

ORDINANCE NO. 999

AN ORDINANCE OF THE CITY OF CHIPLEY, FLORIDA, REPEALING CHAPTER 6, "ANIMAL CONTROL," OF THE CITY CODE IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 6, "ANIMAL CONTROL," TO ESTABLISH COMPREHENSIVE AND CONSOLIDATED ANIMAL CONTROL PROVISIONS; REMOVING BREED-SPECIFIC REGULATIONS; ADDING PROVISIONS FOR DANGEROUS ANIMALS, CAT MANAGEMENT, DEFINITIONS, NOISE NUISANCES, AND TIERED PENALTIES; PROVIDING FOR SEVERABILITY, CONFLICTS, REPEALER, AND FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Chipley, Florida, finds that the existing Chapter 6 of the City Code has become cumbersome due to multiple, piecemeal amendments and that a full repeal and replacement is necessary to create a comprehensive, clear, and legally compliant animal control ordinance; and

WHEREAS, the City Council of the City of Chipley, Florida, has further determined that it is essential to protect the health and welfare of the citizens and animals of Chipley; and that it is therefore in the best interest of all of the citizens and residents of the City that Chapter 6 of the Code of the City of Chipley be repealed in its entirety and replaced with a new, comprehensive Chapter 6 in accordance with this ordinance;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHIPLEY, FLORIDA:

Section 1. Repeal in Toto. Chapter 6, "ANIMAL CONTROL," of the Code of the City of Chipley is hereby repealed in its entirety.

Section 2. Enactment of New Chapter 6. A new Chapter 6, "ANIMAL CONTROL," of the Code of the City of Chipley is hereby enacted and adopted, which shall read as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Section 3. Severability. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this ordinance.

Section 4. Repealer. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed and revoked.

Section 5. Effective Date. That this ordinance shall become effective immediately upon its passage and adoption.

INTRODUCED at a regular meeting of the City Council of the City of Chipley, Florida, on the 9th day of June, 2026, and **PASSED** at a regular meeting of the City Council of the City of Chipley, Florida, on the 14th day of July, 2026.

CITY OF CHIPLEY

Tracy L. Andrews, Mayor

ATTEST:

Sherry Snell
City Clerk

APPROVED AS TO FORM:

Michelle Blankenship Jordan
City Attorney

EXHIBIT "A"

CHAPTER 6 - ANIMAL CONTROL

ARTICLE I. IN GENERAL

Sec. 6-1. Enactment, authority and applicability. This chapter shall be known and cited as the "Animal Control Ordinance" of the city. Pursuant to the authority of F.S. chs. 166, 767, and 828, these regulations are hereby established in the interest of public health, safety, and welfare to provide protection for and to regulate and control domestic animals. The powers and authority granted under this chapter shall be supplemental to those already provided in the Florida Statutes concerning local animal control, the regulation of dangerous animals, cruelty to animals, and the sale or transfer of dogs and cats. This chapter shall be applicable to all areas of the city.

Sec. 6-2. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

Animal control officer means any person employed or appointed by a county or municipality who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in Sec. 6-3. An animal control officer is not authorized to bear arms or make arrests; however, such officer may carry a device to chemically subdue and tranquilize an animal, provided that such officer has successfully completed a minimum of 16 hours of training in marksmanship, equipment handling, safety and animal care, and can demonstrate proficiency in chemical immobilization of animals in accordance with guidelines prescribed in the Chemical Immobilization Operational Guide of the American Humane Association. State law reference(s): Animal control officer defined, F.S. 828.27(1)(b).

Animal shelter means Animal Control of West Florida, or any facility contracted by the City of Chipley for animal control, and its authorized agents, for the purpose of impounding or caring for animals held under the authority of this chapter and the Florida Statutes.

Citation means a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance and that the county court will hear the charge. The citation must conform to the requirements set forth in Sec. 6-3.

Control means the regulation of the possession, ownership, care and custody of animals.

Cruelty means any act of neglect, torture or torment that causes unjustifiable pain or suffering of an animal, or every act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue when there is reasonable remedy or relief, except when done in the interest of medical science. State law reference(s): Definitions, F.S. 828.02.

Dangerous animal means an animal designated as dangerous pursuant to the criteria and procedures set forth in Sec. 6-39 of this chapter.

Domesticated cat means a cat that is socialized to humans, kept as a pet, and relies primarily on humans for sustenance and shelter.

Endangerment means any act or omission that places an animal at substantial risk of death, permanent injury, or severe physical pain or suffering.

Exposed to rabies means a dog or cat or other animal that has been bitten by or exposed to any animal known to have been infected with rabies.

Feral cat means a cat that exists in a wild or untamed state, is not socialized to humans, and does not exhibit signs of domestic ownership.

Licensed means that the animal has been vaccinated for rabies and that current tags or other evidence is available to show current rabies vaccination. State law reference(s): Rabies vaccination of dogs, cats, and ferrets, F.S. 828.30.

Necessary sustenance includes adequate food, clean water, shelter from extreme weather conditions, and veterinary care needed to prevent suffering. (This section shall be construed consistent with F.S. § 828.073 standards.)

Officer means any law enforcement officer defined in F.S. § 943.10, or any animal control officer.

Owner means any person owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

Public nuisance means any animal or bird which: (1) Molests passersby or passing vehicles. (2) Attacks other animals. (3) Trespasses on school grounds. (4) Is repeatedly at large. (5) Damages private or public property. (6) Barks, whines, howls or make noises in an excessive, continuous or untimely fashion. (7) Creates noxious and offensive odors. The term "public nuisance" also includes animal quarters found to be unhealthy or unsanitary.

Restraint means any dog secured by a leash or lead; under the control of a responsible person and obedient to that person's commands within the real property limits of its owner; or within a structure or a fenced enclosure within the real property limits of its owner.

Stray animal means any animal observed on property other than that of its owner without the owner's control or supervision.

Tether means a rope, chain, cord, cable, or other device that attaches a dog to a stationary object or trolley system.

Sec. 6-3. Requirements of Citation.

A citation, as defined in Sec. 6-2, must contain: (1) The date and time of issuance. (2) The name and address of the person. (3) The date and time the civil infraction was committed. (4) The facts constituting probable cause. (5) The ordinance violated. (6) The name and authority of the officer. (7) The procedure for the person to follow in order to pay the civil penalty, contest the citation, or appear in court. (8) The applicable civil penalty if the person elects to contest the citation and is found in violation. (9) The maximum civil penalty that may be imposed by the court if the person contests the citation and is found in violation. (10) The applicable civil penalty if the person elects not to contest the citation. (11) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed or fails to appear in court to contest the citation, it shall be deemed a waiver of the right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty. (12) A conspicuous statement that if the person is required to appear in court as mandated by F.S. § 828.27(6), the person does not have the option of paying a fine in lieu of appearing in court.

Sec. 6-4. Required Restraint and Confinement.

- (a) All animals, when not on the owner's premises or on the premises of another who consents thereto, shall be and remain under the direct control of a person competent to control such animal at all times.
- (b) The owner or custodian of any animal found running or remaining at large shall be responsible for any violation of this article.
- (c) All animals must be kept under restraint, as defined in Sec. 6-2, when off the owner's or custodian's premises, except when on the premises of another person who consents to the animal's presence and the animal remains under the direct control of a person competent to control it.
- (d) Owners and custodians of dogs and cats must exercise diligence and reasonable care to prevent their animals from leaving their premises.

Sec. 6-5. Authority of animal control officer.

- (a) General authority. The city animal control officer shall have full and complete authority in the enforcement of this chapter and may pick up or apprehend any animal under any circumstance which constitutes a violation of this chapter or Florida Statutes and impound such animal in the animal shelter.
- (b) Entrance upon public and unfenced private property. The animal control officer may enter public or unfenced private property within the city to carry out the enforcement of this chapter or Florida Statutes.
- (c) Entrance upon fenced private property. The animal control officer may enter fenced private property, exclusive of buildings, when the animal being sought was at large immediately prior to the animal control agency or officer receiving a sworn complaint regarding a violation, but subsequently the animal returned to its owner's or custodian's fenced private property; provided, however, that an attempt to contact the owner or custodian, if known, was unsuccessful.
- (d) Removal of neglected or mistreated animals. The animal control officer may enter fenced private property for the purpose of enforcing the provisions of F.S. § 828.073 concerning the removal of neglected or mistreated animals.
- (e) Chemical capture devices. The animal control officer may carry and utilize a humane chemical capture device to subdue and tranquilize an animal.
- (f) Issuance of Citations. Any officer, as defined in Sec. 6-2, shall have authority to issue a citation to any person when the officer has probable cause to believe that person has committed a violation of this chapter, including but not limited to violations arising under Article IV of this chapter (Feral and Domesticated Cat Management), such as failure to comply with vaccination requirements under Sec. 6-51. A citation may be issued in addition to, or in lieu of, impoundment and associated fees as provided herein. With respect to dangerous animal violations under Article III, citations predicated on an animal's dangerous animal status shall only be issued following a final designation pursuant to F.S. 767.12; provided, however, that citations for procedural violations of Sec. 6-39(b) - including failure to maintain required enclosure, insurance, muzzling, or registration - may be issued at any time following such final designation. Nothing in this subsection shall be construed to limit the mandatory court appearance requirements imposed by F.S. 828.27(6), and any citation issued hereunder shall conform to all requirements of F.S. 828.27.

Sec. 6-6. Interference with animal control officer.

- (a) Prohibited. It shall be unlawful for any person to hinder, obstruct or otherwise interfere with an officer while such officer is discharging the officer's duties under this chapter; or to take or attempt to take any animal from any vehicle used by the officer to transport animals; or to take or attempt to take any animal from the animal shelter without proper authority; or to knowingly interfere with any animal trap set by an officer or persons obtaining such traps from the animal control agency.
- (b) Penalty. Any person who tears down, burns, defaces, destroys or otherwise damages any animal control vehicle, animal shelter, or enclosure thereof shall be deemed guilty of a violation pursuant to Sec. 6-64 and subject to the applicable penalties set forth therein, and may additionally be subject to criminal penalties under applicable Florida law.

Sec. 6-7. Shelter; protection from the weather; humane care.

- (a) It shall be unlawful for any person owning or responsible for confining or impounding any animal to fail to provide the animal with proper shelter, protection from the weather or humanely clean conditions as prescribed in this section. State law reference(s): Neglected or mistreated animals, F.S. 828.073; Confinement or abandonment of animals, F.S. 828.13.
- (a) **Indoor standards.** Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animal at all times.

- (b) **Outdoor standards.** Minimum outdoor standards of shelter shall be such that sunlight is not likely to cause heat exhaustion of an animal housed outdoors. Sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.
- (c) **An artificial shelter.** If confined outdoors or in an unheated enclosure, a shelter of suitable size with a floor above ground and waterproof roof shall be provided to accommodate the animal and protect it from the weather and, in particular, from severe cold.

- (b) It shall be unlawful to fail to provide an animal with wholesome exercise and a sufficient quantity of good and wholesome food and water adequate to nutritional requirements of the species or to fail to provide veterinary care when required to prevent suffering.
- (c) Subject to the provisions of this section, it shall be unlawful to confine any animal in a building, enclosed vehicle, boat, vessel, or other enclosed space without adequate ventilation when such conditions - whether due to temperature, humidity, wind chill, or combination thereof - are likely to be harmful to the animal's health. Any animal control officer is authorized to remove animals from these conditions immediately if the animal is in imminent danger, or after a reasonable attempt to locate the owner if the situation is not immediately life-threatening, and shall provide written notice to the owner. A violation of this subsection is subject to the penalties set forth in Sec. 6-64.
- (d) It shall be unlawful for any person owning or responsible for confining or impounding any animal to fail to provide for systematic waste removal and prevent the accumulation of waste or matter that causes offensive odors or unsanitary conditions.

Sec. 6-8. Cruelty to animals.

It shall be unlawful to unnecessarily torture, torment, deprive of necessary sustenance or shelter, or unnecessarily or cruelly beat, mutilate or kill any animal, or cause the same to be done, or carry in or upon any vehicle or otherwise any animal in a cruel or inhumane manner. Nothing in this section shall be construed to limit prosecution under applicable state criminal law. State law reference(s): Animal cruelty (misdemeanor of the first degree), F.S. 828.12(1); Aggravated animal cruelty (felony of the third degree), F.S. § 828.12(2).

Sec. 6-9. Proper Tethering Requirements.

It shall be unlawful to improperly tether any dog. "Proper tethering" of a dog means:

- (a) Using a tether that is at least five times the length of the dog's body, as measured from the tip of the nose to the base of the tail, or 10 feet, whichever is greater;
- (b) Using a tether that has swivels at both ends to prevent entanglement;
- (c) Ensuring the tether's weight does not exceed 1/8 of the dog's weight;
- (d) Attaching the tether to a properly fitting harness or collar, not a choke, pinch, or prong collar;
- (e) Bringing dogs inside during extreme weather conditions, including temperatures below 40°F (4°C) or above 95°F (35°C), or during severe weather events such as thunderstorms, hurricanes, or flooding;
- (f) Never tethering a dog for more than 8 consecutive hours in any 24-hour period.

Sec. 6-10. Harboring and feeding stray animals.

- (a) Persons who harbor any stray dog or cat shall be required to notify the animal control agency of the presence of the stray dog or cat, including a description of the animal, which

information will assist the animal control agency and/or animal owner in locating missing pets.

(b) Prohibition on feeding stray or feral animals on public property. It shall be unlawful for any person to feed or provide sustenance to stray or feral animals on any public property within the city limits. This prohibition is enacted to prevent the congregation and proliferation of stray and feral animals, which can pose a threat to public health and safety. This prohibition shall not apply to activities conducted or authorized by the city, including temporary feeding necessary for animal capture.

Sec. 6-11. Reporting motor vehicle injury to animals.

Any operator of a motor vehicle that has injured an animal shall immediately notify the owner (if known), the animal control agency, the city police department, or the county sheriff's office and advise as to the location of the injured animal.

Sec. 6-12. Animal bites; rabies control.

