



Staff Report

File #: 15-139, **Version:** 1

Agenda Date: 11/10/2015

Subject:

Ordinance amending Chapter 14 of the Pinellas County Code relating to irresponsible owners and animal to animal attacks (companion to item 18).

Recommended Action

Adoption of an ordinance amending Chapter 14 of the Pinellas County Code relating to animals, changing rules regarding irresponsible owners and animal to animal attacks.

Strategic Plan:

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community.

Summary:

On October 6, 2015, the Board of County Commissioners (Board) granted authority to advertise a public hearing on the attached proposed ordinances to be held at the November 10, 2015 regular public meeting.

The proposed code changes are brought forth at the request of the Board to assertively address animals that do not meet the classification of a dangerous animal and will permit Animal Services to issue a citation to the owner of an animal that severely injures or kills another animal. The proposed changes would expand the County's power within the ordinance, as limited by Florida Statutes, to enhance Public Safety.

The current dangerous animal classification does not enable Animal Services to address a first time animal to animal incident that results in severe injury or death of the victim animal. The newly proposed section 14-38 pertaining to irresponsible owners permits Animal Services to enforce restrictions on pet owners who repeatedly allow their pets to violate various sections of Chapter 14. Restrictions will be placed on owners for additional pet ownership as well as on his or her currently owned pets. The newly proposed section 14-39 pertaining to Bite Incidents will give Animal Services an additional opportunity to address incidents involving animals in noncompliance with ordinances that attack other animals and severe injury or death are the result of the attack. This section is not dependent on the number of incidents.

If approved, the ordinances will be in effect countywide.

Background Information:

N/A

Fiscal Impact:

The annual Irresponsible Owner Classification license surcharge per owned animal is \$50.00 for Fiscal Year 2016. This fee is subject to change in future fiscal years.

No fiscal impact from proposed Section 14-39 (Animal to Animal Attack).

Staff Member Responsible:

Doug Brightwell, Interim Director, Animal Services

PINELLAS COUNTY ORDINANCE NO. 15 - _____

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING CHAPTER 14 OF THE PINELLAS COUNTY CODE (“CODE”) RELATING TO ANIMALS; ADDING A NEW SECTION 14-38 TO THE CODE RELATING TO IRRESPONSIBLE PET OWNERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AREA EMBRACED; PROVIDING FOR FILING, PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in meeting duly assembled this ____ day of _____, 2015, that:

Section 1. Chapter 14 of the Pinellas County Code is hereby amended by adding Section 14-38 to read as follows:

Secs. 14-38 —~~14-45.~~ Reserved. Irresponsible Pet Owner

The purpose of this section is to protect the citizens and animals of Pinellas County from the risks and expenses resulting from individuals who repeatedly fail to care responsibly for their domestic animals.

I. For the purposes of this section, the following terms shall be defined as follows:

a. *Conviction* shall include a finding of guilt in an adversarial proceeding or a plea of “guilty” or “no contest”;

b. *Animal Safety and Welfare Violation* shall mean a violation of any of the following provisions of this code: 14-30 (except for violations based on excessive noise); 14-31; 14-32; 14-33; 14-34; 14-35; 14-61; 14-63; 14-64.

II. *Irresponsible Pet Owner Class I:* A person with two previous convictions for Animal Safety and Welfare Violations occurring on separate dates, who commits a third Animal Safety and Welfare Violation within 24 months of the date of offense of the earliest of the three violations, may be charged with a violation of this section, punishable by a minimum fine of \$300.

III. *Irresponsible Pet Owner Class II:* When a person meets the conditions for an Irresponsible Pet Owner Class I violation, and the circumstances of the most recent violation evidence a knowing refusal to comply with this code or to take corrective

actions, he or she may be charged as an Irresponsible Pet Owner Class II under this paragraph, punishable by a minimum fine of \$400.

IV. Upon conclusion of any appeal, or the expiration of any right to an appeal, a person who has a conviction for an *Irresponsible Pet Owner Class II* violation shall, for a period of three years after the date of the most recent conviction, be subject to the following regulations:

- a. Any owned dogs or cats shall be spayed/neutered and micro-chipped within 30 days
- b. Any owned dogs or cats shall be subject to an Irresponsible Pet Owner license fee established in accordance with this code and applicable law
- c. The owner shall not become the owner of any new dogs or cats, and no licenses will be issued for newly acquired dogs or cats.

Secs. 14-39 - 14-45. - Reserved

Section 2. Severability.

In the event that any court having jurisdiction over any case arising under this section determines that any subsection or other provision of this section is invalid for any reason, the remaining subsections or other provisions shall continue to be in full force and effect, and towards that end the Board of County Commissioners declares this section and its subsections and other provisions to be severable.

Section 3. Codification.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code; and that the sections of this Ordinance may be renumbered or re-lettered to conform to the uniform system of the Code, and the word “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Areas Embraced.

Pursuant to Section 2.01 of the Pinellas County Charter, this Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

Section 5. Filing of Ordinance; Effective Date.

