

ORDINANCE NO. 995

AN ORDINANCE OF THE CITY OF CHIPLEY, FLORIDA, AMENDING CHAPTER 6 OF THE CITY CODE, RELATING TO ANIMAL CONTROL PROVISIONS; REMOVING BREED SPECIFIC REGULATIONS; ADDING PROVISIONS FOR DANGEROUS ANIMALS; PROVIDING FOR CLEAR DEFINITIONS AND MEASUREMENTS OF NOISE NUISANCES, TIERED PENALTIES, SEVERABILITY, CONFLICTS, REPEALER, AND FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Chipley, Florida, wishes to address existing elements of its animal control code to clarify nuisance provisions and to maintain consistency with Florida Statutes; 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 the provisions of Chapter 6 of the Code of the City of Chipley be amended in accordance with this ordinance;

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

Section 1. Chapter 6, Article 1, Section 2 of the Code of the City of Chipley is hereby amended, to provide for specific and measurable criteria of a noise nuisance (additions are shown by underline and deletions are shown by strikethrough), as follows:

Section 6-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 this section. 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.

Animal shelter means the Chipley Animal Control Shelter 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 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.
- (9) The applicable civil penalty if the person elects not to contest the citation.
- (10) 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.

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.

Commercial animal establishment means any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, or kennel.

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.

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.

Kennel means any premises wherein a person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

Licensed means that the animal has been vaccinated for rabies and that current tags or other evidence is available to show current rabies vaccination.

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.

Pet shop means any establishment, whether operated separately or in connection with another business enterprise, except for a licensed kennel, whose owner or operator buys, sells or boards any species of animal.

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 makes noises continuously for more than 10 minutes at a time, occurring three or more times within a 7-day period, or makes such noises between 10:00 p.m. and 7:00 a.m. that can be heard from an adjacent property ~~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.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Vicious animal means any animal that constitutes a physical threat to human beings or other animals.

(Code 1987, § 4-2; Ord. No. 797, 10-12-1999)

Section 2. Chapter 6, Article 1, Section 13 of the Code of the City of Chipley is hereby amended, to provide for clear nuisance definitions, tiered penalties, dangerous animal provisions, owner responsibilities, enforcement mechanisms, and community education (additions are shown by underline and deletions are shown by strikethrough), as follows:

Sec. 6-13. Animal Nuisance and Dangerous Animals.

(a) Animal Nuisance Defined. In addition to the public nuisance behaviors defined in Sec. 6-2, an animal shall be considered a nuisance if it:

(1) Defecates on public property or private property without the property owner's consent, and the animal's owner fails to immediately remove and properly dispose of the waste;

(2) Is repeatedly found at large, defined as three or more occurrences within a 12-month period;

(3) Causes verifiable property damage;

(4) Creates unsanitary conditions through accumulated waste on the owner's property.

(b) Owner Responsibilities.

(1) Owners shall maintain their property and animal enclosures in a sanitary condition;

(2) Owners shall prevent their animals from becoming a nuisance as defined in this chapter;

(3) Owners shall immediately clean up their animal's waste when off the owner's property;

(4) Owners shall ensure proper confinement of their animals as specified in Sec. 6-5.

(c) Penalties for Nuisance Violations.

- (1) First violation: Written warning
- (2) Second violation within 12 months: Civil penalty of \$100
- (3) Third and subsequent violations within 12 months: Civil penalty of \$250 and mandatory attendance at a city-approved responsible pet ownership class
- (4) Violators may appeal citations within 15 days of issuance by submitting a written request to the City Administrator.

(d) Enforcement.

- (1) Complaints must be submitted in writing to Animal Control, including date, time, and description of the nuisance behavior
- (2) Photographic or video evidence may be required to substantiate violations
- (3) Animal Control Officers are authorized to investigate complaints and issue citations under this section
- (4) Citations shall conform to requirements specified in Sec. 6-2

(e) Dangerous Animals.

- (1) A dangerous animal is one that has, when unprovoked:
 - a. Bitten, attacked, or inflicted severe injury on a human;
 - b. Killed or inflicted severe injury on a domestic animal;
 - c. Been previously declared dangerous and engages in further aggressive behavior.
- (2) Requirements for dangerous animals:
 - a. Secure enclosure with warning signs
 - b. Muzzle and physical restraint when off owner's property
 - c. Liability insurance coverage minimum of \$100,000
 - d. Registration with Animal Control
- (3) Compliance with F.S. § 767.12 is required

(f) Community Education.

- (1) The City shall conduct quarterly educational programs on responsible pet ownership
- (2) Materials on nuisance prevention and proper animal care shall be made available through the City's website and Animal Control office.

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.

(Code 1987, § 4-14; Ord. No. 797, 10-12-1999)

State law reference(s)—Cruelty to animals, F.S. § 828.12.

Section 3. Chapter 6, Article 2, Section 38 of the Code of the City of Chipley is hereby amended, to provide for clear criteria and measurements for noise nuisances (additions are shown by

underline and deletions are shown by strikethrough), as follows:

Sec. 6-38. 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. Complaints must be submitted in writing with specific dates, times, and evidence documenting the nuisance behavior. The city may require affidavits of complaint from one or more persons alleging any such nuisance. Animal Control Officers are authorized to issue citations for violations under this section.

(1) No dog or cat shall be permitted to habitually chase after or otherwise harass persons or vehicles.

(2) No dog or cat shall be permitted to trespass on school grounds or other public or private property, except that this restriction does not apply to dogs utilized by law enforcement agencies in law enforcement activities or to dogs trained to assist a blind, deaf or physically handicapped person when in the company of that person.

(3) No dog or cat shall be permitted to run at large off of the premises of its owner or custodian and upon public property or upon other private property without the permission of the owner or occupant of such private property.

(4) No dog or cat shall be permitted to destroy or damage private or public real or personal property of another or cause serious annoyance to a neighboring premises by interfering with the reasonable use and enjoyment of the property.

(5) No dog or cat shall be permitted to bark, bay, cry, whine or howl or make any other noise continuously for more than 10 minutes at a time, occurring three or more times within a 7-day period, that disturbs residents 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. However, a dog will not be deemed a "barking dog" if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property where the dog is situated or for any other legitimate cause which teased or provoked the dog. In the case of multiple animals at one location, it shall not be necessary to single out which specific dog or cat committed a noise nuisance. It shall be sufficient to demonstrate that the noise emanated from the premises.

(Code 1987, § 4-21; Ord. No. 797, 10-12-1999)

Section 4. Chapter 6, Article 5, of the Code of the City of Chipley is hereby repealed in its entirety, to be pursuant to Fla. Stat. §767.14 (2023), which preempts breed-specific ordinances (additions are shown by underline and deletions are shown by strikethrough), as follows:

~~ARTICLE V. PIT BULL DOGS~~

~~Sec. 6-133. Intent and purpose.~~

~~This article is intended to utilize the authority and powers of the city in order to secure for the citizens of this city the protection of the citizens' health, safety and welfare. It is intended to be~~

applicable to dogs which are commonly referred to as pit bulls and which are defined herein. This article is designed to regulate these pit bull dogs and to ensure responsible handling by their owners through registration and confinement. The unique history, nature and characteristics of pit bull dogs have been determined to require the special regulations and provisions contained within this article which the city council hereby finds reasonable and necessary.

Sec. 6-134. Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Pit bull dog, as used within this article, means any dog which exhibits those distinguishing characteristics which:

(1) Substantially conform to the standards established by the American Kennel Club for American Staffordshire Terriers or Staffordshire Bull Terriers; or

(2) Substantially conform to the standards established by the United Kennel Club for American Pit Bull Terriers.

(b) The standards of the American Kennel Club and the United Kennel Club referred to in subsection (a) of this section are on file with the code enforcement department and police department of the city.

(c) Technical deficiencies in the dog's conformance to the standards described in subsection (b) of this section shall not be construed to indicate that the subject dog is not a pit bull dog under this article.