(a) It shall be the duty of the owner or harbinger of an animal having knowledge that an animal has bitten any person, and any medical person/facility which treats a person bitten by an animal, to report the incident to the county health department within 24 hours of the bite or of the owner's/facility's knowledge thereof. A person who has been bitten is also encouraged to report the incident. State law reference(s): Rabies vaccination of dogs, cats, and ferrets, F.S. 828.30; Public health - county health departments, F.S. ch. 381.

(b) When it is known that an animal has been exposed to rabies, or when rabies is suspected by a licensed veterinarian, or when the animal dies while under suspected rabies observation, the animal control officer shall immediately notify the county health officials for final disposition.

Sec. 6-13. Performing animal exhibitions.

No person shall conduct, sponsor or participate in a performing animal exhibition, display, circus, or rodeo in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering. State law reference(s): Animal fighting or baiting, F.S. 828.122; Exhibition of mutilated or deformed animals, F.S. 877.16.

Sec. 6-14. Sales or permitting exposure of animals with, or having been exposed to, infectious disease.

Whoever within the city, being the owner or having the charge of any animal, knowing such animal to have any contagious or infectious disease or to have been recently exposed thereto, sells, barter, or disposes of such animal without first disclosing to the person to whom the animal is sold, bartered, or disposed of that such animal is diseased or has been exposed, or knowingly permits such animal to run at large, or knowing such animal to be diseased, knowingly allows the animal to come into contact with any such animal of another person without such other person's knowledge or permission, shall be deemed guilty of a civil infraction pursuant to Sec. 6-64.

Sec. 6-15. Negligence in care of animals.

Whoever impounds or confines any animal in any place and fails to supply such animal during such confinement with a sufficient quantity of good and wholesome food and water, or who keeps any animal in any enclosure without wholesome exercise and change of air, or who abandons to die any animal that is maimed or sick, infirm or diseased, shall be deemed guilty of a civil infraction pursuant to Sec. 6-64.

Sec. 6-16. Damaging or killing an animal belonging to another.

It shall be unlawful to willfully or wantonly kill, maim or disfigure any animal belonging to another person. Whoever willfully or wantonly kills, maims or disfigures any animal of another person, or willfully or wantonly administers poison to any such animal, or exposes any poisonous substance with intent that such substance shall be taken and swallowed by such animal, shall be deemed guilty of an infraction pursuant to Sec. 6-64. State law reference(s): Cruelty to animals, F.S. 828.12; Killing or maiming registered horses and cattle, F.S. 828.125; Leaving poison on property not owned by such person, F.S. 828.08.

Secs. 6-17 through 6-26. Reserved.

ARTICLE II. NUISANCES

Sec. 6-27. Animal nuisances.

It shall be unlawful for the owner or custodian of an animal to permit the following nuisances to be committed, either willfully or through failure to exercise due care or control: State law reference(s): Places declared nuisances, F.S. 823.01; Abatement of nuisances, F.S. 823.05.

- (a) No dog or cat shall be permitted to habitually chase after or otherwise harass persons or vehicles.
- (b) No dog or cat shall be permitted to bark, bay, cry, whine or howl or make any other noise continuously and/or incessantly in an excessive, habitual or untimely fashion for such a duration that it annoys or disturbs a reasonable person of normal sensitivities residing in or occupying premises in close proximity to the premises on which the animal is located.
- (c) Removal and disposal of animal waste. It shall be the duty of every owner or custodian of a domestic animal to immediately remove any feces or other solid waste deposited by such animal upon public property or upon the private property of another, and to dispose of such waste in a sanitary manner by placing it in an appropriate trash container or other receptacle designated for the disposal of such waste. Every owner or custodian, when accompanying a domestic animal off the owner's premises, shall have in their possession a suitable device or container for the removal and disposal of animal waste. This section shall not apply to a service animal accompanying a person with a disability where compliance would be impractical due to the nature of the disability. A violation of this section shall be subject to the penalties set forth in Sec. 6-64.

Sec. 6-28. Livestock and Domestic Fowl.

Prohibited generally; exception. No livestock shall be kept within the city except for the purposes of the animal industry and shall be limited to areas designated by the City's zoning and land use regulations. Notwithstanding the foregoing, the keeping of backyard chickens and miniature pigs on residentially zoned property is permitted subject to the specific conditions set forth in subsections (c) and (d) of this section.

- (a) Prohibited generally; exception. No livestock shall be kept within the city except for the purposes of the animal industry and shall be limited to areas designated by the City's zoning and land use regulations.
- (b) Cleanliness standards; responsibility. Where any person shall keep any cattle, horses, mules, swine, goats, chickens or other domestic fowl within the corporate limits of the city, the lot, stall, barn, stable, hen house, pen or other place where the same are kept shall be regularly cleaned and kept in a sanitary condition. Owners of backyard chickens and miniature pigs shall additionally comply with the requirements of subsections (c) and (d), respectively.
- (c) Backyard Chickens. The keeping of backyard chickens on residentially zoned property within the city is permitted subject to the following conditions:

- (1) Number. No more than six (6) hens may be kept per residential lot. No roosters shall be permitted within the city limits.
- (2) Enclosure. All chickens must be kept within a secure, covered enclosure (coop and run) at all times. The enclosure must be of sufficient size to provide a minimum of four (4) square feet of interior coop space and ten (10) square feet of exterior run space per bird.
- (3) Setbacks. All enclosures must be located in the rear yard and set back a minimum of ten (10) feet from any property line and a minimum of twenty-five (25) feet from any neighboring dwelling.
- (4) Sanitation. Owners must remove waste and soiled bedding from enclosures at least twice per week. Composting of chicken waste is permitted only in an enclosed compost system.
- (5) Feed storage. All feed must be stored in sealed, rodent-proof containers.
- (6) Slaughter. The slaughter of chickens on the premises is prohibited.
- (7) Commercial activity. The sale of eggs or poultry products from residentially kept chickens for commercial purposes is prohibited.
- (8) Nuisance. Chickens shall not be permitted to create a nuisance as defined in Sec. 6-2, and owners shall be subject to enforcement under Sec. 6-64 for any violations thereof.
- (d) Miniature Pigs. The keeping of miniature pigs (also known as micro-pigs, teacup pigs, or pot-bellied pigs) on residentially zoned property within the city is permitted subject to the following conditions:
 - (1) Definition. For purposes of this subsection, a "miniature pig" means a pig of a breed recognized as miniature by a nationally recognized swine registry, with a verified adult weight not to exceed 150 pounds. Standard farm swine are not permitted on residentially zoned property regardless of current size or weight.
 - (2) Number. No more than two (2) miniature pigs may be kept per residential lot.
 - (3) Enclosure. All miniature pigs must be kept within a secure, fenced enclosure adequate to contain the animal at all times. Miniature pigs shall not be permitted to roam freely on the property without direct owner supervision.
 - (4) Setbacks. All enclosures must be located in the rear yard and set back a minimum of fifteen (15) feet from any property line and a minimum of thirty (30) feet from any neighboring dwelling.
 - (5) Sanitation. Owners must remove waste from enclosures on a daily basis to prevent odors and unsanitary conditions.
 - (6) Licensing and veterinary care. All miniature pigs must be spayed or neutered and must receive regular veterinary care. Owners must provide proof of sterilization upon request by an animal control officer.
 - (7) Nuisance. Miniature pigs shall not be permitted to create a nuisance as defined in Sec. 6-2, including but not limited to excessive noise or noxious odors, and owners shall be subject to enforcement under Sec. 6-64 for any violations thereof.

Secs. 6-29 through 6-38. Reserved.

ARTICLE III. DANGEROUS ANIMALS

Sec. 6-39. Dangerous Dogs and Dangerous Animals.

(a) Definitions.

- (1) Dangerous Dog. Pursuant to F.S. 767.11 and the city's authority under F.S. 767.14 to impose restrictions more stringent than state law, a 'dangerous dog' is a dog that has, when unprovoked:
 - (a) Bitten, attacked, or inflicted severe injury on a human;
 - (b) More than once severely injured or killed a domestic animal while off the owner's property, where 'severe injury' means physical injury that results in broken bones, multiple lacerations requiring veterinary sutures, permanent disfigurement, or death;
 - (c) Been previously declared dangerous and engages in further aggressive behavior.

(2) Other Dangerous Animals. Pursuant to the city's authority under F.S. chs. 166 and 828, and independent of the dangerous dog provisions of subsection (a)(1), a non-dog animal may be designated as a dangerous animal by the animal control officer where such animal has, when unprovoked: (i) bitten, attacked, or inflicted severe injury on a human being on public or private property; (ii) more than once killed or inflicted severe injury on a domestic animal while off the owner's property; or (iii) been previously designated as dangerous under this chapter and engaged in further aggressive behavior. Designations under this subsection shall not be governed by F.S. ch. 767, which applies exclusively to dogs, and shall be processed in accordance with the procedures set forth in this section as adapted to the applicable authority.

(b) Requirements for Owners of Dangerous Dogs and Dangerous Animals.

Upon the final designation of a dog as dangerous following any required hearing or appeal period under F.S. 767.12, the owner shall register the dog with the animal control authority within 14 days of such final designation, as required by F.S. 767.12, and shall comply with all remaining requirements set forth below within 30 days of such final designation. For non-dog animals designated as dangerous under subsection (a)(2), the owner shall comply with all applicable requirements within 30 days of final designation. Failure to comply within the applicable timeframe shall constitute a separate violation of this chapter and may result in immediate impoundment of the animal by the animal control officer pending the owner's compliance:

- (a) Secure enclosure with warning signs;
- (b) Muzzle and physical restraint when off owner's property;
- (c) Liability insurance coverage of a minimum of \$500,000 per incident. This elevated threshold is expressly imposed as a more stringent local restriction pursuant to the city's authority under F.S. 767.14, which permits local governments to enact requirements more stringent than state law with respect to dangerous dogs. The current state law minimum is \$100,000 per incident pursuant to the 2025 amendments to F.S. 767.12;
- (d) Registration with Animal Control.
- (e) Microchipping by a licensed veterinarian, with the microchip number registered to the current owner, as required by F.S. § 767.12.

