

ORDINANCE NO. 2022 - \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING IN ITS ENTIRETY ARTICLE 2 OF CHAPTER 4 OF THE CLAY COUNTY CODE BEING THE CODIFICATION OF CLAY COUNTY ORDINANCES 86-47, 88-55, 96-44, 01-66, 08-10 AND 2018-22, RELATING TO ANIMAL SERVICES, AS THE SAME MAY HAVE BEEN AMENDED, IN ORDER TO PROVIDE FOR: THE TITLE, AUTHORITY AND PURPOSE; DEFINITIONS; AUTHORITY TO ENACT RULES AND REGULATIONS; THE CONSTRUCTION AND MAINTENANCE OF THE ANIMAL SERVICES FACILITIES AND FEES; THE APPOINTMENT AND DUTIES OF THE DIVISION OF ANIMAL SERVICES MANAGER; VACCINATIONS; ANIMALS AT LARGE AND OWNERS' RESPONSIBILITIES; ANIMAL CRUELTY, NEGLECT AND TETHERING; CONFINEMENT OF AGGRESSIVE OR DANGEROUS DOGS; LURING, ENTICING, MOLESTING OR TEASING ANIMALS; SEIZURE, DESTRUCTION, AND DISPOSAL OF ANIMALS, NO COMPENSATION TO OWNERS; SEIZURE OF ANIMALS BY PROPERTY OWNERS OR TENANT, DELIVERY TO DIVISION MANAGER, IMPOUNDMENT, DISPOSAL AND STANDARD OF CARE TO BE EXERCISED; QUARANTINE, IMPOUNDMENT AND TREATMENT OF SICK AND INJURED ANIMALS, DISPOSAL OF DEAD ANIMALS; SURRENDER OF ANIMAL TO DIVISION MANAGER AND INTERFERENCE WITH PERFORMANCE OF DUTY; ENFORCEMENT, PENALTY AND PROCEEDINGS FOR VIOLATIONS; DISPOSAL OF ANIMALS; CONSTRUCTION OF PROVISIONS; AREAS OF ENFORCEMENT; DETERMINATION OF AGGRESSIVE OR DANGEROUS DOG; PROCEDURES FOR DETERMINATIONS; RETAIL SALE OF DOGS AND CATS; BREEDERS OF DOGS AND CATS; SEVERABILITY; AND AN EFFECTIVE DATE.**

Be It Ordained by the Board of County Commissioners of Clay County:

**Section 1.** Article II of Chapter 4 of the Clay County Code, being the codification of Clay County Ordinances 86-47, 88-55, 96-44, 01-66, 08-10 and 2018-22, as the same may have been amended, is hereby amended in its entirety as follows:

Chapter 4 - ANIMALS AND FOWL ARTICLE II. - ANIMAL SERVICES Sec. 4-16. - Short title; authority; purpose.

This article shall be referred to as the "Clay County Animal Services Ordinance" and is enacted under the home rule powers of the Board of County Commissioners to regulate animal owners and keepers in the interest of the health, safety and welfare of the citizens of Clay County.

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Sec. 4-17. - Definitions.

For the purpose of this article, the following words and terms shall have the meanings respectively ascribed:

*Adequate shelter* means an enclosure of at least three (3) sides and a roof, and which is structurally sound, maintained in good repair, water and wind resistant, and free of standing water, provides some shade from the direct rays of the sun, and assures adequate ventilation and light.

*Animal* means any animal as defined in Section 828.02, Florida Statutes, wild or domestic.

*Animal at large* means any animal, other than a cat, which is not under control, custody, charge or possession of the owner or their responsible person, by leash, chain, effective voice command, secure fence or other means of confinement or restraint.

*Animal control officer* means any assistant to the Division Manager who has been so designated.

*Animal welfare organization* means a public or private agency, including an established humane society, organized primarily for the purpose of promoting animal welfare; accepting and/or housing unwanted, stray, or abandoned animals; promoting or conducting animal adoption; promoting or conducting spay/neuter; and/or other animal welfare activities.

