

## ARTICLE II. - ANIMAL CONTROL

*Footnotes:*

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**Note**— See the editor's note to Ch. 14.

## Sec. 14-31. - Title of article.

This article shall be referred to and cited as the "Lake City Animal Control Article."

(Ord. No. 2003-984, § 2, 11-1-03)

## Sec. 14-32. - Purpose.

The purpose and intent of this article is to protect the comfort, health, safety, and welfare of the citizens and inhabitants of the city by regulating, controlling, protecting, restricting and preventing certain animals from being kept within the city, and providing for the behavior of animals within the city to prevent such animals from creating or causing public nuisances or endangering the safety of its citizens. The keeping of dogs, cats, potbellied pigs and other animals within the city by any person, in many instances, is detrimental to the healthful and comfortable life for persons residing within the city. The city hereby declares that without providing for the regulation and control of such animals as provided for in this article, the keeping of such animals within the city can create a public nuisance and be detrimental to the health, welfare and safety of the citizens of the city.

(Ord. No. 2003-984, § 2, 11-1-03)

## Sec. 14-33. - Scope.

This article shall apply to and be enforced within the entire boundaries of the city presently existing, together with any additional areas subsequently annexed into the city.

(Ord. No. 2003-984, § 2, 11-1-03)

## Sec. 14-34. - Definitions.

As used in this article, the following terms shall be defined to mean:

*Animal* shall mean any living dumb creature, domestic or wild, including dogs, cats, Vietnamese potbellied pigs, livestock and poultry.

*Animal control officer* shall mean any individual or individuals employed by, contracted with, or appointed by the city manager for the purpose of aiding in the enforcement of this article, whose duties include and who shall be authorized to investigate on public or private property violations of this article and to issue citations for any such violations. The animal control officer shall not be required to investigate an anonymous complaint. An animal control officer is not authorized to bear arms or make arrests. An animal control officer, prior to writing citations, shall have successfully completed a 40-hour minimum standards training course. Such course shall include, but is not limited to, training for animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations. The course curriculum must be approved by the Florida Animal Control Association. An animal control officer who successfully completes such course shall be issued a certificate indicating he or she has received a passing grade.

*Animal shelter* shall mean any premises or facility established by the city or designated by the city manager for the purposes of impounding and caring for all animals taken into custody for violation of, or pursuant to, this article, including, but not limited to, the Lake City/Columbia County Humane Society, Inc.

*At-large* shall mean:

- (1) That an animal, other than a cat, is off the property of its owner, unless restrained by leash, tether, or other physical control device not to exceed ten feet in length and under the physical control of a responsible person;
- (2) That the animal has entered upon the property of another person without authorization or permission of that person; or
- (3) That the animal has entered onto public property, street, or right-of-way while not properly restrained as in subsection (1).

*Board or enforcement board* shall mean the City of Lake City Code Enforcement Board.

*Cat* shall mean any domestic feline animal, male or female, sexed or neutered.

*Citation* shall mean a written notice issued to a person by an officer, that the officer has probable cause to believe the person has committed a civil infraction in violation of this article and the charge will be heard by the enforcement board. 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 or to contest the citation.
- (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 a person fails to pay the civil penalty within the time allowed, or fails to appear before the board to contest the citation, then he shall be deemed to have waived his 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. The entry of such judgment shall not preclude prosecution in accordance with this article.
- (11) A conspicuous statement that if a person is required to appear before the board as mandated in this article, he or she does not have the option of paying a fine in lieu of appearing before the board.

*City* shall mean the City of Lake City, Florida.

*Code inspector* shall mean any authorized agent or employee of the city whose duty it is to assure code compliance.

*Confined* shall mean the dog or Vietnamese potbellied pig is restricted to the property of its owner.

*Control* shall mean the regulation of the possession, ownership, care, and control of animals.

*Court or county court* shall mean the County Court for Columbia County, Florida.

*Cruelty* shall mean any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal.

*Dangerous dog* shall mean 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.
- (3) Has been used primarily or in part for the purpose of dogfighting, or is a dog trained for dogfighting; or
- (4) 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 such actions are attested to in a sworn statement by one or more persons and dutifully investigated by an animal control officer. This definition is intended to conform to the definition of "dangerous dog" as set forth in F.S. § 767.11 as it now exists or may be amended from time to time.

*Dog* shall mean any domestic canine animal, male or female, sexed or neutered.

*His* as used in this article shall mean and include both the masculine and feminine.

*Horse-drawn vehicle* shall mean a carriage or trolley powered or being pulled by one or more horses. For purposes of this article, the term will be used interchangeably to refer to both two-wheeled and four-wheeled vehicles, unless the context clearly indicates otherwise.

*Humane society* shall mean Lake City/Columbia County Humane Society, Inc.

