

1 Introduced by the Council President at the request of the Mayor and
2 substituted on the Floor of the Council:

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5 **ORDINANCE 2010-527-E**

6 AN ORDINANCE CONCERNING ANIMAL CARE AND
7 PROTECTIVE SERVICES (ACPS); AMENDING CHAPTER
8 111 (SPECIAL REVENUE AND TRUST ACCOUNTS), PART
9 4 (ADMINISTRATIVE PERSONNEL AND CODE
10 REGULATION), SECTIONS 111.450 (SPAY AND NEUTER
11 REBATE TRUST FUND), 111.455 (ANIMAL CARE AND
12 CONTROL TRAINING AND VETERINARY SERVICES TRUST
13 FUND), *ORDINANCE CODE*, TO PROVIDE MORE
14 PARTICULARLY FOR THE DISPOSITION OF LICENSE
15 FEES AND TO CREATE A NEW SECTION 111.456
16 (ANIMAL CARE AND PROTECTIVE SERVICES TRAINING
17 AND CRUELTY PREVENTION TRUST FUND), *ORDINANCE*
18 *CODE*, TO PROVIDE FUNDS FOR TRAINING,
19 EDUCATIONAL MATERIALS, EQUIPMENT AND RELATED
20 COSTS; AMENDING CHAPTER 462 (ANIMALS), PART 1
21 (GENERAL), SECTIONS 462.102 (DEFINITIONS),
22 462.103 (ADMINISTRATION AND ENFORCEMENT),
23 462.105 (INTERFERENCE WITH PERFORMANCE OF
24 DUTIES), 462.106 (PROCEDURES), AND 462.108
25 (CIVIL PENALTIES), *ORDINANCE CODE*, TO MODIFY
26 DEFINITIONS, PROVIDE FOR ENFORCEMENT OF
27 MUNICIPAL AND STATE LAWS RELATING TO ANIMAL
28 CARE OR CRUELTY, ADD TO LIST OF ACTIONS
29 CONSTITUTING INTERFERENCE WITH PERFORMANCE OF
30 DUTIES, PRESCRIBE PROCEDURES, AND SET FORTH

1 ~~(g)~~ *Business day* means Monday through Friday but
2 excluding official holidays recognized by the City (New Years Day,
3 Martin Luther King's Birthday, President's Day, Memorial Day,
4 Independence Day, Labor Day, Veterans' Day, Thanksgiving and
5 Christmas). Unless a provision in this Chapter specifically refers
6 to "business" day, any reference to "day" shall mean a calendar
7 day.

8 ~~(h)~~ *Commission* means the State of Florida Fish and
9 Wildlife Conservation Commission or may be referred to as FWC.

10 (i) *Community Cat* means any free-roaming cat that may be
11 cared for by one or more residents of the immediate area who is/are
12 known or unknown; a community cat may or may not be feral.
13 Community cats shall be distinguished from other cats by being
14 sterilized and ear tipped; qualified community cats are exempt from
15 licensing, stray and at-large provisions of this ordinance and may
16 be exempt from other provisions directed toward owned animals.

17 (j) *Community Standards* means the minimum accepted standards
18 of care for animals based upon the overall Jacksonville community
19 of pet owners and established guidelines of professional animal
20 associations and/or groups. The City of Jacksonville (through the
21 Chief of ACPS) may, from time to time, assemble a representative
22 group of animal owners and experts as an issue-specific advisory
23 committee to help identify current community standards; such
24 advisory committee shall be limited in scope and service, and shall
25 be disbanded upon final recommendation to the Chief of ACPS. The
26 Chief of ACPS may remove any member at any time for any reason
27 within his/her discretion. Subsequent committees, as needed, will
28 be formed anew rather than having an ongoing membership of
29 interested parties. For purposes of representing the City, the
30 Chief of ACPS is considered a subject matter expert, including but

1 not limited to the recommendations of any such Community Standards
2 Advisory Committee. Nothing in this definition prohibits other
3 vetted experts from providing their opinion of community standards
4 in Jacksonville.

5 (k) ~~(h)~~ Control means the provision, ownership, care and/or
6 custody of an animal or animals. [See 'Physical Control'
7 definition]

8 (l) ~~(i)~~ Cruelty means any act of cruelty upon an animal as
9 defined in Part 2 and/or as provided in F.S. Ch. 828, F.S.

10 (m) ~~(j)~~ Domestic means tame, usually by generations of
11 breeding, and living in close association with humans as a pet,
12 work animal or farm animal in such a way that creates a dependency
13 on humans so that the animal loses its ability to live in the
14 wild.

