

Introduced by Council Member Arias:

ORDINANCE 2025-811

AN ORDINANCE CONCERNING ANIMAL CARE AND PROTECTIVE SERVICES; AMENDING SECTION 462.106 (PROCEDURES), PART 1 (GENERAL), CHAPTER 462 (ANIMALS), *ORDINANCE CODE*, TO CLARIFY STANDARDS FOR ISSUANCE OF CITATIONS; AMENDING SECTIONS 462.201 (CRUELTY TO ANIMALS DEFINED GENERALLY), 462.203 (NEGLECTING OR ABANDONING ANIMALS), 462.204 (RESTRAINT BY TETHERING), 462.205 (DOG FIGHTING AND OTHER ANIMAL FIGHTING), 462.209 (CITATION), AND 462.210 (TAKING CUSTODY OF MISTREATED ANIMALS), PART 2 (CRUELTY TO OR NEGLECTING ANIMALS), CHAPTER 462 (ANIMALS), *ORDINANCE CODE*, TO REVISE AND CLARIFY PROVISIONS RELATED TO CRUELTY, NEGLECT, ABANDONMENT, AND TETHERING OF ANIMALS, TO SPECIFICY THAT ANIMAL FIGHTING ACTIVITIES CONSTITUTE ANIMAL CRUELTY, AND TO ALIGN THE CODE WITH THE REQUIRED TIMELINES AND PROCEDURES FOR ANIMAL CUSTODY PETITIONS OUTLINED IN SECTION 828.073, *FLORIDA STATUTES*; AMENDING SECTIONS 462.301 (GENERAL), 462.302 (NOISE), 462.303 (ANIMALS AT-LARGE PROHIBITED), 462.304 (HABITUAL NUISANCE), AND 462.305 (DESTRUCTION OF PROPERTY AND BITING), PART 3 (NUISANCES), CHAPTER 462 (ANIMALS), *ORDINANCE CODE*, TO SIMPLIFY LANGUAGE AND CLARIFY STANDARDS FOR ISSUANCE OF CITATIONS; AMENDING SECTION 462.601 (IMPOUNDING OF ANIMALS), PART 6

(IMPOUNDMENT, SURRENDER, REDEMPTION AND ADOPTION), CHAPTER 462 (ANIMALS), *ORDINANCE CODE*, TO REDUCE THE REQUIRED "STRAY HOLD" PERIOD FROM SIX DAYS TO THREE DAYS; PROVIDING FOR CODIFICATION INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Amending Section 462.106 (Procedures), Part 1 (General), Chapter 462 (Animals), Ordinance Code. Section 462.106 (Procedures), Part 1 (General), Chapter 462 (Animals), *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 462 - ANIMALS

PART 1. - GENERAL

* * *

Sec. 462.106. - Procedures.

(a) An animal control officer is authorized to issue a citation to a person when the animal control officer has probable cause, based upon personal investigation, to believe the person has violated this Chapter. ~~, based upon observation or witness affidavit as authorized in this Chapter, to believe that the person has committed a civil infraction in violation of this Chapter and that the County Court will hear the charge.~~ An animal control officer based upon the individual circumstances and available facts (including any known history), prior to issuing a citation, may issue a warning citation containing an explanation of the circumstances and recommended corrective action and establishing a reasonable time period in which the person must correct the violation. If a warning citation is issued, the animal control officer will perform a follow-up investigation to determine whether the situation still exists.

* * *

Section 2. Amending Sections 462.201 (Cruelty to animals defined generally), 462.203 (Neglecting or abandoning animals), 462.204 (Restraint by tethering), 462.205 (Dog fighting and other animal fighting), 462.209 (Citation), and 462.210 (Taking custody of mistreated animals), Part 2 (Cruelty to or Neglecting Animals), Chapter 462 (Animals), Ordinance Code. Sections 462.201 (Cruelty to animals defined generally), 462.203 (Neglecting or abandoning animals), 462.204 (Restraint by tethering), 462.205 (Dog fighting and other animal fighting), 462.209 (Citation), and 462.210 (Taking custody of mistreated animals), Part 2 (Cruelty to or Neglecting Animals), Chapter 462 (Animals), Ordinance Code, are hereby amended to read as follows:

CHAPTER 462 - ANIMALS

* * *

PART 2. - CRUELTY TO OR NEGLECTING ANIMALS

Sec. 462.201. - Cruelty to animals defined generally.

