

ORDINANCE No.: 2001-19

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, TO BE KNOWN AS THE ST. JOHNS COUNTY ANIMAL LEASH LAW; REQUIRING ALL DOGS AND CATS TO WEAR A COLLAR AND BE UNDER THE ACTUAL PHYSICAL CONTROL OF A PERSON BY LEASH, CORD, CHAIN, OR OTHER RESTRAINT WHENEVER ANY DOG OR CAT IS WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY FLORIDA, TO WIT: PUBLIC OR PRIVATE ROADS, DEDICATED ROADS, PUBLIC PROPERTY, AND THE PRIVATE PROPERTY OF ANOTHER; PROVIDING DEFINITIONS; AMENDING AND REPLACING ST. JOHNS COUNTY ORDINANCES NO. 78-39 AND 92-1, AND ANY OTHER EXISTING ORDINANCE WHICH REGULATES THE CONTROL OF DOGS AND CATS AND THEIR RESTRAINT AND COLLAR REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of St. Johns County, Florida:

Section 1. This Ordinance is enacted pursuant to Sections 112.01 and 828.27 of the Florida Statutes.

Section 2. In order to provide for and safeguard the life, health, property, and welfare of the people of St. Johns County, Florida, Dogs or Cats within the jurisdiction of the County must be regulate and controlled.

Section 3. Definitions:

- (a) Animal Control Officer shall mean any person employed or appointed by the County who is authorized to investigate, on public or private property, civil infractions related to Animal Control or cruelty and to issue citations.
- (b) Beaches shall mean all Beaches adjacent to the Atlantic Ocean between the high and low water marks within the jurisdiction of St. Johns County, Florida.
- (c) Collar shall mean a device that encircles the neck of the Animal (or other appropriate body part) and contains or has attached thereto a current rabies inoculation tag and the name, address, and telephone number of the owner.
- (d) Control shall mean to exercise dominance in a fashion so as to clearly and unequivocally demonstrate and maintain unwavering command over the Animal.
- (e) County shall mean the St. Johns County Administrator or his designee.
- (f) Restraint shall mean by leash, cord, chain, or other appropriate physical means.

Section 4. Any person or legal entity who shall own, be in custody 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 right-of-way, dedicated right-of-way, public property, the Beaches, or the private property of another when such right-of-way or property is located within the unincorporated area of St. Johns County, Florida, unless said Dog or Cat is wearing a Collar and is in the actual physical Control of such a person by a Restraint. In the case of entry upon private property of another, the entry shall be only upon permission of the property owner or lessee.

Section 5. **Penalties**

- (a) It shall be the duty and responsibility of all Law Enforcement Officials to assist in the enforcement of this Ordinance to the extent that it is within their jurisdiction.
- (b) Any violation of this Ordinance which does not result in injury to any person, entity, or property are hereby declared to be civil infractions for which there may be imposed by the County Court a maximum penalty not to exceed five hundred dollars (\$500). An individual or entity cited for violating this Ordinance may contest the citation in County Court. In the event that the individual or entity chooses not to contest the citation, the non-contest penalty shall be fifty dollars (\$50) for the first and/or second offense. In the event the violator does not pay the non-contest penalty to the St. Johns County Clerk of Courts within fifteen (15) days of the date the citation is issued, the County Court may vacate the non-contest penalty and impose a penalty greater than the non-contest penalty but not to exceed the above-described maximum penalty.
- (c) Any violation of this Ordinance which results in or causes injury to any person, entity, or property shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction shall be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the County Jail not exceeding sixty (60) days or by both such fine and imprisonment.
- (d) Any person violating this Ordinance three (3) or more times shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction shall be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the County Jail not exceeding sixty (60) days or by both such fine and imprisonment. The County Administrator or his designee shall maintain records to prove the number of prior violations.
- (e) Any person or entity that willfully refuses to sign and accept a citation issued by an Animal Control Officer or Law Enforcement Officer shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction shall be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the County Jail not exceeding sixty (60) days or by both such fine and imprisonment.

Section 6. Enforcement

- (a) Any Animal Control Officer or Law Enforcement Officer shall have the authority to issue a citation when the officer has probable cause to believe that a person or entity has committed a violation of this Ordinance. The person or entity cited may contest the citation in the County Court in and for St. Johns County, Florida.
- (b) The citation shall contain:
 - 1. The date and time of issuance.
 - 2. The name and address of the person or entity violating this Ordinance.
 - 3. The date and time of the offense.
 - 4. The facts constituting probable cause.
 - 5. A reference to the number of this Ordinance.
 - 6. The name and authority of the Animal Control Officer or Law Enforcement Officer.
 - 7. The procedure for the person or entity to follow in order to pay the non-contest civil penalty or to contest the citation, if a citation is issued pursuant to Section 5(b) of this Ordinance.
 - 8. The maximum applicable civil or criminal penalty.
 - 9. A conspicuous statement that if the person or entity is eligible for, but fails to pay, the non-contest civil penalty within fifteen (15) days, or fails to timely appear in court to contest the citation, such person or entity shall be deemed to have waived their right to contest the citation and that in such case, judgment may be entered against the person or entity for an amount up to five hundred dollars (\$500).
 - 10. A conspicuous statement that if the person or entity is cited pursuant to Section 5(c) (for a violation that results in or causes injury) or Section 5(d) (for three or more violations) such person does not have the option of paying the non-contest fine in lieu of appearing in court.

