to apply to any animal to be used or raised  
22 for agricultural purposes by persons with proper facilities to care  
23 for it or for poultry or livestock exhibitions.

24 **Sec. 462.207. Taking custody of mistreated animals.**

25 (1) The purpose of this section is to provide a means by  
26 which an animal treated cruelly or in violation of any section of  
27 this part can be removed from its owner and/or current custody.

28 (2) Any animal control officer may lawfully seize and take  
29 custody of any animal found cruelly treated, or otherwise treated  
30 in violation of this part, by removing the animal from its current  
31 location and shall petition the county court for a hearing, which

1 shall be set within thirty (30) days after the seizure of the  
2 animal and which shall be held not more than fifteen (15) days  
3 after the setting of such hearing date. The hearing shall be for  
4 the purpose of determining whether or not the owner has violated  
5 this part and to determine whether the owner is fit to have custody  
6 of the animal. The hearing shall be concluded and the court order  
7 entered as expeditiously as possible, and in any case, not more  
8 than sixty (60) days after the date the hearing commenced. No fee  
9 shall be charged for the filing of the petition.

10 (3) ACC shall have written notice served upon the owner of  
11 the animal seized at least five (5) days prior to the hearing. If  
12 the owner is residing in the city, notice shall be in conformance  
13 with the provisions of F. S. ch. 48, relating to service of  
14 process. There shall be no fee charged by the sheriff for service  
15 of such notice. If the owner of the animal is unknown, or is known  
16 but is residing outside of the city, notice of the hearing shall be  
17 by publication in conformance with the provisions of F. S. ch.49.

18 (4) (a) ACC shall provide for the animal until disposition  
19 by the court. The owner shall post bond for the estimated costs  
20 associated with caring for the animal, as determined by ACC in  
21 accordance with the impound and redemption fee schedule(s).

22 (b) If the court determines that the owner is not guilty  
23 of any violation of this part and is able and fit to provide  
24 adequately for and have custody of the animal, then the court shall  
25 enter an order providing that the animal be claimed by the owner  
26 and removed from the custody of ACC within seven (7) days after the  
27 date of the order, or the animal is considered abandoned by the  
28 owner and becomes the property of ACC. The order shall also  
29 require that the owner pay any outstanding fines issued by ACC.

30 (c) If the court determines that the owner violated this  
31 part, but is, nevertheless able and fit to provide adequately for

1 one or more of the animal(s) seized, the court's order shall  
2 indicate those animals that may be redeemed and shall provide that  
3 the animal(s) in the possession of ACC be redeemed by the owner  
4 within seven (7) days after the date of the order, or the animal is  
5 considered abandoned by the owner and becomes the property of ACC.  
6 The order shall also require that, prior to redeeming such animal,  
7 the owner must pay all applicable fines (including outstanding  
8 fines issued by ACC), court costs, impound fees, boarding fees,  
9 applicable veterinary expenses, other medical expenses and all  
10 other costs associated with the care and maintenance of the animal  
11 redeemed and any other animals seized by ACC that are not to be  
12 redeemed. The court may hold a separate hearing for proof of  
13 costs.

14 (d) If the court determines that the owner is unable or  
15 unfit to adequately provide for the animal, the court's order shall  
16 provide that the owner shall have no further custody of the animal  
17 and that the animal shall remain in the custody of ACC, to be  
18 disposed of as determined by ACC. The order shall also require  
19 that the owner must pay all applicable fines (including outstanding  
20 fines issued by ACC), court costs, impound fees, boarding fees,  
21 applicable veterinary expenses and other medical expenses and all  
22 other costs associated with the care and maintenance of the animal  
23 seized. The court may hold a separate hearing for proof of costs.

24 (e) If the court also determines that the owner is  
25 unable or unfit to provide for any animal(s) not already seized and  
26 taken into custody by an animal control officer, then the court may  
27 also order that any other animal(s) in the custody of the owner be  
28 turned over to ACC for adoption or humane disposition. The court  
29 may also enjoin the owner's further possession or custody of other  
30 animals for a period of one to five years.

31 (5) In determining a violation of this section and the

1 owner's fitness to have custody of an animal, the court may  
2 consider, among other things:

3 (a) Testimony from the animal control officer who seized  
4 the animal; testimony from other witnesses as to the condition of  
5 the animal when seized and as to the conditions under which the  
6 animal was kept.

7 (b) Testimony and evidence as to the veterinary care  
8 provided to the animal.

9 (c) Testimony and evidence as to the type and amount of  
10 care provided to the animal.

11 (d) Expert testimony as to the community standards for  
12 proper and reasonable care of the same type of animal.

13 (e) Testimony from any witnesses as to prior treatment or  
14 condition of this or other animals in the same custody.

15 (f) The owner's past record of judgments under the  
16 provisions of this chapter.

17 (g) Convictions under the state statutes prohibiting  
18 cruelty to animals.

19 (h) Any other evidence the court considers to be  
20 material or relevant.

21 (6) If the evidence indicates a lack of proper and reasonable  
22 care of the animal, the burden is on the owner to demonstrate by  
23 clear and convincing evidence that he or she is able and fit to  
24 have custody of and provide adequately for the animal.

25 (7) Nothing herein is intended to require court action for  
26 capturing, impounding and making proper disposition of stray or  
27 abandoned animals as lawfully performed by animal control officers.

### 28 **PART 3. NUISANCES**

#### 29 **Sec. 462.301. General.**

30 (1) Animals shall not be kept on property in a manner that  
31 causes any one or more of the following: creates unsanitary



1 conditions; breeds or attracts insects or rodents; is a source of  
2 infestation by insects or rodents; creates physical conditions that  
3 endanger the health and safety of humans; creates physical  
4 conditions that are detrimental to property values, or that tend to  
5 degrade the appearance of a neighborhood; or otherwise creates a  
6 public nuisance.

7 (2) Whenever an animal defecates upon any property not owned,  
8 leased, rented, or otherwise in the care, custody, or control of  
9 the animal's owner, the animal's owner shall immediately remove and  
10 dispose of feces. The only exception is by permission of the  
11 property owner.

12 **Sec. 462.302. Noise.**

13 (1) It shall be unlawful for the owner of an animal to allow  
14 the animal, to bark, meow, whine, howl, or to make other sounds  
15 common to its species, continuously for a period of thirty minutes  
16 or longer when such animal is not contained within an enclosure  
17 sufficient to baffle loud noises and render them reasonably  
18 unobjectionable. This subsection shall not apply to animals  
19 maintained on land zoned for agricultural purposes.

20 (2) A violation of this section shall subject the violator to  
21 a civil fine of One Hundred Dollars. Each animal and each separate  
22 occasion is considered a separate violation. The animal control  
23 officer may cite the owner of an animal for violation of such  
24 subsection when either the animal control officer has received,  
25 from an adult witness, a sworn affidavit attesting to the animal's  
26 having committed a nuisance pursuant to such subsection, or the  
27 citing animal officer has witnessed the commission of such a  
28 nuisance.

29 (3) As authorized by F. S. § 828.27(7), a violation of the  
30 noise provision of this section may be punishable, upon conviction  
31 by the court, by a fine of up to Five Hundred Dollars or by

1 imprisonment in the county jail for a period not to exceed sixty  
2 (60) days or by both fine and imprisonment.

3 **Sec. 462.303. Animals at-large prohibited.**

4 (1) No owner of any dog or cat shall permit the dog or cat to  
5 be at-large except a dog shall be considered exempt from these  
6 provisions if:

7 (a) The dog is engaged in the performance of duties  
8 while under the supervision and control of law enforcement  
9 officials performing law enforcement work.

10 (b) The dog is engaged in any legal hunt or training  
11 procedure, including training or exhibiting in legal sports such as  
12 obedience trials, conformation shows, field trials,  
13 hunting/retrieving trials, and herding trials; however, such dogs  
14 at all other times and in all other respects shall be subject to  
15 this chapter.

16 (2) A violation of this section shall subject the violator to  
17 a civil fine of One Hundred Dollars. Each animal and each separate  
18 occasion is considered a separate violation. The animal control  
19 officer may cite the owner of an animal for violation of such  
20 subsection when either the animal control officer has received,  
21 from an adult witness, a sworn affidavit attesting to the animal's  
22 having committed a nuisance pursuant to such subsection, or the  
23 citing animal officer has witnessed the commission of such a  
24 nuisance.

25 **Sec. 462.304. Habitual nuisance.**

26 (1) It shall be unlawful for the owner or any person having  
27 custody of an animal to permit the animal, either willfully or  
28 through failure to exercise due care or control, to commit a  
29 nuisance by running at large habitually; by chasing or running  
30 after vehicles or persons habitually; by trespassing upon public or  
31 private school grounds habitually; by trespassing upon private

1 property habitually and interfering with the reasonable use and  
2 enjoyment of the property; by barking habitually, or by making  
3 other objectionable animal noises habitually; or by doing any other  
4 thing habitually which is so offensive as to create a nuisance.

5 (2) For the purpose of this section, "habitually" means at  
6 least two separate occurrences within a time period of no more than  
7 one month; except that barking habitually, or making other  
8 objectionable animal noises habitually, means making the sound  
9 continuously for at least ten minutes occurring at least three  
10 separate times within a period of no more than eight hours.

11 (3) The animal control officer may cite the owner or any  
12 person having custody of an animal for violation of this section  
13 when it has received at least one sworn affidavit from each of at  
14 least two unrelated adult witnesses of different residences so that  
15 taken together, the affidavits attest to the animal's having  
16 committed a nuisance pursuant to this section.

17 (4) Each violation of this section shall be punishable by a  
18 fine of Two Hundred Dollars. A subsequent violation of this  
19 section within thirty calendar days of a previous citation for  
20 violation of this section shall subject the violator to double the  
21 fine, except that such fine shall not exceed the maximum fine  
22 allowable under the law.

23 **Sec. 462.305. Destruction of property and biting.**

24 (1) No owner of an animal shall permit the animal, either  
25 willfully or through failure to exercise due care or control, to  
26 destroy or damage the property of another including, but not  
27 limited to, the unprovoked biting, attacking or wounding of another  
28 person's animal.

29 (2) No owner of an animal shall permit the animal to bite a  
30 human.

31 (3) An animal control officer may cite the owner for

1 violation of this section when either the animal control officer  
2 has received a sworn affidavit, from a witness eighteen years of  
3 age or older, attesting to the animal's having committed a  
4 violation of this subsection or the citing animal control officer  
5 has witnessed the commission of such violation.

6 **Sec. 462.306. Custody of racing dogs.**

7 Dogs that are in training or being trained as racing dogs, when  
8 being exercised outside the confines of their regular quarters,  
9 shall be constantly in the charge of a capable attendant, and shall  
10 be securely muzzled and kept on a leash. No attendant shall at any  
11 time have in his charge more than eight dogs.

12 **Sec. 462.307. Requirement to confine female dog or cat in**  
13 **heat.**

14 (1) It shall be unlawful and punishable by a fine of One  
15 Hundred Dollars for the owner of a female dog or cat in heat to  
16 permit or allow it to be upon the public street or in a public  
17 place. The owner of a female dog or cat in heat shall, at all  
18 times, keep it securely confined on private property and inside a  
19 secure building or secure enclosure having a secure top and bottom  
20 attached to all sides so as to prevent conception, with the  
21 exception of planned and controlled breeding. A female dog or cat  
22 which is found to be in violation of this section is hereby  
23 declared to be a nuisance and shall be impounded as provided in  
24 this chapter.

25 (2) Female dogs or cats in heat that are participating in  
26 *bona fide* animal competitions and shows or that are being shipped  
27 or transported while confined in a crate or cage, or otherwise  
28 sufficiently confined, shall be excluded from this section.

29 **Sec. 462.308. Injury to animals by motor vehicles; reporting**  
30 **requirement.**

31 Any operator of a motor vehicle that has injured an animal

1 shall immediately notify the Office of the Sheriff, ACC or the  
2 Jacksonville Humane Society and advise as to the location of the  
3 injured animal. Failure to notify one of these authorities shall  
4 constitute a violation of this section punishable by a fine of  
5 Fifty Dollars.

6 **Sec. 462.309. Sterilization of dogs and cats.**

7 (1) All unaltered dogs and cats shall be sterilized prior to  
8 being sold or released for adoption from any public or private  
9 animal shelter, or animal control agency regardless of whether  
10 operated privately or publicly by a humane society or by a county,  
11 city or other incorporated political subdivision, by either:

12 (a) Providing for sterilization by a licensed  
13 veterinarian before relinquishing custody of the animal; or

14 (b) Entering into a written agreement with the adopted purchaser  
15 that guarantees that sterilization will be performed prior to  
16 sexual maturity or as soon as medically possible if it is  
17 determined by a licensed veterinarian that sterilization would  
18 endanger the animal's health due to its age, infirmity, disability  
19 or illness.

20 (2) Unless otherwise provided for in this chapter, costs  
21 associated with sterilization shall be paid by the prospective  
22 purchaser or adopter as a part of the purchase price or donation.  
23 Where it is necessary to enter into an agreement to sterilize, the  
24 purchaser or adopter shall pay a deposit of One Hundred Dollars as  
25 a condition of the agreement to sterilize, which deposit shall be  
26 refundable upon presenting to the animal shelter written  
27 verification by the veterinarian who performed the sterilization  
28 that the animal has been sterilized.

29 **Sec. 462.310. Additional penalty for animals not spayed or**  
30 **neutered.**

31 Any owner found to be in violation of any provision of this

1 chapter shall be assessed an additional fine of One Hundred Dollars  
2 if the animal has not been spayed or neutered. The owner of such  
3 animal shall have the option of paying this additional One Hundred  
4 Dollar fine or, in the alternative, the owner may, within ten days  
5 of the violation, have the animal spayed or neutered. If the owner  
6 elects to have the animal spayed or neutered, the owner shall  
7 present proof of same to the Tax Collector upon payment of the  
8 fine. The Tax Collector, upon receipt of proof that the animal has  
9 been spayed or neutered, shall deduct the One Hundred Dollar  
10 additional fine from the total fine amount. Proof requires written  
11 verification by the veterinarian who performed the sterilization  
12 that the animal has been sterilized.

13 **Sec. 462.311. Diseased animals within the city.**

14 Animals suffering from infectious or contagious disease,  
15 excluding household pets under the care of a veterinarian, shall  
16 not be brought into or kept within the city.

17 **Sec. 462.312. Testing and destruction of contaminated**  
18 **turtles.**

19 No person shall sell, offer for sale, barter or give away live  
20 turtles, without first obtaining adequate bacteriological proof  
21 that the turtles are free from salmonella contamination. Adequate  
22 bacteriological proof shall consist of a certified statement by the  
23 chief public health official of the state from which the turtles  
24 are shipped, certifying that the turtles have been found free of  
25 salmonella, based upon laboratory examination, and describing the  
26 examination(s) upon which the statement is based. The certificate  
27 shall be displayed in a conspicuous manner by the animal dealer or  
28 pet shop selling such turtles. In addition, the Chief of ACC may  
29 require that the seller take a series of at least six consecutive  
30 cultures of turtle excreta, to be taken at intervals of not less  
31 than one week, to determine if the turtles are contaminated with

1 salmonella. The cultures shall be examined by a laboratory approved  
2 by the Chief of ACC. The results of the examination shall be  
3 submitted to ACC. ACC may at any time take samples of tank water or  
4 any other appropriate samples from turtles offered for sale. ACC  
5 may order the immediate destruction of any lot of turtles found  
6 contaminated with salmonella.

7 **Sec. 462.313. Quarantine of infectious animals.**

8 Should the city determine that a state of emergency exists  
9 within the city by reason of animals being infected by rabies or  
10 other infection or dangerous disease that shall constitute a danger  
11 to the public health, safety and general welfare of the city, the  
12 city may, by resolution, declare a state of emergency to exist and  
13 during such period of time, all dogs, cats and other household pets  
14 shall be kept confined or on a leash or lead by the owners or  
15 keepers. During such period of time that the emergency continues,  
16 the city, by resolution, may promulgate such other emergency  
17 regulations as may be deemed necessary for the protection of the  
18 health, safety and general welfare of the city.

19 **Sec. 462.314. Rabies vectors.**

20 In order to protect the public's health and safety, no person  
21 shall be the owner of or have as a household pet or harbor within  
22 the city a known or potential rabies vector which cannot be  
23 immunized against rabies including, but not limited to, fox,  
24 coyote, wolf, wolf hybrid, raccoon, skunk, squirrel and bat except  
25 when properly permitted by and kept in strict compliance with the  
26 rules and regulations of the State Fish and Wildlife Conservation  
27 Commission.

28 **Sec. 462.315. Procedure for animal bites and for animals**  
29 **suspected of having rabies.**

30 (1) If an animal is suspected of having rabies, or if an  
31 animal bites any person or another animal, all persons having

1 knowledge of such condition or event shall forthwith notify ACC.  
2 The suspected animal shall be promptly surrendered to ACC, and ACC  
3 shall be fully advised and shall fully advise the Public Health  
4 Officer of all the facts and circumstances involved. The suspected  
5 animal (and the bitten animal, if any) shall be impounded by and  
6 under the care of ACC or by direction of the Duval County Health  
7 Department for observation for ten (10) days, or such additional  
8 period of time as may be deemed necessary by either of them. The  
9 owner shall bear all costs associated with impounding the animal(s)  
10 and shall be required to pay to the city all costs associated with  
11 impounding the animals. In lieu of impoundment at the city's  
12 facilities, and at its discretion, ACC may provide for confinement  
13 and observation of the animal at a veterinarian designated by the  
14 owner, and the owner shall be responsible for paying the cost of  
15 impoundment to the veterinarian. Except as provided elsewhere in  
16 this chapter, the Public Health Officer is authorized, during the  
17 observation period, to release to the owner for confinement by the  
18 owner any animal which has bitten a person or another animal if:

19 (a) All animals involved have been vaccinated against  
20 rabies within the preceding twelve-month period; and

21 (b) All persons involved who may be exposed to rabies  
22 and all owners of animals involved that may be exposed to rabies  
23 (or a parent, if any such person is a minor), consent in writing to  
24 the release. The release may be revoked by the Duval County Health  
25 Department if he/she determines that the owner is not properly  
26 confining the released animal. Notwithstanding the foregoing, the  
27 Public Health Officer shall not release to the owner for  
28 confinement during the observation period any animal which was at-  
29 large when biting a person or other animal, or any animal which was  
30 at-large when bitten.



1 (2) It shall be unlawful for any person to refuse to give up  
2 or surrender to an animal control officer an animal suspected of  
3 having rabies.

4 (3) Whenever an animal, suspected of having rabies, cannot be  
5 captured by reasonable means to effect impoundment or where capture  
6 and impoundment cannot be effected safely, the Jacksonville  
7 Sheriff's office shall be summoned, and such Sheriff's officer may  
8 use firearms to stop or slay the animal.

9 (4) If a suspected animal or a bitten animal shall have or  
10 develop symptoms of rabies as determined by a veterinarian, the  
11 Duval County Health Department shall be notified, and the animal  
12 shall be humanely destroyed at the direction of the animal control  
13 officer, the Duval County Health Department, or a designated  
14 licensed veterinarian. No animal in the custody of ACC or a  
15 designated veterinarian which has or develops symptoms of rabies  
16 may be redeemed or released. If a suspected animal or a bitten  
17 animal dies, or is destroyed pursuant to this section, during the  
18 observation period, either the veterinarian responsible for the  
19 destruction, or ACC shall cause the animal's head to be detached  
20 without mutilation and submitted to a laboratory of the State  
21 Department of Health.

22 **Sec. 462.316. Penalty.**

23 Except as otherwise specifically provided in any section of  
24 this part, a violation of this part shall be a civil infraction  
25 punishable by a fine of One Hundred Dollars. Each subsequent  
26 violation shall be punishable by a fine that is double the original  
27 fine. The Chief of ACC is also authorized to seek injunctive  
28 relief against nuisances.

29 **PART 4. DANGEROUS DOGS**

30 **Sec. 462.401. Intent.**

31 The Council finds that dangerous dogs are an increasingly

1 serious and widespread threat to the safety and welfare of the  
2 people of Jacksonville because of unprovoked attacks which cause  
3 injury to persons and domestic animals. The Council further finds  
4 that existing laws inadequately address this growing problem and  
5 that it is appropriate and necessary to impose uniform requirements  
6 for owners of dangerous dogs. It is Council's intent, in enacting  
7 this part, to implement certain regulation of "dangerous dogs" as  
8 authorized in F.S. ch. 767.

9 **Sec. 462.402. Definitions.**

10 As used in this part, unless the context clearly requires  
11 otherwise:

12 (1) *Dangerous dog* means any dog whose actions, according to  
13 the records of the appropriate authority, meets at least one of the  
14 following:

15 (a) On public or private property, including the owner's  
16 property, aggressively attacks or bites a human or inflicts severe  
17 injury on a human;

18 (b) On public or private property, including the owner's  
19 property, attacks or bites an animal or animals causing severe  
20 injury or death to one or more animals;

21 (c) Is a dog trained for dog fighting or is being used  
22 or has been used for the purpose of dog fighting; or

23 (d) Chases or approaches a human upon the streets,  
24 sidewalks or any public property in a menacing or threatening  
25 manner and in an apparent attitude of attack, provided that such  
26 human is conducting him/herself peacefully and lawfully and is not  
27 provoking such action and provided that such action is attested to  
28 in a sworn statement by at least one person.

29 (2) *Severe injury* means any physical injury that results in  
30 one or more broken bones, multiple bites, or a laceration requiring  
31 one or more sutures.

1           **Sec. 462.403. Classification of dogs as dangerous;**  
2 **certification of registration requirements; notice and hearing**  
3 **requirements; confinement of animal; appeals.**

4           (1) (a) An animal control officer shall investigate reported  
5 incidents involving any potentially dangerous dog and shall, if  
6 possible, interview the owner and obtain a sworn affidavit from any  
7 person, including any animal control officer or enforcement  
8 officer, desiring to have a dog classified as a dangerous dog. Any  
9 dog that is the subject of a dangerous dog investigation shall be  
10 impounded by ACC pending the outcome of the investigation and any  
11 related hearings and appeals. An animal control officer is  
12 authorized to enter any fenced enclosure, whether or not secured,  
13 and is authorized to enter any building or structure, whether on  
14 public or private property, except a building used exclusively for  
15 a private residence, in order to seize any suspected dangerous dog.  
16 Such animal control officer shall be immune from prosecution, civil  
17 or criminal, for trespass on real property while in the discharge  
18 of his/her duties in seizing such dog. If the dog is within a  
19 private residence and the occupant of the residence or the owner of  
20 the suspected dangerous dog refuses to surrender it, ACC may  
21 obtain, from a court of competent jurisdiction, a warrant to seize  
22 the dog. The owner shall cooperate with ACC's investigation and  
23 provide all reasonably requested information including the address  
24 of where the owner secures the dog. No dog that is the subject of a  
25 dangerous dog investigation may be relocated or ownership  
26 transferred pending the outcome of an investigation, and any  
27 hearings and appeals, related to the determination of a dangerous  
28 dog classification. In the event that a dog is to be destroyed, the  
29 dog shall not be relocated or ownership transferred.

30           (b) After the investigation, ACC shall make an initial  
31 determination as to whether there is sufficient cause to classify

1 the dog as a dangerous dog and shall afford the owner an  
2 opportunity for a hearing before the Chief of ACC prior to making a  
3 final determination. ACC shall provide to the owner written  
4 notification of the sufficient cause finding, by registered mail,  
5 certified hand delivery, or service in conformance with the  
6 provisions of F.S. ch. 48, relating to service of process. The  
7 owner may file a written request for a hearing with Chief of ACC  
8 within seven (7) calendar days from the date of receipt of the  
9 notification of the sufficient cause finding and, if requested, the  
10 hearing shall be held as soon as possible, but not sooner than five  
11 (5) and not later than twenty-one (21) calendar days after receipt  
12 of the request from the owner. The Chief of ACC shall establish  
13 procedures for the hearing process.

14 (c) Upon a determination that a dog should be classified  
15 as a dangerous dog, ACC shall provide written notification to the  
16 owner by registered mail, certified hand delivery or service. In  
17 order to appeal the classification, the owner must file a written  
18 request for a hearing in the county court within ten (10) business  
19 days after receipt of a written determination of dangerous dog  
20 classification. The dog shall be impounded by ACC pending a  
21 resolution of the appeal.

22 (2) The owner of the dangerous dog shall be responsible for  
23 payment of all boarding costs and other fees as may be required by  
24 ACC to keep the dog during any hearing and appeal process, unless  
25 the dog is ultimately determined not to be a dangerous dog.