(c) Penalties for Dangerous Animal Violations. Violation of this section shall be punishable by a fine not to exceed \$500.00 per violation, in addition to any other remedies available under this chapter or state law. State law reference(s): Civil penalty maximums for local animal control ordinances, F.S. 828.27(4).

Sec. 6-40. Compliance with State Law. The dangerous dog provisions of subsection (a)(1) of Sec. 6-39 and all associated owner requirements shall be implemented in compliance with F.S. 767.11-767.16. Pursuant to F.S. 767.14, local governments are authorized to impose restrictions on dangerous dogs more stringent than state law, provided such restrictions are not breed-specific; the elevated insurance minimum in Sec. 6-39(b)(3) and any other requirements exceeding state law minimums are imposed on that basis. The dangerous animal provisions of subsection (a)(2) of Sec. 6-39 are independently grounded in the city's authority under F.S. chs. 166 and 828 and are not subject to F.S. ch. 767.

Sec. 6-41. Confiscation and Destruction of Dangerous Dogs.

(a) Applicability. This section applies to dangerous dogs as defined in Sec. 6-39(a)(1) and shall be implemented in compliance with F.S. §§ 767.12, 767.13, and 767.135. Nothing in this section shall be construed to authorize destruction of an animal in a manner inconsistent with applicable Florida law.

(b) Post-Designation Attack. Injury or Bite. Pursuant to F.S. § 767.13(1), if a dog that has been finally designated as dangerous under Sec. 6-39 and F.S. § 767.12 thereafter attacks or bites a person or domestic animal without provocation, the following shall apply: (1) The dangerous dog shall be immediately confiscated by the animal control officer, placed in quarantine if necessary for the proper length of time, impounded, and held for ten (10)

business days after the owner is given written notification pursuant to F.S. § 767.12; (2) After the expiration of the ten (10) business day notice period, and provided no timely written appeal has been filed pursuant to subsection (e) of this section, the animal shall be destroyed in an expeditious and humane manner consistent with F.S. § 828.065; (3) The owner shall be responsible for payment of all boarding costs and other fees incurred in humanely and safely keeping the animal during any notice or appeal period.

(c) Post-Designation Attack. Severe Injury or Death of Human. Pursuant to F.S. § 767.13(2), if a dog that has been finally designated as dangerous under Sec. 6-39 and F.S. § 767.12 thereafter attacks and causes severe injury to or death of any human, the following shall apply: (1) The dangerous dog shall be immediately confiscated by the animal control officer, placed in quarantine if necessary, impounded, and held for ten (10) business days after the owner is given written notification pursuant to F.S. § 767.12; (2) After the expiration of the ten (10) business day notice period, and provided no timely written appeal has been filed pursuant to subsection (e) of this section, the animal shall be destroyed in an expeditious and humane manner consistent with F.S. § 828.065; (3) The owner shall be responsible for all boarding costs and other fees incurred during any notice or appeal period.

(d) Attack by Undesignated Dog Causing Human Death. Pursuant to F.S. § 767.135, if a dog that has not been designated as dangerous under this chapter attacks and causes the death of a human, the dog shall be immediately confiscated by the animal control officer, placed in quarantine if necessary, impounded, and held for ten (10) business days after the owner is given written notification pursuant to F.S. § 767.12, and thereafter destroyed in an expeditious and humane manner consistent with F.S. § 828.065, unless the owner timely appeals pursuant to subsection (e) of this section.

(e) Owner Appeal. The following two-stage appeal process applies in any case subject to this section, and is established pursuant to the requirement of F.S. 767.12(4) that each applicable local governing authority establish appeal procedures conforming to that subsection.

(1) Stage One - Administrative Hearing Before Special Magistrate. The owner may request an administrative hearing before a Special Magistrate designated by the City Council within ten (10) business days following receipt of written notification of the proposed destruction. The request must be made in writing and submitted to the City Clerk. The hearing shall be scheduled no sooner than five (5) days after receipt of the written request. The Special Magistrate shall be a Florida-licensed attorney designated by the City Council and shall be independent of the animal control authority. The hearing shall be conducted under oath; all testimony shall be recorded; and while the formal rules of evidence shall not apply, fundamental due process shall govern the proceedings. The animal control authority shall bear the burden of demonstrating that destruction is warranted under the applicable subsection of this section. The Special Magistrate shall issue a written decision within ten (10) days of the conclusion of the hearing. If the owner does not timely request a hearing, the proposed destruction shall become final by operation of law upon expiration of the ten (10) business day notice period.

