

ORDINANCE NO. 2026-12

AN ORDINANCE OF THE CITY OF WAUCHULA, FLORIDA, AMENDING THE CITY OF WAUCHULA CODE OF ORDINANCES, SPECIFICALLY, AMENDING CHAPTER 4, ANIMAL CONTROL, OF THE CODE OF ORDINANCES, INCLUDING AMENDING DEFINITIONS AND ADMINISTRATIVE PROCEDURES RELATIVE TO ANIMALS AT LARGE, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY, THE CORRECTION OF SCRIVENERS' ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, authorizes cities in the State of Florida to adopt regulations in the interest of the public health, safety, and the general welfare of the public; and

WHEREAS, Chapter 767, Florida Statutes, provides that animal control authorities, acting alone or in concert with other local government units, shall enforce the animal control laws of the city, county, and state, including those pertaining to dangerous dogs; and

WHEREAS, Section 767.14, Florida Statutes, provides that Chapter 767 does not limit local governments from adopting ordinances to address the safety and welfare concerns, including attacks on persons or other animals, provided that such ordinances do not regulate on the basis of an animal's breed, weight, or size, and provided that such ordinances do not lessen the provisions of Chapter 767; and

WHEREAS, ordinances regulating the keeping, care, custody, and control of animals within the municipal limits are a valid exercise of the police powers delegated to the City to protect and maintain the health, safety, and welfare of the community and to abate nuisances; and

WHEREAS, the City of Wauchula Code of Ordinances, Chapter 4, addresses Animal Control, including provisions prohibiting owners from allowing their animals to run loose within the City; and

WHEREAS, the City Commission finds it is in the best interest of the community's health, safety, and welfare to revise Chapter 4 of the Code of Ordinances to provide comprehensive administrative procedures to address violations of Chapter 4, including violations of Section 4-8, Animals at Large, to ensure that violations are addressed consistently and that persons who violate these provisions are afforded due process, and

WHEREAS, the City Commission finds that this Ordinance serves a legitimate government purpose, provides appropriate means of animal protection and control, and is in the best interest of the public health, safety, and welfare of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WAUCHULA, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS AND INTENT. The above-stated recitals to this Ordinance are hereby incorporated into this Ordinance by the Commission as its legislative findings and the Commission's intent regarding this Ordinance.

SECTION 2. AMENDMENT OF CHAPTER 4, CODE OF ORDINANCES. Chapter 4, Animal Control, of the Code of Ordinances of the City of Wauchula, is hereby amended as follows:

Chapter 4 ANIMAL CONTROL

Sec. 4-1. Title.

This chapter shall be cited as the City of Wauchula Animal Control Ordinance.

Sec. 4-2. 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 Director means ~~that~~ the Chief of Police or other designated person in charge of the administration of animal control for the City of Wauchula.

Animal Control Officer means any sworn law enforcement officer employed by the Wauchula Police Department, or a person or persons designated by the City Commission Council to enforce the provisions of this chapter who is authorized to investigate civil infractions relating to animal control and to issue citations as provided in this section. An animal control officer is Any sworn officer of the Wauchula Police Department acting in the capacity of an Animal Control Officer is authorized to bear arms and make arrests in accordance with that officer's employment and authority under applicable Florida State Statutes. Civilian Animal Control Officers are not authorized to bear arms or make arrests; however, such civilian officers may carry a device to chemically subdue and tranquilize an animal, provided such officers have has 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, and have completed any other training required of municipally-employed animal control officers under Section 828.27, Florida Statutes, or other applicable law.

At large means off the premises of the owner, and not under the direct control, custody, charge or possession of the owner or other responsible person. An animal shall not be deemed "at large" if it is located within an enclosed motor vehicle or securely confined within a properly maintained enclosure.

Cat means a ~~the~~ domestic cat, Felis Catus.

Citation ~~shall mean~~ means a written notice, issued to a person by ~~an officer~~ a sworn or civilian Animal Control Officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this chapter, and that the ~~county court~~ Special Magistrate for the City of Wauchula will hear the charge if requested by the issuing officer or the violator. The citation must contain:

- (1) The date, time and place of issuance.
- (2) The name, address, date of birth, and other forms of identification, such as a Florida Driver's License or Social Security numbers, of the person receiving the citation, to the extent such information is provided to the officer.
- (3) The date, time and place 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. The applicable civil penalty if the person elects not to contest the citation.
- (9) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, ~~judgment may be entered~~ an administrative fine may be levied against the person for an amount up to the maximum civil penalty.
- (10) The names and addresses of witnesses to the infraction known to the officer at the time of issuance.

City means the City of Wauchula, Florida

City Council Commission ~~means the City Council~~ means the City Council-Commission of the City of Wauchula, Florida.

Direct control means immediate and continuous physical control of an animal at all times such as by means of a fence, leash, cord, or chain of sufficient strength to restrain the same; or, in the case of specifically trained or hunting animals which immediately respond to such commands, direct control shall also include aural or oral control if the controlling person is at all times clearly and fully within the unobstructed sight and hearing of the animal.

Dog means ~~a~~ a the domestic dog, Canis familiaris.