It shall be unlawful for any person to intentionally cause, procure or inflict cruelty to or upon animals, whether or not such cruelty results in severe injury or death. For purposes of this Part, ~~it shall be considered causing, procuring and/or inflicting cruelty includes: if one or more of the following occurs:~~

- (a) Killing, beating, ~~Beating,~~ tormenting, torturing, mutilating, molesting, sodomizing, maiming, overloading, overworking or overdriving an animal; ~~or~~
- (b) Riding, driving or working the animal when it is sick and unfit to work; ~~or~~
- (c) Intentionally trying (by use of a wire, pole, stick, rope or other) to cause a horse or a household pet to fall or lose its balance, or felling, roping or lassoing a horse's or a household pet's legs for the purpose of entertainment or

1 sport;~~or~~

2 (d) Carrying any animal in or upon any vehicle in any way so as
3 not to provide for the protection and, safety of the animal
4 being carried including, but not limited to, carrying an
5 animal in the back of an open truck or other open vehicle
6 without being safely tethered in two or more locations so as
7 to avoid injury or jumping from the vehicle and without
8 protecting the animal from inclement weather or weather
9 extremes;~~or~~

10 (e) Baiting, breeding, training, transporting, selling, owning,
11 possessing or using an animal for the purpose of animal
12 fighting;

13 (f)(e) Any act, omission or neglect whereby unnecessary or
14 unjustifiable pain or suffering is caused, permitted or
15 allowed to continue when there is reasonable remedy or relief;
16 and

17 (g) Any act, omission or neglect leading to the death of the
18 animal.

19 ~~(f) A violation of this Section shall subject the violator to a~~
20 ~~civil fine of no less than the amount designated in Chapter~~
21 ~~462, Part 18. Each separate incident is considered a separate~~
22 ~~violation. The animal control officer may cite the owner or~~
23 ~~eustodian of such animal(s) for a violation of this Section~~
24 ~~when either the animal control officer has received, from two~~
25 ~~or more unrelated adult witnesses residing at different~~
26 ~~residences or from one adult witness with a recorded video or~~
27 ~~photograph showing the alleged violation, a sworn affidavit~~
28 ~~attesting to the neglect and/or abandonment of the animal(s)~~
29 ~~pursuant to this Section, or the citing animal control officer~~
30 ~~has directly observed the commission of such violation.~~

31 All fines collected from violations of this Part shall be

deposited into the Training and Cruelty Prevention Trust Fund.

* * *

Sec. 462.203. - Neglecting or abandoning animals.

It shall be unlawful for any person to neglect or abandon an animal. For purposes of this Part, neglecting or abandoning an animal includes: ~~it shall be considered neglect or abandonment if one or more of the following occurs:~~

(a) Failing to provide any one of the following: sufficient potable water; sufficient wholesome food; adequate shelter ~~with a sufficient, level floor, at least three structurally sound walls and a solid roof~~ to protect the animal from the weather, extreme temperature and direct sunlight; current and active veterinary care/treatment to prevent suffering; sufficient exercise and wholesome exchange of air; ~~A standard of usual and customary practice, based upon the guidelines of the Jacksonville Veterinary Medical Society (JVMS), the Florida Veterinary Medical Association (FVMA) and/or the American Veterinary Medical Association (AVMA), shall be used to define active veterinary care/treatment.~~

(b) Keeping an animal in an enclosure that is too small for the animal. An animal's enclosure must allow the animal to fully extend all limbs, stand fully erect without touching the walls or top of the crate, fully turn around, and sit and lay down without obstruction; ~~which prevents the animal from free and full movement with full extension of its limbs (including standing fully upright) and/or without wholesome exercise and change of air.~~

(1) Nothing in this Section is meant to prohibit:

(i) The ~~the~~ temporary transport of animals in 'airline crates' ~~or;~~

(ii) The ~~the~~ use of a temporary crate that may not allow

1 for full extension of all limbs and full movement
2 and to stand erect and turn fully around while
3 cleaning the enclosure or to separate animals while
4 feeding; ~~or-~~

5 (iii) The Crates used for temporary holding of animals
6 in crates for less than two (2) hours at a time in
7 conjunction with or training for dog shows,
8 performance events or hunting ~~are not covered by~~
9 ~~this provision if such holding period does not~~
10 ~~include overnight or extended periods of more than~~
11 ~~two hours, while not in transport, in such confined~~
12 ~~spaces that may not allow for full extension and~~
13 ~~free movement. Nothing in this Section is meant to~~
14 ~~restrict the use of crates that allow the animal(s)~~
15 ~~to fully extend all limbs, allow the animal(s) to~~
16 ~~stand fully erect without touching the walls or top~~
17 ~~of the crate, allow the animal(s) to fully turn~~
18 ~~around, and allow the animal(s) sit and lay down~~
19 ~~without obstruction.~~

20 (c) Confining ~~Placing or confining an animal or allowing it to be~~
21 ~~placed or confined or to remain in an unattended vehicle~~
22 ~~without sufficient ventilation or under conditions that or~~
23 ~~for such a period of time as may reasonably be expected to~~
24 ~~endanger the health or well-being of such animal; due to heat,~~
25 ~~lack of water or such other circumstances as may be expected~~
26 ~~to cause suffering, debility or death.~~

27 (1) An officer or Animal Control Officer who finds an animal
28 in a vehicle in violation of this Section may enter the
29 vehicle by using the amount of force reasonably
30 necessary to remove the animal. A An law enforcement
31 officer or animal control officer who acts in

substantial compliance with the provisions of this Section shall be immune from civil and criminal liability; and the City shall also be held immune from civil liability.

(2) Nothing in this Section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes.

~~(d) Caging or confining an animal and failing to supply the animal, during such caging or confinement, with sufficient water, with sufficient space to stand fully erect on all legs and/or to turn completely around within the cage or confinement and with sufficient wholesome food;~~

~~(d)-(e) Leaving the animal upon or beside any street, road or other public or private place; or~~

~~(e)-(f) Forsaking entirely and leaving any animal to die; and to die any animal that is maimed, sick, infirm or diseased.~~

(f) Failing to perform the obligations necessary for rudimentary care and support of an animal.

~~(g) A violation of this Section shall subject the violator to a civil fine of no less than the amount designated in Chapter 462, Part 18.~~

Sec. 462.204. - Restraint of dogs by tethering.

The City of Jacksonville recognizes that there is a clear link between dogs ~~animals~~ that are left tethered in one location and increased aggressiveness. In order to protect the safety and welfare of citizens and visitors, restraint by tethering may only be used provided all of the following conditions are met:

(a) The tether shall be of a size and weight that is reasonably necessary to safely restrain the dog without placing excessive strain or weight on the dog; ~~The tether is~~

constructed of material sufficient to restrain the animal, but also not place the animal in danger of injury or death. Welded metal link chain with links larger than 2.5 mm in thickness (2.5 mm welded link chain has a working load of 750 pounds and a breaking load of 2,000 pounds) cannot be used to tether an animal regardless of the length or weight of the chain. The tether shall not weigh more than one-eighth of the animal's body weight. When a violation of this provision occurs, an animal control officer is authorized to take reasonable measures to remove the animal from the tether and take the tether and animal to the shelter;

(b) The tether shall be at least 10 feet long and equipped with an operative swivel on at least one end of the line; ~~The tether shall be at least long enough to allow the animal to move ten feet in all directions from the point of tethering. The tether must have operative swivels on both ends and be attached to an elevated line, not less than seven feet from the ground and not more than ten feet from the ground, connected to two stationary points not less than 15 feet apart and sufficient to hold the dog without breaking or coming loose;~~

(c) The tether shall be attached to a properly fitted buckle-style collar or buckle-style harness made of nylon or leather and the collar or harness used must be appropriate for the size of the dog, sufficient to restrain the dog, and properly fitted to the dog; ~~with a width of not less than one inch worn by the animal;~~

