

ORDINANCE NO: 84-61

INTRODUCED BY: COMMISSIONER WALDRON

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, MAKING IT UNLAWFUL FOR ANY OWNER, OR PERSON OR ENTITY IN CHARGE OF A DOG TO ALLOW THE DOG TO ENTER UPON ANY OF CERTAIN DESCRIBED PROPERTIES LOCATED WITHIN CERTAIN DESCRIBED SUBDIVISIONS OF ST. JOHNS COUNTY, FLORIDA AND ANY ADDITIONAL PROPERTIES AND SUBDIVISIONS WHICH MAY HEREAFTER BE SPECIFIED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA: TO WIT: PUBLIC ROADS, DEDICATED ROADS, PUBLIC PROPERTY, AND THE PRIVATE PROPERTY OF OTHER PERSONS OR ENTITIES, UNLESS SUCH DOG IS WEARING A COLLAR AND IS IN THE ACTUAL PHYSICAL CONTROL OF A PERSON BY LEASH, CORD, CHAIN OR OTHER RESTRAINT: AND, IN THE CASE OF PRIVATE PROPERTY, THE ENTRY IS WITH THE PERMISSION OF THE PROPERTY OWNER OR LESSEE: PROVIDING DEFINITIONS: PROVIDING PROCEDURES: PROVIDING FOR THE SEIZURE AND CONTAINMENT OF DOGS IN VIOLATION: PROVIDING PENALTIES AND IMPOUNDMENT FEES: PROVIDING FOR SEVERABILITY; REPEALING PRIOR DOG ORDINANCES PERTAINING TO THE SAME SUBDIVISIONS: AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1: It shall be unlawful for any person or legal entity who shall own, be in charge of, be responsible for, or be in control of, any dog to permit such dog to enter upon any public road, dedicated road, public property or the private property of other persons or entities when such road or property is located within the boundaries of one the hereinafter described subdivisions unless such dog is wearing a collar and is in the actual physical control of such a person by leash, cord, chain or other restraint, and in the case of entry upon private property, the entry is with the permission of the property owner or lessee. This ordinance pertains to the control of dogs when they are within the boundaries of any of the following subdivisions located in St. Johns County, Florida, to wit:

DeLeon Shores, Unit One (1), as recorded in Map Book, Vol. 11, Pages 81-82, official public records of St. Johns County, Florida.

DeLeon Shores, Unit Two (2), as recorded in Map Book Vol. 11, Pages 89-90, official public records of St. Johns County, Florida.

DeLeon Shores, Unit Three (3), as recorded in Map Book Vol. 12, Page 36, official public records of St. Johns County, Florida.

DeLeon Shores, Unit Four (4), as recorded in Map Book Vol. 12, Page 96, official public records of St. Johns County, Florida.

DeLeon Shores, Unit Five (5), as recorded in Map Book Vol. 13, Pages 48-49, official public records of St. Johns County, Florida.

DeLeon Shores, Unit Six (6), as recorded in Map Book 13, Pages 104-105, official public records of St. Johns County, Florida.

Wellington By the Sea, as recorded in Map Book Vol. 3 Page 138, official public records of St. Johns County, Florida.

L'Atrium Subdivision, Unit One and Unit One A as recorded in Map Book 13, Pages 75-78 inclusive and Map Book 14, Pages 37-38, official public records of St. Johns County, Florida. L'Atrium Subdivision, Unit Two, as recorded in Map Book 14, Pages 4-8 inclusive, official public records of St. Johns County, Florida.

