

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 92 OF THE CODE OF ORDINANCES ENTITLED "ANIMALS" TO AMEND SECTION 92.19 "OWNERS RESPONSIBLE FOR ACTIONS OF DOGS" TO DEFINE AN "OWNER" AND TO CLARIFY LANGUAGE IN SECTION 92.20 "RUNNING AT LARGE".

WHEREAS, the City desires to amend the current definition of "owner" found in Section 92.19 of the Code of Ordinances to mirror the definition found in Florida Statutes Section 767.11(7); and

WHEREAS, the City also wishes to amend section 92.20 to recognize a person in possession, custody or control of a dog running at large as the responsible party.

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

Section 1: That Chapter 92 of the Code of Ordinances entitled "ANIMALS", section 92.19 entitled "Owners Responsible for Actions of Dogs" is hereby amended as follows:

TITLE IX: GENERAL REGULATIONS

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CHAPTER 92: ANIMALS

* * *

Dogs

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§ 92.19 OWNERS RESPONSIBLE FOR ACTIONS OF DOGS.

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

(A) Pursuant to and in accordance with F.S. § 767.01, owners of dogs shall be liable for any damage done by their dogs to sheep or other domestic animals or livestock, or to persons. Additionally, pursuant to, and in accordance with F.S. § 767.04, the owner of any dog which shall bite 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 such dog, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness. For purposes of this section, "owner" shall mean any person, firm, corporation, or organization possessing, harboring, keeping, or having control or custody of a dog or, if the dog is owned by a person under the age of 18, that person's parent or guardian.

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Section 2: That Chapter 92 of the Code of Ordinances entitled "ANIMALS", section 92.20 entitled "Running at Large" is hereby amended as follows:

TITLE IX: GENERAL REGULATIONS

* * *

CHAPTER 92: ANIMALS

* * *

Dogs

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§ 92.20 RUNNING AT LARGE.

(A) ~~It shall be unlawful for any person who shall own, or be in control or in charge of any dog, to allow or permit said dog to wander or stray~~ It shall be unlawful when a dog that is in a person's possession, custody or control wanders or strays upon the property of any other person and damage said property, within the city limits.

(B) In the event any such dog shall wander or stray upon the property of any person within the limits of the city and cause damage thereon, proof of such damage and the identity of said dog shall be sufficient to convict the person owning, or having charge, or control of said dog, of violating the terms and provisions of this section.

(C) ~~No person having the custody or control of any dog shall permit said dog to be on~~ It shall be unlawful when a dog that is in a person's possession, custody or control wanders or strays upon any street, unfenced area or lot abutting upon a street, public park, public place, or be on any other public or private land, other than that of its

owner, without being effectively restrained by a chain or leash not exceeding eight feet in length.

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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 _____, 2019.

PASSED on first reading this _____ day of _____, 2019.

PASSED AND ADOPTED on second reading this _____ day of _____, 2019.

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