

ORDINANCE NO. 1649

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 5, ARTICLE II, OF THE CITY'S CODE OF ORDINANCES RELATED TO ANIMAL CONTROL; AMENDING THE REQUIREMENTS FOR KEEPING LIVESTOCK OR FOWL IN THE CITY LIMITS; REPEALING THE LICENSURE REQUIREMENTS FOR THE KEEPING OF DOGS AND CATS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; SCRIVENER'S ERRORS; LIBERAL INTERPRETATION; MODIFICATIONS; CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Chapter 5, Article II, Section 5-3 of the Panama City Beach Code of Ordinances related to Animal Control, is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

Sec. 5-3. Keeping livestock or fowl.

- (a) It shall be unlawful to keep any livestock or fowl within the city without first obtaining the written permission of the owners or occupants of all property abutting on the premises on which any such livestock or fowl are to be kept, and without further obtaining the written permission of the City Manager. ~~Each such permission shall expire and automatically terminate after one (1) year, and no such permission given, or contract for permission made, for a period longer than one (1) year shall be effective or enforceable after the day which is one (1) year after such permission was given or contract was made.~~ **Each such permission shall remain in effect unless revoked by an abutting owner or occupant at which point the owner shall have thirty (30) days to dispose of the livestock or fowl. If the livestock or fowl owner is made aware that the person or entity who provided the written permission no longer owns or occupies the abutting property, written permission must be obtained within thirty (30) days of the owner receiving actual knowledge of such change in ownership or occupancy.**
- (b) Any livestock or fowl kept within the city without the permission required by subsection (a) shall be subject to impoundment.
- (c) In the event that anyone shall obtain permission to keep livestock or fowl in the City, the pen, yard, place, or sty shall conform to the regulations as to sanitary conditions that the State Department of Health and Rehabilitative Services or the county health unit or department or the Chief of Police shall require.
- (d) It shall be unlawful to keep any rooster within the City under any circumstances.**

SECTION 2. From and after the effective date of this ordinance, Chapter 5, Article II, Section 5-31 of the Panama City Beach Code of Ordinances related to Animal Control, is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

Sec. 5-31. Licensing required.

- (a) Any person owning or keeping ~~or keeping any dog or cat or a~~ potbellied pig over five (5) months of age within the city must obtain a license as herein provided.
- (b) Written application for licenses shall be made to the licensing authority and shall include name and address of applicant, a description of the animal, the appropriate fee, and a rabies certificate issued by a licensed veterinarian.
- (c) If not revoked, licenses for the keeping of ~~dogs, cats and~~ potbellied pigs shall be for a period of one (1) year.
- (d) Application for a license must be made within thirty (30) days after obtaining a ~~dog, cat or~~ potbellied pig over five (5) months old. This requirement shall not apply to a nonresident keeping a ~~dog, cat or~~ a potbellied pig within the city for not more than sixty (60) days, nor to properly licensed animals owned by seasonal tourists.
- ~~(e) License fees shall not be required for seeing-eye dogs or governmental police dogs.~~
- ~~(e)~~(f) Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag stamped with an identifying number and the year of issuance. Tags shall be designed so that they may be conveniently fastened or riveted to the animals' collar or harness.
- ~~(g) Dogs must wear identification tags on collars at all times when off the premises of the owners.~~
- ~~(f)~~(h) The licensing authority shall maintain a record of the identifying numbers of all tags issued.
- ~~(g)~~(i) The licensing period shall be from October 1 to September 30 of each year. All persons owning a ~~dog, cat or~~ potbellied pig over five (5) months old shall make an application for and secure an animal license ~~for their dog or cat~~ within the period commencing on September 1 and ending November 30 of each year. Persons applying for a license outside of the annual application period shall pay fifty (50) percent of the fee provided herein.
- ~~(h)~~(j) A license shall be issued after payment of the applicable fee of \$10 for each potbellied pig.
 - ~~(1) For each unneutered male dog \$10.00~~
 - ~~(2) For each unneutered male cat 5.00~~
 - ~~(3) For each unspayed female dog 10.00~~
 - ~~(4) For each unspayed female cat 5.00~~
 - ~~(5) For each neutered male dog 2.00~~
 - ~~(6) For each neutered male cat 2.00~~
 - ~~(7) For each spayed female dog 2.00~~
 - ~~(8) For each spayed female cat 2.00~~
 - ~~(9) For each potbellied pig 10.00~~
- ~~(i)~~(k) A duplicate license may be obtained upon payment of a one-dollar (\$1.00) replacement fee.
- (j) (k) No person may use any license for any animal other than the animal for which it was issued.
- (k) ~~(m)~~ Persons who fail to obtain a license as required within the time period specified in this section shall be required to (1) furnish the City satisfactory evidence of compliance within ten (10) days after receipt of a written notice of violation and (2) pay a late fee of ten dollars (\$10.00). Failure to comply within said ten (10) days shall be an offense punishable as provided in section 1-2 of this Code.

SECTION 3. CONFLICT WITH OTHER ORDINANCES OR CODES. All Ordinances or parts of Ordinances of the Code of Ordinances of Panama City Beach, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY. If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, the other provisions of this ordinance shall remain in full force and effect.

SECTION 5. SCRIVENER'S ERRORS. It is the intention of the City, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Panama City Beach, Florida, and to that end, the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section" or "article" or other appropriate designation. Additionally, corrections of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Attorney without public hearing, by filing a corrected or recodified copy with the City Clerk.

SECTION 6. ORDINANCE TO BE LIBERALLY CONSTRUED. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 7. MODIFICATIONS. It is the intent of the City that the provisions of this ordinance may be modified as a result of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted by the City.


SECTION 8. CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code of Ordinances, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 9. EFFECTIVE DATE. This Ordinance shall be effective immediately upon passage.


PASSED, APPROVED AND ADOPTED at the special meeting of the City Council of the City of Panama City Beach, Florida, this 8th day of August, 2024.

CITY OF PANAMA CITY BEACH

By: 
Stuart Tetteimer, Mayor

ATTEST:

Lynne Fasone, City Clerk

EXAMINED AND APPROVED by me this 8th day of August 2024.


Stuart Tetteimer, Mayor

Posted on pcbfl.gov on the 11th day of July, 2024.

Posted on publicnoticesbaycountyfl.gov on the 29th day of July, 2024.

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published. This Business Impact Estimate may be revised following its initial posting.

Proposed ordinance's title/reference:

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 5, ARTICLE II, OF THE CITY'S CODE OF ORDINANCES RELATED TO ANIMAL CONTROL; AMENDING THE REQUIREMENTS FOR KEEPING LIVESTOCK OR FOWL IN THE CITY LIMITS; REPEALING THE LICENSURE REQUIREMENTS FOR THE KEEPING OF DOGS AND CATS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; SCRIVENER'S ERRORS; LIBERAL INTERPRETATION; MODIFICATIONS; CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance:

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code

¹ See Section 166.041(4)(c), Florida Statutes.

If no exemption applies, in accordance with the provisions of controlling law, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

This ordinance modifies the City's animal control code to remove licensing for cats and dogs and to make the permit requirements for livestock and fowl less burdensome for property owners seeking to keep these animals on their property with the permission of their neighbors.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

2. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):