(2) Stage Two - Circuit Court Appeal. Upon issuance of a final written order by the Special Magistrate, or upon the classification becoming final by operation of law, the animal control authority shall provide the written final order to the owner by registered mail, certified hand delivery, or service. The owner may appeal the final order to the Circuit Court of the Fourteenth Judicial Circuit, Washington County, Florida, in accordance with the Florida Rules of Appellate Procedure, after receipt of the final order.

(3) Effect of Timely Appeal on Destruction. If the owner files a timely written request for administrative hearing under subsection (e)(1), or a timely appeal to

the circuit court under subsection (e)(2), the animal shall be held and shall not be destroyed while such appeal is pending.

(4) Confinement and Transfer Restrictions During Appeal. A dog that is the subject of proceedings under this section may not be relocated or its ownership transferred pending the outcome of any hearing or appeal. If the dog is not held by the animal control authority, the owner must confine the dog in a securely fenced or enclosed area and shall provide the address at which the animal is confined to the animal control authority.

(5) Owner Cost Responsibility. The owner is responsible for all boarding costs and other fees incurred in humanely and safely keeping the animal during any notice, hearing, or appeal period, regardless of the outcome of such proceedings.

(f) Emergency Destruction. Nothing in this section shall limit the authority of a law enforcement officer, licensed veterinarian, or authorized agent of the animal control authority to humanely destroy a dangerous animal in an emergency situation where immediate euthanasia is necessary to protect public safety, as authorized by F.S. § 828.05.

(g) Euthanasia Standards. All destruction carried out pursuant to this section shall be performed only by a licensed veterinarian or a certified euthanasia technician who has successfully completed the 16-hour certification course required by F.S. § 828.065. No animal subject to this section shall be left unattended between the commencement of euthanasia procedures and confirmation of death, and no body shall be disposed of until death has been confirmed by a qualified person.

(h) Non-Dog Dangerous Animals. The confiscation and destruction provisions of this section apply specifically to dogs governed by F.S. ch. 767. For non-dog animals designated as dangerous pursuant to Sec. 6-39(a)(2), confiscation and disposition shall be determined by the animal control officer in accordance with applicable provisions of F.S. ch. 828 and F.S. ch. 166, and consistent with the emergency destruction authority of subsection (f) of this section. State law reference(s): Attack or bite by dangerous dog; penalties; confiscation; destruction, F.S. § 767.13; Attack or bite by unclassified dog that causes death, F.S. § 767.135; Local authority to impose more stringent restrictions, F.S. § 767.14; Euthanasia of animals, F.S. § 828.065; Emergency euthanasia of dangerous animals, F.S. § 828.05.

Secs. 6-42 through 6-49. Reserved.

ARTICLE IV. FERAL AND DOMESTICATED CAT MANAGEMENT

Sec. 6-50. Intent and Scope.

This article is intended to balance the protection of public health and safety with the humane treatment of both domesticated and feral cats within the city limits.

Sec. 6-51. Domesticated Cat Regulations.

Owners of domesticated cats are required to ensure their animals are properly vaccinated against rabies in accordance with Florida law, including the mandatory vaccination requirements of F.S. 828.30. Owners must exercise appropriate diligence to ensure their domesticated cats do not become a nuisance to neighboring properties or the public at large, in accordance with Section 6-27 of this Code.

Sec. 6-51.1. Outdoor Domesticated Cat Identification Requirements.

(a) Purpose. This section supplements the requirements of Sec. 6-51 and is intended to facilitate the identification and return of domesticated cats found at large, and to assist animal control officers in distinguishing domesticated cats from feral cats for purposes of enforcement under this chapter.

(b) Identification Required. Any owner of a domesticated cat that is permitted to access outdoor areas, whether supervised or unsupervised, shall ensure that such cat bears at least one (1) of the following forms of identification at all times while outdoors: (1) A

breakaway safety collar with a securely attached tag displaying the owner's name and current contact information, including a telephone number; (2) A functioning GPS or other electronic tracking device attached to a breakaway safety collar; or (3) A microchip implanted by a licensed veterinarian, with the microchip number and current owner contact information registered in a nationally recognized pet recovery database.

(c) Collar Requirements. Any collar used to satisfy the identification requirement of subsection (b)(1) or (b)(2) of this section shall be of a breakaway design, meaning the collar is engineered to release under pressure to prevent entanglement, strangulation, or injury to the cat. Choke, slip, or non-release collars shall not constitute compliant identification under this section.

(d) Microchip as Sole Identifier. An owner who elects to satisfy the identification requirement exclusively through microchip under subsection (b)(3) shall maintain current and accurate registration of the microchip at all times. It shall be a violation of this section for an owner to allow the microchip registration to lapse, to fail to update contact information following a change of address or telephone number within thirty (30) days of such change, or to fail to provide proof of microchip registration upon request by an animal control officer.