(d) The ~~the~~ tether may not be attached to a slip collar, choke collar, or prong collar;

(e) ~~(d)~~ While tethered, the dog shall have access to potable water, dry ground, and shade or other shelter from the elements; ~~The~~

1 ~~animal, while restrained by tether, is able to access proper~~
2 ~~shelter with sufficient floor, at least three walls, and roof~~
3 ~~to protect the animal from the weather, extreme temperatures~~
4 ~~and direct sunlight; and is able to access sufficient potable~~
5 ~~water and sufficient wholesome food.~~

6 ~~(f)-(e)~~ The Beginning October 1, 2014, the tethered dog shall be
7 ~~animal is~~ within the visual range of the owner, and the owner
8 shall be ~~is~~ located outside with the dog ~~animal~~;

9 ~~(g)-(f)~~ The tethered dog must be ~~animal is~~ at least one year of
10 age or older, ~~and is not sick or injured;~~

11 ~~(h)-(g)~~ A tethered dog ~~The animal is~~ shall not be outside during a
12 period of extreme weather, including but not limited to,
13 extreme heat or cold, tropical storms, hurricanes,
14 thunderstorms, or tornadoes or in conditions unsafe for the
15 age and breed of the dog; ~~near freezing temperatures, tropical~~
16 ~~storm or hurricane watches or warnings, thunderstorms, and/or~~
17 ~~tornado watches and warnings;~~

18 ~~(i)-(h)~~ If multiple dogs are tethered, each dog must be tethered
19 separately and in such a manner to ensure the dogs do not
20 become entangled; ~~Every animal must be tethered separately~~
21 ~~with each complying with all provisions herein, plus the~~
22 ~~animals must not be able to tangle their tether with any other~~
23 ~~animal on the property;~~

24 ~~(j)-(i)~~ No dog's tether ~~No tethered animal~~ may extend any closer
25 than five feet from the perimeter fence or lot line; and

26 (k) Dogs are the only animals that may be restrained by tethering.

27 If an Animal Control Officer observes a violation of this
28 Section, the officer is authorized to take reasonable measures to
29 remove the dog(s) from the tether and take the tether(s) and the
30 dog(s) to an animal services facility. ~~During the educational phase~~
31 ~~of the revision of this Section, beginning upon enactment of this~~

~~ordinance and for a period of six months thereafter, animal code enforcement officers shall provide a warning to all first time tethering violators and allow them 30 days to correct the violation before any civil citation is issued for the tethering violation. Provided however, nothing herein prohibits any animal code enforcement officers from citing an owner for violations of any other portion of Chapter 462, Ordinance Code, including other prohibited acts of cruelty or neglect.~~

~~— In the interest of public safety, animal control officers and/or law enforcement officers are authorized to remove aggressive and dangerous dogs from tethers and impound such animals where the animal is accessible by children or the public without a secured fence or enclosure.~~

~~A violation of this Section shall subject the violator to a civil fine of not less than the amount designated in Chapter 462, Part 18, Ordinance Code.~~

Sec. 462.205. - Dog fighting and other animal fighting.

(a) As used in this Section, the term:

(1) "Animal fighting" means fighting between roosters or other birds or between dogs, bears, or other animals.

(2) "Baiting" means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, "baiting" means the use of live animals in the training of racing greyhounds.

(b) Baiting, breeding, training, transporting, selling, owning, possessing and using an animal for the purpose of animal fighting shall be considered acts of animal cruelty.