*Injury* shall mean and include any physical injury caused by an animal.

*Kenel* shall mean any structure, building, enclosed area, cage or pen where one or more animals are housed or kept for breeding purposes or sale of more than one litter of offspring per year.

*Livestock* shall mean horses, cattle, sheep, donkeys, mules, emus, ostriches, buffaloes, llamas, goats, swine, rabbits and poultry; however, bona fide purebred miniature Vietnamese potbellied pigs kept for the sole purpose of providing human companionship and which are in compliance with all applicable provisions of this chapter are not considered livestock.

*Notice of violation* shall mean a written notice issued to a person by an officer whom the officer has probable cause to believe may have committed a violation of this article.

*Nuisance* shall mean anything done or permitted which injures, annoys, disturbs, or prevents another person in the free use, possession, or enjoyment of his or her property or has rendered its ordinary use or occupation physically uncomfortable or has caused damage to a person's property or has created obnoxious odors or noises.

*Nuisance animal* shall mean any dog, cat, Vietnamese potbellied pig, or other animal which:

- (1) Frequently or habitually howls, yelps, or barks excessively and without provocation, so as to create a serious annoyance or disturbance to any person or to the neighborhood.
- (2) Any cat, by crying loudly or calling loudly, shall cause a nuisance by creating a serious annoyance or disturbance to any person or to the neighborhood.
- (3) Has defecated on property not owned or controlled by the animal's owner, when said feces is not immediately removed by the animal's owner or agent.
- (4) Has destroyed or removed personal items from property not owned or controlled by its owner.
- (5) Has turned over garbage cans on property not owned or controlled by its owner.
- (6) Has chased or bitten children or adults.
- (7) Carries rabies.
- (8) Carried contagious disease on property not owned or controlled by its owner.
- (9)

Has chased cars or bicycles on property not owned or controlled by its owner.

- (10) Has destroyed clothing on clotheslines on property not owned or controlled by its owner.
- (11) Has dug holes or destroyed gardens on property not owned or controlled by its owner.
- (12) Has trespassed and eaten pet food on property not owned or controlled by its owner.
- (13) Has chased, harassed, or killed domestic animals, dogs or cats on property not owned or controlled by its owner.
- (14) Has barked or meowed without provocation excessively so as to disturb the peace of the occupants of adjacent properties.

*Nuisance stray cat* shall mean a cat which is off the premises of its owner and has entered upon the property of another person without authorization or consent of that person and has annoyed or disturbed another person in the free use, possession or enjoyment of his or her property or rendered its ordinary use or occupation physically uncomfortable or has caused damage to a person's property.

*Nuisance stray dog or pig* shall mean a dog or Vietnamese potbellied pig which is off the premises of its owner and not restrained by leash, tether, or other physical control device not to exceed ten feet in length and not under the physical control of a responsible person and has entered upon property of another person without authorization or consent of that person, or has entered upon public property, street or right-of-way and has annoyed or disturbed another person in the free use, possession or enjoyment of his or her property or rendered the ordinary use or occupation physically uncomfortable or has caused damage to a person's property.

*Officer* shall mean any law enforcement officer defined in F.S. § 943.10, any veterinarian defined in F.S. § 474.202, any animal control officer employed by, contracted with, or appointed by the city, or any city code enforcement officer, city code inspector, or animal control officer.

*Owner* shall mean:

- (1)

Any person or persons, firms, corporations, or organizations possessing, harboring, keeping, or having control or custody of any dog, cat, Vietnamese potbellied pig, animal or livestock or, if the dog, cat, Vietnamese potbellied pig, animal or livestock is owned by a person under the age of 18, that person's parent or guardian; and

- (2) Any person keeping, harboring or having charge or control of or permitting any animal habitually to be or remain on or be lodged or fed within such person's house, yard, or premises.

*Pig* shall mean a purebred Vietnamese potbellied pig which does not exceed 80 pounds, registered through a North American Vietnamese potbellied pig registry.

*Pound* shall mean the animal control shelter designated by the city to receive animals.

*Restraint* shall mean an animal shall be deemed under restraint within the meaning of this article if it is controlled by leash, cord, chain, fence, cage, pen or enclosure.

*Repeat violation* shall mean a violation of a provision of this article by a person who has been previously found by the code enforcement board to have violated or who has admitted violating the same provision within five years prior to the violation.

*Scratch* shall include an injury caused by an animal's claws which breaks the skin.

*Stray* shall mean any animal that is found to be at-large within the city limits, which does not contain an identification tag, tattoo or implanted microchip, and for which there is no identifiable owner.

*Veterinarian* shall mean any veterinarian as defined in F.S. § 474.202, as amended.

*Vietnamese potbellied pig* or *potbellied pig* shall mean a purebred Vietnamese potbellied pig, which does not exceed 80 pounds, registered through a North American Vietnamese potbellied pig registry.

*Written notification* shall mean any written notice of violation from an officer to any person given either by regular U.S. mail, if the mailing address of the person being notified is known, (the date of notice shall be deemed the day following the postmark of such notice) hand-delivery to the person being notified, or by prominently posting the written notice on residency or premises of the person being notified. The animal control officer or

other officer shall select the method of written notification deemed by him to be most practical and effective under existing circumstances. Nothing contained herein shall dictate that any one method of written notification be used over another.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-35. - Administration and enforcement by board.

- (a) Except as otherwise provided for herein, the provisions of this article shall be enforced by the city code enforcement board in accordance with and pursuant to the provisions, procedures and requirements of Ordinance No. 2002-954 (sections 2-411 et seq.) as may from time to time be amended.
- (b) Animal control officers and all other officers are authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations for violations of this article subject to the provisions provided herein. Animal control officers and other officers are also authorized to capture and impound animals found in violation of this article. Animal control officers are not authorized to bear arms or make arrest; however, they may carry a device to chemically subdue and tranquilize an animal, provided they have the prerequisite training pursuant to F.S. § 28.27.
- (c) Any animal control officer or other officer may not enter secured dwelling, but he or she is authorized to enter upon private property that is unfenced, or fenced but improperly secured, for the purpose of investigating a complaint or violation of this article or for the purpose of seizing and impounding any animal that the animal control officer observes to be in violation of this article.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-36. - City designated as a bird sanctuary.

The entire area embraced within the boundaries of the city presently existing, together with any additional areas subsequently annexed into the city, is here designated as a bird sanctuary. It shall be unlawful to trap, hunt, shoot, or attempt to shoot or molest in any manner any bird or wild fowl, or to rob bird nests or wild fowl nests.

*Exception:* Notwithstanding the foregoing, lawful waterfowl hunting is permitted on Alligator Lake.

(Ord. No. 2003-984, § 2, 11-1-03; Ord. No. 2019-2130, § 2, 11-4-19)

Sec. 14-37. - Nuisance birds; notice; meetings with bird groups.

If starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property, in the opinion of the proper health authorities, the city manager or his designated representative shall meet with representatives of the Audubon Society, bird club, garden club, or humane society, or as many of such clubs as are found to exist within the city, after having given at least seven days' actual notice of the time and place of such meetings to the representatives of such clubs. If, as a result of such meetings, no satisfactory alternative is found to abate such nuisance, the birds may be destroyed in such number and in such manner as is deemed advisable by the health authorities, provided however, that no birds specified under the laws of the United States or the State of Florida as endangered species shall be destroyed.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-38. - Doghouses, pens.

No doghouse, pen or kennel shall be maintained upon a person's property closer than ten feet to any apartment house, residential condominium, residential house, or building used for business or other purposes, other than that occupied by the owner or occupant of the premises upon which said animals are kept.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-39. - Barking dogs.

It shall be unlawful for any person to own, keep, have in his possession, or harbor any dog which, by frequent or habitual howling, yelping, or barking, shall cause a nuisance by creating a serious annoyance or disturbance to any individual or to the neighborhood where such dog is kept.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-40. - Dangerous dogs.

Dangerous dogs as herein defined are subject to all the requirements and provisions of F.S. §§ 767.10 through 767.15, now existing or hereafter amended.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-41. - Crying cats.

It shall be unlawful for any person to keep any cat that, by crying loudly or calling loudly, shall cause a nuisance by creating a serious annoyance or disturbance to any individual or to the neighborhood where such cat is kept.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-42. - Nuisance stray cats; nuisance stray dogs and pigs.

Any owner of a cat, dog, or potbellied pig which is determined to be a nuisance stray cat or nuisance stray dog or pig shall be in violation of this article and shall be subject to the enforcement provisions and payment of fines as provided for herein.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-43. - Vietnamese potbellied pig.

It shall be unlawful for any person or persons to keep or maintain within the city a vietnamese potbellied pig upon such person's property without first having obtained a permit from the city and being in compliance with this article. No permit shall be issued for the keeping of a Vietnamese potbellied pig until a certificate of purebred registration is filed with the city and there is adequate means of restraining such animal from running at-large or disturbing the peace.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-44. - Dogs and pigs confined on owner's property.

A person who is the owner of or has the care, custody or control of any dog or potbellied pig has an absolute duty to keep the same confined upon the premises owned by or under the control of such person so that such animal shall not leave the premises upon which it is kept unless:

- (1) Such dog or pig is on a leash, tether, or other physical control device not to exceed ten feet in length and under the physical control of a responsible party; or
- (2) That the animal has entered upon the property of another person with the authorization and consent of that person.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-45. - Animals in heat.

