

Record and Return to:

City Attorney's Office  
City of Stuart  
121 SW Flagler Avenue  
Stuart, FL 34494

**BEFORE THE CITY COMMISSION  
CITY OF STUART, FLORIDA**

**ORDINANCE NO. 2230-2011**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, AMENDING CHAPTER 20 OF THE CITY OF STUART CODE OF ORDINANCES CREATING REGULATIONS FOR THE PROPER HANDLING OF PET WASTE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ALL CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

**WHEREAS**, there is scientific evidence that leaching and runoff of pet waste contribute to nitrogen, phosphorus (nutrient) and bacteria pollution in the City's stormwater and drainage conveyances, in the ground water, and in the St. Lucie River and its tributaries; and

**WHEREAS**, the Florida Department of Environmental Protection has identified the St. Lucie River as "impaired" because of excess nutrients, under the Florida Impaired Waters Rule set forth in Chapter 62-303, Florida Administrative Code; and

**WHEREAS**, nutrient-laden runoff promotes algae growth in the St. Lucie River and its tributaries; and

**WHEREAS**, the water quality of the St. Lucie River and its tributaries is critical to environmental, economic and recreational prosperity of the area; and

**WHEREAS**, there is presently no requirement that pet owners pick up waste deposited by their pets; and

**WHEREAS**, the City Commission finds that it is in the interest of the health, safety and welfare of city residents and visitors to establish regulations for the proper handling of pet waste.

**NOW THEREFORE**, be it ordained by the City Commission of the City of Stuart, Florida as follows:

**SECTION 1:** There is hereby added to the Code of Ordinances of the City of Stuart, Florida, a new Article VII in Chapter 20. ENVIRONMENT to be entitled "Pet Waste", to read in its entirety as follows:

### **Article VII. Pet Waste**

#### **Sec. 20-156. Removal of animal waste.**

(a) The owner of any pet shall be responsible for the immediate removal of all solid waste deposited by his/her animal on public walkways, public streets, recreation areas, shorelines, ditches, drainage swales, public parks, dog parks, conservation areas, or any private property other than the premises of the owner of the animal.

(b) The owner of any pet shall remove pet waste from his or her property if it poses a threat to the health, safety or well being of any animals, persons, or the environment.

(c) It shall also be unlawful for any person to intentionally deposit, place or otherwise discharge pet waste into the storm water system, canals, streams, ponds, swales, ditches, conservation areas, shorelines, or rivers within the City, or to cause or permit to be deposited, placed or otherwise discharged into such waters, any organic or inorganic matter which causes or tends to cause pollution.

(d) Pet waste shall be disposed of in an environmentally friendly manner, such as being bagged and placed in a waste receptacle of which the contents will be collected and taken to a landfill by a private waste management company or city sanitation service.

(1) The City of Stuart provides plastic bags at "Doggie Pot" stations in public parks, conservation areas, and other areas throughout the city. Citizens are encouraged to use the plastic bags at the stations for removal and proper disposal of pet waste when visiting these areas.

(e) This section shall not apply to police dogs in performance of their duties or to disabled persons accompanied by a service animal used for assistance in accordance with the law.

**Sec.20-157. Penalties.**

Citations for violations of this section may be issued by the City based upon any of the following:

1. Receipt of affidavits of complaint signed by two (2) or more residents of the City, each residing at different addresses in the vicinity of the pet or incident. The affidavits shall set forth the nature and the time(s) and date(s) of the act(s), the owner of the pet(s), the address of the owner and a description of the pet(s) involved in the violation(s). Date/time stamped digital pictures may also be submitted along with affidavits.

A Complaint Form may be obtained from the City of Stuart, Code Enforcement website: <http://cityofstuart.us/images/stories/mvical/CODE%20ENFORCEMENT%20COMPLAINT%20FORM.pdf>

2. The observance of noncompliance or a violation by an employee of the City, a Code Enforcement or a law enforcement officer during the course of the performance of his/her duties; or

3. Information gathered during the course of an investigation or information provided by law enforcement agencies.

4. Any person who violates any provision of this ordinance shall be subject to a civil penalty of \$25.00 for the first violation, \$50.00 for the second violation and \$100.00 for the third or subsequent violations within a 90 day period.

**Sec. 20-158. Appeal Procedure.**

Any person aggrieved by a citation or determination of the City, that such person is in violation of this ordinance shall have the right to a hearing before the City Code Enforcement Magistrate in accordance with the procedures therefor set forth in the City Code.

**SECTION 2:** All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

**SECTION 3:** If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

**SECTION 4:** The provisions of this ordinance shall be codified.

**SECTION 5:** This ordinance shall take effect immediately upon adoption.

PASSED on First Reading this 27th day of June, 2011.

Commissioner MCDONALD offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner MORTELL and upon being put to a roll call vote, the vote was as follows:

JEFFREY A. KRAUSKOPF, MAYOR  
JAMES A. CHRISTIE, VICE MAYOR  
MICHAEL J. MORTELL, COMMISSIONER  
EULA R. CLARKE, COMMISSIONER  
TROY A. MCDONALD, COMMISSIONER

YES	NO	ABSENT
X		
X		
X		
X		
X		

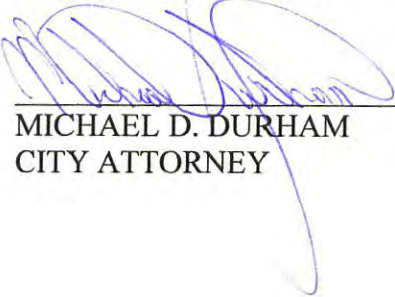
ADOPTED on Second Reading this 11<sup>th</sup> day of July, 2011.

ATTEST

  
\_\_\_\_\_  
CHERYL WHITE  
CITY CLERK

  
\_\_\_\_\_  
JEFFREY A. KRAUSKOPF  
MAYOR

APPROVED AS TO FORM  
AND CORRECTNESS:

  
\_\_\_\_\_  
MICHAEL D. DURHAM  
CITY ATTORNEY



CITY OF STUART, FLORIDA  
COMMISSION MEETING  
AGENDA ITEM REQUEST

Meeting Date: 7/11/2011

Prepared by: Alice Lyons

Ordinance/Resolution No. 2230-2011

**Title of Item:**

Pet Waste Ordinance

**Summary Explanation/Background Information on Agenda Request:**

There is scientific evidence that leaching and runoff of pet waste contribute to nitrogen, phosphorus and bacteria pollution in the groundwater and the St. Lucie River and its tributaries. The Florida Department of Environmental Protection has identified the St. Lucie River as "impaired" because of excess nutrients. This is an action to establish regulations for the proper handling of pet waste to diminish the adverse effect of runoff into our groundwater and local waterways.

**Funding Source:**

N/A

**Recommended Action:**

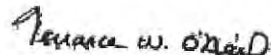
Approve the Ordinance on Second Reading

6/28/2011

X 


Department Director

6/28/2011

X 

Interim City Development Director

City Attorney, Michael Durham has reviewed and approved this item, but his signature has not yet been entered into the system.

 Click here to sign this section

City Attorney

7/6/2011

X *Pauline*

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City Manager

1st Read.

CITY OF STUART, FLORIDA  
COMMISSION MEETING  
AGENDA ITEM REQUEST

Meeting Date: 6/27/2011

Prepared by: Alice Lyons

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Recommended Action:

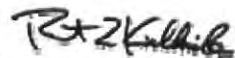
Approve the Ordinance on First Reading

6/16/2011

X 

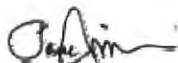
Department Director

6/20/2011

X 

City Attorney

6/21/2011

X 

City Manager