26 (3) Within fourteen (14) days after a dog has been classified  
27 as a dangerous dog by ACC, or a dangerous dog classification is  
28 upheld by the county court on appeal, the owner of the dog must  
29 obtain a certificate of registration for the dog from ACC, that  
30 shall include, at a minimum, the following information: name,  
31 address and telephone number of the dog's owners; the address where

1 the dog is harbored if different from the owner's address; a  
2 complete identification of the dog including sex, color and any  
3 distinguishing physical characteristics, a color photograph of the  
4 dog. The certificate shall be renewed annually. ACC is authorized  
5 to issue such certificates of registration, and renewals thereof,  
6 to persons who are at least eighteen years of age and who present  
7 to ACC sufficient documentation, as determined by ACC, of the  
8 following:

9 (a) Proof that the owner has a current certificate of  
10 rabies vaccination for the dog;

11 (b) Proof that the owner has obtained for the dog a  
12 permanent identification mark, such as a tattoo on the inside thigh  
13 or an electronic implantation;

14 (c) Proof that the owner has obtained a proper enclosure  
15 to confine the dog as required in this part;

16 (d) Proof that the owner has obtained insurance as  
17 required in this part;

18 (e) Proof that the owner has enrolled in a training  
19 course as required in this part; and

20 (f) Proof that the dog has been sterilized.

21 If the owner does not comply with all of these requirements, the  
22 dog shall be destroyed in an expeditious and humane manner.

23 **Sec. 462.404. Proper enclosure.**

24 (1) The owner of a dangerous dog must obtain and maintain a  
25 proper enclosure to confine the dog and must have posted on the  
26 premises a clearly visible warning sign at each entry point that  
27 informs both children and adults of the presence of a dangerous dog  
28 on the property.

29 (2) "Proper enclosure" means that the dangerous dog is  
30 securely and humanely confined on the owner's property within a  
31 house, building, locked pen or other enclosure that is designed to

1 prevent the dangerous dog from escaping over, under or through the  
2 enclosure. If the dog is maintained outside, a portion of the  
3 owner's property must be fenced with a perimeter fence. Within the  
4 perimeter fence, the dangerous dog must be humanely confined inside  
5 a locked pen, kennel or other structure of adequate size that  
6 provides protection from the elements. The pen, kennel or  
7 structure must not share common fencing with the perimeter fence.  
8 The pen, kennel or structure must have secure sides that are  
9 securely set into the ground or into a concrete pad or securely  
10 attached to a wire bottom, and it must have a secure top attached  
11 to all sides. The pen, kennel or structure must be locked at all  
12 times when the dog is unattended by either the owner or a competent  
13 custodian eighteen years of age or older.

14 **Sec. 462.405. Insurance.**

15 In order to protect the public and to afford relief from the  
16 severe harm and injury that is likely to result from a dangerous  
17 dog attack, the owner of a dangerous dog shall obtain and maintain  
18 insurance in the minimum amount of \$100,000 to provide for  
19 insurance against liability for damage to persons and property  
20 caused by the dangerous dog. The insurance shall be provided by an  
21 insurance company authorized to do business in the State of  
22 Florida, and the owner shall file a certificate of insurance with  
23 ACC. Alternatively, the owner shall post a \$100,000 surety bond  
24 conditioned upon the payment of damage to persons and property  
25 caused by the dangerous dog during the period of registration,  
26 renewable annually.

27 **Sec. 462.406. Obedience training.**

28 The owner of a dangerous dog shall be required to complete a  
29 dog obedience and animal control course at the owner's expense.  
30 The owner shall enroll in such course within 14 days of the date  
31 the owner is notified of the determination to classify the dog as

1 dangerous. The owner shall present proof to ACC of enrollment.  
2 The course must be completed within four (4) months of the date the  
3 owner is notified of the dangerous dog classification, and the  
4 owner must provide proof to ACC of completion of the course. The  
5 Chief of ACC shall determine the minimum course requirements, and  
6 the owner shall obtain prior approval of ACC for courses that are  
7 in compliance.

8 **Sec. 462.407. Dangerous dog outside of proper enclosure.**

9 (1) A dangerous dog must not be outside a proper enclosure  
10 unless the dog is muzzled and securely restrained by a chain or  
11 leash of not more than six feet in length and is under the control  
12 of the owner or competent custodian eighteen years of age or older.  
13 The muzzle must be made in a manner that will not cause injury to  
14 the dog or interfere with its vision or respiration but will  
15 prevent it from biting any human or animal. The owner may exercise  
16 the dog outside of its proper enclosure without a muzzle or leash  
17 only if the dog remains on the owner's property and only if the dog  
18 is kept within a securely fenced or enclosed area that is of  
19 sufficient height to prevent the dog from escaping and only if the  
20 dog remains within the owner's sight and control at all times and  
21 only members of the owner's immediate household or persons eighteen  
22 years of age or older are allowed in the enclosure when the dog is  
23 present. When being transported, such dog must be safely and  
24 securely restrained within a vehicle.

25 (2) No dangerous dog shall be chained, tethered or otherwise  
26 tied to any inanimate object, such as a tree, post or building that  
27 is outside its proper enclosure while unattended by the owner or  
28 competent custodian.

29 **Sec. 462.408. Required notification concerning dangerous**  
30 **dog.**

31 The owner shall immediately notify ACC when a dog that has

1 been classified as dangerous:

- 2 (a) Is loose or unconfined.
- 3 (b) Has attacked or bitten a human or another animal.
- 4 (c) Is sold, given away, or dies.
- 5 (d) Is relocated to another address.

6 Prior to a dangerous dog being sold or given away, the owner shall  
7 provide the name, address, and telephone number of the new owner to  
8 ACC. The new owner must comply with all of the requirements of this  
9 part if the animal remains in this city. If a dog classified as  
10 dangerous by any competent authority is brought into the city, the  
11 owner must notify ACC of the dog's presence within three days of  
12 its arrival.

13 **Sec. 462.409. Attack or bite by dangerous dog; impoundment;**  
14 **destruction.**

15 If a dog that has previously been classified as a dangerous  
16 dog is believed to have attacked or bitten a person or animal  
17 without provocation, an animal control officer shall immediately  
18 impound the dangerous dog, placing it in quarantine if necessary,  
19 and otherwise impounding it for ten (10) business days after the  
20 owner is given written notification. Thereafter, the dangerous dog  
21 shall be destroyed in an expeditious and humane manner. If, prior  
22 to the ten-day time period, the owner notifies ACC in writing of  
23 the owner's intent to defend or appeal the charges, ACC shall  
24 continue to impound the dangerous dog so long as the owner either  
25 posts bond or pays by certified check payable to the city the  
26 estimated costs associated with impounding the dangerous dog, as  
27 estimated by ACC. The owner shall be responsible for payment of  
28 all boarding costs, medical costs and other fees and charges  
29 associated with ACC's maintaining the dog, regardless of the  
30 outcome of any proceeding.

31 **Sec. 462.410. Severe attack.**



1 (1) Whether or not a dog has been previously classified as a  
2 dangerous dog, if the dog attacks or bites a human and causes death  
3 of the human, an animal control officer shall immediately impound  
4 the dog, placing it in quarantine, if necessary, and otherwise  
5 impounding it for ten (10) business days. Thereafter, the  
6 dangerous dog shall be destroyed in an expeditious and humane  
7 manner. If, prior to the ten-day time period, the owner notifies  
8 ACC in writing of the owner's intent to defend or appeal the  
9 charges, ACC shall continue to impound the dog so long as the owner  
10 either posts bond, or pays by certified check payable to the city  
11 the estimated costs associated with impounding the dog, as  
12 estimated by ACC. The owner shall be responsible for payment of all  
13 boarding costs, medical costs and other fees and charges associated  
14 with ACC's maintaining the dog, regardless of the outcome of any  
15 proceeding.

16 **Sec. 462.411. Additional charges.**

17 Nothing in this part precludes criminal prosecutions pursuant  
18 to Florida Law.

19 **Sec. 462.412. Exemptions.**

20 A dog shall be considered exempt from these provisions if:

21 (a) The dog is engaged in the performance of duties  
22 while under the supervision and control of law enforcement  
23 officials performing law enforcement work.

24 (b) The dog attacks or bites a human who is engaged in  
25 or attempting to engage in criminal activity at the time of the  
26 attack.

27 (c) The dog attacks or bites a human who, at the time,  
28 is willfully trespassing on the property of the owner, or is  
29 tormenting, abusing or assaulting, the dog or its owner or a family  
30 member.

31 (d) The dog is protecting or defending a human within

1 the immediate vicinity of the dog from an unjustified attack or  
2 assault.

3 (e) The dog attacks or bites another animal that, at the  
4 time, is trespassing on the property of the dog owner.

5 (f) The dog is engaged in any legal hunt or training  
6 procedure, including training or exhibiting in legal sports such as  
7 obedience trials, conformation shows, field trials,  
8 hunting/retrieving trials, and herding trials; however, such dogs  
9 at all other times and in all other respects shall be subject to  
10 this chapter. Dogs already classified as dangerous shall not be  
11 used for hunting purposes.

12 **Sec. 462.413. Violation of this part.**

13 (1) A violation of any section of this part shall be a civil  
14 infraction punishable by a fine of Five Hundred Dollars.

15 (2) An animal care and control officer shall immediately  
16 impound a dangerous dog if the owner fails to comply with any of  
17 the requirements for maintaining a dangerous dog. A dangerous dog  
18 impounded under this section may be redeemed by its owner upon the  
19 owner's compliance with the provisions of this part and upon  
20 payment of impound fees, boarding fees and applicable veterinary or  
21 other medical expenses. If the owner does not comply and redeem  
22 the dangerous dog within fourteen (14) days of the date the dog was  
23 impounded, the dog shall be destroyed in an expeditious and humane  
24 manner.

25  
26 **PART 5. VACCINATION, REGISTRATION AND LICENSING OF ANIMALS**

27 **Sec. 462.501. Definitions.**

28 As used in this part, unless the context clearly requires  
29 otherwise:

1           Vaccination means inoculation with a United States Government-  
2 approved vaccine recognized to prevent rabies in the animal  
3 vaccinated.

4           **Sec. 462.502. Vaccination, registration and licensing**  
5 **required.**

6           (1) Except as otherwise provided in this part, the owner of  
7 every dog, cat or ferret four months of age or older shall have it  
8 vaccinated by a veterinarian against rabies and shall obtain and  
9 maintain, on an annual basis, registration with the veterinarian  
10 who administered or is responsible for the administration of the  
11 vaccination. If a veterinarian administers a vaccine licensed by  
12 the United States Department of Agriculture that is approved for a  
13 three year duration of immunity, a dog or cat may be vaccinated at  
14 three to four months of age, with a booster at one year and every  
15 three years thereafter.

16           (2) The owner shall obtain a city license tag of an  
17 appropriate size, bearing the registration number of the dog, cat  
18 or ferret, which tag shall be valid for twelve months or until the  
19 time of the next required vaccination, whichever occurs first.

20           (3) Upon vaccination against rabies, the veterinarian shall  
21 provide the animal's owner and ACC, or its agents, with a rabies  
22 vaccination certificate, in the form prescribed by the Chief of  
23 ACC, which must contain at least the following information:

24                   (a) The license number of the administering  
25 veterinarian.

26                   (b) The name, address and phone number of the  
27 veterinarian and owner.

28                   (c) The date of vaccination.

29                   (d) The expiration date of the vaccination.

30                   (e) The species, age, sex, color, breed, weight, and  
31 name of the animal vaccinated.

- 1 (f) Whether the animal has been spayed or neutered.
- 2 (g) The rabies vaccine manufacturer.
- 3 (h) The vaccine lot number and expiration date.
- 4 (i) The type and brand of vaccine used.
- 5 (j) The route of administration of the vaccine.
- 6 (k) The signature or signature stamp of the licensed  
7 veterinarian.

8 (4) Each ferret vaccinated according to this section must be  
9 quarantined, when necessary, according to rules of the State of  
10 Florida Department of Health.

11 (5) Within thirty (30) days of receipt of the certificate of  
12 vaccination, the owner shall apply for a city license tag to ACC,  
13 or one of its authorized license tag agents, as designated in  
14 writing by the Chief of ACC. The owner shall present a copy of the  
15 completed form and payment of a license tag fee, in accordance with  
16 the ACC's licensing fee schedule and in the amount established for  
17 each animal, depending on whether it has been spayed or neutered,  
18 except that the following shall not be required to pay the license  
19 tag fees:

- 20 (a) A blind person who is licensing a seeing-eye dog;
- 21 (b) A disabled person who is licensing a certified  
22 service dog, provided a physician licensed in the state certifies  
23 the person's need for the dog;
- 24 (c) An owner who is sixty-five years of age or older.