(c) ~~(a)~~ In addition to penalties prescribed by F.S. § 828.122, any animal baited, bred, trained, transported, sold, owned,

1 possessed or used for animal fighting or baiting shall be
2 subject to seizure pursuant to Section 462.210, Ordinance
3 Code. ~~For purposes of this Section, "baiting" shall mean to~~
4 ~~have two or more animals in close proximity while restrained~~
5 ~~to simulate a fight or exhibit aggression superiority, to~~
6 ~~attack with violence, to provoke or to harass an animal with~~
7 ~~one or more animals for the purpose of training an animal~~
8 ~~for, or to cause an animal to engage in, fights with or among~~
9 ~~other animals. "Baiting" also means the use of live animals~~
10 ~~in the training of racing greyhounds.~~

11 (d) ~~(b)~~ Exemptions allowed:

- 12 (1) "Baiting" does not include two dogs engaged in
13 conformation trials during the judging of a sanctioned
14 breed exhibition or contest that is properly noticed to
15 ACPS at least two weeks in advance of the event and open
16 to ACPS officers for observation of the event.
- 17 (2) "Animal fighting" and "Baiting" do not include
18 traditional and lawful hunting practices, field trials
19 or performance events, or the training for such events.

20 (e) ~~(c)~~ Possession of the paraphernalia associated with animal
21 fighting, including but not limited to gamecock gloves,
22 spurs, long blades, short blades, break stick, breeding or
23 'rape stand', spring pole, cat mill, and similar devices known
24 to be associated with animal fighting and conditioning for
25 fighting, shall be considered a violation of this Section. In
26 determining a violation, the context of the scene and items
27 shall be evaluated; however, each individual item shall be
28 considered a separate violation.

29 (f) ~~(d)~~ A violation of this Section shall subject the violator to
30 a civil fine of \$500.

31 * * *

1 **Sec. 462.209. - Citation.**

2 A violation of this Part shall subject the violator to a civil
3 fine of no less than the amount designated in Part 18, Chapter 462,
4 Ordinance Code. Each separate incident is considered a separate
5 violation. The animal control officer may cite a person for a
6 violation of this Part when, based upon personal investigation, the
7 officer has probable cause to believe that the person has violated
8 this Part. An animal control officer may issue a citation to the
9 owner or other person violating this Part when the animal control
10 officer has probable cause, based upon direct evidence, observation
11 or sworn affidavit(s) from credible witness(es), to believe that the
12 person has committed a civil infraction in violation of this Part.**Sec.**

13 **462.210. - Taking custody of mistreated animals.**

14 * * *

15 (c) Within 10 ~~30~~ days after the seizure of the animal or the
16 issuance of the order to provide care, the City shall petition
17 the County Court for a hearing. The hearing shall be held not
18 more than 30 ~~45~~ days after the request for such hearing is
19 made. The hearing shall be for the purpose of determining
20 whether or not the owner has violated this Part and to
21 determine whether the owner is fit to have custody of the
22 animal. The hearing shall be concluded and the court order
23 entered as expeditiously as possible, and in any case, not
24 more than 60 days after the date the hearing commenced. No
25 fee shall be charged for the filing of the petition.

26 (d) ACPS shall have written notice served upon the owner of the
27 animal seized at least 3 ~~five~~ days prior to the hearing. If
28 the owner is residing in the City, notice shall be in
29 conformance with the provisions of F.S. Ch. 48, relating to
30 service of process. There shall be no fee charged by the
31 sheriff for service of such notice. If the owner of the animal

1 is unknown, or is known but is residing outside of the City,
2 notice of the hearing shall be by publication in conformance
3 with the provisions of F. S. Ch. 49.

4 * * *

5 **Section 3. Amending Sections 462.301 (General), 462.302**
6 **(Noise), 462.303 (Animals at-large prohibited), 462.304 (Habitual**
7 **nuisance), and 462.305 (Destruction of Property and Biting), Part 3**
8 **(Nuisances), Chapter 462 (Animals), Ordinance Code.** Sections 462.301
9 (General), 462.302 (Noise), 462.303 (Animals at-large prohibited),
10 462.304 (Habitual nuisance), and 462.305 (Destruction of property and
11 biting), Part 3 (Nuisances), Chapter 462 (Animals), *Ordinance Code*,
12 are hereby amended to read as follows:

13 **CHAPTER 462 - ANIMALS**

14 * * *

15 **PART 3. - NUISANCES**

16 **Sec. 462.301. - General.**

17 * * *

18 (e) A violation of this Section shall subject the violator to a
19 civil fine of no less than the amount designated in Part 18,
20 Chapter 462, Ordinance Code ~~Chapter 462, Part 18~~. Each
21 separate incident is considered a separate violation. The
22 animal control officer may cite the owner or custodian of
23 such animal(s) for a violation of this Part ~~Section~~ when
24 ~~either the animal control officer, based upon personal~~
25 investigation, has probable cause to believe that the person
26 has violated this Part. ~~has received, from two or more~~
27 ~~unrelated adult witnesses residing at different residences or~~
28 ~~one adult witness with a recorded video or photograph showing~~
29 ~~the alleged violation, a sworn affidavit attesting to the~~
30 ~~nuisance of the owner or the animal(s) pursuant to this~~
31 ~~Section, or the citing animal control officer has directly~~

~~observed the commission of such nuisance.~~

Sec. 462.302. - Prohibited Nuisances. ~~Noise.~~

(a) No owner or custodian of any animal shall permit the animal
~~It shall be unlawful for the owner, or any person having~~
~~temporary custody, of an animal or animals to allow or fail~~
~~to restrain the animal(s),~~ to bark, meow, whine, howl, or to
make other sounds common to the species, persistently or
continuously for a period of 30 ~~20~~-minutes or longer when
every animal is not contained within an enclosure sufficient
to baffle loud noises and render them reasonably
unobjectionable. For the purposes of this Section,
persistently or continuously shall mean nonstop utterances
for 30 ~~20~~-consecutive minutes with individual interruptions
of less than 20 seconds at a time during the 30-minute ~~20~~
~~minute~~ utterances. This subsection shall not apply to animals
maintained on land zoned for agricultural purposes, ~~nor shall~~
~~it apply to a properly permitted animal shelters, shelter~~
~~established for the care and/or placement of unwanted or stray~~
~~animals, or nor a properly zoned commercial boarding kennels.~~
~~kennel or other animal facility.~~

(b) No owner or custodian of any animal shall permit the animal
or fail to restrain the animal from being at-large, except a
dog shall be considered exempt from these provisions if:

(1) The dog is engaged in the performance of duties while
under the supervision and control of law enforcement
officials performing law enforcement work.

(2) The dog is engaged in any legal hunt or training
procedure, including training or exhibiting in legal
sports such as obedience trials, conformation shows,
field trials, schutzhund, hunting/retrieving trials, and
herding trials; however, such dogs at all other times

1 and in all other respects shall be subject to this Part.

2 (3) The dog is in a City-designated or legally established
3 private "off-leash" dog park and is under the
4 supervision of the owner or a responsible person.

5 (c) Except where an exemption under Section 462.403, Ordinance
6 Code, applies, no owner or custodian of an animal shall permit
7 the animal, either willfully or through failure to exercise
8 due care or control to destroy or damage the property of
9 another including, but not limited to, the unprovoked biting,
10 attacking or wounding of another person's animal(s). For
11 purposes of this Section an animal on a leash or tether longer
12 than eight feet shall be considered failure to exercise due
13 physical control. The provisions and penalties of this
14 subsection shall be separate from and in addition to the
15 provisions of Part 4 regarding dangerous dogs.

16 (d) Except where an exemption under Section 462.403, Ordinance
17 Code, applies, no owner or custodian of an animal shall
18 permit, either willfully or through failure to exercise due
19 care or control, the animal to bite, attack or wound a human.
20 The provisions and penalties of this subsection shall be
21 separate from and in addition to the provisions of Part 4
22 regarding dangerous dogs.

23 ~~(b) A violation of this Section shall subject the violator to a~~
24 ~~civil fine of not less than the amount designated in Chapter~~
25 ~~462, Part 18. Each separate occasion is considered a separate~~
26 ~~violation. The animal control officer may cite the owner or~~
27 ~~custodian of the animal(s) for violation of such Section when~~
28 ~~either the animal control officer has received, from at least~~
29 ~~two unrelated adult witnesses from different residences, or~~
30 ~~from one adult witness with a recorded video showing the~~
31 ~~alleged violation, a sworn affidavit attesting to the~~

1 committing of a nuisance pursuant to such Section or
2 subsection, or the citing animal control officer has
3 witnessed the commission of such a nuisance. Affidavit(s)
4 attesting to the nuisance must come from residents within a
5 three-block radius (approximately 900-foot radius).