15 (n) ~~(k)~~ Duval County Health Department, or DCHD, means the
16 Health Department, Rabies Control and the Health Director or the
17 Director's designee.

18 (o) Enclosure or Outdoor Enclosure means any structure with
19 at least three (3) walls, a roof, and floor in adequate condition
20 as not to endanger the safety of the animal and as to provide
21 necessary protection of the animal from weather conditions. An
22 enclosure must be properly located so that it does not allow for
23 standing water to pool inside the enclosure following any weather
24 event or other water intrusion. For pets not declared dangerous a
25 residence may be considered a proper enclosure; different rules as
26 specified in this chapter apply to a 'proper enclosure' for
27 declared dangerous dogs.

28 (p) ~~(l)~~ Feral means a wild animal that exists in an untamed
29 state or that has returned to an untamed state generally not
30 socialized to human contact and is no longer considered

1 domesticated. Feral animals shall include, but not be limited to
2 cats, dogs and hogs.

3 (q) ~~(m)~~ Game means those animals that may be legally hunted
4 for food or sport including, but not limited to, deer, bear,
5 squirrels, rabbits, and where designated by the Commission rules,
6 wild hogs, wild ducks and geese, rails, coots, gallinules, snipe,
7 woodcock, wild turkeys, grouse, pheasants, doves and quail.

8 (r) Gamecock means any fowl, usually roosters, used for or
9 being trained to perform cockfighting or simulated cockfighting
10 events. Prima facie evidence of a gamecock shall be the removal of
11 the comb and/or waddle which are rich in blood vessels to allow the
12 bird to regulate body temperature. Additional indications of
13 gamecocks include, but are not limited to, cut spurs and shaved
14 feathers

15 (s) ~~(n)~~ Harbor means the act of caring for and keeping an
16 animal or the act of providing a premise or residence to which the
17 animal returns for food, shelter or care for a period of at least
18 ~~21~~ ten (10) days, or at the point where the caregiver is providing
19 the primary source of sustenance for the animal; whichever time is
20 shorter. If the City establishes a program for the maintenance of
21 feral or community cats, those persons maintaining ~~feral~~ those cats
22 will be regulated in accordance with such program.

23 (t) Hobby Breeder means any individual not qualified as a pet
24 dealer whose primary source of income is not derived from the sale
25 of animals who may sell, trade, exchange or give away up to twenty
26 unsterilized animals (the individual litter that brings the total
27 offspring born to 20 or more meets the requirement of the 20 animal
28 maximum) per calendar year provided that the litters are registered
29 with ACPS. Registration shall be in the form of a letter stating
30 when the litter was born and the number of animals in the litter

1 (u)~~(e)~~ *Household pet* means an animal including, but not
2 limited to: dog; bird; domesticated cat; rodent, such as a gerbil,
3 guinea pig, hamster, domesticated mouse, and domesticated rat;
4 domesticated or European ferret; rabbit; fish; nonvenemous reptile
5 and amphibian; that is kept as subordinate to residential use for
6 the purpose of providing human companionship and that is not
7 protected by the Commission and that does not require a permit by
8 the Commission to possess for personal use. The following animals
9 are not considered household pets: wild animals as defined in this
10 Section; poultry, as defined in this Section; livestock, as defined
11 in this Section; and hoofed animals of any kind, including but not
12 limited to, miniature horse, miniature goat and teacup pig, except
13 that purebred miniature Vietnamese potbellied pigs, kept for the
14 sole purpose of providing human companionship and kept in
15 compliance with all applicable provisions of this Chapter are
16 considered household pets.

17 (v)~~(p)~~ *Livestock* means any grazing animal, such as horses,
18 cattle, sheep, donkeys, mules, buffaloes, llamas, swine, goats and
19 other hoofed animals, and emus, ostriches, and rheas, that are
20 raised for private use or commercial purposes; however, purebred
21 miniature Vietnamese potbellied pigs kept for the sole purpose of
22 providing human companionship and which are in compliance with all
23 applicable provisions of this Chapter are not considered
24 livestock.

25 (w) Microchip Identification - See Radio Frequency
26 Identification Device (RFID)

27 (x)~~(q)~~ *Nuisance* means any ~~thing done~~ act performed or
28 permitted to occur (including permitted by lack of reasonable and
29 appropriate action/control required for prevention) which injures
30 or prevents another ~~in the enjoyment of~~ from enjoying his/her legal

1 rights, in particular, the creation of conditions (including
2 created by lack of reasonable and appropriate action/control
3 required for prevention) leading ~~relating~~ to the excessive breeding
4 of fleas or flies, ~~the creation of~~ odors or noises and other
5 obnoxious circumstances caused by the keeping of animals.