25 (7) Upon receipt of the fee, ACC shall promptly issue to the  
26 owner a license tag, which shall be valid for one year from the  
27 date of vaccination. The city license tag shall be of a color as  
28 determined by the Chief of ACC that distinguishes license tags by  
29 calendar year and current status. Veterinarians shall not issue a  
30 separate rabies tag. The owner shall promptly affix the city's

1 license tag to a collar which shall be worn by the dog or cat at  
2 all times.

3 (8) The owner is responsible for obtaining a replacement tag  
4 if the city license tag is lost or destroyed. A replacement tag may  
5 be obtained from ACC, or one of its designated license tag agents,  
6 upon payment by the owner of the applicable replacement fee. If  
7 the owner has not applied for a city license tag for such animal  
8 within the thirty-day period set forth in this subsection, the  
9 owner shall be required to pay an additional late fee per animal  
10 not licensed.

11 (9) The Chief of ACC shall establish a licensing fee schedule  
12 which may be amended from time to time, and which shall be filed  
13 with the Office of Legislative Services.

14 **Sec. 462.503. Display of city license tags.**

15 An owner or of any dog, cat or ferret four months of age or  
16 older shall provide the dog, cat or ferret with a collar, that has  
17 attached to it a valid city license tag as provided in this part.  
18 A dog, cat or ferret wearing a current tag not issued for that dog,  
19 cat or ferret is not considered to be a valid license tax. The  
20 collar and city license tag shall be worn by the dog or cat at all  
21 times. The collar and city license tag shall be worn by the ferret  
22 whenever the ferret is outside of the owner's residence. Failure  
23 to comply with this part shall be a civil infraction punishable by  
24 a fine of Fifty Dollars.

25 **Sec. 462.504. Exemptions.**

26 A dog, cat or ferret may be exempt from the rabies  
27 vaccination, registration and/or licensing requirements of this  
28 part under the following circumstances:

29 (1) A greyhound temporarily brought into the city for  
30 purposes of racing at licensed greyhound tracks is exempt from  
31 registration and licensing.

1 (2) A dog, cat or ferret temporarily brought into the city as  
2 a part of an entertainment act is exempt from registration and  
3 licensing.

4 (3) A dog, cat or ferret temporarily brought into the city  
5 for a period of less than thirty days during a twelve-month period  
6 is exempt from registration and licensing.

7 (4) A dog, cat or ferret is exempt from rabies vaccination if  
8 a veterinarian has examined the animal and has certified in writing  
9 that vaccinating the animal at that time would endanger the  
10 animal's health because of its age, infirmity, disability, illness  
11 or other medical considerations. An animal exempt under this  
12 provision must be vaccinated as soon as its health allows.

13 **PART 6. IMPOUNDMENT, REDEMPTION AND ADOPTION**

14 **Sec. 462.601. Impounding of animals.**

15 (1) The animal control officers shall capture and impound, in  
16 a place maintained or designated for that purpose, any animal found  
17 in violation of this chapter.

18 (2) ACC shall keep and safeguard impounded dogs and cats,  
19 whether tagged or stray, for five (5) calendar days excluding  
20 official holidays recognized by the city.

21 (3) ACC shall keep and safeguard feral dogs and cats for  
22 twenty-four (24) hours.

23 (4) ACC shall keep and safeguard animals other than dogs and  
24 cats for forty-eight (48) hours, except any wild animal that must  
25 be kept longer due to its being an endangered or threatened animal  
26 or otherwise protected by regulations of the Fish and Wildlife  
27 Conservation Commission.

28 **Sec. 462.602. Notice to owner of impoundment.**

29 Upon impounding an animal which is properly licensed and  
30 tagged, ACC shall give notice by telephone, mail or in person to  
31 the owner of the impounded animal as identified from the tag. Such

1 notice shall advise the owner of the provisions of this part. ACC  
2 may make a reasonable inquiry in the immediate vicinity in which a  
3 stray animal is picked up in order to locate the owner, if any, of  
4 a stray animal.

5 **Sec. 462.603. Redemption by owner.**

6 (1) Except as otherwise provided in this chapter, the owner  
7 of any impounded animal shall have the right to redeem the animal,  
8 upon payment to the city of the following: (i) an impound fee for  
9 each animal redeemed; (ii) a boarding fee per animal, per day;  
10 (iii) all outstanding fines, except for any fine of which a timely  
11 appeal is pending; (iv) all veterinary charges, drug and other  
12 medical expenses; (v) the cost of sterilization, if applicable;  
13 (vi) the cost of rabies vaccinations, if applicable; and (vii) the  
14 cost of license and registration, if applicable;

15 (2) The Chief of ACC shall establish a redemption fee  
16 schedule, which may be amended from time to time and which shall be  
17 filed with the Office of Legislative Services.

18 **Sec. 462.604. Rabies vaccinations.**

19 All dogs, cats and ferrets must have current rabies  
20 vaccinations, in accordance with part \_\_\_\_\_ and in accordance with  
21 F.S. § 828.30, prior to being redeemed or adopted. This  
22 requirement may only be waived if the owner can produce to ACC a  
23 rabies vaccination certificate from a licensed veterinarian and any  
24 other information necessary in order for ACC to determine that the  
25 animal has a current vaccination.

26 **Sec. 462.605. Sterilization.**

27 All unaltered dogs and cats redeemed or adopted from ACC shall  
28 be sterilized by a licensed veterinarian before redemption or  
29 adoption, except when a licensed veterinarian determines that  
30 sterilization would endanger the animal's health due to its age,  
31 infirmity, disability or illness. In such case, the owner or

1 adopter shall sign a written agreement that sterilization shall be  
2 performed as soon as health permits, and in the case of kittens and  
3 puppies, before sexual maturity. In addition, the owner or adopter  
4 shall pay a deposit in the amount of One Hundred Dollars, to ACC,  
5 as a condition of the agreement to sterilize, which deposit shall  
6 be refundable upon presenting to ACC written verification by the  
7 licensed veterinarian who performed the sterilization that the  
8 animal has been sterilized. An animal redeemed by its owner who  
9 submits proof that the animal is used for breeding purposes and  
10 submits proof of proper license and registration is exempt from  
11 this provision.

12 **Sec. 462.606. Adoption.**

13 (1) A person adopting an animal from ACC shall pay an  
14 adoption fee, which shall include the cost of sterilization or a  
15 One Hundred Dollar deposit, in accordance with Section \_\_\_\_\_.  
16 In addition to the adoption fee, the adopter shall pay the cost of  
17 the rabies vaccination, the cost of license and registration.

18 (2) The Chief of ACC shall establish an adoption fee  
19 scheduled which may be amended from time to time, and which  
20 shall be filed with the Legislative Services Division.

21 (3) The Chief of ACC is authorized to execute animal  
22 adoption agreements, on behalf of the city, in a form approved  
23 by the Office of General Counsel.

24 **Sec. 462.607. Proper identification and address**  
25 **verification.**

26 In order to redeem or adopt an animal, a person must be at  
27 least eighteen (18) years of age, provide a photo identification  
28 and a recent utility bill or other proof of legitimate residency.  
29 ACC may require verification of the address prior to adoption or  
30 redemption. If the person attempting to redeem or adopt an animal  
31 is using the address of another person, that person must cosign and



1 consent to housing the animal at that address. ACC may require that  
2 fees and costs associated with redeeming or adopting be paid only  
3 in cash or by certified check payable to the city.

4 **Sec. 462.608. Conditions preventing redemption or adoption.**

5 (1) No animal that has been in recent contact with a rabid  
6 animal shall be redeemed or adopted from ACC until the animal has  
7 been held for the prescribed period of observation.

8 (2) No animal which appears to be suffering from rabies or  
9 distemper or to be affected by mange or other infectious or  
10 dangerous diseases as determined by the designated veterinarian  
11 shall be redeemed or adopted from ACC.

12 (3) No dog classified as a dangerous dog may be adopted from  
13 ACC.

14 (4) No animals prohibited by law from being kept as household  
15 pets may be redeemed or adopted.

16 (5) At the discretion of ACC, animals which are not subject  
17 to adoption or redemption may be placed with an appropriate  
18 facility or agency licensed and equipped for care of such animal or  
19 may be humanely destroyed.

20 **Sec. 462.609. Disposition of unredeemed animals.**

21 An impounded animal that is not redeemed by the owner, if any,  
22 within the period provided in section 462.\_\_\_\_ may be adopted,  
23 disposed of or humanely destroyed at the discretion of ACC;  
24 provided, that no unredeemed animal shall be disposed of by selling  
25 or giving such animal to any person or entity for the ultimate  
26 purpose of using the animal for experimentation or for medical or  
27 other research.

28 **Sec. 462.610. Involuntary sheltering.**

29 (1) Household pets and wild animals may be placed in the  
30 custody of ACC by the Sheriff's office or some other federal, state  
31 or local public or community service agency under extenuating

1 circumstances including, but not limited to, the animal's owner has  
2 died; been hospitalized, been evicted from residence; been jailed  
3 for over three (3) days; or been adjudicated mentally incompetent.

4 (2) ACC shall notify the owner, or, if the owner is deceased,  
5 the executor of the owner's estate, that the animal is in the care  
6 and custody of ACC. Such notice shall also inform the owner or  
7 executor that the animal will be held for fourteen (14) days, at  
8 which time, if the animal is not redeemed in accordance with this  
9 part, including the payment of all applicable costs and fees, the  
10 owner shall forfeit and relinquish all rights and claims to the  
11 animal.

12 (3) The owner or executor may, before end of the fourteenth  
13 day, request that the animal be kept for a period of up to thirty  
14 (30) days provided that the owner or executor pays the fees and  
15 costs associated with boarding the animal, including all applicable  
16 veterinary fees and medical costs, as determined by ACC prior to  
17 the end of the fourteen day period.

18 (4) If, at the end of any paid extension, the owner or  
19 executor has not redeemed the animal, or otherwise authorized  
20 disposition of the animal, the owner or executor shall forfeit and  
21 relinquish all rights and claims to the animal, and ACC may, at its  
22 discretion, adopt, dispose of or humanely destroy the animal.

## 23 **PART 7. PROGRAMS**

24 **[Eliminated the spay and Neuter Rebate Program. Need to review the**  
25 **Trust Fund provisions for amendment.]**

### 26 **Sec. 462.701. Animal Care Education Program.**

27 (1) It is the intent of the city to provide a comprehensive  
28 education program for the public to educate all citizens in the  
29 proper care of animals to promote the animal adoption program, to  
30 promote the sterilization of animals and to address other animal  
31 issues of general interest and concern to the citizens of the city.

1 For that purpose, the city hereby establishes the Animal Care  
2 Education Program (the "ACE" Program) as set forth in this section.

3 (2) The Chief of ACC shall be responsible for the creation  
4 and administration of the ACE Program, which will target both  
5 adults and children and will provide education and public awareness  
6 of animal issues such as: responsible pet health care; procedures  
7 for adoption of animals from the city; promoting the benefits of  
8 animal sterilization; avoiding nuisances; and other animal issues  
9 of general interest and concern to the citizens of the city.

10 (3) There shall be available to ACC for this purpose an  
11 amount of money from the Spay and Neuter Rebate Trust Fund, created  
12 by section 110.338 of no more than twenty-five percent of the funds  
13 contained in the Spay and Neuter Rebate Trust Fund at the beginning  
14 of the fiscal year, and that are available for expenditure in this  
15 program.

16 (4) Any donations of monies by non-governmental sources into  
17 the trust fund created pursuant to section 110.338 shall be subject  
18 to any conditions of the donor. If there are no conditions, the  
19 entire amount may be expended for the ACE Program as provided  
20 herein. Donations other than monies shall be used by ACC subject to  
21 any conditions of the donor. If there are no conditions, the  
22 donation shall be used to the best benefit of ACC as determined by  
23 the Chief. Alternatively, donations other than monies may be sold  
24 and the proceeds used pursuant to any conditions of the donor. If  
25 there are no conditions, the proceeds may be expended for the ACE  
26 Program as provided herein.

27 **Sec. 462.702. Animal Adoption Program.**

28 The Chief of ACC shall be responsible for the creation and  
29 administration of an Animal Adoption Program to promote the  
30 adoption of animals from ACC. The program shall include an  
31 application process and other pre-adoption screening procedures for

1 the purpose of approving or denying adoptions. The Chief of ACC  
2 shall establish an animal adoption fee schedule, which may be  
3 amended from time to time, and which fee schedule shall be filed  
4 with the Office of the Legislative Services. All funds from  
5 adoption fees shall be deposited into the Spay and Neuter Rebate  
6 Trust Fund and shall be exempt from the 75/25-split.