*Board* means the Board of County Commissioners of Clay County.

*Collar* means identification collar with rabies tag attached.

*County* means Clay County, Florida.

*County Manager* means the County Manager of the County.

*Department* means the Department of Community and Social Services within which the Division of Animal Services operates.

*Department Head* means the head of the Department of Community and Social Services.

*Division of Animal Services* or *Division* means the Clay County Division of Animal Services.

*Division Manager* means the manager of the Clay County Division of Animal Services.

*Effective voice command* means a voice control by a competent person which at all times prevents the animal subject to the voice control from running at large or otherwise violating the provisions of this article.

*Neutered* or *spayed* means rendered permanently incapable of reproduction by surgical alteration, implantation of a device or other physical means, or permanently incapable of reproduction because of physiological sterility, but only where such neutered or spayed condition has been certified by a veterinarian licensed in any state.

*Nuisance* means any animal conduct or behavior, including but not limited to habitual or repeated destruction, desecration or soiling of any public or private property, habitual

chasing of persons, cars, other vehicles or running at large that causes a disturbance to the peace or causes injury or threat of injury to persons or property.

*Owner* or *Keeper* means any person, household, firm, corporation, or other organization possessing, harboring, or having control or custody of an animal. A person must be age eighteen (18) or older to be considered the legal owner of an animal. If a person under the age of eighteen (18) is considered the custodian or caretaker of the animal, the parents or legal guardians shall be considered the legal owner of the animal and responsible for all matters involving that animal. There shall be a rebuttable presumption that the person's name appearing on the animal's registration or radio frequency identification device (RFID), commonly known as a "microchip," is the Owner.

*Stray* means any animal that is found to be at large, whether lost by its owner or otherwise or feral, or that is on the public or private streets, common areas of apartments, condominiums, trailer parks or other multi-residential premises, and that does not have an identification collar and for which there is no identifiable Owner.

#### **Sec. 4-36. - Retail sale of dogs and cats**

##### **(a) Prohibitions.**

(1) It shall be unlawful for any commercial establishment to engage in the retail sale of a dog or cat.

(2) It shall be unlawful for any person to engage in the retail sale of a dog or cat from a public thoroughfare, public common area, or flea market sale.

(b) Exemptions. The following shall be exempt from the prohibitions in subsection (a) of this section:

(1) Animal shelters.

(2) Animal welfare organizations.

(c) Amortization period. Any existing commercial establishment that is lawfully operating on or before March 31, 2022 shall be permitted to continue the retail sale of dogs or cats for one year. As a condition of continued operation during the amortization period, a commercial establishment shall not increase or enlarge its floor space for the sale of dogs or cats. A commercial establishment shall provide proof of its retail sales of dogs and cats existing as of March 31, 2022, to the Division of Animal Services through sales receipts, franchise agreements, leases, or other documentation readily authenticated as true and correct documents. Any commercial establishment that voluntarily abandons retail sale of dogs or cats for a period of more than thirty (30) days or ceases retail sale of dogs or cats as a result of destruction by fire or other peril, shall lose its nonconforming status.

(d) Adoption of dogs or cats. Nothing in this article shall prevent a commercial establishment from providing space to any animal welfare organization or animal shelter for the purpose of showcasing dogs or cats for adoption to the public.

(e) Certificate of source and veterinary inspection. During the amortization period above, commercial establishments within the County shall post and maintain in a conspicuous place, a certificate of source of each dog or cat offered for sale or transfer, and shall provide to the purchaser or transferee of any dog or cat sold or transferred a copy of such certificate of source along with a certificate of veterinary inspection.

**Section 2.** The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 3.** This ordinance shall become effective as prescribed by Florida general law. DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this 8th day of March, 2022.

ATTEST:

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Tara S. Green,  
Clay County Clerk of Court and Comptroller Ex Officio Clerk to the Board

BOARD OF COUNTY COMMISSIONERS CLAY COUNTY, FLORIDA

BY: \_\_\_\_\_ Wayne Bolla, Its Chairman