6 ~~(c) As authorized by F. S. § 828.27(7), a violation of the noise~~
7 ~~provision of this Section may be punishable, upon conviction~~
8 ~~by the court, by a fine of up to \$500 or by imprisonment in~~
9 ~~the County Jail for a period not to exceed 60 days or by both~~
10 ~~fine and imprisonment.~~

11 **~~Sec. 462.303. - Animals at-large prohibited.~~**

12 ~~(a) No owner or person having temporary custody of any animal(s)~~
13 ~~shall permit the animal(s) or fail to restrain the animal(s)~~
14 ~~from being at-large, except a dog shall be considered exempt~~
15 ~~from these provisions if:~~

16 ~~— (1) The dog is engaged in the performance of duties while under~~
17 ~~the supervision and control of law enforcement officials~~
18 ~~performing law enforcement work.~~

19 ~~— (2) The dog is engaged in any legal hunt or training procedure,~~
20 ~~including training or exhibiting in legal sports such as~~
21 ~~obedience trials, conformation shows, field trials,~~
22 ~~schutzhund, hunting/retrieving trials, and herding trials;~~
23 ~~however, such dogs at all other times and in all other~~
24 ~~respects shall be subject to this Chapter.~~

25 ~~— (3) The dog is in a City-designated or legally established,~~
26 ~~with proper certificate of use, private "off-leash" dog park~~
27 ~~and is under the supervision of the owner or a responsible~~
28 ~~person.~~

29 ~~(b) A violation of this Section, shall subject the violator to a~~
30 ~~civil fine of not less than the amount designated in Chapter~~
31 ~~462, Part 18. Each separate incident is considered a separate~~

~~violation. The animal control officer may cite the owner or
custodian of such animal(s) for violation a of such Section
when either the animal control officer has received, from two
or more unrelated adult witnesses from different residences,
or from one adult witness with a recorded video showing the
alleged violation, a sworn affidavit attesting to the
committing of a nuisance pursuant to this Section, or the
citing animal control officer has directly observed the
commission of such a nuisance.~~

Sec. 462.303 ~~Sec. 462.304.~~ - Habitual nuisance.

(a) It shall be unlawful for the owner or custodian, ~~or any person
having temporary custody,~~ of an animal ~~or animals~~ to permit
the animal ~~animal(s)~~, either willfully or through failure to
exercise due care or control, to commit a nuisance by running
at-large habitually; by chasing or running after vehicles or
persons habitually; by trespassing upon public or private
school grounds habitually; by trespassing upon private
property habitually and interfering with the reasonable use
and enjoyment of the property; by barking habitually, or by
making other objectionable animal noises habitually; or by
doing any other thing habitually which is so offensive as to
create a nuisance.

(b) For the purpose of this Section, "habitually" means at least
two separate occurrences within a time period of no more than
one month; except that barking habitually, or making other
objectionable animal noises habitually, means making the
sound persistently or continuously for at least 30 minutes
occurring at least three separate times within a period of no
more than eight hours. For the purposes of this Section,
"persistently" or "continuously" shall mean nonstop
utterances for 30 consecutive minutes with interruption of

1 less than 30 seconds at a time during the 30 minute
2 utterances.

3 ~~(c) The animal control officer may cite the owner or any person~~
4 ~~having custody of such animal(s) for violation of this Section~~
5 ~~when either the citing animal control officer has witnessed~~
6 ~~the commission of such habitual nuisance or the animal control~~
7 ~~officer has received at least one sworn affidavit from each~~
8 ~~of at least two unrelated adult witnesses from different~~
9 ~~residences so that taken together, the affidavits attest to~~
10 ~~the committing of a nuisance pursuant to this Section.~~

11 (c) ~~(d)~~ Each violation of this Section shall be punishable by a
12 fine of not less than the amount designated in Part 18,
13 Chapter 462, Ordinance Code. ~~Chapter 462, Part 18.~~ A
14 subsequent violation of this Section occurring ten or more
15 business days after a previous citation for violation of this
16 Section shall be considered a separate and distinct
17 violation.

