

CITY OF SARASOTA
Sarasota, Florida

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City Auditor & Clerk

Inter-Office Memorandum

July 20, 2017

TO: Pamela M. Nadalini, MBA, CMC, City Auditor & Clerk
FROM: John K. Shamsey, Assistant City Attorney *JKS*
RE: Ordinance No. 17-5209 (Dogs must be leashed in all City parks)

Enclosed for execution is original Ordinance No. 17-5209 which was adopted unanimously on second reading by the City Commission at its regular meeting on July 17, 2017.

JKS/hb
enc.: a/s

ORDINANCE NO. 17-5209

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE CITY CODE, CHAPTER 8, ANIMALS, ARTICLE II, DOGS, TO PROVIDE THAT DOGS MUST BE LEASHED IN ALL CITY PARKS, EXCEPT IN DESIGNATED DOG PARKS, AND DELETING AND/OR AMENDING ADDITIONAL SECTIONS AND LANGUAGE IN CHAPTER 8, ARTICLE II, THAT MIGHT BE IN CONFLICT WITH SUCH AMENDMENT; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, currently, dogs are not required to be leashed in City parks (with the exceptions of Payne Park, Gillespie Park, Arlington Park and Bayfront and Island Park); and

WHEREAS, it is a requirement that dogs be leashed in all other public areas of the City; and

WHEREAS, it has come to the attention of the City Commission that there have been problems with unleashed dogs in City parks causing citizens to express safety concerns with the current leash regulations; and

WHEREAS, the City Commission had directed the Parks, Recreation & Environmental Protection (PREP) Board to review the matter, and the PREP Board did review and discuss the matter at its January 19, 2017 meeting, and subsequently made its recommendation to the City Commission; and

WHEREAS, the City Commission finds that, it is a safer and more consistent policy, to require that dogs be on leash in all City parks, unless a park or an area of a park is enclosed and has been designated a "dog park"; and

WHEREAS, the City Commission finds that it is in the furtherance of the public health, safety and welfare, to amend Chapter 8, Animals, Article I, In General, and Article II, Dogs, as set forth herein.

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

Section 1. The Sarasota City Code, Chapter 8, Animals, Article I, In General, is hereby amended as follows:

(Additions to text are indicated by underline; deletions by ~~strikeout~~, unchanged portions

have been purposely omitted)

ARTICLE I. IN GENERAL

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Sec. 8-4. Animals running at large.

No animal, except dogs in certain designated areas within City parks, ~~which are as provided for in sections 8-26 – 8-34~~, shall be permitted to run or range in or upon the streets, public places or open fields within the City. Such animals shall be kept within enclosures properly and adequately fenced.

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Section 2. The Sarasota City Code, Chapter 8, Animals, Article II, Dogs, is hereby amended as follows:

(Additions to text are indicated by underline; deletions by ~~strikeout~~.)

ARTICLE II. DOGS

Sec. 8-26. Adoption of Sarasota County Animal Control Code with exception.

- (a) The Sarasota County Animal Control Code, sections 14-31 through 14-59, is effective and enforceable by Sarasota County within the municipal limits of the City of Sarasota, including in City parks, except that the Sarasota City Commission shall determine whether dogs shall be prohibited or allowed in City parks and, if allowed, whether dogs shall remain leashed or unleashed, as set forth ~~in sections 8-27 and 8-29~~ below. In order to allow for joint and mutual enforcement of the provisions hereof by the City of Sarasota and Sarasota County, both the county and the City shall have jurisdiction to enforce all of the provisions of this Article ~~sections 8-26, 8-27 and 8-29~~ within the City limits.
- (b) In addition to the authorization provided by the Sarasota County Animal Control Code, an animal services officer may catch, seize, pick up or impound any animal in any location in the City, including City parks, when the owner of the animal cannot be found or when the animal has been delivered or turned over to animal services by the City of Sarasota Police Department.

Sec. 8-27. Dogs and animals in City Parks, leash requirements.

- (a) ~~Except for in those parks listed in section 8-29, a~~ A dog may remain unleashed must be on leash at all times in a City park so long as it remains under the voice control and within one hundred (100) feet of its owner or other person

having care, custody, or control of the dog, and it shall be unlawful for any person owning a dog, or having care, custody, or control of a dog, to allow the dog to run without restraint within City parks. For purposes of this section "without restraint" shall mean either off leash or on a lead or leash that is longer than twenty-six (26) feet; i.e., a proper restraint shall be a lead or leash not longer than twenty-six (26) feet. The only exception to the above leash requirement shall be in dog parks, as defined herein.