(e) Integration with Sec. 6-51. Compliance with this section shall be deemed a component of the owner's duty of diligence under Sec. 6-51. Failure to maintain required identification constitutes a violation of both this section and the owner's obligations under Sec. 6-51, and may serve as a basis for a citation issued pursuant to Sec. 6-5(f).

(f) Integration with Sec. 6-27. A domesticated cat found outdoors beyond the boundaries of the owner's property without required identification that is observed engaging in nuisance conduct enumerated in Sec. 6-27 shall be subject to enforcement under both this section and Sec. 6-27. The absence of required identification shall not, standing alone, constitute a nuisance under Sec. 6-27, but may be considered by an animal control officer as a factor in determining whether a cat is domesticated or feral for purposes of enforcement and impoundment decisions under this chapter. No enforcement action under this section based on the absence of required identification shall be initiated against an owner solely on account of a cat found on the owner's own property.

(g) Impoundment. A domesticated cat found outdoors without any of the identification methods required by subsection (b) of this section may be impounded by an animal control officer and processed in accordance with the impoundment and reclamation procedures of this chapter.

(h) Penalty. Violation of this section shall be subject to the civil penalty schedule set forth in Sec. 6-64(a).

Sec. 6-52. Feral Cat Management and TNR Program.

Sec. 6-52. Feral Cat Management. The city does not maintain or support a Trap-Neuter-Return program. Feral cats found at large within the city may be impounded by an animal control officer and processed in accordance with applicable Florida law and standard animal control procedures.

While Section 6-10(b) of this Chapter prohibits feeding stray animals on public property, that prohibition shall not apply to temporary feeding authorized by the city for purposes of animal capture.

Sec. 6-53. Enforcement.

Violations of any provision of this Article shall be subject to enforcement by any officer as defined in Sec. 6-2. Any officer who has probable cause to believe that a person has violated any provision of this Article, including failure to vaccinate a domesticated cat pursuant to Sec. 6-51 or permitting a domesticated cat to become a nuisance in violation of Sec. 6-51 and Sec. 6-27, unauthorized feeding of stray or feral animals on public property in violation of Sec. 6-10(b) may issue a citation pursuant to Sec. 6-5(f). All

citations issued under this Article shall conform to the requirements set forth in Sec. 6-3 (Requirements of Citation) and Sec. 6-64, and all applicable requirements of F.S. § 828.27. Civil penalties imposed for violations of this Article shall be deposited and administered in accordance with Sec. 6-66.

Secs. 6-54 through 6-63. Reserved.

ARTICLE V. VIOLATIONS AND PENALTIES

Sec. 6-64. Enforcement of violations. This section applies to violations of any provision of this chapter, including Articles I through IV.

(a) Civil penalty schedule. Civil penalties for violations of this chapter shall be assessed on the following tiered schedule: (1) First offense: not to exceed \$100.00; (2) Second offense within 12 months: not to exceed \$200.00; (3) Third and subsequent offenses within 12 months: not to exceed \$500.00. Notwithstanding the foregoing, violations of Article III (Dangerous Animals) shall be subject to the penalty set forth in Sec. 6-39(c). State law reference(s): Civil penalty maximums for local animal control ordinances, F.S. 828.27(4).

(b) Section constitutes civil infraction or criminal offense. A violation of this chapter may constitute a civil infraction or, where applicable, a criminal offense pursuant to Florida Statutes. State law reference(s): Cruelty to animals, F.S. 828.12(1) and (2); Confinement or abandonment of animals, F.S. 828.13.

(c) Signature of citation required. Any person cited for an infraction under this chapter shall sign and accept a citation acknowledging receipt of the citation and indicating a promise to appear in county court if a mandatory court appearance is required.

(d) Payment of civil penalty. Any person cited for a violation of this chapter may pay the civil penalty within 30 days of the date of receiving the citation.

(e) Election to appear in court. Any person cited for a violation of this chapter may elect to appear in county court on the date and time specified in the citation to contest the citation.

(f) Liability of owner for fees/penalties. In the event an animal is impounded for violation of this chapter and the owner of the animal abandons the animal to the animal control agency, the owner remains liable for all fees and penalties imposed.

State law reference(s): Failure to sign or accept citation, F.S. § 828.27(5).

Sec. 6-65. Use of revenue.

All revenue derived from the fines, penalties and license fees collected under this chapter shall be used exclusively to recover or offset the costs of enforcement and administration of the city's animal control program and this chapter.

Sec. 6-66. Fine or penalty distribution and recordkeeping.

Fines or penalties collected pursuant to this chapter by the city shall be deposited in the animal control fund and used to support the costs of the animal control program. The animal

control agency shall keep detailed and accurate records of licensing, impoundment and disposition of all animals coming into its custody, all bite cases, complaints and investigations of violations. All funds collected shall be received on a daily basis by the city clerk along with appropriate accounting records at time of payment.

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