Pursuant to Section 125.66(2), Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

APPROVED AS TO FORM

By: _____
Office of County Attorney

PINELLAS COUNTY ORDINANCE NO. 15 - _____

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING CHAPTER 14 OF THE PINELLAS COUNTY CODE ("CODE") RELATING TO ANIMALS; ADDING A NEW SECTION 14-38 TO THE CODE RELATING TO IRRESPONSIBLE PET OWNERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AREA EMBRACED; PROVIDING FOR FILING, PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in meeting duly assembled this ____ day of _____, 2015, that:

Section 1. Chapter 14 of the Pinellas County Code is hereby amended by adding Section 14-38 to read as follows:

Sec. 14-38 Irresponsible Pet Owner

The purpose of this section is to protect the citizens and animals of Pinellas County from the risks and expenses resulting from individuals who repeatedly fail to care responsibly for their domestic animals.

- I. For the purposes of this section, the following terms shall be defined as follows:
 - a. *Conviction* shall include a finding of guilt in an adversarial proceeding or a plea of "guilty" or "no contest";
 - b. *Animal Safety and Welfare Violation* shall mean a violation of any of the following provisions of this code: 14-30 (except for violations based on excessive noise); 14-31; 14-32; 14-33; 14-34; 14-35; 14-61; 14-63; 14-64.
- II. *Irresponsible Pet Owner Class I*: A person with two previous convictions for Animal Safety and Welfare Violations occurring on separate dates, who commits a third Animal Safety and Welfare Violation within 24 months of the date of offense of the earliest of the three violations, may be charged with a violation of this section, punishable by a minimum fine of \$300.
- III. *Irresponsible Pet Owner Class II*: When a person meets the conditions for an Irresponsible Pet Owner Class I violation, and the circumstances of the most recent violation evidence a knowing refusal to comply with this code or to take corrective

actions, he or she may be charged as an Irresponsible Pet Owner Class II under this paragraph, punishable by a minimum fine of \$400.

- IV. Upon conclusion of any appeal, or the expiration of any right to an appeal, a person who has a conviction for an *Irresponsible Pet Owner Class II* violation shall, for a period of three years after the date of the most recent conviction, be subject to the following regulations:
- a. Any owned dogs or cats shall be spayed/neutered and micro-chipped within 30 days
 - b. Any owned dogs or cats shall be subject to an Irresponsible Pet Owner license fee established in accordance with this code and applicable law
 - c. The owner shall not become the owner of any new dogs or cats, and no licenses will be issued for newly acquired dogs or cats.

Secs. 14-39 - 14-45. - Reserved

Section 2. Severability.

In the event that any court having jurisdiction over any case arising under this section determines that any subsection or other provision of this section is invalid for any reason, the remaining subsections or other provisions shall continue to be in full force and effect, and towards that end the Board of County Commissioners declares this section and its subsections and other provisions to be severable.

Section 3. Codification.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code; and that the sections of this Ordinance may be renumbered or re-lettered to conform to the uniform system of the Code, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Areas Embraced.

Pursuant to Section 2.01 of the Pinellas County Charter, this Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

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Office of County Attorney

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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in meeting duly assembled this ____ day of _____, 2015, that:

Section 1. Chapter 14 of the Pinellas County Code is hereby amended by adding Section 14-39 to read as follows:

Secs. 14-39—14-45. —Reserved. Bite Incidents.

It shall be a violation of this code, punishable by a minimum fine of \$300, for an owner to fail to prevent their domestic animal (“owner’s animal”) from severely injuring or killing another domestic animal (“victim animal”) while the owner’s animal is at large, provided that the victim animal did not instigate the incident and was not in violation of any provision of this code at the time of the incident.

Secs. 14-40 – 14-45. – Reserved.

Section 2. **Severability.**

In the event that any court having jurisdiction over any case arising under this section determines that any subsection or other provision of this section is invalid for any reason, the remaining subsections or other provisions shall continue to be in full force and effect, and towards that end the Board of County Commissioners declares this section and its subsections and other provisions to be severable.

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Office of County Attorney

**NOTICE OF PUBLIC HEARING
PROPOSED ORDINANCE AMENDING THE PINELLAS COUNTY CODE**

The Pinellas County Board of County Commissioners proposes to amend the Pinellas County Code by Ordinance.

A public hearing on the Ordinance will be held on Tuesday, November 10, 2015 at 9:30 a.m. in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida 33756.

Interested parties may appear at the hearing and be heard regarding the proposed Ordinance.

1. PROPOSED ORDINANCE TO AMEND THE PINELLAS COUNTY CODE:

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AMENDING CHAPTER 14 OF THE PINELLAS COUNTY
CODE ("CODE") RELATING TO ANIMALS; ADDING A NEW
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PROVIDING FOR AREA EMBRACED; PROVIDING FOR
FILING, PROVIDING FOR AN EFFECTIVE DATE.

The Ordinance as adopted may additionally include other modifications that may arise from review of the ordinance at public hearing and with the responsible authorities.

The proposed amendment to the Pinellas County Code can be inspected by the public at the Pinellas County Board Records Department, 315 Court Street, Fifth Floor, Clearwater, Florida 33756. Comments may be sent to this same address or call (727) 464-3458.

Persons are advised that if they decide to appeal any decision made at the meeting/hearing, they will need a record of the proceedings, and, for such purposes, they 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.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 SOUTH FORT HARRISON AVENUE, SUITE 500, CLEARWATER, FLORIDA 33756, (727) 464-4880 (VOICE), (727) 464-4062 (TDD).

KEN BURKE, CLERK TO
THE BOARD OF COUNTY COMMISSIONERS
By: Norman D. Loy, Deputy Clerk

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THE BOARD OF COUNTY COMMISSIONERS
By: Norman D. Loy, Deputy Clerk