6 (y)~~(r)~~ 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 selling, trading or giving away of a total of ten (10)
10 individual unsterilized animals (the individual litter that brings
11 the total offspring born to ten or more meets the requirement of
12 the 10 animal maximum if the animals are being bred) in a calendar
13 year.

14 (z) Owner means any person, household, firm, corporation, or
15 other organization possessing, harboring, keeping, or having
16 control or custody of an animal; a person must be age eighteen (18)
17 or older to be considered the legal owner of an animal. ~~or, If the~~
18 animal is owned by a person under the age of eighteen (18) is
19 considered the custodian or caretaker of the animal, the parents or
20 legal guardians shall be considered, the legal owner of the animal
21 and responsible for all matters involving that animal. ~~, that~~
22 person's parent or guardian. There shall be a rebuttable
23 presumption that the person's name appearing on the animal's
24 registration or radio frequency identification device (RFID),
25 commonly known as a "microchip," is the owner.

26 (aa)~~(s)~~ Person means any individual person, firm,
27 corporation or other organization. The knowledge and acts of agents
28 and employees of a firm, corporation or other organization, with
29 regard to the treatment of animals owned, in the custody of or
30 transported by such firm, corporation or other organization, shall

1 be the knowledge and acts of the firm, corporation or other
2 organization.

3 (bb) Physical Control means adequate domination or power to
4 influence/oppress the actions of the animal to prevent the animal
5 from engaging in biting, aggression towards people or animals,
6 straying, being at-large or other behaviors regulated by this
7 ordinance or state law by the use of a proper leash or similar
8 device attached to an appropriate collar or harness. To maintain
9 physical control the animal must be on a leash not to exceed eight
10 (8) feet at its maximum extension. Animals on longer leashes or
11 similar devices extended beyond eight (8) feet shall be considered
12 not under physical control and may be subject to being treated as
13 at-large for provisions of this ordinance, enforcement shall take
14 place if and only if another violation of this ordinance has
15 occurred at the same time. Nothing in this definition is intended
16 to prevent dogs being on training leashes or while engaged in other
17 appropriate activities under adequate, responsible adult
18 supervision where care is taken to assure control as needed is
19 available to prevent violations of this ordinance.

20 (cc) ~~(t)~~ Poultry means domesticated birds, such as chickens,
21 turkeys, ducks, geese, guineas and pigeons, that are usually raised
22 for eggs and/or to provide food for humans.

23 (dd) ~~(u)~~ Quarantine or ten-day quarantine means confining an
24 animal for observation of any symptoms of rabies, which confinement
25 is typically for a ten-day time period from the date of the bite,
26 scratch or other potential rabies exposure, unless a longer time
27 period is required pursuant to State regulations and guidelines.

28 (ee) ~~(v)~~ Rabies means an acute, fatal, infectious disease of
29 the central nervous system that is transmitted when the virus is
30 introduced into bite wounds, open cuts in skin, or onto mucous

1 membranes.

2 (ff)~~(w)~~ *Rabies alert* means public notification that there
3 has been a confirmed case of animal rabies within a specific
4 geographic area.

5 (gg)~~(*)~~ *Rabies quarantine area* means laboratory confirmation
6 that there is an epidemic level of rabid animals within a
7 geographic area.

8 (hh)~~(y)~~ *Rabies vector* means any warm-blooded animal that is
9 capable of harboring the rabies virus for an indefinite period of
10 time including, but not limited to, bat, raccoon, fox and skunk.

11 (ii) Radio Frequency Identification Device (RFID), commonly
12 referred to as a "microchip", a device about the size of a grain of
13 rice encased in surgical glass that is implanted underneath the
14 skin of a dog, cat or other animal that when scanned produces a
15 unique number that identifies the animal and its owner (if properly
16 registered). When present, an RFID with registration information
17 shall be considered the primary indication of ownership.

18 (jj)~~(z)~~ *Stray* means any animal that is found to be at-
19 large, whether lost by its owner or otherwise, or that is on the
20 common areas of apartments, condominiums, trailer parks or other
21 multi-residential premises, and that does not have an
22 identification tag and for which there is no identifiable owner;
23 however, if the City establishes a program for the maintenance of
24 feral cats or community cats this provision shall not apply to
25 qualified animals in those programs, ~~feral cats may be treated as~~
26 ~~other than stray.~~

27 (kk) Sufficient Food means access to proper food for the
28 species of animal on a regular, ongoing basis in quantities
29 sufficient to maintain a regular body weight as designated by
30 objective measurement tools such as "Body Condition Score (BCS)"

