

**ORDINANCE NO. 2020- 01**

**AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING CHAPTER 14, ANIMALS, SECTION 14-1 DOGS AND CATS PROHIBITED, ADDING REQUIREMENTS FOR REMOVAL OF ANIMAL FECES; CREATING A NEW SECTION 14-3 ATTACKS AND INJURY TO PERSONS, ANIMALS OR LIVESTOCK, IN CHAPTER 14 OF VERO BEACH CITY CODE; AMENDING CHAPTER 54 PARKS AND RECREATION, ARTICLE II USE OF PARKS AND RECREATION AREAS, SECTION 54-51 ANIMAL RESTRICTIONS TO CLARIFY ANIMALS ALLOWED OR PROHIBITED IN CITY PARKS IN ACCORDANCE AND CONFORMANCE WITH CITY OF VERO BEACH RESOLUTION 2014-07; THAT PROHIBITION WITHIN SECTION 54-51 ANIMAL RESTRICTIONS IS AMENDED TO SPECIFY ALL GUARDED CITY BEACHES THAT ARE CITY PARKS BY DEFINITION UNDER CITY CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City has considered which City parks are most amenable to use by citizens wishing to bring their leashed dogs to a City park; and

**WHEREAS**, the City has previously defined its City parks in Section 54-02 to include beach and ocean within city limits; and

**WHEREAS**, the City previously adopted Resolution 2014-07 specifying certain City parks where citizens could bring their leashed dogs and providing the City Manager with authority to cause appropriate signs, notices and regulations pertaining to dogs to be posted in certain City parks; and

**WHEREAS**, the City finds that the owners of all pets should be accountable for maintaining sanitary conditions within the City and that owners should be compelled to remove all feces deposited by pets; and

**WHEREAS**, the City finds that for the safety of the public, animal owners must not allow unprovoked attacks on people or other animals,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:**

**Section 1. Amendment.**

Section 14-1 Dogs and cats at large prohibited., sub part (b) Prohibition., as shown below, is hereby amended as follows (all deletions are depicted by striking over the language, and all additions are depicted by underlining).

- (b) *Prohibition.* It shall be unlawful for any owner of a dog or cat to
- 1) allow such dog or cat to be at large, or
  - 2) fail to remove the animal's feces from public walks, right of ways, parks, including beaches, recreation areas, or other public property, or
  - 3) to allow animal feces to be deposited on private property where the private property owner has not given express permission for such use on their private property

No other amendments or alterations to Section 14-1 are intended and it shall otherwise remain as originally enacted.

**Section 2. Adoption of Section 14-3 Attacks and Injury to Persons, Animals or Livestock.**

There is hereby created a new Section 14-3 in Article II of Chapter 14 of City Code, to read as follows:

**Section 14-3 Attacks and Injury to Persons, Animals or Livestock.**

No owner shall allow a dog, when unprovoked, to bite, attack, endanger, or inflict injury to a human, domestic animal, or livestock, while such unprovoked dog is on public or private property, or chase or approach an individual upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack. The owner of any dog that bites any person while such person is on or in a public place, or lawfully on or in a private place, including the property of the owner of the dog, is liable for damages suffered by persons bitten, regardless of the former viciousness of the dog or the owners' knowledge of such viciousness, as provided for by Chapter 767 Florida Statutes.

**Section 3. Amendment of Section 54-51 Animal restrictions., of Article II, Chapter 54 Parks and Recreation.**

Section 54-51 Animal restrictions., of Chapter 54 Parks and Recreation, Article II Use of Parks and Recreation Areas is hereby amended to read as follows:

**Sec. 54-51- Animal restrictions.**

It shall be unlawful for any unauthorized person to bring or have possession or control of any animal, as defined by the county animal control ordinance:

a) in any city park unless such park is posted by the city manager, adopted in accordance with city policy pursuant to Resolution 2014-07,

b) designated city beaches with lifeguards, including, but not limited to, South Beach, Humiston Beach, and Jaycee Beach,

**Section 4. Codification.**

The provisions of this Ordinance shall be codified in the Code of Ordinances of the City of Vero Beach, Florida.

**Section 5. Conflict and Severability.**

In the event any provision of this Ordinance conflicts with any other provision of Code or any other ordinance or resolution of the City of Vero Beach on the subject matter of this Ordinance, the more strict provision shall apply and supersede. If any provision of this Ordinance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance, which shall be deemed separate, distinct, and independent provisions enforceable to the fullest extent of the law.

**Section 6. Effective Date.**

This ordinance shall become effective upon final adoption by City Council.

This ordinance was read for the first time on the 21<sup>st</sup> day of January, 2020, and was advertised on the 25<sup>th</sup> day of January, 2020, as being scheduled for a public hearing to be held on the 4<sup>th</sup> day of February, 2020, at which time it was moved for adoption by Councilmember Brackett, seconded by Councilmember Graves, and adopted by the following vote:

Mayor Anthony W. Young	<u>yes</u>
Vice-Mayor Laura Moss	<u>yes</u>
Councilmember Robbie Brackett	<u>yes</u>
Councilmember Joe Graves	<u>yes</u>
Councilmember Rey Allen Neville	<u>no</u>

ATTEST:

CITY OF VERO BEACH, FLORIDA:

Tammy K Bursick  
Tammy K. Bursick  
City Clerk

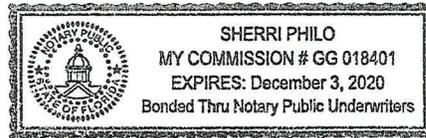
By: Anthony W. Young  
Anthony W. Young  
Mayor

(Seal)

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of February 2020, on behalf of the City of Vero Beach, Florida by **Anthony W. Young**, as Mayor, and attested by **Tammy K. Bursick**, as City Clerk, of the City of Vero Beach, Florida. Both are personally known to me.

Sherry Philo  
NOTARY PUBLIC  
Print Name:  
Commission No.:  
My Commission Expires:



(NOTARY SEAL)

**ADMINISTRATIVE REVIEW**  
(For Internal Use Only—Sec. 2-77 COVB Code)

Approved as to form and legal sufficiency:

Approved as conforming to municipal policy:

John S. Turner  
John S. Turner  
City Attorney

Monte K. Falls, P.E.  
Monte K. Falls, P.E.  
City Manager

Approved as to technical requirements:

Approval as to technical requirements:

David E. Currey  
David E. Currey  
Chief of Police

Matthew T. Mitts, P.E.  
Matthew T. Mitts, P.E.  
Director, Public Works