

**RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE  
TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 2008-32**

WHEREAS, the existence of the Local Planning Agency (LPA) is mandated by Florida Statutes Section 163.3174 and the LPA is statutorily responsible under Chapter 163, Florida Statutes, and the Town of Fort Myers Land Development Code (LDC) Section 34-120 for the review of proposed land development regulations, land development codes, or amendments thereto, and is further charged with review of other and additional legislation as requested by the Town Council and for making recommendations to the Town Council with regard thereto; and

WHEREAS, the Town Council has requested that the LPA review long-term revisions to Town Ordinance 00-08, also known as the Town Animal Control Ordinance and present preliminary findings and recommendations to the Town Council; and

WHEREAS, as a result of such request, the LPA initiated a review process which has culminated in preliminary findings and recommendations as set forth below and in the attachment known as Exhibit "A" and which is hereby incorporated by reference.

NOW THEREFORE BE IT RESOLVED, that the LPA recommends as follows:

1. Town Council is hereby requested to respond to and provide direction on the five (5) questions posed on Exhibit A; and
2. Subsequent to receipt of such Council direction, the LPA will make suggested modifications to the Lee County Animal Control Ordinance and recommend adoption of such modified Ordinance as a Town Ordinance; and
3. As part of such approval process, the current Town Animal Control Ordinance would be repealed.

The foregoing Resolution was adopted upon a motion by LPA Member Bill Van Duzer and seconded by LPA Member Yerkes. Upon being put to a vote, the result was as follows:

Evie Barnes	<u>aye</u>	Rochelle Kay	<u>aye</u>
Alan Mandel	<u>aye</u>	Joanne Shamp	<u>aye</u>
Bill Van Duzer	<u>aye</u>	Dennis Weimer	<u>aye</u>
Joe Yerkes	<u>aye</u>		

DULY PASSED AND ADOPTED THIS 15<sup>th</sup> day of July, 2008.

LPA of the Town of Fort Myers Beach

By:   
Dennis Weimer, LPA Chair

Approved as to legal sufficiency:

By:   
Anne Dalton, Esquire  
LPA Attorney

ATTEST:

By:   
Michelle D. Mayher, Town Clerk

## **EXHIBIT A:**

### **Animal Control Project Overview/Background**

Following a number of workshops and public hearings regarding the Town's Animal Control Ordinance specifically focused on dogs on the beach, the Town Council requested the LPA look at a short term amendment to the dog control portion of the ordinance. The LPA subsequently passed a resolution putting forward a specific ordinance amendment on dog control (Ordinance 08-08). This ordinance is on the Town Council agenda for hearings.

At the same time the LPA asked the Town Council to clarify their desire for the LPA to examine and make recommendations for further changes to the entire Animal Control Ordinance considering the adoption of the Lee County Animal Control Ordinance 06-12.

Lee County and the Town have an interlocal agreement which provides for Animal Control enforcement. This agreement is due for renewal in October and Lee County has advised that the Town must adopt the Lee County Ordinance or it must pay an additional 10% fee for enforcement services.

The LPA is now examining the Lee County and Town ordinances to determine the needs for revisions and to establish the parameters for a new Town ordinance that will embrace the Lee County provisions and, possibly, enhance certain sections including enforcement by Town staff.

Herein the LPA submits to the Town Council a "bullet list" document outlining the areas requiring review and the key points of each. The LPA makes no recommendations in this regard but simply requests the Town Council provide direction to the LPA on the following:

1. Is the LPA the appropriate venue for going forward with this project
2. Should the LPA proceed to develop a new Town Animal Control Ordinance
3. Should the LPA consider inclusion of provisions for Town staff enforcement
4. Should the LPA develop the new ordinance with the Interlocal Agreement in place and continuing or will the Town consider funds allocation for taking on enforcement entirely on its own
5. What, if any, of the following items should the LPA exclude from its project

## **Category List of Items For Review**

### **Lee County Ordinance**

#### **Section One - Definitions**

Animal Services – Define clearly broad possibilities regarding Town Staff if Town Staff are to be empowered

Animal Control Officer – Depending on whether or not Town Staff are empowered, wording may need to be changed.

Board – Town of Ft Myers Beach and/or Lee County

Direct Control - New definition embracing the 08-08 amendment if passed.

Domestic Animal – Add wording regarding “in the control of person or persons”

Pet License – “Issued by The Town of Ft Myers Beach”

Public Nuisance – “or interferes or endangers any domestic animal”

Public Property – “or The Town of Ft Myers Beach”

Restraint – Add/revise to embrace new amendment 08-08

#### **Section Two – Ordinance Provisions**

***Note: If a section is omitted that indicates it is probably acceptable as it reads for adoption***

2. Animal Control Enforcement Agency – Embrace the Town and/or Lee County Services

4. H. Revise to specify authority of Enforcement Staff and Domestic vs Wild animals

4. I – Needs discussion for intent

4. K. “Town of Ft Myers Beach and/or Lee County or a provision for transfer to lee County

9. Muscovy Ducks – Broaden this Nuisance Animal section to include any such animals and the authority to eliminate

16. D. Include Town Staff

18. Vaccination Requirements – Include Town or embrace Lee County

18. License Requirements – Town issue licenses? Short Term visitors license.  
Resort inclusion/requirement

21. License Fees – Town

24. Redemption and Disposition of Impounded and Unwanted Animals –  
Relationship with Lee County and process requirements

25. Providing For The Reporting of persons Bitten or Scratched..... – Embrace  
Town provisions and processes. Relationship with lee County Services.

26. Inspection of Commercial Animal Establishments – Embrace Town. Town  
allow same?

### **Possible Additional Sections With Regard To The Town of Ft Myers Beach**

1. Leash Laws and restraint requirements
2. Feces Collection while walking pets
3. Pets on Beaches
4. Pets on Public property such as school grounds, parks, etc.
5. Short term visitor requirements and possible resort requirements
6. Public advisory plan