- (b) ~~Notwithstanding sections 8-27(a) and 8-29, the City Commission is authorized to designate pet-free areas in any City park, pursuant to City of Sarasota Code section 22-3.~~
- (c) ~~Notwithstanding subsections 8-27(a), and (b) above, an animal services officer may catch, seize, or pick up any animal in a City park if the animal:~~
 - (1) ~~Is sick, injured, in need of medical attention, or the victim of cruelty;~~
 - (2) ~~Has or is suspected of having rabies or other infectious disease;~~
 - (3) ~~Meets the criteria for "vicious animal" as set forth in section 14-40, Sarasota County Code;~~
 - (4) ~~Is not properly quarantined as set forth in section 14-43, Sarasota County Code;~~
 - (5) ~~Is considered a "public nuisance animal" pursuant to section 14-39, Sarasota County Code, for any reason other than the animal is "at large";~~
 - (6) ~~Is in heat and not properly confined, as set forth in section 14-47, Sarasota County Code;~~
 - (7) ~~Has not been properly vaccinated against rabies.~~
 - (8) ~~Is not wearing a license tag;~~
 - (9) ~~Is in violation of Sarasota County Code, Article II, section 14-31, et. seq., for any reason other than for being "at large";~~
 - (10) ~~Has been classified as "dangerous" pursuant to Chapter 767, Florida Statutes;~~
 - (11) ~~Must be impounded for any reason set forth in section 14-42 of the Sarasota County Code other than for being "at large";~~
 - (12) ~~Has bitten, attacked or caused injury to any person or animal.~~

Sec. 8-28. Dog parks

Designated, enclosed dog parks or designated enclosed areas for dogs within parks may be created by the City Parks Department at any time after the Department has: 1) reviewed the inventory of City parks as weighed against the demand from the public for additional dog parks, and 2) received budgetary approval for such dog park from the City Commission. Once a dog park or area is designated, to create the dog park the Parks Department shall enclose such area and erect proper signage clearly designating the dog park area, and list the rules and regulations for use of the dog park. In addition to the requirements above, the Parks Department shall maintain an updated list of all dog parks, and shall make such list readily available and accessible to the public.

Sec. 8-2829. Where greyhound racing dogs to be kept.

No greyhound racing dogs shall be housed, kept, maintained or exercised for commercial purposes, except within the following limits in the City: on the north by the City limits, on the east by the City limits, on the south by 54th Street and on the west by Old Bradenton Road.

Sec. 8-2930. Certain areas, parks, and areas of parks requiring that not allowing dogs be restrained.

(a) ~~Except as stated in subsection 8-29(b) herein, it shall be unlawful for any person owning a dog, or having care, custody, or control of a dog, to allow the dog to run without restraint within certain City parks. A proper restraint shall be a lead or leash not longer than twenty six (26) feet. The parks where it shall be unlawful to allow a dog to run without restraint are:~~

~~(1) Bayfront and Island Park;~~

~~(2) Gillespie Park;~~

~~(3) Arlington Park; and~~

~~(4) Payne Park.~~

(b) ~~A dog within Bayfront and Island Park may be released, at water's edge, to allow the animal to swim, but the dog shall be immediately placed under leash upon coming ashore. Dogs are not allowed to enter or swim in the ponds located in Gillespie, Arlington, or Payne parks. In addition, no dogs are permitted in any area of Arlington Park except along the walking trail, unless such dog is trained to and is assisting or aiding a disabled individual.~~

(b) Dogs are not allowed on the beaches and parks of Lido Key pursuant to City of Sarasota Code section 10-11.

- (c) The City Commission is authorized to designate pet-free areas in any City park, pursuant to City of Sarasota Code section 22-3.

Sec. 8-31. Animal Services Officers in parks.

An animal services officer may catch, seize, or pick-up any dog in a City park if the dog:

- (1) Is sick, injured, in need of medical attention, or the victim of cruelty;
- (2) Has or is suspected of having rabies or other infectious disease;
- (3) Meets the criteria for "vicious animal" as set forth in section 14-40, Sarasota County Code;
- (4) Is not properly quarantined as set forth in section 14-43, Sarasota County Code;
- (5) Is considered a "public nuisance animal" pursuant to section 14-39, Sarasota County Code, for any reason other than the animal is "at large";
- (6) Is in heat and not properly confined, as set forth in section 14-47, Sarasota County Code;
- (7) Has not been properly vaccinated against rabies;
- (8) Is not wearing a license tag;
- (9) Is in violation of Sarasota County Code, Article II, section 14-31, et. seq., for any reason other than for being "at large";
- (10) Has been classified as "dangerous" pursuant to Chapter 767, Florida Statutes;
- (11) Must be impounded for any reason set forth in section 14-42 of the Sarasota County Code other than for being "at large";
- (12) Has bitten, attacked or caused injury to any person or animal.