Female dogs, cats, or potbellied pigs in heat shall be humanely confined in a suitable building or secure enclosure in a manner so as to prevent them from breeding with any intact male except for planned breeding. The owner of any female dog, cat or potbellied pig in heat not confining the animal as provided herein shall be guilty of a violation of this article, and may be issued a citation for the violation.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-46. - Dogs and pigs at-large; not constrained; lost.

It shall be unlawful for any person to permit any dog or pig to be at-large within the city at any time. Immediately after a dog or pig becomes lost or escapes from either the owner or the person having custody of the dog or pig, the owner or custodian of such dog or pig shall report the loss or escape of such dog or pig to the Lake City Animal Shelter and/or the animal control officer.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-47. - Dogs, cats, potbellied pigs constrained by leash in public areas.

It is unlawful for the owner or person having custody of any dog, cat, or potbellied pig to allow the dog, cat, or potbellied pig to be in a public park or other public property unless such animal is on a leash. No leash shall be more than ten feet in length.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-48. - Dog, cat, and animal defecation removal.

It shall be unlawful for an owner or person having custody of any dog, cat or any other animal to permit said dog, cat or other animal to defecate on any school grounds, public street, alley, sidewalk, tree bark, park, or any other public grounds or any private property within the city, other than the premises of the owner or person having custody of said dog or other animal, unless said defecation is removed immediately and properly disposed of.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-49. - Disposal; feces container.

It shall be unlawful for any person to walk a dog, cat, or potbellied pig, or any other animal on public property of the city or upon the private property of another without carrying, at all times, a suitable container or other suitable instrument for the removal and disposal of animal feces. Handicapped persons who use seeing-eye dogs are exempt from the provisions of this section. Persons whose dogs are participating in dog shows or direct command obedience classes are exempt from this section while their animals are actually participating in such shows or classes, but all feces must be removed and disposed of immediately upon the conclusion of the show or class.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-50. - Animal cruelty.

No person shall commit an act of cruelty on any animal and no person shall wilfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog or horse used by the police department in the performance of the duties or functions of such department or to interfere with or meddle with any such dog or horse while being used by any officer or member of the police department.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-51. - Animals required to be vaccinated.

All dogs, cats and ferrets four months of age or older must be currently (in accordance with the particular type vaccine) vaccinated by a licensed veterinarian against rabies with a United States government approved vaccine. The cost of vaccination shall be borne by the animal's owner. With respect to vaccination against rabies, all of the requirements of F.S. § 828.30, as amended, shall apply and must be complied with and shall be subject to the provisions of said F.S. § 828.30.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-52. - Annual license; dogs; cats; pigs; collars and tags; tattoos; microchips.

Each owner of a dog, cat or pig more than four months of age on January 1 of any year, or which becomes four months of age during any license year, shall annually on January 1 of each year, or within 30 days from the date such dog, cat or pig becomes four months of age during any license year, shall apply to the city for a license and pay a license fee of \$5.00 per dog, cat, or pig and obtain a license therefor, provided that any license issued after June 30 during any license year, the license fee for the remainder of such license year shall be \$2.50. The license year shall commence January 1 and end on the following December 31. Upon making application for such license, the owner of the dog, cat, or pig, if applicable, shall provide city with a certificate issued by a licensed and practicing veterinarian showing that the dog, cat, or pig has been currently vaccinated against rabies with a U.S. government approved vaccine. The applicant for a dog, cat or pig license shall provide city with the name, address and telephone number, including area code, of the owner of each dog, cat, or pig, which information shall be contained on a metal tag which must be securely fastened to a collar or harness to be worn at all times by the dog, cat or pig for which the license is issued. In lieu of wearing a collar with the attached tag, cats may have its owner's identification and the other information required to be included on the collar tag, provided, at the owner's expense, by a tattoo on the cat or by an implanted microchip capable of being scanned. The city manager is authorized to engage the services of any agency or organization, including, but not limited to, the Lake City/Columbia County

Humane Society, Inc. or a licensed veterinarian, to process applications for and issue licenses and tags to owners of the dog, cat or pig and collect the fees for and on behalf of the city as provided and required herein.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-53. - Circus; parade events.

Notwithstanding any restrictions, limitations or prohibitions in this article, animals of any kind and in any number may be kept and exhibited for amusement purposes, temporarily by a circus or for any parade, event, or any other business to which the city has issued a permit.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-54. - Permit for parade or special event or sale of animal.

No person, organization or business shall be allowed to keep, display or offer for sale any animal on the streets and public property of the city for any purpose, including a parade or special event, without first obtaining from the city a permit for such parade, special event or purpose and shall comply with all requirements of the city relating to any parade, special event or purpose, including providing the city with general public liability insurance. Any person or organization issued a permit to use any animal in a parade or special event shall be responsible for and obligated to immediately remove all animal feces from the streets or public property and properly dispose of it.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-55. - Impounding; at-large animals; nuisance animals; nuisance stray cats; nuisance stray dogs and pigs; stray animals; unlicensed animals.

