

LEE COUNTY ORDINANCE NO. \_\_\_\_

**AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 94-09, THE AIRPORT RULES AND REGULATIONS ORDINANCE, AS AMENDED BY LEE COUNTY ORDINANCE NUMBERS 97-20, 01-19, AND 11-12; PROVIDING RULES AND REGULATIONS FOR THE SOUTHWEST FLORIDA INTERNATIONAL AIRPORT, PAGE FIELD AIRPORT, AND ANY OTHER AIRPORT FACILITY UNDER THE JURISDICTION, CONTROL, AND ADMINISTRATION OF LEE COUNTY, FLORIDA, OR THE LEE COUNTY PORT AUTHORITY; AMENDING SECTION 1, DEFINITIONS; SECTION 4, PERSONAL CONDUCT, AND SECTION 5, PENALTIES; PROVIDING FOR CONFLICTS OF LAW, CODIFICATION, SCRIVENER'S ERRORS, AND SEVERABILITY; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Lee County is the governing body of Lee County, a political subdivision of the State of Florida; and,

**WHEREAS**, Lee County owns Page Field Airport ("FMY") and the Southwest Florida International Airport ("RSW"), both located in the unincorporated area of Lee County, Florida; and,

**WHEREAS**, the Board of County Commissioners has enacted Lee County Ordinance, No. 94-09, as amended, to establish rules and regulations for the safe and efficient operation of the airports; and,

**WHEREAS**, recent increases in the number of animals brought into airport buildings by both passengers and meeters and greeters have created continuing congestion, safety and sanitation problems; and,

**WHEREAS**, to address the problems and to reduce the possibility of injury to animals and people in airport buildings, the Board of County Commissioners desires to amend Lee County Ordinance Number 94-09, as amended, as follows.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

**SECTION ONE: EFFECT OF RECITALS**

The above recitals are incorporated into the body of this ordinance and adopted as findings of fact.

**SECTION TWO: AMENDMENT OF SECTION ONE; SUBSECTION 4.06 AND SECTION FIVE**

Section 1, Definitions; Section 4.06 pertaining to Animals; and Section 5 pertaining to Penalties of Lee County Ordinance 94-09, as amended, are hereby amended as follows, with the underlined type identifying added text and the strike-through type being deleted text.

**SECTION 1. DEFINITIONS**, is amended to add the following definition:

1.51 Service Animal – An animal that is trained to do work or perform tasks for an individual with a disability, as defined in Section 413.08(1)(d), Florida Statutes, or as amended, renumbered or replaced.

**SECTION 4. PERSONAL CONDUCT, SUBSECTION 4.06, ANIMALS**, is amended to read:

4.06 ANIMALS

A. No person shall enter any building on ~~in the Main Terminal Complex at the~~ Airports with any animal except:

1. Service Animals or Service Animals in training used by disabled persons in accord with Florida Statutes, ~~seeing-eye dogs or other-~~

~~animals which have been specifically trained to assist impaired persons and which are in the building for that purpose;~~

2. Non-service animals ~~pets~~ that are to be, or have been transported by air, provided that they are restrained in ~~kennels~~ carriers designed for the air transport of animals; ~~pets~~; are carried and under the control of the person transporting the animal; or, if no carrier is available, are restrained by a leash no longer than (5) feet long and under complete control of the handler. The handler must provide proof that their animal will be, or has been, transported by air upon request of a representative of the Port Authority.

3. Any animal used for law enforcement purposes or by an employee of a federal, state or local governmental agency in the performance of their official duties.

- B. Any animal exhibiting aggressive behavior towards humans or other animals, whether by biting, growling, lunging, excessive barking, or similar behavior, must be immediately placed in a carrier or removed from the airport building.

- C. Except as provided above, and except for livestock that are to be, or have been transported by air and are properly confined for air travel, no person shall permit any livestock or any other animals under their control or custody to enter the any Airport building. Any such livestock or animal on the Airports will be removed or otherwise disposed of by Port Authority personnel.