St. Augustine Shores Subdivision, Unit One, as recorded in Plat Book 11, Pages 61-71 inclusive and replatted in Plat Book 11, Pages 76-80 inclusive; within the boundaries of St. Augustine Shores Subdivision, Unit Two, as recorded in Plat Book 11, Pages 95-106 inclusive and replatted in Plat Book 13, Pages 114-124 inclusive; within the boundaries of St. Augustine Shores Subdivision Unit Three, as recorded in Plat Book 12, Pages 27-35 inclusive; within the boundaries of St. Augustine Shores Subdivision Unit Four, as recorded in Plat Book 13, Pages 31-38 inclusive; within the boundaries of St. Augustine Shores Subdivision, Unit Five, as recorded in Plat Book 24, Pages 21-24 inclusive; within the boundaries of St. Augustine, Shores Subdivision, Unit Six, as recorded in Plat Book 14, Pages 40-46 inclusive; all as recorded in the official public records of St. Johns County, Florida.

St. Augustine South Subdivision, all properties enclosed by Shore Drive, and by Cornell Road to St. Augustine South Drive to Segovia Road to Azalea Road to Shores Drive and also properties not enclosed by these roads that are

contiguous to and abutting these roads, said properties being described as Units 1 through 20 inclusive of St. Augustine South Subdivision, recorded in Map Book 8, Pages 33 through 37 inclusive, Pages 39 through 41 inclusive, Pages 45 through 49 inclusive, Pages 51 through 56 inclusive and Page 63; all as recorded in the official public records of St. Johns County, Florida Treasure Beach Subdivision, as recorded in Map Book 11, Pages 33-34; within the boundaries of Treasure Beach First Edition Subdivision, as recorded in Map Book 11, Pages 39-41; within the boundaries of Treasure Beach Second Edition Subdivision, as recorded in Map Book 11, Pages 42-44; within the boundaries of Treasure Beach Third Edition Subdivision, as recorded in Map Book 11, Pages 45-48; and within the boundaries of Treasure Beach Replat, Block 3, First Addition Subdivision, as recorded in Map Book 11, Pages 51-52; all as recorded in the official public records of St. Johns County, Florida,

and any additional subdivisions which may hereafter be specified by the Board of County Commissioners of St. Johns County, Florida by amendment to this ordinance.

SECTION 2: Definitions:

- A. Animal Control Officer shall mean a person designated by the County Administration to enforce this ordinance and/or other St. Johns County ordinances pertaining to dogs or other animals.
- B. DOG shall mean and include all members of the canine families.
- C. OWN A DOG shall mean any person or entity having a right of property in a dog, or who keeps or harbors a dog, or has it in his care, or acts as its custodian, or who permits a dog to remain on or about any premises occupied or controlled by him.

SECTION 3: A person or legal entity shall be charged with violation of Section 1 of this Ordinance in the manner or manners

provided or allowed by law, including without limitation by Notice To Appear and by information pursuant to a Complaint.

SECTION 4. Any person violating this Ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction shall be punished by a fine not to exceed \$500.00 or by imprisonment in the County Jail not to exceed 60 days or by both such fine and imprisonment.

SECTION 5.

A. In the event any dog owner cannot be located to take custody of a loose dog, the dog may be impounded at the St. Augustine Humane Society Shelter. All costs of confinement shall be paid by the dog's owner.

B. The Owner of any dog seized and impounded or confined pursuant to this Ordinance, shall be entitled to receive the dog upon occurrence of each of the following:

1. Payment of a \$5.00 Impoundment Fee.
2. Payment of \$5.00 for each 24 hour period and fraction thereof that the dog is confined at the St. Augustine Humane Society Shelter or other shelter designated by the County.

C. The Animal Control Officer, or other such person as he may designate, shall, within 24 hours, or during the next business day after seizure and impoundment, make a reasonable attempt to notify the owner of the dog's impoundment.

SECTION 6. If any portion of this Ordinance is declared unconstitutional or otherwise illegal, or if its applicability to any person or circumstances is held invalid, the validity of the remainder of this Ordinance and the applicability of it to other persons and circumstances shall not be affected thereby.

SECTION 7. This Ordinance is separate and distinct from St. Johns County Ordinance Number 79-1, as amended, and shall not reduce, limit or otherwise effect or modify the terms, requirements or prohibitions of St. Johns County Ordinance Number 79-1, as amended.