7 **Sec. 462.703. Veterinarian voluntary program for the sale**  
8 **and issuance of city animal license tags.**

9 In cooperation with local veterinarians there is hereby  
10 established a voluntary program authorizing veterinarians to sell  
11 and issue city animal license tags. Veterinarians shall be allowed  
12 to retain twenty-five percent of the fees collected for the sale  
13 and issuance of city animal license tags for handling the paperwork  
14 and collecting the fee, subject to proper documentation. All  
15 license tags, forms and procedures shall be established by and  
16 provided by ACC. Notwithstanding the preceding, the above described  
17 twenty-five percent handling fee for veterinarians shall not apply  
18 to the following: the first dollar collected on the city license  
19 issued for a potbellied pig; the first dollar collected on the city  
20 license issued for an animal which is altered, or which is less  
21 than six months of age, or for a replacement license tag; the first  
22 dollar collected on the city license issued for an unaltered  
23 animal; and the first dollar collected on the issuance of a city  
24 license under a multiple ownership license. **[ACC needs to decide**  
25 **what type of license fees there will be in the fee schedule to make**  
26 **sure this is accurate. For example, will there still be a multiple**  
27 **ownership license?]**

28 **PART 8. SWINE AS HOUSEHOLD PETS**

29 **Sec. 462.801. Miniature Vietnamese Potbellied Pigs as**  
30 **household pets.**

31 (1) It is prohibited to keep a pig or other swine as a

1 household pet, except for a *bona fide* purebred miniature Vietnamese  
2 potbellied pig, *sus scrofa vittatus*, that is registered with a  
3 purebred registry which is recognized as *bona fide* by ACC and that  
4 is kept for the sole purpose of providing human companionship. The  
5 potbellied pig shall be no younger than six weeks of age, shall  
6 weigh no more than one hundred twenty-five pounds, shall measure no  
7 more than twenty-two inches in height (as measured to the top of a  
8 front shoulder), and shall be spayed or neutered.

9 (2) No person or residence shall own or keep more than one  
10 potbellied pig.

11 (3) A potbellied pig shall be maintained primarily within the  
12 residence of its owner. No potbellied pig shall be kept outside;  
13 however, a potbellied pig may be exercised from time to time within  
14 a securely-fenced enclosure on the owner's residential property or  
15 while under the owner's physical control by means of secure leash,  
16 chain, or cord.

17 (4) No pet potbellied pig shall be starved or otherwise  
18 deprived of healthful sustenance appropriate for its species and  
19 particular nature. Depriving a pet potbellied pig of healthful  
20 sustenance for any purpose, including for the purpose of stunting  
21 its growth or to meet the weight or height provisions in this part,  
22 shall constitute cruelty to animals pursuant to Part 2.

23 (5) Those provisions of Chapter 462 that pertain to dogs and  
24 cats, and all other applicable provisions, apply also to potbellied  
25 pigs, except as specifically provided herein:

26 (a) Potbellied pigs are not required to have rabies  
27 vaccination; however the owner must provide, with application for  
28 annual license, a written certification by a licensed veterinarian  
29 that such pig has within thirty full business days before such  
30 application been vaccinated against and/or been blood-tested, with  
31 negative status, for pseudorabies and for brucellosis

1 (b) Potbellied pigs are exempt from the quarantine  
2 provisions of Chapter 462.

3 (c) The owner must provide, with the application for  
4 annual license, a written certification from a licensed  
5 veterinarian that such pig is spayed or neutered and was, within  
6 thirty days before such application is made, in compliance with  
7 this section's age, weight, and height provisions.

8 (d) The owner must provide, with the application for  
9 annual license, a sworn affidavit signed by the owner, that the pig  
10 is and shall be for as long as it is owned by the applicant and  
11 regulated under this part, the sole potbellied pig owned or kept in  
12 the owner's residence.

13 (e) Before submitting an application for annual license,  
14 the owner shall allow ACC a reasonable and timely opportunity to  
15 examine the pig, and relevant documentation, for the purpose of  
16 ascertaining that such pig is a true miniature Vietnamese  
17 potbellied pig. ACC shall have the authority to refuse application  
18 for annual license for any pig that ACC can not identify as a true  
19 miniature Vietnamese potbellied pig.

20 **Sec. 462.802. Maintenance or use as food source prohibited;**  
21 **restrictions on disposition.**

22 No potbellied pig regulated by the provisions of this part  
23 shall be maintained or used as a food source. No owner or animal  
24 shelter shall dispose of a potbellied pig by use, sale, trade, or  
25 gift of such pig as a food source, or as a research animal, but  
26 shall dispose of it only by sale, trade, or gift as a household pet  
27 or by surrender to ACC, to the Jacksonville Humane Society or to a  
28 licensed veterinarian for humane euthanasia. Failure to comply with  
29 any provision of this section shall constitute a civil infraction  
30 punishable by a One Hundred Dollar fine.

31 **PART 9. LIVESTOCK AND POULTRY**

1           **Sec. 462.901.   Livestock**

2           (1) The owner of livestock shall maintain it in a shelter or  
3 stable cleaned daily and free from offensive and unhealthy odors  
4 and free from accumulation of filth and manure. When given notice  
5 by the Duval County Health Department or ACC and ordered to remove  
6 an accumulation of manure, the owner shall remove the manure within  
7 twenty-four (24) hours after receiving notice.

8           (2) The owner of livestock must obtain prior written  
9 permission from the Mayor before allowing the livestock upon any  
10 city street unless secured and controlled by halters, ropes, or  
11 otherwise properly restrained. The owner must provide the city  
12 satisfactory proof that the livestock is sufficiently under control  
13 to prevent damage to persons and property while upon the streets.  
14 The Mayor shall prescribe the hours during which the livestock may  
15 be allowed upon the street.

16           (3) If swine are kept in an enclosure, the enclosure shall be  
17 kept in a sanitary condition, free from offensive and unhealthy  
18 odors and free from accumulation of filth and manure. In addition,  
19 enclosures shall be located at least two hundred feet from any  
20 inhabited dwelling and at least two hundred feet from any well from  
21 which water is used domestically.

22           (4) There shall be no slaughtering of livestock within those  
23 areas of the city zoned residential, regardless of whether for  
24 personal or for commercial purposes.

25           **Sec. 462.902.   Poultry houses.**

26           No person shall keep in any commercial district, as defined by  
27 the city's zoning code, any poultry on the lower floor of any  
28 premises used as a residence overhead. Commercial poultry houses  
29 shall keep all poultry at all times indoors and shall remove all  
30 offal and refuse and clean all battery pens at least once each day.  
31 The floors of commercial poultry houses shall be kept clean at all

1 times, and the walls and ceilings shall be painted annually with  
2 light-colored, water-based paint. Sawdust shall be used only in the  
3 immediate vicinity of the meat block and dressing tables of poultry  
4 houses, markets and food stores. When used, sawdust shall be  
5 disposed of in a sanitary manner and shall be replaced with clean  
6 sawdust at least twice weekly.

7 **Sec. 462.903. Use of exhaust fans.**

8 No exhaust from a fan or other similar device may be directed  
9 to flow towards any residence from any area in which poultry or  
10 livestock is kept. Exhaust fans in areas for keeping poultry or  
11 livestock shall emit exhaust only through a stack that is  
12 constructed in accordance with the city's building code and with  
13 the approval of the Building Inspection Division. The outlet from  
14 such stack shall be no less than fifteen feet higher than the  
15 highest building or residence located within a radius of three  
16 hundred feet from the area in any direction.

17 **Sec. 462.904. Penalty.**

18 Except as otherwise specifically provided in any section of  
19 this part, a violation of this part shall be a civil infraction  
20 punishable by a fine of One Hundred Dollars. Each subsequent  
21 violation shall be punishable by a fine that is double the original  
22 fine. The Chief of ACC is also authorized to seek injunctive  
23 relief against nuisances.

24 **[This part may need additional provisions to address issues**  
25 **relating to the new Equestrian Center.]**

26 **PART 10. PET SHOPS**

27 **Sec. 462.1001. Definitions.**

28 As used in this part, unless the context clearly requires  
29 otherwise:

30 (1) *Pet shop* means any commercial or residential premises, to  
31 include any structure incidental thereto and regardless of



1 location, in which animals are kept and offered for retail sale as  
2 pets including, but not limited to, pet shops, pet stores and pet  
3 departments incidental to department stores, but excluding the  
4 occasional selling of animals.

5 (2) *Premises* means land and the physical plant under common  
6 ownership, control or possession.

7 (3) *Transporting* means shipping, transporting, carrying,  
8 importing, exporting, receiving or delivering for shipment,  
9 transportation, carriage or export.

10 **Sec. 462.1002. Permit required.**

11 No pet shop shall operate without a current permit for its  
12 operation that has been issued to its owner by ACC.

13 **Sec. 462.1003. Application for issuance, renewal or**  
14 **reinstatement of permit.**

15 (1) No permit or renewal or reinstatement of a permit shall  
16 be issued to any person who has been convicted of cruelty to  
17 animals, under any federal, state or local law, or shall be issued  
18 to any pet shop that is owned by, or employs or plans to employ,  
19 any person who has been convicted, under any federal, state, or  
20 local law, of cruelty to animals.

21 (2) The pet shop shall, in a timely manner, apply to ACC for  
22 issuance of, or for renewal or reinstatement of, a permit. If the  
23 prospective permittee is not an individual person, application  
24 shall be made by a person authorized by the prospective permittee  
25 to apply and sign.

26 (3) The signature of the applicant shall constitute agreement  
27 that the prospective permittee shall assume responsibility for the  
28 operation of the pet shop in accordance with the requirements of  
29 this part and all applicable provisions of this chapter.

30 (4) Application for issuance, renewal or reinstatement of a  
31 permit shall include such information and documentation as ACC may

1 reasonably require including, but not limited to, the name, address  
2 and telephone number of the pet shop and the animal cruelty  
3 conviction histories of the owner(s), employees and other key  
4 persons.

5 (5) Each permittee and each prospective permittee shall  
6 notify ACC promptly of any and all changes in the information  
7 submitted in the application for issuance, renewal or reinstatement  
8 of a permit. Each permittee and each prospective permittee shall  
9 also promptly notify ACC of any enlargement to or remodeling of the  
10 facilities.

11 (6) Each permittee and each prospective permittee shall  
12 notify ACC of any change of the individual person having primary  
13 management responsibility for the pet shop no later than the time  
14 of the change.

15 (7) A timely application for issuance, renewal or  
16 reinstatement of a permit shall be accompanied by payment of a  
17 permit fee in accordance with ACC's permit fee schedule. The Chief  
18 of ACC shall establish a permit fee schedule which may be amended  
19 from time to time, and which shall be filed with the office of  
20 Legislative Services. A late application for issuance, for renewal  
21 or reinstatement shall be accompanied by a late fee payment as  
22 provided in the fee schedule.

23 (8) No permit shall be transferable, and the location of a  
24 permitted pet shop shall not change unless the permittee has  
25 applied for and received a new permit for the new location.

26 **Sec. 462.1004. Denial of application; reapplication.**

27 ACC is hereby duly authorized to deny any application for  
28 issuance, renewal or reinstatement of a permit for the reasons set  
29 forth in this part. A pet shop owner may reapply after a period of  
30 thirty full calendar days from the date of denial, and the  
31 application shall be accompanied by another application fee.

1           **Sec. 462.1005. Grounds for suspension and revocation of**  
2 **permit; appeal process; surrender of permit; disposition of**  
3 **animals.**

4           (1) ACC is hereby duly authorized to suspend or revoke any  
5 permit for violation of any provision or regulation of this part,  
6 or any other part of Chapter 462. Permit suspension shall be for a  
7 period of time not exceeding six months, to be determined at the  
8 discretion of ACC. Revocation shall be for a period of one year.  
9 Thirty full calendar days before the end of the revocation year,  
10 the former permittee may apply for repermitting.

11           (2) Except as otherwise ordered by the Building Codes  
12 Adjustment Board, or by a court of competent jurisdiction,  
13 suspension of a permit shall take effect on the fifth business day,  
14 and revocation of a permit on the fifteenth business day, after  
15 service of written notice by one of the following methods: (1) by  
16 personal service upon the permittee, a member or officer thereof,  
17 or the person having primary management responsibility for the pet  
18 shop; or (2) by the prominent posting of a copy of such notice at  
19 the main entrance of the permitted premises.