- G. ~~D.~~ No person shall ride horseback on the Airports without prior authorization from the Executive Director or his or her ~~his/her~~ authorized representative.
- D. ~~E.~~ No person shall feed or do any other act to encourage the congregation of birds or other animals on the Airports without prior written authorization from the Executive Director or his or her ~~his/her~~ designated representative.
- E. ~~F.~~ No person shall permit, either willfully or through failure to exercise due care or control, any animal to urinate or defecate upon the sidewalks of the Airports or upon the floor of any airport building, ~~used in common by the public.~~ The animal's owner must immediately clean up and report any animal mess (urination/defecation) for the safety of persons at the airports.
- F. ~~G.~~ No person shall hunt, pursue, trap, catch, injure, or kill any animal on the Airports other than in the conduct of their official duties.
- G. ~~H.~~ No person shall fish on Airports property except as provided for by the laws of the State of Florida. All persons fishing on Airports property ~~shall have~~ must obtain the prior written authorization of the Executive Director or ~~his/her~~ his or her designated representative and shall abide by all requirements and restrictions deemed proper by same.

**SECTION FIVE: PENALTIES;** is hereby amended to read:

**SECTION 5: ENFORCEMENT AND PENALTIES**

Any person violating Sections 4.06 A., B., or F. of this ordinance regarding animals in Airport buildings will be given a verbal warning to immediately remove or restrain the animal, as appropriate.

Any person who refuses to immediately comply with the provisions of Sections A., B., or F. of this Ordinance after receiving a verbal warning, shall be issued a Summons and assessed a fine of \$32.00.

Any person who fails to satisfy the provisions contained in a Lee County Port Authority Summons for violation of the provisions of Sections 4.06 A., B., or F. of this Ordinance, and elects to appear before a court of competent jurisdiction to present evidence, shall be deemed to have waived his or her right to the civil penalty provisions of the Summons. The court, after a hearing shall determine whether a violation of Sections 4.06 A., B., or F. has been committed and may treat the violation as provided below.

Violation of all other the provisions of this Ordinance shall constitute a misdemeanor of the second degree, punishable by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment pursuant to the provisions of Section 125.69, Florida Statutes. Each day or fraction thereof such violation is committed or permitted to continue shall be considered a separate offense.

The Port Authority may institute in any Court or before any Administrative Board of competent jurisdiction actions to prevent, or restrain any violation of this Ordinance.

In addition to the penalties provided by federal, state or county regulation or by this Ordinance, any person operating or handling any aircraft or vehicle in violation of the regulations set forth in this Ordinance may be deprived of further use of the Airports and

their facilities for such period of time as the Executive Director of the Lee County Port Authority or his or her designee may determine.

### **SECTION THREE: SEVERABILITY**

If any portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, it is the Board's intention that such portion shall become a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance. The Board further declares that this ordinance would have been adopted if such invalid or unconstitutional provision was not included.

### **SECTION FOUR: CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements shall apply.

### **SECTION FIVE: INCLUSION IN CODE**

It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Lee County Code; and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or some other appropriate word or phrase to accomplish such intention.

### **SECTION SIX: SCRIVENER'S ERRORS**

It is the intent of the Board of County Commissioners that correction of typographical errors that do not affect the intent of this ordinance may be authorized by

the Executive Director of the Lee County Port Authority, or his or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Clerk of Circuit Court.

**SECTION SEVEN: MODIFICATION**

It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

**SECTION EIGHT: EFFECTIVE DATE**

This ordinance will take effect upon its filing with the Secretary of the Florida Department of State.

Commissioner \_\_\_\_\_ made a motion to adopt the foregoing ordinance, seconded by Commissioner \_\_\_\_\_. The vote was as follows:

JOHN MANNING	_____
CECIL L PENDERGRASS	_____
RAYMOND SANDELLI	_____
BRIAN HAMMAN	_____
FRANK B. MANN	_____

DULY PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:  
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chair or Vice Chair

APPROVED AS TO FORM FOR THE  
THE RELIANCE OF LEE COUNTY ONLY

BY: \_\_\_\_\_  
Lee County Attorney's Office