Section 7. If a person or entity fails to timely pay the civil penalty or fails to appear in court, the court may issue an order to show cause upon the request of the County, an Animal Control Officer, Law Enforcement Officer, or State Attorney. The order to show cause shall require such persons or entities to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person or entity may be held in contempt. The provisions of this Section 7 are in addition to and shall not limit any court's authority to take other appropriate action.

Section 8. The amounts of the penalties imposed, fees, and time allowed for their payment may be changed and modified by future resolution(s) of the Board of County Commissioners of St. Johns County, Florida.

Section 9. Impoundment

- (a) In the event any Dog or Cat owner cannot be conveniently located to take Control of the Dog or Cat, the Dog or Cat may be caught by the Animal Control Officer and impounded at the St. Augustine Humane Society Shelter or other shelter(s) designated by the County. All costs of confinement shall be paid by the Dog or Cat owner as hereinafter provided.
- (b) The Owner of any Animal 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 to the County of a five dollar (\$5) Impoundment Fee for the first impoundment.
 - 2. Payment to the County of a ten dollar (\$10) Impoundment Fee for the second impoundment.
 - 3. Payment to the County of a twenty five dollar (\$25) Impoundment for the third or subsequent impoundment.
 - 4. Payment to the County of five dollar (\$5) Confinement Fees for each twenty four (24) hour period or fraction thereof that the Animal is confined at the St. Augustine Humane Society Shelter or other shelter(s) designated by the County.
 - 5. Payment to County for all reasonable veterinary fees expended for the benefit of the impounded Animal.
- (c) The Animal Control Officer, or other such person as he may designate, shall, within twenty four (24) hours, or during the next business day after seizure and impoundment, make a reasonable attempt to notify the owner of the impoundment of the Dog or Cat.
- (d) Any Dog or Cat impounded by the Animal Control Officer that is not claimed by its owner within five (5) days of its impoundment may be put up for adoption, destroyed or otherwise disposed of without compensation to the Owner.
- (e) The County is authorized to establish a reasonable procedure with any designated shelter(s) to facilitate and account for the above-described payments.

Section 10. This Ordinance is in addition to the Laws of the State of Florida and shall not limit or reduce said laws.

Section 11. Severability It is the intent of the Board of County Commissioners of St. Johns County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 12. It is the intent of the Board of County Commissioners of St. Johns County, Florida, that this Ordinance shall amend and replace St. Johns County Ordinances No. 78-39 and 92-1, and any other existing ordinance which regulates the Control of Dogs and Cats and their Restraint and Collar requirements. All provisions of County ordinances, resolutions, regulations, and policies in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 13. This Ordinance shall not repeal or amend St. Johns County Ordinance No. 97-11, which regulates Dangerous Dogs and Cats. Further, the requirements of this Ordinance are intended to be in addition to, and not limit, Ordinance No. 97-11.

Section 14. Effective Date This Ordinance shall take effect upon its being filed with the Secretary of the State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 27th day of February, 2001.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

By: Marc Jacalone
Marc Jacalone, Vice Chair

ATTEST: Cheryl Strickland, Clerk of Court

By: Patricia DeGrande
Deputy Clerk

Effective Date: 03-05-01

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THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared LINDA Y MURRAY who on oath says that she is an 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 ORDINANCE ADOPTION

ST JOHNS COUNTY ANIMAL LEASH LAW

in the Court, was published in said newspaper in the issues of

FEBRUARY 10, 2001

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

Sworn to and subscribed before me this 12TH day of FEBRUARY 2001,

by Linda Y Murray who is personally known to me or who has produced PERSONALLY KNOWN as identification.

(Signature of Notary Public)



Zoe Ann Moss MY COMMISSION # CC641814 EXPIRES August 22, 2001 BONDED THROUGH TROY FINANCE, INC.

Zoe Ann Moss

COPY

NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS... NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, February 27, 2001 at 9:00 a.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, to consider adoption of the following ordinance: An Ordinance of the County of St. Johns, State of Florida, to be known as the St. Johns County Animal Leash Law; requiring all DOGS and CATS to wear a collar and be under the actual physical control of a person by leash, cord, chain, or other restraint whenever any DOG or CAT is within the unincorporated areas of St. Johns County Florida, to wit: public or private roads, dedicated roads, public property, and the private property of another; providing definitions; amending and replacing St. Johns County Ordinances No. 78-39 and 92-1, and any other existing ordinance which regulates the Control of Dogs and Cats and their Restraint and Collar requirements; and Providing an effective date. The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance. If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she 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. NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 823-2501 of the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERYL STRICKLAND, ITS CLERK By: Patricia DeGrande, Deputy Clerk L318-1 Feb 12, 2001

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing

MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE

Katherine Harris

Secretary of State

DIVISION OF ELECTIONS

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Historic Pensacola Preservation Board
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Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board

RINGLING MUSEUM OF ART

March 5, 2001

Honorable Cheryl Strickland
Clerk to Board of Commissioners
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated March 1 and 2, 2001 and certified copies of Ordinance Nos. 2001-18 and 2001-19, which were filed in this office on March 5, 2001.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

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BUREAU OF ADMINISTRATIVE CODE

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