- (a) No owner shall allow his dog or pig to stray anywhere within the city limits of the city. All dogs and pigs at-large, nuisance animals, nuisance stray cats, nuisance stray dogs and pigs, stray animals, or unlicensed animals shall be taken into custody by the city animal control officer, or any other officer, and impounded in the city designated animal shelter, except livestock shall be dealt with by the Office of the Sheriff of Columbia County, Florida, pursuant to F.S. §§

588.13 through 588.25, inclusive. The animal control officer, or any other officer, shall make a reasonable effort, including looking for tattoos and/or scanning for microchips, to locate the owner of such stray animal. Upon a violation of this section by an owner, a citation may be issued to the owner. Any owner of a licensed stray animal that has been impounded shall be entitled to have the animal returned to him after all impounding fees have been paid in cash and proof of current rabies vaccination by a licensed veterinarian provided. If the stray animal is unlicensed, the owner must secure a license from the city before the animal is returned to its owner.

- (b) If the owner of the stray/nuisance animal is not known and the animal is not otherwise claimed within three working days (Monday through Friday, except legal holidays) of such impoundment, such animal shall come into the custody of the Lake City/Columbia County Humane Society, Inc., also known as the Lake City/Columbia County Animal Shelter, for adoption or other humane disposition.
- (c) When the owner of the stray/nuisance animal is known, if the animal is not claimed within three working days after a telephone contact with the owner, or within seven working days after written notification given to the owner, the animal shall come into the custody of the Lake City/Columbia County Humane Society, Inc., also known as the Lake City/Columbia County Animal Shelter, for adoption or other humane disposition. Notwithstanding anything herein to the contrary, if the animal control officer, or any other officer, shall discover any stray animal that is mortally injured and in such a condition that the animal control officer, or any other officer, believes the animal is suffering greatly and, without reasonable expectation of recovery, the animal control officer, or any other officer, shall immediately notify, if reasonably possible, the owner of such animal's condition. If the owner does not collect said animal within one hour of receiving such actual notice, or if the animal's owner is not known, or cannot be reasonably located within a 60-minute time period, then the animal control officer, or any other officer, shall humanely dispose of such injured animal. The animal control officer, or any other officer, shall use reasonable efforts to notify

as promptly as possible the owner of any such animal if known. When acting pursuant to this provision, no liability shall arise by reason of the act of this disposition of the animal.

- (d) If a person cannot show proof of current rabies vaccination by a licensed veterinarian, the person shall be given three working days in which to provide proof. If the animal has not been vaccinated, then the animal control officer, or any other officer, may allow the owner to take the animal to have its rabies vaccination and provide the animal control officer or his designee proof thereof within three working days.
- (e) After the receipt of a signed and sworn complaint from any person, in any form, of an at-large animal, nuisance animal, nuisance stray cat, nuisance stray dog or pig, stray animal, or unlicensed animal, the animal control officer, or any other officer, is authorized to determine if the animal is a stray/nuisance as herein defined. If the nuisance animal is a stray, the officer is authorized to immediately take the animal into custody and to handle the animal in accordance herewith as a stray animal. If the animal is not a stray, the animal control officer, or any other officer, shall give written notification to the owner of the animal of the nuisance complaint and establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If the animal continues to be a nuisance beyond the time period specified in such written notification, the animal control officer, or any other officer, is authorized to take said animal into custody, and to handle the animal in accordance herewith, and the owner shall be deemed in violation hereof of this article.
- (f) The city shall operate, either independently or in cooperation with others, or by contract with an animal shelter, including, but not limited to, animal shelter owned and operated by the Lake City/Columbia County Humane Society, Inc., a suitable place for the impounding, care and final disposal of all dogs, cats, potbellied pigs, or other animals picked up within the city pursuant to and in accordance with the provisions of this article.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-56. - Impounded animals; boarding fees.

When any animal shall be impounded pursuant to this article, the Lake City/Columbia County Humane Society, Inc. shall collect from the owner thereof such administrative and daily boarding fees established by the animal shelter from time to time and approved by the city manager, which schedule of such fees shall be on file in the office of the city manager.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-57. - Limited right to enter private property.

For the purpose of discharging the duties imposed by this article, and for enforcing its provisions, the animal control officer, or any other officer, is empowered to enter upon any private property, other than any dwelling, building, structure or fenced enclosure, except the animal control officer, or any other officer, may enter a fenced enclosure for the purpose of impounding any animal known or suspected (legal probable cause) of biting any person, or any animal infected with or suspected of showing suspicious symptoms of rabies. Whenever practicable, the officer shall make every reasonable effort to contact the property owner prior to entering a fenced enclosure for the purpose of enforcing this article.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-58. - Duty to report rabies.

- (a) It shall be the duty of the owner of and any person knowing of any animal infected with or showing suspicious symptoms of rabies or any unusual behavior to report the same within 12 hours to the animal control officer, law enforcement officer or county health department who shall promptly forward a copy of the report to the county health department within 12 hours.
- (b) It shall be the duty of any person knowing of or treating any person bitten by an animal having or suspected of having rabies to report the facts thereof within 12 hours to the animal control officer, law enforcement officer or county health department who shall promptly forward a copy of such report to the county health department.

- (c) Whenever the animal control officer, or any other officer, shall be informed that any animal has bitten or scratched any person or is suspected of having or has shown suspicious symptoms of rabies or any other zoonotic infectious or contagious disease, the following procedure shall be followed:
- (1) The owner of such animal shall surrender it to the animal control officer or licensed veterinarian, or if the animal is running at-large, the animal control officer, or any other officer, shall capture such animal. In the capture of such animal, the officer shall not kill such animal unless in its capture a clear and present danger upon or injury to the officer or other persons exists. If captured, such animal shall be placed in quarantine for observation for a period of at least ten days from the date of bite or scratch. If such animal's rabies vaccination is current by a licensed veterinarian, home quarantine shall be allowed. As to any wild animal or any animal tamed from a wild environment which has bitten or scratched any person, the Columbia County Health Department Administrator shall cause the detachment of such animal's head without mutilation, and send it to the proper state department of health laboratory for pathological examination, if in the opinion of such county health department such injury was the result of an aggressive and overt act, and if in the opinion of the said county health department, such animal exhibits any symptoms of rabies, or if the physician of the person bitten or scratched requests such action.
  - (2) The quarantine of any animal when required pursuant to this article shall be as provided by the Florida Administrative Code, section 10D-3.91(4), as the same now exists or may be hereafter amended. No animal shall be released or removed from the initial quarantine or confinement unless permission is obtained from the county health department. If quarantined outside the home, the owner shall bear the cost of the care, feeding and maintenance of the quarantined animal, and pay any medical and veterinarian expenses reasonably incurred for the animal.
  - (3) If rabies is diagnosed, or if the animal in quarantine dies, or if the animal exhibits any symptoms of rabies within the quarantine period, it shall be the duty of the county health department to cause the detachment without

mutilation of the head of the animal and forward it to the proper state department of health laboratory for pathological examination.

- (4) When the report of the pathological examination indicates a positive diagnosis, the county health department may, in its discretion, invoke an area wide quarantine for a period determined to be prudent under the circumstances, not to exceed 120 days, and shall take such steps as are reasonably necessary to advise area residents of such area wide quarantine. During such quarantine, each owner within the quarantined area shall confine his animals or otherwise maintain his animals under restraint.
- (5) Any person who shall fail to surrender an animal for quarantine, or any person who shall fail to surrender any animal for destruction as provided herein shall be guilty of a violation of this article and shall be issued a citation for the violation.
- (6) Any person upon demand, shall surrender to the animal control officer, or the county health department, the carcass of any dead animal exposed to or suspected of having been exposed to rabies. Refusal by any person to surrender such animal carcass shall be a violation of this article and shall be issued a citation for the violation.
- (7) No person shall intentionally abandon any animal on any public or private lands. Such intentional abandonment shall be a violation of this article, and the perpetrator may be issued a citation for the violation. This shall include no dumping of live or dead animals on public roads, private property, or in any dumpster.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-59. - Interference with officers.

It shall be a violation of this article for any person or persons to interfere with, hinder, resist, obstruct, or molest any animal control officer, or any other officer, in the performance of his official duties. It shall also be a violation of this article for any person or persons to seek to release or remove any animal from the custody of the animal control officer or the animal control vehicle or a designated impoundment facility or to otherwise

tear down, burn, deface, destroy, or otherwise injure any property, vehicle, or equipment of any designated impoundment facility. A violation as provided in this section shall be in addition to and not in lieu of all other violations provided by law.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-60. - Violation; civil offense; enforcement.

- (a) Except as to the provisions for a dangerous dog in section 14-10 of this article, the violation of this article is a civil infraction.
- (b) If a person who has received a citation fails to pay the civil penalty, fails to appear before the board to contest the citation, or fails to appear before the board when the citation requires the person to do so, the board may issue a subpoena or take such other or further action authorized by law. A subpoena shall require such person to appear before the board to explain why action on the citation has not been taken and why the person should not be subject to other lawful action authorized by law. If any person who is issued such order fails to appear in response to the board's directive, that person may be held in civil contempt and be subject to paying the maximum fine permitted by section 14-66 hereof. This subsection is not intended to limit, but is in addition to all other lawful actions which the board may take when a citation has been issued.
- (c) Any citation issued pursuant to this article may require mandatory board appearances for violations resulting in a public nuisance, the unprovoked biting, attacking, wounding, or killing of a human or domestic animal; violations resulting in the destruction or loss of personal property; violations of local animal cruelty laws; or violations resulting in the issuance of a third or subsequent citation to a person. The citation must clearly inform the person of such mandatory board appearance. The animal control officer or the city manager or his authorized representatives shall maintain sufficient records to prove the number of citations issued to the person. Persons required to appear before the board shall not have the option of paying the fine instead of appearing before the board.
- (d)

In the event of a violation of section 14-10 of this article with respect to a dangerous dog, the owner of a dangerous dog shall be subject to all the penalties provided by F.S. §§ 767.10 through 767.15, now existing or hereafter amended.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-61. - Public nuisances.

- (a) No owner or keeper of any animal shall permit the animal to become a public nuisance. The following can become a public nuisance and the owner or keeper of the animal can be cited for any instance of:
- (1) An animal found to be at-large;
  - (2) An animal damaging or depositing fecal matter on the property of others;
  - (3) Any animal molesting or biting any person, unless that person is trespassing on the property of the owner or keeper of the animal or that person provokes the animal;
  - (4) An animal creating odors that are detectable and offensive to a person of reasonable sensibilities on nearby property, or attracting flies detected on nearby properties;
  - (5) An animal which frequently or habitually howls, yips, barks excessively and without provocation or by crying loudly, or calling loudly whereas to create a serious annoyance or disturbance to any person or to the neighborhood.
- (b) Repeated instances of violations of subsection 14-61(a) adversely affect the rights of nearby residents to the quiet enjoyment of their property and therefore constitute a public nuisance. To this end:
- (1) If there are two or more citations given for violation of any of the provisions of subsections 14-61(a)(1) through (5) within a six-month period on the same premises, the city attorney, if there are reasonable grounds for the action, may, if directed by the city, seek an injunction in the name of the city from the appropriate court to abate the nuisance.
  - (2) Adjudication of guilt, withholding of adjudication, or plea of no contest (including, but not limited to, payment of fine) in a 12-month period for two violations of any of provisions of subsections 14-61(a)(1) through (5) on the same premises, plus a third such citation within the 12-month period, shall

be presumptive evidence of a public nuisance. However, the judge may find a public nuisance without any such presumptive evidence based on other evidence presented.

- (3) The judge may fashion an injunction that will abate the particular nuisance being found, up to and including removal of one or more animals from the premises.
- (4) This remedy shall be in addition to any other penalties provided for by this article.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-62. - Providing notice of violation with reasonable time to correct; providing for citations issued by officers.

- (a) Any officer, animal control officer, or code enforcement officer who has personal knowledge of, or who has probable cause to believe a person has committed an act in violation of this article, may issue a citation for such violation. Any person having personal knowledge that a person or persons have committed an act in violation of this article may file with the animal control officer, or any other officer, a sworn affidavit stating the name of the person violating the article, the specific violation, the date of such violation, and the names of witnesses, if any, to the violation, and requesting a citation be issued to such person for the violation. Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of the city code or article and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If, upon personal inspection, a code enforcement officer finds the person has not corrected the violation within the time period, the code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer shall not be required to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if the code enforcement officer has reason to believe the violation presents a serious threat to the public health, safety, or welfare, or if the conditions present are inhumane or life-threatening to the animal, or if a repeat violation is found or if the violation is

irreparable or irreversible. Any person who willfully refuses to sign and accept a citation issued by an animal control officer shall be guilty of a misdemeanor of the second degree, punishable as provided by F.S. § 775.082 or 775.083.

- (b) If a person does not contest a citation received pursuant to this article and shall pay the applicable civil penalty prior to the date specified on the citation, then the applicable civil penalty for a violation involving a dangerous dog shall be \$500.00 and for each other violation shall be \$100.00, plus all applicable costs.
- (c) If a person elects to contest a violation received pursuant to this article, upon a finding by the greater weight of the evidence by the board that the person so cited did commit the violation as described in the citation, the board shall impose a penalty not to exceed the penalty as set forth in section 14-66 herein, plus costs. Upon such a finding, a judgment shall issue against the violator in the name of the city in the amount of the civil penalty together with such costs as imposed by the board, which shall be collected as any civil judgment.
- (d) In accordance with F.S. § 828.27(4)(b), in addition to the foregoing penalties, a surcharge of \$5.00 shall be imposed for each violation, the proceeds of which shall be used to pay the cost of training for animal control officers.
- (e) All penalties for citations together with applicable fees or costs issued pursuant to this article shall be paid to the city as general revenue for the city, together with the \$5.00 surcharge as provided in F.S. § 828.27(4)(a)(3)(b).
- (f) In addition to all other penalties provided herein, in the case of a second or subsequent conviction, the board may order the animal taken into the custody of the Lake City/Columbia County Humane Society, Inc., also known as the Lake City/Columbia County Animal Shelter, for adoption or other humane disposition.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-63. - Citations contested; appeals.

