



MEMORANDUM
Office of the City Attorney

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Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and Commissioner

July 24, 2000

DATE: ~~July 10, 2000~~

~~FIRST READING:---~~

FROM: Marion J. Radson, City Attorney

SECOND READING

SUBJECT: **ORDINANCE NO.: 0-00-70;**
STRIKING OR INTERFERING WITH LAW ENFORCEMENT
ANIMALS

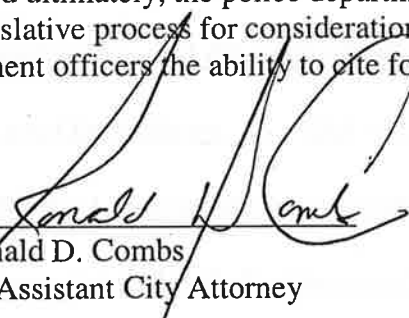
An ordinance of the City of Gainesville, Florida, creating a new section 17-11 related to striking or interfering with law enforcement animals, providing for penalties; providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION: The City Commission adopt the proposed ordinance.

The City Commission at its meeting of June 12, 2000 requested the Clerk of the Commission to advertise and the City Attorney to draft an ordinance that would provide for enforcement of an individual who intentionally strikes or interferes with a Mounted Unit animal.

Current Florida State Statute does not allow for law enforcement to cite an individual who intentionally strikes or interferes with a Mounted Unit animal while the law enforcement animal is in the performance of its duties. There are provisions in State Statute that prohibit these actions for Police K-9's and ultimately, the police department will seek a language change through the next State legislative process for consideration. Until that time, a City ordinance would allow law enforcement officers the ability to cite for this offense.

Prepared by:


Ronald D. Combs
Sr. Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson
City Attorney

PASSED ON FIRST READING BY A VOTE OF 5-0.

D R A F T

6/14/00

ORDINANCE NO. _____
0-00-70

An ordinance of the City of Gainesville, Florida, creating a new section 17-11 related to striking or interfering with law enforcement animals, providing for penalties; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days notice has been given once prior to adoption by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

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

Section 1. A new section 17-11 is created and added to the Code of Ordinances of the City of Gainesville, to read as follows:

Sec. 17-11.—~~Reserved.~~ Striking or interfering with law enforcement animals.

a) As used in this section, the following words shall have the meanings indicated:

(1) Law enforcement animal means an animal, including but not limited to a dog or horse, that is owned or leased by the Gainesville Police Department for the principal purpose of aiding in i) the detection of criminal activity; ii) the enforcement of laws; iii) the apprehension of offenders; or iv) traffic or crowd control or such other activities directed by the Chief of Police.

D R A F T

6/14/00

1 (2) Interfere with means any activity intended to distract the law enforcement animal
2 from or hinder it in the performance of its duties, including but not limited to throwing or waving
3 objects at, chasing, flashing laser pointer beams, calling, blocking or any similar activity.

4 (3) In the performance of its duties means a law enforcement animal is i) on duty
5 for the Gainesville Police Department; ii) in an off-duty capacity, including working at an approved
6 off duty/extra duty event for a contracted entity for law enforcement services; or iii) at an approved
7 non-pay volunteer event.

8 b) It shall be unlawful for any person to knowingly or intentionally strike or interfere
9 with a law enforcement animal while said law enforcement animal is in the performance of its duties.

10 c) It shall be a defense to subsection (b) if the accused person was engaged in a training
11 activity or discipline, for the law enforcement animal, and acted as an employee or agent of the
12 Gainesville Police Department.

13 d) Any person who violates any of the provisions of this ordinance shall be deemed guilty
14 of a municipal ordinance violation and shall be subject to fine or imprisonment as provided by section
15 1-9 of the Gainesville Code of Ordinances.

16 e) In addition to any other penalties prescribed herein, the court may order a person
17 convicted of striking or interfering with a law enforcement animal for reimbursement of veterinary
18 bills, costs of retraining and temporary loss of use and replacement costs if the law enforcement
19 animal is killed, disabled or otherwise unable to perform its duties as a result of striking or
20 interference.

21 **Section 2.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or
22 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the
23 validity of the remaining portions of this ordinance.

