

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 92 OF THE CODE OF ORDINANCES ENTITLED "ANIMALS" BY AMENDING SECTION 92.08 ENTITLED "ANIMAL CARE; MANNER OF KEEPING".

WHEREAS, the purpose of Chapter 92, "Animals," of the Code of Ordinances reflects the City's commitment to encourage responsible pet ownership and to protect the public health, safety and welfare of the City; and

WHEREAS, staff proposed a number of changes to Chapter 92, "Animals," intended to promote responsible pet ownership and to address factors that contribute to animal abuse, animal neglect, and animal safety; and

WHEREAS, staff recommends that all animals being kept in the City receive appropriate daily exercise; and

WHEREAS, staff recommends that the City Commission address animals subject to outside temperatures that may be a health hazard and cause undue harm to the animals; and

WHEREAS, staff recommends adequate shelter flooring and shelter sizing for any animal being kept in the City; and

WHEREAS, staff recommends that tethering of an animal shall not be used as a means of confinement or restraint unless such person is able to observe and hear and attend to the animal if necessary; and

WHEREAS, staff recommends that the restraint of an animal inside of a moving vehicle on public roads will benefit public health and safety and the safety of the animal; and

WHEREAS, staff recommends dogs or cats with a known history of fighting should not be confined together; and

WHEREAS, staff recommends that the City Commission address and define what constitutes a humane enclosure for an animal maintained outdoors for all or part of any day.

Coding: Words in ~~struck through~~ type are deletions from existing text; underscored words are additions to existing text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That Chapter 92 of the Code of Ordinances entitled "Animals" is hereby amended as follows:

TITLE XI: IX

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CHAPTER 92. ANIMALS

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§ 92.08 ANIMAL CARE; MANNER OF KEEPING.

(A) It shall be unlawful for any person keeping an animal to fail to provide for that animal:

- (1) Clean, sanitary, safe and humane conditions;
- (2) Sufficient quantities of appropriate food daily;
- (3) Adequate quantities of visibly clean and fresh water available at all times; ~~and~~
- (4) Documented medical attention and/or necessary veterinary care when it is sick, diseased or injured. Upon request by the ~~Office~~ City, written proof ~~or~~ of veterinary care must be provided; and
- (5) Appropriate daily exercise.

(B) It shall be unlawful for any person keeping an animal to fail to provide shelter for that animal.

- (1) Shelter for dogs, cats and small domestic animals must:
 - (a) Provide a wind break and rain break;
 - (b) Contain clean, dry bedding material;
 - (c) Provide accessible protection from the elements at all times;
 - (d) Provide proper air ventilation and circulation;
 - (e) Provide protection when the outdoor temperature falls below 45 degrees Fahrenheit. All dogs and cats that cannot tolerate such temperatures without stress or undue discomfort (including without limitation short-haired breeds, sick, aged, young or infirm) must be protected from the cold by being moved indoors or provided adequate heating to maintain the air temperature above 45 degrees Fahrenheit. When the outdoor temperature rises above 85 degrees Fahrenheit, all cats

and dogs must be provided air conditioning, a fan, or another cooling source to maintain the temperature in the shelter at or below 85 degrees Fahrenheit;

(f) Provide a solid weatherproof floor and solid sanitary floor;

(g) Provide sufficient space for each dog to comfortably stand up, sit down, lie down, turn around in the shelter, all without touching the top or sides of the shelter. If the shelter is used for more than one dog or cat at the same time, it must provide enough space for both animals to comfortably stand up, sit down, lie down, and turn around.

(C) No person shall tether an animal to a stationary or inanimate object as a means of confinement or restraint unless such person is able to observe and hear and attend to the animal if necessary. Animals maintained on a tether must be in an area free of objects that may cause entanglements. All tethers must be a minimum of six feet in length and longer if appropriate for breed (~~i.w.i.e.~~, Irish Wolfhound, Borzoi, Great Dane, St. Bernard, etc.). Choke type or prong type collars shall be used only while the animal is under the handler's direct control. Between the hours of 10:00 a.m. and 5:00 p.m., animals shall not be on a tether outdoors.

(D) It shall be unlawful to deliberately and/or willfully leave unattended any animal, reptile, or fowl for a period in excess of 24 hours without providing food, water, proper shelter, or protection from the weather and/or necessary veterinary care.

(E) It shall be unlawful for any person to leave an animal in any unattended motor vehicle, or transport an animal in any motor vehicle without adequate ventilation, sanitary conditions, or otherwise under such circumstance as to prevent the animal from being subjected to extreme temperatures which adversely affect its health and safety. All animals on any public road must be safely and humanely restrained (at a minimum by a harness with double tethering for dogs) so that the animal is unable to jump or fall out of the vehicle.

(F) Dogs or cats with a known history of fighting should not be confined together or be allowed to be accessible to each other.

(G) Any dog weighing 20 pounds or less that is maintained outdoors for all or part of the day in a fenced yard or other type of enclosure shall be provided a minimum of 100 square feet of open space. Any dog weighing more than 20 pounds that is maintained outdoors for all or part of the day in a fenced yard or other type of enclosure shall be provided a minimum of 200 square feet of open space. An additional 40 square feet shall be required for each additional dog kept in the same enclosed area. The enclosed area shall be large enough to provide each dog with sufficient shelter within the required open space. Any enclosed area where the dog is confined shall be kept free of objects that may injure the dog.

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Section 3: That it is the intention of the City Commission and it is ordained that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of this Code may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2022.

PASSED on first reading this _____ day of _____, 2022.

PASSED AND ADOPTED on second reading this _____ day of _____, 2022.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY