

My Staff Revisited

Chapter 6 ANIMAL CONTROL¹

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 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.

(Code 1987, § 4-1; Ord. No. 797, 10-12-1999)

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, 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.

¹State law reference(s)—Municipal Home Rule Powers Act, F.S. ch. 166; animal industry, F.S. ch. 585; livestock at large, F.S. ch. 588; animal cruelty, F.S. ch. 828; local animal control or cruelty ordinances, F.S. § 828.27.

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- (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.
 - (11) 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.

Tether means a rope, chain, cord, cable, or other device that attaches a dog to a stationary object or cable run. A tether must be of appropriate length and material to prevent injury or entanglement, and must include swivels on both ends to prevent kinking and tangling.

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 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.

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)

Sec. 6-3. 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 designated by the city shall have the authority to issue a citation to a person when such officer has probable cause to believe that the person has committed an act in violation of this chapter. The issuance of such citation shall be in addition to or in lieu of any impoundment and fees associated therewith or revocation of a license or permit as provided in this chapter.

(Code 1987, § 4-3; Ord. No. 797, 10-12-1999)

Sec. 6-4. 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 guilty of an offense.

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

Sec. 6-5. Restraint and confinement to property.

- (a) *Restraint on owner's or custodian's property.* Owners and custodians of dogs and cats will exercise diligence and reasonable care to prevent the owners' and custodians' animals from leaving the owners' and custodians' premises. In the city, restraint exists when the animal is:
- (1) Enclosed within a house, building, fence, pen, or other enclosure where the animal cannot climb, dig, jump, or otherwise escape. Such enclosure must be securely fastened any time the animal is left unattended.
 - (2) On a leash or harness held by a responsible person.
 - ~~(3) Off-leash or off-harness but under voice control and obedient to that person's commands and that person is present with the animal at all times.~~
- (b) *Restraint while off owner's or custodian's property.* Owners and custodians of dogs and cats will exercise diligence and reasonable care to keep the owners' and custodians' animals under restraint while off the owner's or custodian's premises. The only acceptable methods of restraint are:
- (1) Inside a parked vehicle, provided it does not endanger the animal.
- Sec. [X-XX]. Definitions.

For purposes of this section:

(a) "Endangerment" includes any act or omission that places an animal in a parked vehicle without adequate ventilation or exposure to extreme temperatures, thereby risking substantial harm, severe physical pain, or suffering to the animal.

(b) "Adequate ventilation" requires that the vehicle's windows are sufficiently open or another means is in place to ensure airflow, preventing heat buildup harmful to the animal's health.

(c) "Exposure to extreme temperatures" refers to conditions within the vehicle that could lead to heat exhaustion, hypothermia, or other temperature-related health issues for the animal.

- (2) Confined within a secure enclosure with permission of the occupant of the property where the animal is temporarily located.
- (3) On a leash held by a responsible person.
- ~~(4) Under the control of a responsible person and obedient to that person's commands to the extent that the animal will not trespass on property of others.~~
- (5) In a securely fastened cage or animal carrier with adequate ventilation and room for the animal.

(Code 1987, § 4-5; Ord. No. 797, 10-12-1999)

Sec. 6-6. Harboring stray animals.

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. Notification may be made by contacting the animal agency or the city hall.

Sec. 6-172. Prohibition on feeding stray animals on public property.

It shall be unlawful for any person to feed or provide sustenance to stray animals on any public property within the city limits. This prohibition is enacted to prevent the congregation and proliferation of stray animals, which can pose a threat to public health and safety. Violators of this section may be subject to fines or other penalties as determined by the city ordinance. This section does not apply to city employees or contractors acting within the scope of their duties related to animal control or public safety.

(Code 1987, § 4-6; Ord. No. 797, 10-12-1999)

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.
- (1) *Indoor standards.* Minimum indoor standards of shelter shall ensure that the ambient temperature is compatible with the health of the animal. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animal at all times.
 - (2) *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. The shelter shall provide protection from inclement weather by providing relief from the elements appropriate to the species concerned.
 - (3) *An artificial shelter.* If confined outdoors or in an unheated enclosure, a shelter of suitable size with a floor above ground and waterproof room 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 (defined as food that is fresh, uncontaminated, appropriate for the species, and meets all applicable safety and quality standards for animal consumption) 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 Section ***, It shall be unlawful to confine any animal in a building, enclosure, car, boat, vehicle or vessel of any kind when temperatures exceed 85°F (29°C) or fall below 40°F (4°C), or when such temperatures combined with other environmental conditions like humidity or wind chill extreme heat or extreme cold will be harmful to its health. The animal control officer may remove any animal so confined, after a reasonable attempt to locate the owner of the animal has failed, and may use the amount of force reasonably necessary to remove the animal. The animal control officer will leave a written notice in a prominent place indicating that the animal has been impounded and where it may be claimed by the owner. Violation of this subsection shall be punishable by a fine of \$50.00.
- (d) It shall be unlawful for any person keeping or harboring animals to fail to keep the premises where such animals are kept free from offensive odors to the extent that such odors are disturbing to a person residing within reasonable proximity of such premises. It shall be unlawful to allow premises where animals are kept to become unclean and a threat to the public health by failing diligently and systematically to remove all animal waste or harmful matter from the premises.

(Code 1987, § 4-7; Ord. No. 797, 10-12-1999)

Sec. 6-8. 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.

(Code 1987, § 4-8; Ord. No. 797, 10-12-1999)

Sec. 6-9. Animal bites; rabies control.

(a) It shall be the duty of any person bitten by an animal, or the owner or harbinger 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.

(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.

(Code 1987, § 4-9; Ord. No. 797, 10-12-1999)

Sec. 6-10. 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.

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

Sec. 6-11. 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 section 6-15.

(Code 1987, § 4-1; Ord. No. 797, 10-12-1999)

Sec. 6-12. 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 section 6-15.

(Code 1987, § 4-13; Ord. No. 797, 10-12-1999)

Sec. 6-13. 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, or to improperly tether any animal. For purposes of this section:

(a) "Endangerment" means any act or omission that places an animal at substantial risk of death, permanent injury, or severe physical pain or suffering;

(b) "Necessary sustenance" includes adequate food, clean water, shelter from extreme weather conditions, and veterinary care needed to prevent suffering;

(c) "Cruel or inhumane manner" includes transporting or confining an animal in a manner that poses a significant risk of physical injury, causes unnecessary suffering, or fails to provide adequate ventilation, food, water or protection from extreme temperatures;

(d) "Tether" means a rope, chain, cord, cable, or other device that attaches a dog to a stationary object or trolley system; and

(e) "Proper tethering" means:

(1) 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;

(2) Using a tether that has swivels at both ends to prevent entanglement;

(3) Ensuring the tether's weight does not exceed 1/8 of the dog's weight;

(4) Attaching the tether to a properly fitting harness or collar, not a choke, pinch, or prong collar;

(5) Ensuring the dog has access to adequate shelter, food, water, and shade;

(6) Providing continuous monitoring of tethered dogs;

including (7) Bringing dogs inside during extreme weather conditions temperatures below 32°F (0°C) or above 85°F (29.4°C), or during severe weather events such as thunderstorms, hurricanes, or flooding; and

(8) Never tethering a dog for more than 8 consecutive hours in any 24-hour period.

Any tethering that does not meet these requirements shall be considered improper tethering and a violation of this section.

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

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

Sec. 6-14. Damaging or killing an animal belonging to another.

It shall be unlawful to willfully or wantonly and without malice towards the owner to kill, maim or disfigure any animal belonging to another person. Whoever willfully and maliciously kills, maims or disfigures any animal of another person, or willfully and maliciously 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 section 6-15.

(Code 1987, § 4-15; Ord. No. 797, 10-12-1999)

Sec. 6-15. Enforcement of violations.

- (a) *Section constitutes civil or criminal infraction.* A violation of this chapter may constitute a civil or criminal infraction.
- (b) *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.
- (c) *Payment of civil penalty.* Any person cited for a violation of this chapter may pay the civil penalty within ten days of the date of receiving the citation.
- (d) *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.
- (e) *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.

(Code 1987, § 4-16; Ord. No. 797, 10-12-1999)

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

Sec. 6-16. 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.

(Code 1987, § 4-17; Ord. No. 797, 10-12-1999)

Sec. 6-17. Fine or penalty distribution.

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.

(Code 1987, § 4-18; Ord. No. 797, 10-12-1999)

Secs. 6-18—6-37. Reserved.

ARTICLE II. NUISANCES

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. The city may require affidavits of complaint from one or more persons alleging any such nuisance.

- (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 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, § 4-19; Ord. No. 797, 10-12-1999; Ord. No. 848, § 2, 6-8-2004)

~~Sec. 6-39. Domestic animal nuisance.~~

- (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 prescribed areas.
- (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. The person having custody of such animal or fowl shall be responsible for compliance with this section.
- (c) *Proximity to residences; responsibility of custodian.* No person shall keep any cattle, horses, mules, hogs (includes Vietnamese pigs), goats, chickens or other domestic fowl in any stall, barn, stable, hen house, pen or other building or enclosure, nor shall the same be regularly hitched, tied or otherwise kept within 100 feet of any house occupied as a residence within the city. The person having custody of such animal or fowl shall be responsible for compliance with this section.

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

Sec. 6-40. Keeping of wild animals.

No person shall keep or permit to be kept on such person's premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circus pets.

(Code 1987, § 4-22; Ord. No. 797, 10-12-1999)

Secs. 6-41—6-68. Reserved.

ARTICLE III. IMPOUNDMENT

Sec. 6-69. Impoundment of animals.

- (a) The animal control officer may apprehend any animal under any circumstance which constitutes a violation of this chapter or Florida Statutes and impound such animal in the animal shelter. In addition to or in lieu of impounding an animal found at large, the animal control officer or police officer may issue a citation to the owner of such animal.
- (b) Unlicensed dogs and cats, unrestrained dogs and cats, and animals constituting a nuisance shall be taken by the police or animal control officer and impounded in an animal shelter and there confined in a humane manner.
- (c) After impoundment, the animal control officer shall determine whether the animal is licensed or otherwise identifiable and make reasonable effort to identify the owner. The animal shall remain impounded in the animal shelter for not less than five working days, unless claimed by its owner, after which disposition shall be determined as herein provided.
- (d) An impounded animal that is not claimed within the period provided may be offered for adoption pursuant to the requirements of F.S. § 823.15 or humanely euthanized at the discretion of the animal control officer. No dog or cat shall be released from the animal shelter for any purposes except release to the owner or by adoption.

(Code 1987, § 4-23; Ord. No. 797, 10-12-1999)

Sec. 6-70. Release of impounded animals; requirements.

An impounded animal eligible for release may be claimed by its owner upon proof of ownership and after payment of all applicable fines, impound and boarding fees. The owner of an animal impounded for any cause authorized by this chapter, except for animals held for quarantine for suspicion of rabies, may claim such animal as follows:

- (1) *Payment of the required fees.* Fees to be per the latest updated animal control schedule.
- (2) *Proof of rabies vaccination.* No dog or cat shall be released to the owner or other person unless evidence of a current rabies vaccination for the animal from a licensed veterinarian is provided. If such evidence cannot be produced, the person seeking release shall post with the city a deposit in the amount established by resolution. Upon posting of the deposit, the animal will be released and five days will be granted to provide evidence of required vaccination. Upon proof of vaccination, the deposit will be refunded. Failure to provide proof of vaccination within the allotted time will result in forfeiture of the deposit.

(Code 1987, § 4-24; Ord. No. 797, 10-12-1999; Ord. No. 848, § 2, 6-8-2004)

Sec. 6-71. Adoption of impounded animals.

- (a) Agreements for adoption of animals may only be to persons 18 years of age or older. Animals shall only be given in adoption as household pets.
- (b) Any animal released for adoption shall be sterilized and vaccinated against rabies. The adopter and the city shall enter into a written agreement guaranteeing that sterilization and vaccination of the adopted animal will be performed by a licensed veterinarian within 30 days or prior to sexual maturity. As a condition of the agreement, the city shall require an adoption fee in the amount established by resolution and, as a deposit, a performance bond in the amount established by resolution to cover the sterilization and vaccination process. The deposit will be fully refunded upon providing to the city the evidence by the veterinarian that the sterilization and vaccination has been completed.

(Code 1987, § 4-25; Ord. No. 797, 10-12-1999)

Secs. 6-72—6-100. Reserved.

ARTICLE IV. LICENSING

Sec. 6-101. Commercial license required.

No person shall operate a commercial animal establishment or animal shelter without first obtaining a license. Upon a showing by an applicant for a license that the applicant is willing and able to comply with the regulations promulgated by the city, state, and other regulatory authorities, a license shall be issued to such person upon payment of the fee of established by resolution.

(Code 1987, § 4-26; Ord. No. 797, 10-12-1999)

Sec. 6-102. Revocation of permits and licenses; inspections.

- (a) The city or its authorized agent may revoke any license if the person holding the license refuses or otherwise fails to comply with any of the provisions of this chapter, the regulations promulgated by the city, state, or any law governing the protection and keeping of animals.
- (b) It shall be a condition of the issuance of a license that the city or its authorized agent shall be permitted to inspect all animals and the premises where they are kept at any reasonable time and shall, if permission for such inspections is refused, revoke the license of the refusing owner.
- (c) If the applicant has withheld or falsified any information on the application, the city or its authorized agent shall refuse to issue a license.
- (d) No person who has been convicted of cruelty to animals shall be issued a license to operate a commercial animal establishment.

(Code 1987, § 4-27; Ord. No. 797, 10-12-1999)

Secs. 6-103—6-132. Reserved.

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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.

(Code 1987, § 4-28; Ord. No. 867, § 2, 9-12-2006)

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.

(Code 1987, § 4-29; Ord. No. 867, § 2, 9-12-2006)

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.

(Code 1987, § 4-30; Ord. No. 867, § 2, 9-12-2006)

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.

(Code 1987, § 4-31; Ord. No. 867, § 2, 9-12-2006)

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.

(Code 1987, § 4-32; Ord. No. 867, § 2, 9-12-2006)

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.

(Code 1987, § 4-33; Ord. No. 867, § 2, 9-12-2006)

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.

(Code 1987, § 4-34; Ord. No. 867, § 2, 9-12-2006; Ord. No. 883, § 2, 2-14-2008)

Sec. 6-140. Domestic animals number restricted.

It shall be a violation of this article for any owner, heir to real property or person in charge or in control of any property within the city limits to allow or keep more than four domestic animals on any premises unless operating a duly licensed kennel or pet shop. Exceptions to this requirement may be granted by the city council when conditions are deemed appropriate. References to dogs and domestic animals only refer to animals older than three months of age.

(Code 1987, § 4-35; Ord. No. 867, § 2, 9-12-2006)

Sec. 6-141. Commercial kennels standards.

Commercial kennels may be allowed, provided all of the following requirements are met:

- (1) A commercial kennel shall be developed and operated to minimize noise, odor and other objectionable effects on the area in which it is located.
- (2) A kennel can be located in commercial and industrial areas only.
- (3) Licenses for commercial kennels will be per section 38-59.

(Code 1987, § 4-36; Ord. No. 867, § 2, 9-12-2006)

Secs. 6-142—6-165. Reserved.

ARTICLE VI. DANGEROUS DOGS

Sec. 6-166. Definitions.

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:

Animal control authority means an entity acting alone or in concert with other local governmental units and authorized by them to enforce the animal control laws of the city, county, or state. In those areas not served by an animal control authority, the sheriff shall carry out the duties of the animal control authority under this article.

Animal control officer means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this article or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

Dangerous dog means any dog that, according to the records of the appropriate authority:

- (1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;
- (2) Has more than once severely injured or killed a domestic animal while off the owner's property; or
- (3) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.

Owner means any person, firm, corporation, or organization possessing, harboring, keeping, or having control or custody of an animal or, if the animal is owned by a person under the age of 18 years, that person's parent or guardian.

Proper enclosure of a dangerous dog means, while on the owner's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements, including adequate shelter from temperatures below 45°F (7°C) or above 85°F (29°C), rain, wind, and direct sunlight.

Severe injury means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

Unprovoked means that the victim who has been conducting themselves peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.

(Code 1987, § 4-20; Ord. No. 797, 10-12-1999; Ord. No. 848, § 2, 6-8-2004)

Sec. 6-167. Classification of dogs as dangerous; certification of registration; notice and hearing requirements; confinement of animal; exemption; appeals; unlawful acts.

- (a) An animal control authority shall investigate reported incidents involving any dog that may be dangerous and, if possible, shall interview the owner and require a sworn affidavit from any person, including any animal control officer or enforcement officer, desiring to have a dog classified as dangerous.
- (1) An animal that is the subject of a dangerous dog investigation because of severe injury to a human being may be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time, or impounded and held. The animal may be held pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. If the dog is to be destroyed, the dog may not be destroyed while an appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal pending any hearing or appeal.
 - (2) An animal that is the subject of a dangerous dog investigation which is not impounded with the animal control authority must be humanely and safely confined by the owner in a securely fenced or enclosed area. The animal shall be confined in such manner pending the outcome of the investigation and the resolution of any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. The address at which the animal resides shall be provided to the animal control authority. A dog that is the subject of a dangerous dog investigation may not be relocated or its ownership transferred pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. If a dog is to be destroyed, the dog may not be relocated or its ownership transferred.
- (b) A dog may not be declared dangerous if:
- (1) The threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or who, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member.
 - (2) The dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
- (c) After the investigation, the animal control authority shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and, if sufficient cause is found, as to the appropriate

penalty under subsection (g) of this section. The animal control authority shall afford the owner an opportunity for a hearing prior to making a final determination regarding the classification or penalty. The animal control authority shall provide written notification of the sufficient cause finding and proposed penalty to the owner by registered mail, certified hand delivery, or service in conformance with the provisions of F.S. ch. 48 relating to service of process. The owner may file a written request for a hearing regarding the dangerous dog classification, penalty, or both, within seven calendar days after receipt of the notification of the sufficient cause finding and proposed penalty. If the owner requests a hearing, the hearing shall be held as soon as possible, but not later than 21 calendar days and not sooner than five days after receipt of the request from the owner. If a hearing is not timely requested regarding the dangerous dog classification or proposed penalty, the determination of the animal control authority as to such matter shall become final.

- (d) Upon a dangerous dog classification and penalty becoming final after a hearing or by operation of law pursuant to subsection (c) of this section, the animal control authority shall provide a written final order to the owner by registered mail, certified hand delivery or service. The owner may appeal the classification, penalty, or both, to the circuit court in accordance with the Florida Rules of Appellate Procedure after receipt of the final order. If the dog is not held by the animal control authority, the owner must confine the dog in a securely fenced or enclosed area pending resolution of the appeal.
- (e) (1) Except as otherwise provided in subsection (b) of this section, the owner of a dog classified as a dangerous dog shall:
- a. Within 14 days after issuance of the final order classifying the dog as dangerous or the conclusion of any appeal that affirms such final order, obtain a certificate of registration for the dog from the animal control authority and renew the certificate annually. Such certificates of registration, and renewals thereof, shall be issued only to persons who are at least 18 years of age and who present to the animal control authority sufficient evidence of:
 1. A current certificate of rabies vaccination for the dog.
 2. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points which informs both children and adults of the presence of a dangerous dog on the property.
 3. Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.
 - b. Immediately notify the appropriate animal control authority when the dog:
 1. Is loose or unconfined.
 2. Has bitten a human being or attacked another animal.
 3. Is sold, given away, or dies.
 4. Is moved to another address.