20           (3) A permittee shall promptly surrender to ACC a permit that  
21 is effectively suspended or revoked. If the permit is only  
22 suspended, at the end of the suspension period, ACC shall return  
23 the permit promptly to the permittee.

24           (4) The permittee may challenge the action of ACC by  
25 appealing to the Building Codes Adjustment Board. The permittee's  
26 appeal, alleging error in an order, decision or determination of  
27 ACC, shall be submitted to the Building Codes Adjustment Board in  
28 accordance with the provisions of Chapter 56, which appeal shall be  
29 determined in accordance with Chapter 56 and as provided by law and  
30 by the rules of such board.

1 (5) Within fifteen calendar days of service of notice of  
2 revocation, the permittee shall demonstrate to the satisfaction of  
3 ACC, that permittee has lawfully and humanely disposed of each  
4 animal in its charge at the time of revocation. If permittee fails  
5 to so demonstrate, ACC may, at its sole discretion, seize and  
6 impound, at the former permittee's sole expense, and sell, adopt or  
7 otherwise humanely dispose of any animals still in the control of  
8 the former permittee.

9 (6) Suspension shall not relieve the permittee of the  
10 responsibility to abide by the provisions of this part and  
11 applicable provisions of Chapter 462 and shall not in any way  
12 diminish ACC's authority to inspect the premises as otherwise  
13 provided in this part, to issue warnings and citations accordingly,  
14 and to take other appropriate action as provided by this chapter.

15 **Sec. 462.1006. Exemptions.**

16 Unless otherwise provided in this chapter, veterinary clinics,  
17 veterinary hospitals, veterinary schools, animal shelters, ACC,  
18 animal dealers and kennels shall be exempt from the requirements of  
19 this part. Notwithstanding the foregoing, all of the above  
20 mentioned shall be subject to all other local ordinances and all  
21 relevant Florida State Statutes pertaining to animals.

22 **Sec. 462.1007. Issuance of permit.**

23 ACC shall, in a timely manner following the filing of an  
24 application, issue a permit to the prospective permittee or renew  
25 or reinstate the permittee's permit unless:

26 (1) The prospective permittee or permittee, or the person to  
27 have primary management responsibility for the pet shop is under  
28 eighteen years of age or has been convicted of cruelty to animals;

29 (2) The application is incomplete or has been found to  
30 contain false or misleading statements;

1 (3) The prospective permittee or permittee has had a permit  
2 issued under this part suspended or revoked more than once within  
3 five years before the date of the current application;

4 (4) The pet shop, the prospective permittee, or the  
5 individual to have primary management responsibility for the pet  
6 shop has been found by inspection or otherwise to be in violation  
7 of any provision of this part; or

8 (5) The pet shop has been found by inspection not to meet any  
9 of this part's regulations.

10 **Sec. 462.1008. Inspection.**

11 (1) The signature of the applicant constitutes consent by the  
12 permittee or prospective permittee to ACC or any animal control  
13 officer performing an inspection, announced or unannounced, during  
14 reasonable hours, without warrant, of the entire pet shop premises,  
15 of every vehicle used regularly for transporting animals for  
16 commercial purposes, and of any and all pertinent records.

17 (2) Prior to and as a condition for the issuance, renewal or  
18 reinstatement of a permit, every pet shop, and every vehicle used  
19 regularly for transporting animals for commercial purposes, shall  
20 undergo and pass inspection by ACC for adequate cleanliness,  
21 ventilation, safety and room for animals. ACC shall conduct  
22 reinspections, for appropriate improvement, whenever such  
23 inspection is failed.

24 (3) During any inspection pursuant to this part, ACC shall be  
25 allowed unlimited access to the entire pet shop premises to observe  
26 practices, to obtain pertinent information regarding the facilities  
27 and any of the vehicles used regularly for transporting animals,  
28 and to examine any of the pet shop's pertinent records.

29 (4) ACC, or its designee, shall inspect each pet shop at  
30 least once each year to determine compliance with this part.

31 **Sec. 462.1009. Display of permit.**

1 Each pet shop shall display its current permit prominently in  
2 the permitted premises' primary structure in a clear, transparent  
3 cover or frame and mounted in such a manner as to make it clearly  
4 visible and readily readable to the public. The permit shall,  
5 during reasonable hours, be available for inspection by ACC or its  
6 designee. Mutilation, obstruction or removal of any permit  
7 displayed pursuant to this part shall be a violation of this part.

8 **Sec. 462.1010 Violations, warnings, citations, penalties.**

9 Every pet shop shall comply with the provisions and  
10 regulations of this part. Each failure to comply with any  
11 provisions or regulations shall be a separate violation. At the  
12 discretion of ACC, ACC or its designee may issue a warning notice  
13 instead of a civil citation. Issuance of a warning notice shall  
14 constitute an order that every violation cited shall be corrected  
15 within three business days, and ACC shall conduct an inspection to  
16 determine whether every cited violation has been corrected. For  
17 issuance of a civil citation, the first violation of a given  
18 provision or regulation shall be punishable by fine of One Hundred  
19 Dollars, and each subsequent violation of a provision or regulation  
20 shall be punishable by double the previous fine up to the allowable  
21 maximum fine and shall subject the pet shop to suspension or  
22 revocation of the permit.

23 **Sec. 462.1011. Notification and records.**

24 (1) Every pet shop shall furnish ACC with the name, address  
25 and home and business telephone numbers of at least one responsible  
26 person who has access to the pet shop and may be contacted after  
27 business hours in the event of an emergency.

28 (2) Every pet shop shall maintain, on the premises for at  
29 least two years, a record of the name, address and telephone number  
30 of every person and/or business from which it obtains any animal,  
31 except small fish.

1 (3) Every pet shop shall maintain on the premises for at  
2 least two years, a record of each dog, cat, bird, ferret and any  
3 animal subject to permit by the State of Florida Fish and Wildlife  
4 Conservation Commission that is sold, traded or given away  
5 including the date of transaction, the name and address of the  
6 recipient, the name and address of the owner if different from the  
7 recipient, and a description of the animal, including type,  
8 breed(s), color(s), age, sex, and other pertinent information for  
9 proper identification of the animal. Any pet shop obtaining a  
10 permit from the Fish and Wildlife Conservation Commission for the  
11 keeping, possessing or exhibiting of any venomous reptile shall  
12 notify ACC immediately.

13 **Sec. 462.1012 Regulations and Standards.**

14 (1) No person who has been convicted, under the laws of any  
15 state, county or municipality, of cruelty to animals shall own,  
16 operate or be employed by a pet shop.

17 (2) No pet shop shall sell, trade, give away, or offer for  
18 sale, trade or gift, any livestock, game, or other animal which is  
19 not a household pet as defined in this chapter, except that pet  
20 shops may sell, trade, give away or offer for sale, trade or gift a  
21 wild animal that is allowed to be sold and possessed and is sold in  
22 accordance with applicable laws and regulations of the State of  
23 Florida Fish and Wildlife Conservation Commission ("Commission").  
24 Notwithstanding the foregoing, in order to protect the public's  
25 health and safety, no pet shop shall keep, sell trade or give away  
26 or offer for sale, trade or gift a known or potential rabies vector  
27 which cannot be immunized against rabies including, but not limited  
28 to, fox, coyote, wolf, wolf hybrid, raccoon, skunk, squirrel and  
29 bat.

30 (3) Every pet shop shall comply with all requirements of F.S.  
31 § 828.29, as amended, including, but not limited to: maintaining

1 records of vaccinations and other preventative medication;  
2 maintaining official certificates of veterinary inspection;  
3 retaining records; and sale, purchase and return of dogs and cats.

4 (4) For every animal that is subject to permit by the State  
5 of Florida Fish and Wildlife Commission that the permittee sells,  
6 trades, or gives away, or offers for sale, trade, or gift, the  
7 permittee shall:

8 (a) House and display the animal in such a manner as to  
9 prevent handling by the general public;

10 (b) Possess all necessary wildlife permits and comply  
11 with all rules and regulations;

12 (c) Inform the prospective owner of the animal of the  
13 requirement for special Commission permitting;

14 (d) Make available to the new owner at the time of  
15 transfer of ownership of the animal an appropriate State of Florida  
16 Fish and Wildlife Commission form of application; and

17 (e) Make and retain, on the pet shop premises for at  
18 least two years, a complete record of the purchase or other  
19 acquisition and of the sale, trade, or gift of the animal.

20 (5) Sick animals shall be isolated individually and in such a  
21 manner as to prevent exposure to other animals.

22 (6) No pet shop shall sell, trade, give away, or offer for  
23 sale, trade, or gift, any animal that is infected with, or is  
24 suspected of being infected with or of having been exposed to any  
25 disease which is communicable to humans or to any other animal.

26 (7) Every pet shop shall provide appropriate veterinary care  
27 whenever an animal under its care is found to be sick and/or  
28 injured. It shall, in a timely fashion, record and report to the  
29 Duval County Health Department any incidence on its premises of a  
30 known or suspected disease of the type zoonosis. For every dog and  
31 cat kept for the purpose of sale, trade or gift, it shall maintain



1 a record of any vaccination, injury, illness, consultative  
2 services, and/or treatment and make available upon request to any  
3 prospective owner the recorded information, and a copy of the  
4 official certificate of veterinary inspection required by F.S. §  
5 828.29, for any such animal.

6 (8) Every animal shall be cared for appropriately for its  
7 genus, species, age, sex, and individual nutritional and other  
8 health requirements including, but not limited to, the following:

9 (a) No animal shall be given obviously contaminated or  
10 obviously adulterated food or water.

11 (b) Every animal shall be provided appropriate food, and  
12 any appropriate nutritional supplements, at a frequency appropriate  
13 for its genus, species, age, sex, and individual condition;

14 (c) Fresh water shall be made available at all times,  
15 and in a clean, spill-resistant container, to every animal except  
16 salt-water animals.

17 (d) Every fish tank shall, for each fish and/or aquatic  
18 animal within, have appropriate and sufficient water, food, plant  
19 life, lighting, aeration, filtration, and heating and shall be free  
20 from excessive algae.

21 (9) No animal shall be tranquilized for grooming purposes or,  
22 in the absence of explicit direction from a licensed veterinarian,  
23 for the purpose of keeping the animal in a docile state.

24 (10) Every pet shop shall be maintained in a safe and sanitary  
25 manner in order to promote a healthy environment for its animals,  
26 personnel, and patrons and to limit the risk of disease-  
27 transmission to animals and to humans.

28 (11) Each animal shall be provided appropriate housing that  
29 protects it from the elements. To the extent the animal is housed  
30 in a cage, run or other such enclosure ("enclosure"), the following  
31 shall apply:

1  
2 (a) Enclosure shall be constructed of nonporous,  
3 nonabsorbent, impervious material. Floors shall be fiberglass,  
4 concrete, tile or other nonporous and impervious material or the  
5 floor may be covered throughout with a minimum of three inches of  
6 gravel.

7 (b) Enclosures, except for birdcages and fish tanks,  
8 shall be maintained throughout each day and shall be emptied and  
9 cleaned at least once per day.

10 (c) When it becomes empty through sale or other transfer  
11 of its occupant or occupants, a cage shall not be used to hold or  
12 house another animal until it has been thoroughly cleaned and  
13 disinfected.

14 (d) Each cat cage shall contain a spill-resistant litter  
15 pan of sufficient size, and containing sufficient litter, for the  
16 number of cats within the cage.

17 (e) Every dog cage, cat cage, and other enclosure for  
18 the holding of dogs and of cats shall be large enough to allow any  
19 dog or cat in it to turn completely around, to stand fully erect,  
20 and to lie down fully outstretched, all without any part of its  
21 body, including ears and tail, touching the top of or any side of  
22 the cage and without touching any other animal in the cage.  
23 Quarantine and/or other restriction of any dog or cat shall be in  
24 compliance with the provisions of all applicable state rules and  
25 F.S. ch. 381, as may be amended or renumbered from time to time.

26 (f) Every birdcage shall, for each bird within, have  
27 appropriate and sufficient food and water. Every cage for large  
28 birds shall be wide enough to allow any bird in the cage to extend  
29 both its wings fully at the same time without any part of its body,  
30 including its tail, touching the top of or any side of the cage and  
31 shall be at least twice the height of the tallest bird in the cage.