18 **Sec. 462.304. - Reserved.**

19 **Sec. 462.305. - Reserved. Destruction of property and biting.**

20 ~~Except where an exemption under Section 462.403 applies:~~

21 ~~(a) No owner or person having temporary custody of an animal(s)~~
22 ~~shall permit the animal(s), either willfully or through~~
23 ~~failure to exercise due care or control (for purposes of this~~
24 ~~Section an animal on a leash or tether longer than eight feet~~
25 ~~shall be considered failure to exercise due physical~~
26 ~~control), to destroy or damage the property of another~~
27 ~~including, but not limited to, the unprovoked biting,~~
28 ~~attacking or wounding of another person's animal(s).~~

29 ~~(b) No owner or person having temporary custody of an animal(s)~~
30 ~~shall permit, either willfully or through failure to exercise~~
31 ~~due care or control, the animal(s) to bite, attack or wound~~

1 ~~a human.~~

2 ~~(c) A violation of this Section, shall subject the violator to a~~
3 ~~civil fine of not less than the amount designated in Chapter~~
4 ~~462, Part 18. Each separate incident is considered a separate~~
5 ~~violation. The animal control officer may cite the owner or~~
6 ~~eustodian of the animal(s) for a violation of such Section~~
7 ~~when either the animal control officer has received, from two~~
8 ~~or more unrelated adult witnesses from different residences,~~
9 ~~or from one adult witness with a recorded video showing the~~
10 ~~alleged violation, a sworn affidavit attesting to the act of~~
11 ~~destruction of property or biting pursuant to this Section,~~
12 ~~or the citing animal control officer has directly observed~~
13 ~~the commission of such a violation.~~

14 ~~(d) The provisions and penalties of this Section shall be separate~~
15 ~~from and in addition to the provisions of Part 4 regarding~~
16 ~~dangerous dogs.~~

17 **Sec. 462.306. - Custody of racing dogs.**

18 Dogs that are in training or being trained as racing dogs, when
19 being exercised outside the confines of their regular quarters, shall
20 be constantly in the charge of a capable attendant, and shall be
21 securely muzzled and kept on a leash. No attendant shall at any time
22 have in his charge more than eight dogs.

23 * * *

24 **Section 3. Amending Section 462.601 (Impounding of animals),**
25 **Part 6 (Impoundment, Surrender, Redemption and Adoption), Chapter 462**
26 **(Animals), Ordinance Code.** Section 462.601 (Impounding of animals),
27 Part 6 (Impoundment, Surrender, Redemption and Adoption), Chapter 462
28 (Animals), *Ordinance Code*, is hereby amended to read as follows:

29 **CHAPTER 462 - ANIMALS**

30 * * *

31 **PART 6. - IMPOUNDMENT, SURRENDER, REDEMPTION AND ADOPTION**

1 **Sec. 462.601. - Impounding of animals.**

2 (a) An animal control officer is authorized to capture and
3 impound, in a place maintained or designated for that purpose,
4 any animal that is stray, at-large or as otherwise authorized
5 by this Chapter.

6 (b) Holding periods established:

7 (1) ACPS shall shelter and care for impounded potentially
8 owned, adult dogs and cats, whether tagged or stray, for
9 three ~~six~~ days, beginning the day of capture (intake),
10 and excluding official holidays recognized by the City
11 or when the shelter is otherwise closed to the public
12 due to an unexpected event.

13 * * *

14 **Section 4. Codification Instructions.** The Codifier and the
15 Office of General Counsel are authorized to make all chapter and
16 division "tables of contents" consistent with the changes set forth
17 herein. Such editorial changes and any others necessary to make the
18 Ordinance Code consistent with the intent of this legislation are
19 approved and directed herein, and changes to the Ordinance Code shall
20 be made forthwith and when inconsistencies are discovered.

21 **Section 5. Effective Date.** This Ordinance shall become effective
22 upon signature by the Mayor or upon becoming effective without the
23 Mayor's signature.

24
25 Form Approved:

26
27 /s/ Laura Hartung

28 Office of General Counsel

29 Legislation Prepared by: Laura Hartung

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