- (a) To contest any citation, the violator must appear before the board on the date shown on the citation for the purpose of hearing the case. The rules of evidence applicable in all hearings for contested civil citations shall be the same as small claims rules in civil cases except to the extent inconsistent with this article, and

may be liberally construed by the board. The citation shall constitute the statement of claim. Delivery of the citation shall constitute service of process and notice of the hearing date.

- (b) Any aggrieved party, including the city, may appeal a final administrative order of the board to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-64. - Provisions liberally construed.

The provisions of this article may be liberally construed in order to effectively carry out the purpose of this article in the interest of the public health, welfare and safety of the citizens and residents of the city.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-65. - Requirement to appear before board.

Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this article shall, after being issued a notice by the code enforcement officer to appear at a hearing conducted by the board, upon conviction by said board, shall be fined not less than \$100.00 nor more than \$500.00.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-66. - Civil penalties.

- (a) The maximum fine for each civil infraction under this chapter is \$500.00, unless otherwise provided by law.
- (b) Whenever a provision of this chapter does not establish a specific fine for failing to do any act or thing required or for doing any act or thing prohibited, in addition to cost, the civil fine for such civil infraction shall be no less than \$100.00 nor more than \$500.00 for each infraction and a separate offense shall be deemed committed on each day during or on which an infraction occurs or

continues. Except when otherwise provided for, the civil fines to be paid by a person for a violation of this article when the citation issued to such person is uncontested, shall be \$100.00, if such fine is paid in a timely manner.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-67. - Injunctive restraining order.

Any violation of this article is hereby declared to be a nuisance. In addition to any other relief provided in this article, the city may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this article. Such application for relief may include seeking a temporary restraining order, a temporary injunction, a permanent injunction, and an order to abate any nuisance.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-68. - Code enforcement officers; designation; citations; hearing.

- (a) For the purpose of this article, the term "code enforcement officer" shall mean any employee or agent of the city, designated by the city manager, whose duty it is to enforce codes and articles enacted by the city and who has received appropriate training as required by law. This shall include, but not be limited to, code inspectors, including building inspectors, law enforcement officers, and municipal fire safety inspectors as defined in F.S. Ch. 633. Designation of a code enforcement officer and appropriate training for such officer shall be determined by the city manager.
- (b) A citation issued by a code enforcement officer shall be in a form prescribed by the city and shall contain the information required by subsection 14-34(g) of this article.
- (c) After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original and one copy of the citation with the board. A copy of the citation shall be hand delivered to the violator whenever possible. Whenever the code enforcement officer is unable to hand deliver the citation, a letter shall be sent by mail to the violator giving the violator ten days to arrange to meet

with the officer to permit delivery of the citation. Failure to contact the officer shall be considered a willful refusal to sign for and accept issuance of the citation.

(d) [Penalties.]

(1) A violation of a code or ordinance cited and enforced under the provisions of this article shall be deemed a civil infraction.

(2) The maximum civil penalty shall not exceed \$500.00.

(3) A civil penalty of less than the maximum civil penalty shall be assessed if the person who has committed the civil infraction does not contest the citation.

(4) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083.

(e) If a person fails to pay the civil penalty or to request a hearing, fails to appear before the board to contest the citation when a hearing has been requested or fails to appear before the board as may be required, the board may enter judgment for an amount not to exceed \$500.00 per infraction. The city, as an additional remedy, may refer cases of violations not paid and not contested within 15 days of issuance to a collection agency for processing, collection and notification of failure of payment to the credit bureau.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-69. - Enforcement by other means.

The provisions of this article are additional and supplemental means of enforcing the city codes or articles and nothing contained in this article shall prohibit the city from enforcing this article by other means as may be lawfully authorized, except as may be prohibited by the laws of Florida.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-70. - Animal control board.

The city may, by resolution, create an animal control board which shall both advise the city from time to time regarding the control and protection of animals within the city and to review complaints of violations of this article and assist in the enforcement thereof.

Alternatively, the city may enter into a contract through an interlocal agreement with the county to authorize the Columbia County Animal Control Board to extend its authority within the city.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-71. - Certain animals prohibited in city.

It shall be unlawful for any person to keep, raise, breed, maintain or sell livestock on any property within the city limits. No livestock shall be permitted to run or roam at-large upon any of the public streets, highways, parks, or private property within the city.

(Ord. No. 2003-984, § 2, 11-1-03)