

ORDINANCE NO. 2013-37

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING CHAPTER 10, ANIMALS, SECTION 10-2, DOGS RUNNING AT LARGE, SECTION 10-6, ANIMALS IN OR ON PARKS, PLAYGROUNDS, SCHOOL PREMISES, PUBLIC BUILDINGS OR BEACHES AND CHAPTER 46, PARKS AND RECREATION, ARTICLE III, CONDUCT IN PARKS, SECTION 46-62 GENERAL RULES AND REGULATIONS FOR ALL PARKS, BEACHES AND RECREATIONAL AREAS ALLOWING ANIMALS IN CERTAIN PARKS AND PROHIBITING THEM IN OTHERS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the parks and recreation advisory board has determined that a revision of the code is required to outline where pets are permitted in public parks; and

WHEREAS, city council has reviewed the recommendations of the parks and recreation advisory board who heard public comments and concurs with these amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. Chapter 10, Animals, Section 10-2, Dogs running at large and Section 10-6, Animals in or on parks, playgrounds, school premises, public buildings or beaches are hereby amended as follows:

Sec. 10-2. Dogs running at large, dogs in public places.

(a) It shall be unlawful for any person who owns, harbors, keeps or maintains any dog to allow or permit the dog to roam, wander or run at large within the city, except that any person who owns, harbors, keeps or maintains a dog may allow the dog to run at large solely upon the property owned or leased by such person. Any person found in violation of this subsection shall be subject to payment of all costs, fees and expenses incurred in the impounding and care of such animal and for any fine imposed upon the owner under the provisions of this code.

(b) All dogs in public places where dogs are allowed under subsection 10-6(a) or Chapter 46 of this code shall be leashed except when in a container or crate specifically designed for transport of dogs or when physically carried by the owner or person in charge of such dog.

Sec. 10-6. Animals in or on parks, playgrounds, school premises, public buildings or beaches.

(a) Prohibited. Except as provided in subsection (b) of this section in Chapter 46 of this code, or within any designated paw park meeting all rules and regulations applicable to a paw park, it shall be unlawful for any animal owner to take or allow his animal, including dogs, on any public beach, park, playground or school premises or in public buildings within the city. ~~This prohibition shall not apply within any designated paw park provided that all rules and regulations applicable to the paw park are complied with and shall not apply to any city owned, leased or operated park, beach or recreational area where such activity is permitted by chapter 46 of this Code. No provisions shall be made prohibiting~~ This prohibition shall not apply to dogs trained to assist or aid disabled or handicapped persons, when such dogs are actually being used to assist or aid such persons, ~~from any public park, playground, school premises, public buildings and beaches. Any animal found in an area restricted for such animals shall be deemed to be committing an act in violation of this section.~~ Any person owning or having charge, care, custody or control of any animal ~~deemed found in an area where such animals are prohibited shall be in violation of this section and~~ shall be punished as provided for in ~~subsection (c) of this~~ Section 1-14.

(b) No change.

~~(c) Penalty. Any person deemed in violation of any of the provisions of this section shall be punished by a fine of not more than \$100.00. Each day, or fraction thereof, that the violation continues shall be considered as a separate offense.~~

~~(cd)~~ No change.

SECTION 3. Chapter 46, Parks and Recreation, Article III, Conduct in Parks, Section 46-62, General rules and regulations for all parks, beaches and recreational areas is amended as follows:

Sec. 46-62. General rules and regulations for all parks, beaches and recreational areas.

(a) The following rules and regulations pertain to all city-owned, leased or operated parks, beaches and recreational areas:

Subsections (1) through (8) no changes.

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

(9) ~~Dogs, cats, and other animals~~ All animals, including dogs and cats, are not allowed prohibited in the following parks or portions thereof: portions of Brohard Park, including areas known as the Venice Fishing Pier, Robert E. Clark Beach Pavilion, South Brohard Beach, and Maxine Barritt Park, with the exception of dogs allowed in South Brohard Paw Park and areas of Maxine Barritt Park immediately adjacent to the South Brohard Paw Park up to the point where signs indicate "No Dogs Allowed Beyond This Point", Chauncy Howard Park, Chuck Reiter Park, East Gate Park, Hecksher Park, Higel Marine Park, Humphris Park, Marina and Boat Ramp, Mundy Park, Patriots Park, Service Club Park, Venice Municipal Beach Park and Wellfield Park. In addition, all animals, including dogs and cats, are prohibited from certain areas within all city parks listed in Section 46-1 of this code, such areas to include picnic areas at Higel Marine Park and Marina Park and Boat Ramp, within 25 feet of any playground or playground equipment, interactive fountains, on any playing fields, courts, or other sports venues, including adjacent seating and concession areas, and within any restrooms or other buildings on these properties. This prohibition shall not apply to dogs trained to assist or aid disabled or handicapped persons, when such dogs are actually being used to assist or aid such persons. Any dogs in areas not prohibited by this subsection shall be leashed in accordance with subsection 10-6(b) of this code, such leash shall be a maximum of six feet and under control of a person. It shall be unlawful to tie a dog to a tree, post, fence or any other stationary object. Any animal, including dogs and cats, ~~dog, cat or other animal (except for dogs trained to assist or aid disabled or handicapped persons)~~ found in violation of this section may be impounded and held in accordance with the provisions of the county code as may be amended. Any fees or costs imposed under county code provisions are in addition to any penalty imposed on the owner or person in charge of the animal under Section 46-61(a) or as provided elsewhere in this code ~~county Ordinance No. 95-42.~~ In the event that a restaurant or concession located within a city park where animals are prohibited meets the requirements of the City of Venice Dog Friendly Dining Program as established by Section 86-152 of the city code, then the prohibition with regard to dogs is suspended for the designated outdoor dining area, parking lot and areas directly between the parking lot and outdoor dining area during the hours of operation of the dog friendly restaurant or concession.

Subsections (10) through (14) no changes.

SECTION 4. To the extent of any conflict between the provisions of this ordinance, and any other ordinance, resolution, or agreement of the city, the provisions of this ordinance shall prevail.

SECTION 5. Severability. If for any reason a provision of this ordinance or the application thereof to any person, group or persons, or circumstances are held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without

the invalid provision or application, and to this end the provisions of the ordinance are severable.

SECTION 6. **Effective date.** This ordinance shall take effect immediately upon its adoption, as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 11TH DAY OF FEBRUARY, 2014.

First Readings: November 26, 2013 and January 28, 2014

Final Reading: February 11, 2014

Adoption: February 11, 2014

John W. Holic, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

(SEAL)

Approved as to form:

City Attorney, David Persson

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.