SECTION 8. The following St. Johns County dog control ordinances are hereby repealed;

- 83-54 (L'Atrium)
- 83-18 (DeLeon Shores)
- 83-49 (St. Augustine South)
- 81-42 (Treasure Beach)
- 83-19 (St. Augustine Shores)
- 83-18 (Wellington By the Sea)

SECTION 9. This Ordinance shall become effective immediately upon receipt of official acknowledgement from the Department of State that this Ordinance has been filed.

PASSED by the Board of County Commissioners of ST. JOHNS COUNTY, FLORIDA, this 11th day of September, 1984.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Chester Benet
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Marie Hudson
Deputy Clerk

ADOPTED regular meeting 09/11/84

EFFECTIVE 09-14-84

84-61

The St. Augustine Record
PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }
COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared _____
Virginia L. Goodrich who on oath says that he is
Advertising Manager of the St. Augustine Record, a
daily newspaper published at St. Augustine in St. Johns County, Florida;
that the attached copy of advertisement, being a _____
Notice of Intention to Consider Adoption of
Ordinance in the matter of _____
Control of Dogs within Subdivisions of St
Johns County in the _____ Court,
was published in said newspaper in the issues of _____
August 20, 1984

Affiant further says that the St. Augustine Record is a newspaper
published at St. Augustine, in said St. Johns County, Florida, and that the
said newspaper has heretofore been continuously published in said St.
Johns County, Florida, each day, except Sundays, and has been entered
as second class mail matter at the post office in the City of St. Augustine,
in said St. Johns County, Florida, for a period of one year next preceding
the first publication of the attached copy of advertisement; and affiant
further says that he has neither paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for the purpose
of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me Virginia L. Goodrich
this 21st day of August

A.D. 19 84
Ruth M. Walker
(SEAL) Notary Public

Notary Public, State of Florida
My Commission Expires May 13, 1985
Banded Para Gray Fain - Insurance, Inc.