Sec. 8-302. Removal of dog excrement.

It shall be unlawful for any person who owns a dog, or for any person who has charge, custody, or control of a dog, to fail to remove feces excreted by the dog on public or private property, other than property of its owner. Such person shall carry

with them plastic bags or other containers for removing and disposing of the feces in a lawful and sanitary manner.

Sec. 8-313. Proceedings for violations.

- (a) A law enforcement or animal control officer who has probable cause to believe that a person has committed an act in violation of sections 8-26, 8-27, 8-2930, or 8-302 may issue a citation to the person.
- (b) The citation shall include:
 - (1) The date and time of issuance.
 - (2) The name and address of the person.
 - (3) The date and time the civil infraction was committed.
 - (4) The facts constituting probable cause.
 - (5) The ordinance or section of the City Code violated.
 - (6) The name and authority of the officer.
 - (7) The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear in court as required under section 8-324(f).
 - (8) The applicable civil penalty if the person elects to contest the citation.
 - (9) The applicable civil penalty if the person elects not to contest the citation.
 - (10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
 - (11) A conspicuous statement that if the person is required to appear in court as mandated by subsection 8-324(f), he or she does not have the option of paying a fine in lieu of appearing in court.

Sec. 8-324. Penalties for violations.

- (a) A violation of section 8-26, 8-27, 8-2930 or 8-302 shall be a civil infraction and shall carry the following civil penalties:

- (1) For a first offense, a fine of three hundred dollars (\$300.00).
 - (2) For a second offense, a fine of four hundred dollars (\$400.00).
 - (3) For a third offense, a fine of five hundred dollars (\$500.00).
- (b) A person cited for violating sections 8-26, 8-27, 8-2930 or 8-302 may choose to contest the citation in county court.
 - (c) Notwithstanding subsection 8-324(a), if a person chooses not to contest the citation in county court, the maximum civil penalty shall be one hundred dollars (\$100.00) for a first or second offense.
 - (d) If a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required by section 8-324(f), the court may issue an order to show cause upon the request of the City Commission. This order shall require such persons 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 may be held in contempt of court.
 - (e) In any hearing authorized pursuant to this section, a violation must be proven by a preponderance of the evidence.
 - (f) Persons charged with the following aggravated violations of sections 8-26, 8-27, 8-2930 or 8-302 do not have the option of paying a fine but must appear in court, provided the citation clearly informs the person of the mandatory court appearance:
 - (1) Violations resulting in the unprovoked biting, attacking, or wounding of a domestic animal;
 - (2) Violations resulting in the destruction or loss of personal property;
 - (3) Violations resulting in the issuance of a third or subsequent citation to a person.

Section 3. Should any section, sentence, clause, part or provision of this Ordinance be declared invalid or unenforceable by a court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole, or any part hereof other than the part declared to be invalid. Said provision declared to be invalid shall be

deemed severed from the remaining provisions of this Ordinance.

Section 4. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

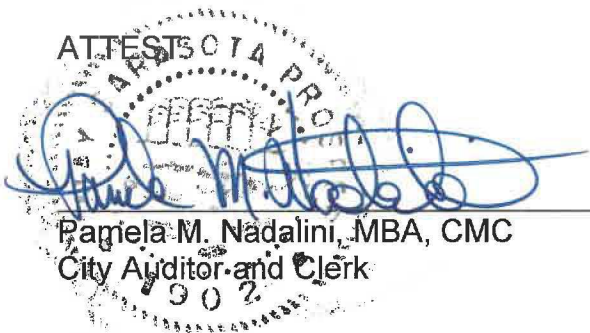
Section 5. This ordinance shall take effect immediately upon second reading.

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 1st day of May, 2017.

PASSED on second reading and finally adopted this 17th day of July, 2017.



Shelli Freeland Eddie, Mayor



Pamela M. Nadalini, MBA, CMC
City Auditor and Clerk

- Yes Mayor Shelli Freeland Eddie
- Yes Vice Mayor Liz Alpert
- Yes Commissioner Jen Ahearn-Koch
- Yes Commissioner Hagen Brody
- Yes Commissioner Willie Charles Shaw