

ORDINANCE NO. 88-42,

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 OR CAT TO ALLOW THE DOG OR CAT TO ENTER UPON ANY OF CERTAIN DESCRIBED PROPERTIES LOCATED (i) WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY OR (ii) WITHIN CERTAIN NAMED MUNICIPALITIES WITHIN ST. JOHNS COUNTY, FLORIDA TO WIT: PUBLIC OR PRIVATE ROADS, DEDICATED ROADS, PUBLIC PROPERTY, AND THE PRIVATE PROPERTY OF OTHER PERSONS OR ENTITIES, UNLESS SUCH DOG OR CAT IS WEARING A COLLAR AND IN THE CASE OF DOGS SUCH DOG 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 OF THE DOG OR CAT IS WITH THE PERMISSION OF THE PROPERTY OWNER OR LESSEE; REQUIRING THAT THE COLLAR CONTAIN OR HAVE ATTACHED THERETO THE DOG OR CAT OWNER'S NAME, CURRENT RESIDENT ADDRESS, AND CURRENT TELEPHONE NUMBER; PROVIDING DEFINITIONS; PROVIDING PROCEDURES; PROVIDING FOR THE SEIZURE, IMPOUNDMENT AND RETURN OR DISPOSAL OF DOGS AND CATS IN VIOLATION; PROVIDING PENALTIES AND IMPOUNDMENT FEES; PROVIDING FOR SEVERABILITY; REPEALING PRIOR DOG ORDINANCES PERTAINING TO NAMED SUBDIVISIONS; AND PROVIDING AN EFFECTIVE DATE.

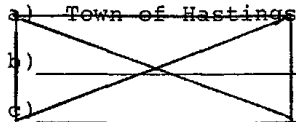
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. Any person or legal entity who shall own, be in charge of, be responsible for, or be in control of, any dog or cat shall not allow or permit such dog or cat to enter upon any public or private road, dedicated road, public property or the private property of other persons or entities when such road or property is located within:

(i) the unincorporated area of St. Johns County, Florida

~~or~~

~~(ii) the boundaries of the following municipalities:~~



unless such dog or cat is wearing a Collar as defined herein and in the case of dogs unless such dog 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, by dogs or cats, unless the entry

of others.

is with the permission of the property owner or lessee. The Collar must contain or have attached thereto the dog or cat owner's name, ~~current residence address~~, and current telephone number.

SECTION 2. Definitions:

- A. Animal Control Officer shall mean a person designated by the County Administration to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this ordinance. He shall also have the power to control, catch and impound dogs and cats.
- B. Collar shall mean a device that encircles the neck of the dog or cat and contains or has attached thereto the animal owner's name, current residence address and current telephone number.
- C. Dog shall mean and include all members of the canine families.
- D. Own a dog or cat shall mean any person or entity having a right of property in a dog or cat, or who keeps or harbors a dog or cat, or has it in his care, or acts as its custodian, or who permits a dog or cat to remain on or about any premises occupied or controlled by such person or entity.
- E. Private property of others shall not be deemed to include property leased or rented by the owner of the dog or cat.

SECTION 3. Violations of Section 1 of this ordinance are hereby declared to be civil infractions for which there may be imposed by the County Court a maximum penalty not to exceed \$500. An individual or entity cited for violation of Section 1 of this ordinance may contest the citation in County Court. In the event that the individual or entity cited for violation of such Section shall not contest the citation, the penalty shall be \$ 25⁰⁰ for each offense. Any person or entity that willfully refuses to sign and accept a citation issued by an Animal Control Officer shall be guilty of a misdemeanor of the second degree punishable as provided by Florida law.

SECTION 4. The Animal Control Officer shall have authority to issue a citation indicating that the officer has probable cause to believe that a person or entity has committed a civil infraction as defined in Section 2 of this ordinance and that the County Court may hear the charge.

The citation shall contain:

1. The date and time of issuance.
2. The name and address of the person or entity.
3. The date and time the civil infraction was committed.
4. The facts constituting probable cause.
5. The Ordinance violated.
6. The name and authority of the officer.
7. The procedure for the person or entity to follow in order to pay the civil penalty or to contest the citation.
8. The applicable civil penalty if the person or entity elects to contest the citation.
9. The applicable civil penalty if the person or entity elects not to contest the citation.
10. A conspicuous statement that if the person or entity fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person or entity for an amount up to the maximum civil penalty.