Before a dangerous dog is sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control authority. The new owner must comply with all of the requirements of this section, even if the animal is moved from one local jurisdiction to another within the state. The animal control officer must be notified by the owner of a dog classified as dangerous that the dog is in the animal control officer's jurisdiction.

- c. Not permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting a person or animal. The owner may exercise the dog in a securely fenced or

enclosed area that does not have a top, without a muzzle or leash, if the dog remains within the owner's sight and only members of the immediate household or persons 18 years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle. Dogs shall not be left unattended in vehicles when the ambient temperature is below 32°F (0°C) or above 85°F (29.4°C), as these extreme temperatures can be dangerous or fatal to the animal.

- (2) If a dog is classified as a dangerous dog due to an incident that causes severe injury to a human being, based upon the nature and circumstances of the injury and the likelihood of a future threat to the public safety, health, and welfare, the dog may be destroyed in an expeditious and humane manner.
- (f) Hunting dogs are exempt from this section when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from this section when engaged in any legal procedures. However, such dogs at all other times in all other respects are subject to this and local laws. Dogs that have been classified as dangerous may not be used for hunting purposes.
- (g) A person who violates any provision of this section commits an offense, punishable by a fine not to exceed \$500.00.

(Code 1987, § 4-20; Ord. No. 797, 10-12-1999; Ord. No. 848, § 2, 6-8-2004)

State law reference(s)—Similar provisions, F.S. § 767.12.

Sec. 6-168. Attack or bite by dangerous dog; penalties; confiscation; destruction.

- (a) If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the owner is guilty of a misdemeanor of the first degree, punishable as provided in F.S. § 775.082 or 775.083. In addition, the dangerous dog shall be immediately confiscated by the animal control authority, placed in quarantine, if necessary, for the proper length of time, or impounded and held for ten business days after the owner is given written notification under section 6-167, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing under section 6-167. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.
- (b) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner is guilty of a felony of the third degree, punishable as provided in F.S. § 775.082, 775.083, or 775.084. In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time or held for ten business days after the owner is given written notification under section 6-167, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing under section 6-167. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.
- (c) If the owner files a written appeal under section 6-167 or this section, the dog must be held and may not be destroyed while the appeal is pending.
- (d) If a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner is not guilty of any offense specified under this section.

(Code 1987, § 4-20; Ord. No. 797, 10-12-1999; Ord. No. 848, § 2, 6-8-2004)

State law reference(s)—Similar provisions, F.S. § 767.13.

Sec. 6-169. Attack or bite by unclassified dog that causes death; confiscation; destruction.

If a dog that has not been declared dangerous attacks and causes the death of a human, the dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time or held for ten business days after the owner is given written notification under section 6-167, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing under section 6-167. If the owner files a written appeal under section 6-167 or this section, the dog must be held and may not be destroyed while the appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

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

State law reference(s)—Similar provisions, F.S. § 767.135.

Sec. 6-170. Attack or bite by unclassified dog that causes severe injury or death.

- (a) If a dog that has not been declared dangerous attacks and causes severe injury to or the death of a human, and the owner of the dog had knowledge of the dog's dangerous propensities yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog commits an offense.
- (b) If the dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner of the dog is not guilty of any offense under this section.

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

State law reference(s)—Similar provisions, F.S. § 767.136.

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.