

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS CREATING A NEW SECTION TO CHAPTER 90 OF THE PASCO COUNTY CODE, SECTION 90-2, ESTABLISHING REQUIREMENTS FOR THE PROPER DISPOSAL OF PET WASTE; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, Pasco County has broad home rule powers to carry out county government, including the power to adopt ordinances to provide for the public health and safety; and

WHEREAS, the Florida Department of Environmental Protection (FDEP) has identified specific water bodies in Pasco County as “impaired” because of excess nutrients or bacteria under the Florida Impaired Waters Rule (Chapter 62-303, Florida Administrative Code); and

WHEREAS, the FDEP has mandated total maximum daily loads for “impaired” water bodies in Pasco County and has adopted Basin Management Action Plans (BMAP), within the Springs Coast and Tampa Bay watersheds; and

WHEREAS, this ordinance is part of the strategies implemented by Pasco County to achieve the required pollutant load reductions to meet these total maximum daily loads and reduce nutrient and bacteria loading into surface waters, springs, the Gulf of Mexico, and Tampa Bay; and

WHEREAS, implementation of a pet waste ordinance is an approved stormwater best management practice component of the BMAP and a requirement of Pasco County’s Municipal Separate Storm Sewer System Permit; and

WHEREAS, the Board of County Commissioners finds that as a result of increasing levels of nitrogen and bacteria in the surface and/or groundwater within the aquifers or springs within the boundaries of Pasco County, improper disposal of pet waste creates a risk of contributing to adverse effects to surface and ground water; and

WHEREAS, the groundwater in Pasco County is a water source of major importance to the Tampa Bay Region's potable water supply, with contributions from the Cross Bar Ranch, Cypress Creek, South Pasco Wellfield, Cypress Bridge and Starkey Wellfields; and

WHEREAS, pet waste contains nutrients that can promote the growth of algae in stormwater and drainage conveyances and natural water bodies; and

WHEREAS, pet waste contains bacteria and parasites that can make surface waters unsafe for fishing, wading and swimming; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in the County, notifying the public of this proposed ordinance and of a public hearing; and

WHEREAS, a public hearing before the Board of County Commissioners was held pursuant to the published notice, at which the parties in interest and all other citizens so desiring had an opportunity to be and were in fact heard.

NOW THEREFORE BE IT ORDAINED by the Pasco County Board of County Commissioners, that the following addition to the Pasco County Code of Ordinances which shall be referred to as the "Pet Waste Ordinance," and be incorporated into Chapter 90 as new section 90-2.

SECTION 1. Authority.

This ordinance is enacted pursuant to Chapter 125, Florida Statutes (2021), and under the home rule powers of the County.

SECTION 2. Legislative Findings of Fact.

The foregoing Whereas clauses are hereby adopted as legislative finds of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of the Ordinance upon adoption.

SECTION 3. Purpose and Intent.

This ordinance establishes requirements for the proper disposal of pet waste in Pasco County, Florida, to protect public health, safety and welfare, and increase public awareness.

SECTION 4. Definitions.

For this section, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

“Owner/Keeper” – any person who shall possess, maintain, house, or harbor any pet or otherwise has physical custody or control of any pet.

“Person” – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

“Pet” - a domesticated animal.

“Pet waste” – waste matter, excrement expelled from the bowels of a pet.

“Properly dispose” – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the county or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

SECTION 5. Requirement for Disposal.

All pet owners and keepers are required to immediately collect their pet’s waste when deposited on any property, public or private, not owned or possessed by that person and to properly dispose of the pet waste.

SECTION 6. Exemptions.

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose. Further, this section does not apply to the accumulation of animal waste as part of a bona-fide agricultural activity.

SECTION 7. Applicability.

This Ordinance shall apply in all unincorporated areas of the county.

SECTION 8. Repeal of Laws in Conflict.

All ordinances and resolutions or parts thereof of the County in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed only to the extent of such conflict.

SECTION 9. Severability.

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then such holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 10. Inclusion in Code.

It is the intent of the Board of County Commissioners of Pasco County, Florida, that the provisions of this Ordinance shall become and be made a part of the Pasco County Code of Ordinances, and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 11. Effective Date.

This ordinance shall be transmitted to the Department of State by the Clerk to the Board by electronic mail within ten (10) days of the adoption of this ordinance, and this ordinance shall take effect upon filing with the Department of State.

ADOPTED with a quorum present and voting this 20th day of September 2022.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

NIKKI ALVAREZ-SOWLES, ESQ.,
CLERK & COMPTROLLER

KATHRYN STARKEY, CHAIRMAN