Sec. 6-135. Confinement.

(a) Because of the pit bull dog's inbred propensity to attack other animals and because of the danger posed to humans and animals alike by a pit bull dog when running loose or while running together in a pack, pit bull dogs must at all times be securely and totally enclosed in a locked pen, with either a top or sides six feet high.

(b) At any time that a pit bull dog is not confined as required in subsection (a) of this section, the dog shall be muzzled in such a manner as to prevent it from biting or injuring any person or animal and kept on a leash no longer than six feet with the owner or custodian in attendance.

(c) An exception to this section is hereby provided for any pit bull dog in attendance at and participating in any lawful dog show, contest or exhibition sponsored by a dog club, association, society, or similar organization.

Sec. 6-136. Registration.

(a) In order to ensure that owners of pit bull dogs are in compliance with the requirements of this article and to assist in ensuring compliance therewith, every owner of a pit bull dog in the city shall register the dog with the code enforcement department. The registration shall include the following:

(1) The name, address and telephone number of the dog's owner;

(2) The address where the dog is harbored, if different from the owner's address;

(3) A complete identification of the dog, including the dog's sex, color; and any other distinguishing physical characteristics; and

(4) Proof of rabies vaccination.

(b) Newly acquired pit bull dogs shall be registered with the code enforcement department no later than 72 hours after acquisition.

(c) All owners or persons owning pit bull dogs or persons responsible for the care of such dogs prior to the enactment of this article will be required to register the dogs with the city code enforcement office within 30 days and must be in full compliance with the confinement

requirements within 90 days.

~~(d) Registration fees are to be set by the city council.~~

~~Sec. 6-137. **Enforcement.**~~

~~It shall be the duty and responsibility of all city law enforcement officers and animal control officers to enforce the provisions of this article.~~

~~Sec. 6-138. **Notice of keeping of dog or dogs.**~~

~~Upon the written complaint of any person that a person owns or is keeping or harboring a pit bull dog on premises in the city, the police department may forthwith cause the matter to be investigated, and, if after investigation, the facts indicate that such person named in the complaint is in fact the owner or is keeping or harboring any such pit bull dog in the city and has not properly registered under this article, the code enforcement officer shall forthwith send written notice to such person requiring such person to either apply for a registration under this article or remove the animal from the city limits within three days of the date of the notice.~~

~~Sec. 6-139. **Penalties.**~~

~~Any person who violates any provision of this article shall, upon conviction, be punished as provided in chapter 1, article II or F.S. ch. 828 with civil penalties not to exceed \$500.00.~~

Section 5. Chapter 6, Article 6, Section 171 of the Code of the City of Chipley is hereby amended, to provide for State law references (additions are shown by underline and deletions are shown by strikethrough), as follows:

Sec. 6-171. Police canine or service dog; exemption.

(a) Any canine that is owned or the service of which is employed by a law enforcement agency is exempt from this article.

(b) Any dog used as a service dog for blind, hearing impaired, or disabled persons that bites another animal or a human is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination that was administered by a licensed veterinarian.

(Code 1987, § 4-20.1; Ord. No. 848, § 2, 6-8-2004)

State law reference(s)—Similar provisions, F.S. § 767.16; Dangerous dogs, F.S. § 767.12; Animal control authority and procedure, F.S. § 767.11; Damage by dogs, F.S. § 767.01.

Section 6. 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 7. Repealer. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed and revoked. The provisions of the Code of Ordinances of the City of Chipley shall be amended to include the foregoing, with the Chapter and Section numbers as indicated above.

Section 8. Effective Date. That this ordinance shall become effective immediately upon its passage and adoption.

INTRODUCED on first reading in the City Council on June 10, 2025.

PASSED after second reading by the City Council on July 8, 2025.

CITY OF CHIPLEY, FLORIDA

ATTEST:

By its Mayor, Tracy L. Andrews

By Sherry Snell, City Clerk

APPROVED AS TO FORM:

Michelle Blankenship Jordan
City Attorney

DRAFT