

City of South Daytona

Office of the City Manager

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3014



MEMORANDUM

To: James L. Gillis Jr., City Manager
From: Becky Witte, Deputy City Clerk
Re: Second and Final Reading of Ordinance No. 2023-12 - Pet Snakes on Residential Lots. **Public Hearing.**
Date: July 27, 2023

The City Council approved the First Reading of Ordinance No. 2023-12 on July 25, 2023.

In June, Mr. Forrest Read requested the City Council to review the City Code to allow for residents to have snakes as pets.

Pet Snakes offer company and stress relief for their owners. Snakes do not require daily walks in the park and they are quiet during the day and at night. With infrequent defecation, a pet snake's habitat is also an easy clean-up.

Staff reviewed FWC (Florida Fish and Wildlife Conservation Commission) regulations as well as many other municipalities.

Staff recommends creating a specific definition of Pet Snake. The attached draft ordinance creates this definition of Pet Snake: Non-venomous snakes that will not grow to more than five (5) feet in length and will be less than ten (10) pounds at maturity. Any poisonous, venomous, constricting, or inherently dangerous snakes including, but not limited to, rattlesnakes, boa constrictors, and pit vipers are excluded and prohibited.

After thorough research, staff is recommending that the City approve the Second and Final Reading of Ordinance No. 2023-12 to allow residential homeowners to have pet snakes (on residential properties, retaining the limit of 4 pets per residence).

ORDINANCE NO. 2023-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING CHAPTER 4 (ANIMALS AND FOWLS), ARTICLE 1 (GENERAL), SECTION 4-1 (DEFINITIONS), SECTION 4-8 (KEEPING LIVESTOCK OR REPTILES PROHIBITED WITH THE EXCEPTION OF MINIATURE VIETNAMESE POT BELLY PIGS) AND SECTION 4-13 (NUMBER OF DOGS, CATS, POT BELLY PIGS, CHICKENS, AND RABBITS THAT MAY BE KEPT AT RESIDENCE) OF THE CODE OF ORDINANCES TO ALLOW FOR SPECIFICALLY DEFINED SNAKES ON RESIDENTIAL LOTS; AND PROVIDING FOR RECITALS, ADMINISTRATIVE ACTIONS, CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Sections 166.021 and 828.27 of the Florida Statutes, the City has the authority to enact ordinances relating to the ownership, care, and custody of animals; and

WHEREAS, the City Council recognizes the requests from residential homeowners to allow snakes as pets on residential property; and

WHEREAS, after research, staff is recommending that the City allow residential homeowners to have pet snakes (on residential properties, retaining the limit of 4 pets per residence); and

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA:

Section 1. Recitals. The foregoing recitals are true and correct and by this reference are hereby incorporated herein and made an integral part hereof as though fully set forth herein, and adopted as findings of the City Council of the City of South Daytona.

Section 2. The City Council of the City of South Daytona hereby amends Section 4-1 of the South Daytona Code of Ordinances to read as follows:

Sec. 4-1. - Definitions.

Pet snakes – Non-venomous snakes that will not grow to more than five (5) feet in length, and will be less than ten (10) pounds at maturity. Any poisonous, venomous, constricting, or inherently dangerous snakes including, but not limited to, rattlesnakes, boa constrictors, and pit vipers are excluded and prohibited.

Section 3. The City Council of the City of South Daytona hereby amends Section 4-8 of the South Daytona Code of Ordinances to read as follows:

Sec. 4-8. - Keeping livestock or reptiles prohibited with the exception of miniature Vietnamese pot belly pigs and pet snakes.

It shall be unlawful to keep or maintain horses, mules, asses, goats, reptiles (except pet snakes), bulls, steers, cows or other cattle, or hogs within the city. Miniature Vietnamese pot belly pigs (referenced as pot belly pigs in this chapter) shall be allowed by permit only under all of the following conditions:

Section 4. The City Council of the City of South Daytona hereby amends Section 4-13 of the South Daytona Code of Ordinances to read as follows:

Sec. 4-13. - Number of dogs, cats, pot belly pigs, chickens, pet snakes, and rabbits that may be kept at residence.

It is hereby found and declared that the keeping or maintaining of an inordinate number of mature dogs, cats, pot belly pigs, chickens, pet snakes, and rabbits in a city residential environment creates a health and sanitation menace due to the unabated excretion of fecal matter and urine of such animals which produces offensive odors and insanitary conditions, consequently:

(1) It shall be unlawful and prohibited for any person to keep or maintain a total combination of more than four (4) cats and/or dogs that have reached licensing age, and/or pot belly pigs, and/or pet snakes, and/or rabbits of more than six (6) months of age at any one (1) residence within the city. In addition, a maximum number of four (4) chickens shall be allowed at any one (1) residence within the city (pursuant to the Urban Chicken Program).

Section 5. Administrative Actions. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules.

Section 6. Codification. The provisions of this Ordinance amending or adding to the City of South Daytona Code of Ordinances and/or Land Development Code shall be codified and

shall become and be made a part of the City of South Daytona Code of Ordinances and/or Land Development Code, as applicable. The codified portions of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate words. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 7. Conflicts. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 9. Effective Date. This Ordinance shall take effect immediately upon enactment.

Passed upon first reading at a regular meeting of the City Council of the City of South Daytona, Florida on the 25th day of July, 2023.

Passed and adopted upon second and final reading at a regular meeting of the City Council of the City of South Daytona, held in South Daytona, Florida on the 8th day of August 2023.

SIGNED:

William C. Hall
Mayor

ATTEST:

James L. Gillis, Jr.
City Manager

CERTIFIED AS TO FORM:

Wade C. Vose, City Attorney