1 Every cage for small birds shall be large enough for all the birds  
2 in it to perch at the same time. Every bird shall be provided with  
3 sufficient perching-space. In each bird cage, perches shall be  
4 parallel, aligned horizontally and not vertically, and perches  
5 shall be mounted so that the tail of any perched bird will not  
6 touch the bottom of the cage. Birds shall be housed at least twelve  
7 inches above the floor and in a well-ventilated area. Psittacine  
8 birds including, but not limited to, parrots, Amazons, cockatoos,  
9 macaws and cockatiels, shall be housed in an area with separate  
10 ventilation sufficient to minimize the likelihood of transmission  
11 of psittacosis to other birds and to humans. Appropriate precaution  
12 shall be taken by personnel when cleaning cages that house or  
13 display psittacine birds. Quarantine and/or other restriction of  
14 any psittacine bird shall be in compliance with the provisions of  
15 F.S. ch. 381, and all other applicable state laws rules and  
16 regulations.

17 (g) Every fish tank shall be cleaned as needed.

18 (12) Animals shall not be commingled inappropriately for their  
19 genuses and species, except that rodents may be placed in  
20 enclosures containing reptiles when being used as reptile food.  
21 Large and small birds shall not be commingled in the same cage.  
22 Dogs, cats, and birds shall not be commingled in the same cage.  
23 Every dog or cat over six months of age shall be kept in its own  
24 cage. No cage shall be overcrowded.

25 (13) Room temperature shall be maintained at a comfortable  
26 level for every animal in the room, and not lower than 68 degrees  
27 F. and not higher than 80 degrees F.

28 (14) Ventilation of any and all indoor areas of the premises  
29 in which animals are housed shall be to the outside air by forced  
30 draft and shall provide appropriate change and circulation of the  
31 air.

1 (15) Interior lighting shall be appropriate for good  
2 visibility for cleaning purposes and for animal health and comfort.  
3 Whether natural, artificial, or a combination of both, such  
4 lighting shall be provided in reasonable cycles conducive to the  
5 animals' natural biological rhythms.

6 (16) Bedding shall be clean, dry, of sufficient quantity and  
7 of appropriate composition.

8 (17) Each pet shop shall have readily accessible a  
9 conveniently-located sink, use of which shall be limited to  
10 handwashing, equipped with adequate hot and cold running water,  
11 handcleaning soap, and sanitary toweling or a sanitary drying  
12 device.

13 (18) Each pet shop shall have readily accessible a deep sink,  
14 with adequate hot and cold running water, suitable for the cleaning  
15 of equipment, utensils, mops, and cages, and which may be used for  
16 the bathing and/or dipping of animals only after the sink has been  
17 thoroughly cleaned of any contaminants.

18 (19) Every pet shop shall have readily accessible at least one  
19 restroom facility containing at least one toilet and one sink that  
20 are available for use by personnel and patrons, pursuant to all  
21 applicable state rules and F.S. ch. 381, as may be amended.

22 (20) All plumbing shall be connected to a sewage system, in  
23 compliance with all applicable laws.

24 (21) Any floor in any area in which any animal is, for  
25 commercial purposes, housed, kept, displayed, bred, groomed, fed,  
26 treated, or otherwise cared for shall be of impervious construction  
27 and when flush or floor-type cleaning is employed, graded to a  
28 floor drain.

29 (22) All floors, walls and ceilings shall be kept clean and in  
30 good repair.

1 (23) Every pet shop shall be distinctly separate from any area  
2 used for human habitation or for the preparation of, or the serving  
3 of, food for human consumption.

4 (24) Every pet shop shall be kept pest-free and vermin-free.

5 (25) All pet shop structural doors shall be self-closing and  
6 all windows shall be screened.

7 (26) All equipment shall be kept clean, in good repair and in  
8 sound working order.

9 (27) Every pet shop shall keep on the premises such brooms,  
10 mops, hoses, vacuum cleaners, brushes, disinfectants, and other  
11 cleansing implements and materials as are required to maintain  
12 sanitary conditions. Such implements and materials shall be stored  
13 in a sanitary manner separate from any place where food is stored  
14 or where animals are housed or otherwise kept.

15 (28) Each permittee shall regularly assign personnel the duty  
16 of maintaining sanitary conditions throughout the premises. Each  
17 permittee shall promptly correct unsanitary conditions and any  
18 other conditions which violate any provision or regulation of this  
19 part.

20 **Sec. 462.1013. Putrescible material, dead pet shop animals,**  
21 **records.**

22 (1) Putrescible material including but not limited to,  
23 soiled, discarded bedding or litter, excreta, garbage, refuse, and  
24 dead animals shall not be allowed to accumulate and shall be  
25 wrapped securely in properly-tied plastic garbage bags, stored in  
26 durable, secure, nonabsorbent, pest-proof containers, removed at  
27 least daily and disposed of lawfully.

28 (2) Dead pet shop animals, excluding small fish, shall be  
29 disposed of as solid waste and in a manner so as to prevent the  
30 contamination of the pet shop and exposure of pet animals and/or  
31 personnel.

1 (3) Records of animal death, including description, age, sex,  
2 nature of death, and method and location of disposal of the animal,  
3 shall be maintained on the pet shop premises for at least two  
4 years.

5 **Sec. 462.1014. Report of sale or gift of animals.**

6 It shall be the duty of every pet shop permittee to report to  
7 ACC, on a monthly basis, a record of each animal sold or given away  
8 during such week, including the name and address of the purchaser  
9 or recipient; the name and address of the owner if different from  
10 the purchaser or recipient; a description of the animal such as  
11 type, breed, color, age and sex; and other pertinent information  
12 for proper identification of the animal.

13 **PART 11. ANIMAL DEALERS AND KENNELS**

14 **Sec. 462.1101. Definitions.**

15 As used in this part, unless the context clearly requires  
16 otherwise:

17 (1) *Animal Dealer* means any person engaging in the business  
18 of breeding, buying and/or selling animals for the purpose of  
19 resale to pet shops, research facilities or other animal dealers,  
20 and for the purpose of retail sale from any roadside stand, booth,  
21 flea market or other temporary site. Excluded from this definition  
22 are persons buying or selling animals fit and designed for human  
23 consumption and persons involved in the occasional selling of  
24 animals.

25 (2) *Boarding* means the business of regularly keeping  
26 overnight the animals owned by another person for payment or fee.

27 (3) *Kennel* means kennel or cattery establishment where dogs  
28 and/or cats are kept for the purposes of boarding, training,  
29 showing, breeding with only occasionally selling, including  
30 veterinary hospitals and clinics and grooming shops that advertise  
31 boarding services other than for treatment, diagnostic or

1 recuperative purposes, or for grooming. This definition does not  
2 include an individual owner of dogs and/or cats involved in  
3 training, showing and/or breeding of only his/her dogs and cats, so  
4 long as there is only the occasional selling of his/her own dogs  
5 and cats.

6 (4) *Occasional selling* means any selling, trading or giving  
7 away of an animal or a litter of puppies, kittens, or other  
8 animals, that is on a random unsystematic basis and that does not  
9 exceed the sale, trade or give away of 20 animals or two litters in  
10 a calendar year, whichever is greater.

11 **Sec. 462.1102. Permit required.**

12 No animal dealer or kennel shall operate without a current  
13 permit for its operation that has been issued to the owner by ACC.

14 **Sec. 462.1103. Application for issuance, renewal or**  
15 **reinstatement of permit.**

16 (1) No permit or renewal or reinstatement of a permit shall  
17 be issued to any person who has been convicted of cruelty to  
18 animals, under any federal, state or local law, or shall be issued  
19 to any animal dealer or kennel that is owned by, or employs or  
20 plans to employ, any person who has been convicted, under any  
21 federal, state, or local law, of cruelty to animals.

22 (2) The animal dealer or kennel shall, in a timely manner,  
23 apply to ACC for issuance of, or for renewal or reinstatement of, a  
24 permit. If the prospective permittee is not an individual person,  
25 application shall be made by a person authorized by the prospective  
26 permittee to apply and sign.

27 (3) Signature by the applicant shall constitute agreement  
28 that the prospective permittee shall assume responsibility for the  
29 operations of the animal dealer or kennel in accordance with the  
30 requirements of this part and all applicable provision of this  
31 chapter.

1 (4) The application for issuance, renewal or reinstatement of  
2 a permit shall require such information and documentation as ACC  
3 may reasonably require, including, but not limited to: the name,  
4 address and telephone number of the kennel and the animal cruelty  
5 conviction histories of owner(s), employees and other key persons.

6 (5) Each permittee and each prospective permittee shall  
7 promptly notify ACC of any and all changes in the information  
8 submitted in the application for issuance, renewal or reinstatement  
9 of a permit. Each permittee and each prospective permittee shall  
10 also promptly notify ACC of any enlargement to or remodeling of the  
11 facilities.

12 (6) Each permittee and each prospective permittee shall  
13 notify ACC of any change of the individual person having primary  
14 management responsibility for the animal dealer or kennel no later  
15 than the time of the change.

16 (7) A timely application for issuance, renewal or  
17 reinstatement of a permit shall be accompanied by payment of a fee  
18 in accordance with ACC's permit fee schedule. The Chief of ACC  
19 shall establish a permit fee schedule, which may be amended from  
20 time to time, and which shall be filed with the Office of  
21 Legislative Services. A late application for issuance, for renewal  
22 or reinstatement shall be accompanied by a late fee payment as  
23 provided in the fee schedule.

24 (8) No permit shall be transferable, and the location of a  
25 permitted animal dealer or kennel shall not change unless the  
26 permittee has applied for and received a new permit for the new  
27 location.

28 **Sec. 462.1105. Denial of application; reapplication.**

29 ACC is hereby duly authorized to deny any application for  
30 issuance, renewal or reinstatement of a permit for the reasons set  
31 forth in section 462.\_\_\_\_. An animal dealer or kennel may reapply



1 after a period of thirty full calendar days from the date of denial  
2 and shall be accompanied by another application fee.

3 **Sec. 462.1106. Grounds for suspension and revocation of**  
4 **permit; appeal process; surrender of permit; disposition of**  
5 **animals.**

6 Those provisions of section \_\_\_\_\_ in part \_\_\_\_\_ Pet Shops  
7 relating to grounds for suspension and revocation of permit, the  
8 appeal process, and surrender of permit and disposition of animals,  
9 governs the suspension and revocation of permits for animal dealers  
10 and kennels.

11 **Sec. 462.1107. Inspection.**

12 (1) The signature of the applicant shall constitute consent  
13 by the permittee or prospective permittee to ACC or any animal  
14 control officer conducting an inspection, announced or unannounced,  
15 during reasonable hours, without warrant, of the entire animal  
16 dealer or kennel premises, and of any and all pertinent records.

17 (2) Prior to and as a condition for the issuance, renewal or  
18 reinstatement of a permit, every animal dealer or kennel shall  
19 undergo and pass inspection by ACC for adequate cleanliness,  
20 ventilation, safety and room for animals. ACC shall conduct  
21 reinspections, for appropriate improvement, whenever such  
22 inspection is failed.

23 (3) During any inspection pursuant to this part, ACC shall be  
24 allowed access to those portions of the premises used for animals  
25 and exclusively those portions of the premises used solely for  
26 human habitation. ACC shall be allowed to observe practices, to  
27 obtain pertinent information regarding the facilities, and to  
28 examine any of the permittee's pertinent records. During any  
29 inspection, the permit shall be available to ACC.

1 (4) ACC, or its designee, shall inspect each animal dealer  
2 and kennel at least once each year to determine compliance with  
3 this part.

4 **Sec. 462.1108. Violations, warnings, citations, penalties.**

5 Every animal dealer shall comply with the provisions and  
6 regulations of this part. Each failure to comply with any  
7 provisions or regulations shall be a separate violation. At the  
8 discretion of ACC, ACC or its designee may issue a warning notice  
9 instead of a civil citation. Issuance of a warning notice shall  
10 constitute an order that every violation cited shall be corrected  
11 within three business days, and ACC shall conduct an inspection to  
12 determine whether every cited violation has been corrected. For  
13 issuance of a civil citation, the first violation of a given  
14 provision or regulation shall be punishable by fine of One Hundred  
15 Dollars, and each subsequent violation of a provision or regulation  
16 shall be punishable by double the previous fine up to the allowable  
17 maximum fine and shall subject the animal dealer and kennel to  
18 suspension or revocation of the permit.

19 **Sec. 462.1109. Notification and records.**

20 (1) Every animal dealer and kennel shall furnish ACC with the  
21 name, address and home and business telephone numbers of at least  
22 one responsible person who has access to the premises and may be  
23 contacted after business hours in the event of an emergency.

24 (2) Every animal dealer shall maintain, on the premises for  
25 at least two years, a record of the name, address and telephone  
26 number of every person and/or business from which it obtains any  
27 animal, except small fish.