NOTICE OF INTENTION TO
CONSIDER ADOPTION OF COUNTY ORDINANCE
NOTICE IS HEREBY GIVEN That the BOARD OF
COUNTY COMMISSIONERS OF ST. JOHNS COUNTY,
FLORIDA, will consider the adoption of an ordinance
at the regular meeting of the Board of County Com-
missioners of St. Johns County, Florida, in the County
Commissioners' room on the second floor of the St.
Johns County Courthouse in St. Augustine, Florida,
on Tuesday, Sept. 11, 1984, at the hour of 10:35
o'clock a.m.
The Ordinance will pertain to the control of dogs
within the following subdivisions located in St. Johns
County, Florida:
DeLeon Shores, Unit One (1), as recorded in Map
Book, Vol. 11, Pages 81-82 official public records of
St. Johns County, Florida.
DeLeon Shores, Unit Two (2), as recorded in Map
Book vol. 11, Pages 89-90, official public records of St.
Johns County, Florida.
DeLeon Shores, Unit Three (3), as recorded in Map
Book Vol. 12, Page 36, official public records of St.
Johns County, Florida.
DeLeon Shores, Unit Four (4), as recorded in Map-
Book Vol. 12, Page 36, official public records of St.
Johns County, Florida.
DeLeon Shores, Unit Five (5), as recorded in Map
Book Vol. 12, Pages 45-48, official public records of
St. Johns County, Florida.
DeLeon Shores, Unit (6), as recorded in Map Book
13, Pages 104-105, official public records of St. Johns
County, Florida.
Wellington By the Sea, as recorded in Map Book
Vol. 3, Page 135, official public records of St. Johns
County, Florida.
L'Archie Subdivision, as recorded in Official
Records Book 402, Pages 488 and 490 inclusive of the
Public Records of St. Johns County, Florida.
St. Augustine Shores Subdivision, Unit One, as
recorded in Plat Book 11, Pages 81-71 inclusive and
replatted in Plat Book 11, Pages 76-80 inclusive;
within the boundaries of St. Augustine Shores Sub-
division, Unit Two, as recorded in Plat Book 11, Pages
84 through 108 inclusive and replatted in Plat Book
13, Pages 114 through 124 inclusive; within the bound-
aries of St. Augustine Shores Subdivision Unit
Three, as recorded in Plat Book 12, Pages 27 through
36 inclusive; within the boundaries of St. Augustine
Shores Subdivision Unit Four as recorded in Plat Book
13, Pages 31 through 38 inclusive; within the bound-
aries of St. Augustine Shores Subdivision Unit Five
as recorded in Plat Book 24, pages 21 through 24 in-
clusive; within the boundaries of St. Augustine Sub-
division Unit Six as recorded in Plat Book 14, pages 46
through 48 inclusive; all as recorded in the official
public records of St. Johns County, Florida.
St. Augustine South Subdivision, all properties
enclosed by Shere Drive, and by Cornwell Road to St.
Augustine South Drive to Seepole Road to Azalea
Road to Shere Drive and also properties not enclo-
sed by these roads that are contiguous to and abutting
these roads said properties being described as Units
1 through 20 inclusive of St. Augustine South Subdivi-
sion, recorded in Map Book 8, Pages 33 through 37 in-
clusive, pages 39 through 41 inclusive, Pages 45
through 49 inclusive, Pages 51 through 58 inclusive
and Page 63, all as recorded in the official public
records of St. Johns County, Florida, Treasure Beach
Subdivision, as recorded in Map Book 11, Pages 33
and 34; within the boundaries of Treasure Beach First
Edition Subdivision, as recorded in Map Book 11,
Pages 38 through 41; within the boundaries of
Treasure Beach Second Edition Subdivision, as
recorded in Map Book 11 Pages 42 through 44; within
the boundaries of Treasure Beach Third Edition Sub-
division, as recorded in Map Book 11, Pages 46
through 48; and within the boundaries of Treasure
Beach Replat, Block 3, First Addition Subdivision, all
as recorded in Map Book 11, Pages 51 and 52, all as
recorded in the official public records of St. Johns
County, Florida.
The proposed ordinance makes it unlawful for any
owner, or person or entity in charge of a dog to allow
the dog to enter upon any of the following properties
located within the above described subdivisions of St.
Johns County, Florida; to wit:
public roads, dedicated roads, public property and
the private property of other persons or entities,
unless such dog is wearing a collar and is in the ac-
tual physical control of a person by leash, cord, chain
or other restraint and, in the case of entry upon
private property, the entry is with the permission of
the property owner or lessee; it provides definitions; it
provides for the seizure and confinement of dogs in
violation; it provides penalties and impoundment
fees; it provides for severability; it repeals prior dog
control ordinances concerning the above subdivision
and it provides an effective date.
NOTICE IS FURTHER GIVEN that a copy of said pro-
posed ordinance is on file with the Clerk of the Circuit
Court in and for St. Johns County, Florida.
IF A PERSON DECIDES TO APPEAL ANY DECISION
MADE BY THE BOARD OF COUNTY COMMISSIONERS
WITH RESPECT TO ANY MATTER CONSIDERED AT
SUCH HEARING, SUCH PERSON WILL NEED A
RECORD OF THE PROCEEDINGS AND FOR SUCH
PURPOSE, SUCH PERSON MAY NEED TO ENSURE
THAT A VERBATIM RECORD OF THE PROCEEDINGS
IS MADE, WHICH RECORD INCLUDES THE
TESTIMONY AND EVIDENCE UPON WHICH THE AP-
PEAL IS TO BE BASED.
Dated at St. Augustine, Florida, this 20th day of
Aug. 1984.
BOARD OF COUNTY
COMMISSIONERS OF ST.
JOHNS COUNTY, FLORIDA
Carl "Bud" Markel,
Its Clerk
By Marie Hudson
Deputy Clerk
L734 Aug. 20, 1984