SECTION 5.

A. In the event any dog or cat owner cannot be ^{conveniently} located to take custody of a loose dog or cat, the animal may be caught by the Animal Control Officer and impounded at the St. Augustine Humane Society Shelter or other shelter designated by the County. All costs of confinement shall be paid by the animal's owner.

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

1. Payment of a \$5⁰⁰ Impoundment Fee. *to the City*
2. Payment of \$5⁰⁰ for each 24 hour period and fraction thereof that the animal is confined at the St. Augustine Humane Society Shelter or other shelter designated by the County. *to 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 animal's impoundment.

D. Any dog or cat impounded by the Animal Control Officer or at his direction that is not claimed by, and returned to, its owner within *five (5) business days* ~~hours~~ of its impoundment may be destroyed or otherwise disposed of without compensation to the Owner.

E. The fees, ~~and~~ payments, *and manner of payment* required by this section 5 may be modified ~~and increased~~ by future resolution(s) of the Board of County Commissioners of St. Johns County, Florida.

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, omit or otherwise effect or modify the terms, requirements or prohibitions of St. Johns County Ordinance Number 79-1, as amended.

SECTION 8. St. Johns County dog or cat control Ordinance 84-61, as amended, is hereby repealed.

SECTION 9. This Ordinance shall become effective *upon the later of* ~~immediately~~ *(i)* ~~upon~~ receipt of official acknowledgment from the Department of State that this Ordinance has been filed *and (ii) September 1, 1988.*

PASSED by the Board of County Commissioners of St. Johns
County, Florida, this 26th day of July, 1988.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Lawrence O. Hartley
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Carl Bud Markel
Deputy Clerk

Adopted regular meeting July 26, 1988.

Effective September 1, 1988.

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 _____
Linda Murray who on oath says that he is
Accounting Clerk 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 Public Hearing
 _____ in the matter of _____
passage of an animal control law
 _____ in the _____ Court,
 was published in said newspaper in the issues of _____
June 27, 1988

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 _____
 this 27th day of June

A.D. 19 88

 (SEAL) Notary Public
 Notary Public, State of Florida
 My Commission Expires Aug. 4, 1989
 Licensed thru Troy Ekin & Issurance, Inc.

COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS SPECIAL MEETING ON JULY 26, 1988 AT 9:00 O'CLOCK P.M., IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:

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 OR CAT TO ALLOW THE DOG OR CAT TO ENTER UPON ANY OF CERTAIN DESCRIBED PROPERTIES LOCATED (I) WITHIN THE UNINCORPORATED AREA OF ST. JOHNS COUNTY OR (II) WITHIN CERTAIN NAMED MUNICIPALITIES WITHIN ST. JOHNS COUNTY, FLORIDA TO WIT: PUBLIC OR PRIVATE ROADS, DEDICATED ROADS, PUBLIC PROPERTY, AND THE PRIVATE PROPERTY OF OTHER PERSONS OR ENTITIES, UNLESS SUCH DOG OR CAT 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; REQUIRING THAT THE COLLAR CONTAIN OR HAVE ATTACHED THERETO THE DOG OR CAT OWNER'S NAME, CURRENT RESIDENT ADDRESS, AND CURRENT TELEPHONE NUMBER; PROVIDING DEFINITIONS; PROVIDING PROCEDURES; PROVIDING FOR THE SEIZURE, IMPOUNDMENT AND RETURN OR DISPOSAL OF DOGS AND CATS IN VIOLATION; PROVIDING PENALTIES AND IMPOUNDMENT FEES; PROVIDING FOR SEVERABILITY; REPEALING PRIOR DOG ORDINANCES PERTAINING TO NAMED SUBDIVISIONS; AND PROVIDING AN EFFECTIVE DATE.

The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Building, Lewis Speedway, and may be examined by parties interested prior to said public hearing.

All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
 Carl "Bud" Martal, Jr., Clerk
 By: Lynn M. McDonald
 Deputy Clerk
 L830 June 27, 1988