28 (3) Every animal dealer and kennel shall maintain, on the  
29 premises for at least two years, a record of each dog and cat sold,  
30 traded or given away, including the date of transaction, the name  
31 and address of the recipient, the name and address of the owner if

1 different from the recipient, and a description of the animal,  
2 including type, breed(s), color(s), age, sex, and other pertinent  
3 information for proper identification of the animal. Any animal  
4 dealer obtaining a permit from the Fish and Wildlife Conservation  
5 commission for the keeping, possessing or exhibiting of any  
6 venomous reptile shall notify ACC immediately.

7 **Sec. 462.1110. Regulations and standards.**

8 (1) No person who has been convicted, under the laws of any  
9 state, county or municipality, of cruelty to animals shall be  
10 employed by an animal dealer or kennel.

11 (2) No animal dealer shall sell, trade, give away, or offer  
12 for sale, trade or gift, any livestock, game, or other animal which  
13 is not a household pet as defined in this chapter, except that  
14 animal dealers may sell, trade, give away or offer for sale, trade  
15 or gift a wild animal that is allowed to be sold and possessed and  
16 is sold in accordance with applicable laws and regulations of the  
17 State of Florida Fish and Wildlife Conservation Commission  
18 ("Commission"). Notwithstanding the foregoing, in order to protect  
19 the public's health and safety, no animal dealer shall keep, sell  
20 trade or give away or offer for sale, trade or gift a known or  
21 potential rabies vector which cannot be immunized against rabies  
22 including, but not limited to, fox, coyote, wolf, wolf hybrid,  
23 raccoon, skunk, squirrel and bat.

24 (3) Every animal dealer and kennel shall comply with  
25 applicable requirements of F.S. § 828.29, as amended, including,  
26 but not limited to: maintaining records of vaccinations and other  
27 preventative medication; maintaining official certificates of  
28 veterinary inspection; retaining records; and sale, purchase and  
29 return of dogs and cats.

30 (4) For every animal that is subject to permit by the State  
31 of Florida Fish and Wildlife Commission that the permittee sells,

1 trades, or gives away, or offers for sale, trade, or gift, the  
2 permittee shall:

3 (a) House and display the animal in such a manner as to  
4 prevent handling by the general public;

5 (b) Possess all necessary wildlife permits and comply  
6 with all rules and regulations;

7 (c) Inform the prospective owner of the animal of the  
8 requirement for special Commission permitting;

9 (d) Make available to the new owner at the time of  
10 transfer of ownership of the animal an appropriate State of Florida  
11 Fish and Wildlife Commission form of application; and

12 (e) Make and retain, on the pet shop premises for at  
13 least two years, a complete record of the purchase or other  
14 acquisition and of the sale, trade, or gift of the animal.

15 (5) Sick animals shall be isolated individually and in such a  
16 manner as to prevent exposure to other animals.

17 (6) No animal dealer or kennel shall sell, trade, give away,  
18 or offer for sale, trade, or gift, any animal that is infected  
19 with, or is suspected of being infected with or of having been  
20 exposed to any disease which is communicable to humans or to any  
21 other animal.

22 (7) Every pet shop shall provide appropriate veterinary care  
23 whenever an animal under its care is found to be sick and/or  
24 injured. It shall, in a timely fashion, record and report to the  
25 Duval County Health Department any incidence on its premises of a  
26 known or suspected disease of the type zoonosis. For every dog and  
27 cat kept for the purpose of sale, trade or gift, it shall maintain  
28 a record of any vaccination, injury, illness, consultative  
29 services, and/or treatment and make available upon request to any  
30 prospective owner the recorded information, and a copy of the

1 official certificate of veterinary inspection required by F.S. §  
2 828.29, for any such animal.

3 (8) Every animal shall be cared for appropriately for its  
4 genus, species, age, sex, and individual nutritional and other  
5 health requirements, including, but not limited to, the following:

6 (a) No animal shall be given obviously contaminated or  
7 obviously adulterated food or water.

8 (b) Every animal shall be provided appropriate food, and  
9 any appropriate nutritional supplements, at a frequency appropriate  
10 for its genus, species, age, sex, and individual condition;

11 (c) Fresh water shall be made available at all times,  
12 and in a clean, spill-resistant container, to every animal except  
13 salt-water animals.

14 (d) Every fish tank shall, for each fish and/or aquatic  
15 animal within, have appropriate and sufficient water, food, plant  
16 life, lighting, aeration, filtration, and heating and shall be free  
17 from excessive algae.

18 (9) No animal shall be tranquilized for grooming purposes or,  
19 in the absence of explicit direction from a licensed veterinarian,  
20 for the purpose of keeping the animal in a docile state.

21 (10) Every animal dealer or kennel shall be maintained in a  
22 safe and sanitary manner in order to promote a healthy environment  
23 for its animals, personnel, and patrons and to limit the risk of  
24 disease-transmission to animals and to humans.

25 (11) Interior lighting shall be appropriate for good  
26 visibility for cleaning purposes and for animal health and comfort.  
27 Whether natural, artificial, or a combination of both, such  
28 lighting shall be provided in reasonable cycles conducive to the  
29 animals' natural biological rhythms.

30 (12) All floors, walls and ceilings shall be kept clean and in  
31 good repair.

1 (13) Premises shall be kept pest-free and vermin-free.

2 (14) All equipment shall be kept clean, in good repair and in  
3 sound working order.

4 (15) Each animal shall be provided appropriate housing that  
5 protects it from the elements. To the extent the animal is housed  
6 in a cage, run or other such enclosure, the following shall apply:

7 (a) Enclosures shall be constructed of a nonporous,  
8 nonabsorbent, impervious material. Floors shall be metal,  
9 fiberglass, concrete, tile or other nonporous and impervious  
10 material. Dog and cat enclosures may be covered throughout with a  
11 minimum of three inches of gravel.

12 (b) Enclosures, except for bird cages, shall be cleaned  
13 daily with a disinfectant, cleanser or chlorine bleach.

14 (c) When an enclosure becomes empty through sale or  
15 other transfer of its occupant or occupants, the enclosure shall  
16 not be used to hold or house another animal until it has been  
17 thoroughly cleaned and disinfected.

18 (d) All enclosures shall be kept clean and dry.

19 (e) Each cat cage shall contain a spill-resistant litter  
20 pan of sufficient size and containing sufficient litter, for the  
21 number of cats within the cage.

22 (f) Bedding shall be clean, dry, of sufficient quantity  
23 and of appropriate composition.

24 (g) Each animal shall have sufficient space to stand  
25 fully erect, lie down fully outstretched, and turn completely  
26 around in a natural position without touching the sides or top of  
27 the enclosure with any part of its body, including ears and tail,  
28 and without touching any other animal in the enclosure. If the  
29 animal cannot access additional indoor or outdoor space for  
30 exercising, then this enclosure must provide adequate space for  
31 exercising.

1 (h) Cages, runs and other such enclosures where flush or  
2 floor-type cleaning is employed, must be graded to a floor drain,  
3 and plumbing must be connected to a sewage system, in compliance  
4 with all applicable laws.

5 (i) Every birdcage shall, for each bird within, have  
6 appropriate and sufficient food and water. Every cage for large  
7 birds shall be wide enough to allow any bird in the cage to extend  
8 both its wings fully at the same time without any part of its body,  
9 including its tail, touching the top of or any side of the cage and  
10 shall be at least twice the height of the tallest bird in the cage.  
11 Every cage for small birds shall be large enough for all the birds  
12 in it to perch at the same time. Every bird shall be provided with  
13 sufficient perching-space. In each bird cage, perches shall be  
14 parallel, aligned horizontally and not vertically, and perches  
15 shall be mounted so that the tail of any perched bird will not  
16 touch the bottom of the cage. Birds shall be housed at least twelve  
17 inches above the floor and in a well-ventilated area. Psittacine  
18 birds including, but not limited to, parrots, Amazons, cockatoos,  
19 macaws and cockatiels, shall be housed in an area with separate  
20 ventilation sufficient to minimize the likelihood of transmission  
21 of psittacosis to other birds and to humans. Appropriate precaution  
22 shall be taken by personnel when cleaning cages that house or  
23 display psittacine birds. Quarantine and/or other restriction of  
24 any psittacine bird shall be in compliance with the provisions of  
25 F.S. ch. 381, and all other applicable state laws rules and  
26 regulations.

27 (j) Every fish tank shall be cleaned as needed.

28 (16) Animals shall not be commingled inappropriately for their  
29 genuses and species, except that rodents may be placed in  
30 enclosures containing reptiles when being used as reptile food.  
31 Large and small birds shall not be commingled in the same cage.

1 Dogs, cats, and birds shall not be commingled in the same cage.  
2 Every dog or cat over six months of age shall be kept in its own  
3 cage. No cage shall be overcrowded.

4 (17) Every animal dealer and kennel shall keep on the premises  
5 such brooms, mops, hoses, vacuum cleaners, brushes, disinfectants,  
6 and other cleansing implements and materials as are required to  
7 maintain sanitary conditions. Such implements and materials shall  
8 be stored in a sanitary manner separate from any place where food  
9 is stored or where animals are kept. Cleaning materials must be  
10 present at the time of any inspection in amounts sufficient to  
11 clean the entire facility.

12 (18) Room temperature shall be maintained at a comfortable  
13 level for every animal in the room. Adequate ventilation shall be  
14 maintained by means of windows, doors, vents and fans.

15 (19) Outdoor runs or enclosures may be provided in addition to  
16 the indoor enclosures. These outdoor enclosure may be separated or  
17 attached to the indoor enclosures. They shall be constructed of an  
18 impervious material with floors as previously provided.

19 (20) The food shall be free from contamination, wholesome,  
20 palatable, and of sufficient quantity and nutritive value to meet  
21 the normal daily requirements for the condition and size of the  
22 animal.

23 (21) All animals shall have fresh water available at all times  
24 except as part of a veterinary treatment regimen. Water vessels  
25 shall be mounted or secure in a manner that prevents tipping and be  
26 of the removable type, except in areas where animals are kept for  
27 medical recuperative purposes.

28 (22) Veterinary care shall be provided to maintain good health  
29 and general welfare and to prevent suffering.



1 (23) Animals over the age of four months which are boarded  
2 must have proof of a valid ACC animal license and rabies  
3 vaccination.

4 (24) Areas used for training shall be clean, free of  
5 accumulated waste and debris and well drained.

6 (25) Outdoor areas where animals are trained for guard or  
7 sentry work, must be completely enclosed or surrounded by a fence  
8 at least eight feet in height, installed at or below ground level  
9 with anti-climbers at the top.

10 (26) Enclosures and the training area must be locked at all  
11 times to prevent unauthorized entry or escape of the animals.

12 **Sec. 462.1111. Putrescible material; dead animals; records.**

13 (1) Putrescible material including but not limited to,  
14 soiled, discarded bedding or litter, excreta, garbage, refuse, and  
15 dead animals shall not be allowed to accumulate and shall be  
16 wrapped securely in properly-tied plastic garbage bags, stored in  
17 durable, secure, nonabsorbent, pest-proof containers, removed at  
18 least daily and disposed of lawfully.

19 (2) Dead animals shall be disposed of as solid waste and in a  
20 manner so as to prevent the contamination of the premises and the  
21 exposure of animals and/or personnel.

22 (3) Records of animal deaths, including description, age,  
23 sex, nature of death, and method and location of disposal of the  
24 animal, shall be maintained on the premises for at least two years.

25 **PART 12. ANIMAL SHELTERS**

26 **Sec. 462.1201.** All animals sold or adopted from an animal  
27 shelter shall be sterilized in accordance with section \_\_\_\_.

28 **Sec. 462.1202.** All animals sold or adopted from an animal  
29 shelter over the age of four months shall have a rabies vaccination  
30 and a city animal license in accordance with section \_\_\_\_.

1           **Sec. 462.1203.** The permitting requirements for kennels shall  
2 apply to animal shelters, except there shall be no charge for the  
3 permit.

4           **Sec. 462.1204. Regulations and standards.** The regulations  
5 and standards for kennels shall apply to animal shelters, except as  
6 specifically provided herein.

7           (1) No animal shelter shall sell or adopt any animal that is  
8 infected with or is suspected of being infected with any disease  
9 that is communicable to humans or to any other animal.

10           **Section 2. Effective Date.** This ordinance shall become  
11 effective upon signature by the Mayor or upon becoming effective  
12 without the Mayor's signature.

13  
14 Form Approved:

15  
16 \_\_\_\_\_  
17 Office of General Counsel

18 Legislation Prepared By: Loree L. French

19 L:\Animal Care and Control\Ordinance Draft February 2003.doc