1 ~~are shipped, certifying that the turtles have been found free of~~
2 ~~salmonella, based upon laboratory examination, and describing the~~
3 ~~examination(s) upon which the statement is based. The certificate~~
4 ~~shall be displayed in a conspicuous manner by each pet shop and~~
5 ~~animal dealer selling such turtles. In addition, the DCMD may~~
6 ~~require that the seller take a series of at least six consecutive~~
7 ~~cultures of turtle excreta, to be taken at intervals of not less~~
8 ~~than one week, to determine if the turtles are contaminated with~~
9 ~~salmonella. The cultures shall be examined by a laboratory approved~~
10 ~~by the DCMD. The results of the examination shall be submitted to~~
11 ~~the DCMD. The DCMD may at any time take samples of tank water or~~
12 ~~any other appropriate samples from turtles offered for sale. The~~
13 ~~DCMD may order the immediate destruction of any lot of turtles~~
14 ~~found contaminated with salmonella.~~

15 **Sec. 462.312. Feeding of cats and dogs outdoors.**

16 (a) Rules applicable to all dogs and cats, excluding managed
17 community cats covered in subsection (b) below, are as follows:

18 (1) The feeding of cats and dogs outdoors shall take
19 place primarily during daylight hours to minimize the risk of
20 domestic-wildlife interactions that have increased potential
21 of rabies exposure for the cats or dogs. Any food provided
22 after daylight hours shall only be provided for such time
23 required for feeding, and no longer than thirty (30) minutes,
24 after which it shall be removed.

25 (2) Feeding outdoors is only allowed when an appropriate
26 amount of food for daily consumption of the cat(s) and/or
27 dog(s) being cared for is provided. Food must be appropriately
28 placed in a sanitary container sufficient for the cat/dog
29 being fed. Automatic feeders that are properly maintained and
30 secured may be used to dispense daily food rations and may be

1 present during night hours.

2 (3) Dumping excess quantities of food on the ground,
3 placing excess quantities in bowls or other containers, and
4 leaving open food packages is prohibited.

5 (4) Feeding outdoors must take place on the property
6 owned by the person placing the food or be done with the
7 consent of the property owner. Feeding on public property,
8 road right-of-ways, parks, common land of a multifamily
9 housing unit or any property without consent of the owner is
10 prohibited.

11 (5) Violations of this section are subject to a fine of
12 not less than the amount designated in Chapter 462, Part 18.

13 (b) Community Cat Management Initiatives: The City of
14 Jacksonville recognizes the need for innovation in addressing the
15 issues presented by feral, free-roaming and other community cats.
16 To that end it recognizes that there are community care givers of
17 cats, and acknowledges that properly managed community cats may be
18 part of the solution to the continuing euthanasia of cats; and
19 establishes the following requirements:

20 (1) All managed community cat colonies/groups must be
21 maintained on private property of the caregiver, or with
22 permission on the private property of another landowner
23 (including city, state, and federal public property).

24 (2) A free community cat caregiver certification program
25 may be developed to educate people about community cats, the
26 importance of a veterinary provider relationship to best
27 address community cat needs, common disease(s) & proper care,
28 good management practices, and maintenance of the community
29 cats. The educational program shall be developed by community
30 veterinarians, community cat caregivers, ACPS and citizens

1 through an ad hoc advisory committee that will be disbanded
2 upon recommendation to the Chief of ACPS. The Chief of ACPS
3 may remove any member at any time for any reason within
4 his/her discretion. Periodically, ad hoc committees will be
5 convened to review, revise and update the program as needed.

6 (3) All cats that are part of community cat management
7 programs must be sterilized, vaccinated against the threat of
8 rabies, and ear-tipped (preferable on the left ear) for easy
9 identification; if these requirements are met the community
10 cat is exempted from licensing, stray, at-large and possibly
11 other provisions of this ordinance that apply to owned
12 animals.

13 (4) If a person is providing care for the community
14 cats, he or she is required to provide certain necessities on
15 a regular/ongoing basis, including, but not limited to, proper
16 nutrition and medical care as needed. If medical care is
17 unavailable or too expensive, the caregiver must not allow the
18 cat to suffer.

19 (i) Food must be provided in the proper quantity
20 for the number of cats being managed and is to be
21 supplied no less than once per day. Food must be
22 maintained in proper feeding containers.

23 (ii) Water, if supplied, must be clean, potable and
24 free from debris and algae.

25 (iii) If shelter is provided, it shall be
26 unobtrusive, safe, and of the proper size for the
27 cat(s).

28 (c) Violations of this section are subject to a fine of not
29 less than the amount designated in Chapter 462, Part 18.