Enforcement officer means those employees of the City as designated by the City Council Commission, including but not limited to all sworn police officers ~~and public works employees~~ of the Wauchula Police Department or designated civilian Animal Control Officers.

Hearing Officer means the City's Special Magistrate.

Impoundment kennels means ~~the City Animal Control Pound~~ kennels operated by the Hardee County Sheriff or Hardee County Board of County Commissioners as Hardee County Animal Control located at 685 Airport Rd, Wauchula, FL 33873.

Offense means ~~a~~ any violation of this chapter or other ~~like~~ similar existing ordinances not repealed.

Owner or custodian means any person harboring, feeding, maintaining or otherwise exercising care, custody, or control of a dog or cat for a period of three consecutive days or more.

Nuisance dog or cat means any dog or cat which: (i) habitually barks, whines, howls, meows, cries, screams or causes any other objectionable noises resulting in an unreasonable annoyance to a neighboring resident; or (ii) disturbs the peace by habitually or repeatedly destroying or soiling public property, or causing injury or threatening to cause injury to any person or domestic animal or livestock on property other than that of the owner or custodian, or other similar behavior.

Veterinarian means a veterinarian duly licensed and registered by the State of Florida.

Sec. 4-3. Dangerous dogs, definitions, investigation, and hearing procedures.

(a) *Definitions.* The definitions contained in F.S. Ch. 767, as may be amended from time to time, are expressly incorporated into and made a part of this section as if fully stated herein, and shall include, but not be limited to, the following:

Animal control officer means any individual employed, contracted with, or appointed by an animal control authority, including, but not limited to, Hardee County Animal Control, Hardee County Sheriff's Office, or Wauchula Police Department, for the purpose of aiding in the enforcement of F.S. Ch. 767 or this section.

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.

Insurance means an insurance policy providing coverage in the minimum amount of \$100,000.00 that provides liability insurance for damage to persons and property

caused by the dangerous dog. The insurance shall be provided by an insurance company authorized to do business in the State of Florida, and the owner shall provide the Wauchula Police Department evidence of a certificate of insurance and a copy of the endorsement.

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, 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.

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 himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.

(b) *Classification of dog as dangerous; notice and hearing procedures; confinement of dog; appeal; exemptions.*

(1) An Animal Control Officer 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.

a. 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.

b. An animal that is the subject of a dangerous dog investigation which is not impounded 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 Officer. 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.

(2) A dog may not be declared dangerous if:

a. 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, or who, at the time of the attack or bite, was engaged in or attempting to engage in criminal activity.

b. The dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) After the investigation, the Animal Control Officer shall present his factual findings, in writing, and all evidence the Animal Control Officer has collected, to the Chief of Police or his designee. Based on the written factual findings and evidence the Animal Control Officer has presented, the Chief of Police or his designee shall make an initial determination, in writing, 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 (5). The Chief of Police or his designee shall afford the owner an opportunity for a hearing before the City's hearing officer prior to making a final determination regarding the classification or penalty. The Chief of Police or his designee 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 Chapter 48 relating to service of process. The owner may file a written request for a hearing before the City's hearing officer regarding the dangerous dog classification, penalty, or both, within seven calendar days after the owner's 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. The hearing officer shall conduct a de novo hearing to receive evidence and testimony. All testimony at the hearing must be under oath and must be recorded. The hearing officer must review any photographs, videos, or other evidence presented. Formal rules of evidence do not apply, but due process must be observed and govern the proceedings. The hearing officer must issue a final administrative order that including findings as to the determination that the owner's dog should be classified as a dangerous dog under F.S. Ch. 767, and proposed penalty within 21 days of the hearing. Such decision shall be in the form of a written order recorded with the City Clerk. If a hearing is not timely requested regarding

the dangerous dog classification or proposed penalty, the determination of the Chief of Police or his designee as to such matter shall become final.

(4) Upon a dangerous dog classification and penalty becoming final after a hearing or by operation of law pursuant to subsection (3), the Chief of Police or his designee shall provide a written final order to the owner by registered mail, certified hand delivery or service in conformance with the provisions of Chapter 48 relating to service of process. 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.

(5) a. Except as otherwise provided in paragraph b., below, the owner of a dog classified as a dangerous dog shall:

1. Within 30 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 Wauchula Police Department, and renew the certificate annually. The fee for the issuance of a certificate of registration is \$240.00, and the fee for annual renewals required by this section is \$240.00. If the dog has been impounded during the pendency of dangerous dog investigation and remains impounded at the time the final order is issued, the owner must obtain a certificate of registration, including paying the registration fee, and pay all boarding costs and other fees incurred in keeping the animal pending any hearing or appeal before the Wauchula Police Department will release the dog to the owner. The Wauchula Police Department shall issue such certificates of registration, and renewals thereof, only to persons who are at least 18 years of age and who present to sufficient evidence of:

i. A current certificate of rabies vaccination for the dog.

ii. Proof of 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. Wauchula Police Department must inspect and approve of the form and placement of the signs on the property before issuance of the registration and any renewals. The owner must also provide proof of ownership of the property on which the proper enclosure is located, or proof of permission from the owner of the property on which the proper enclosure is located.

iii. Proof of insurance as defined in this section.

iv. Proof that the dog has been surgically sterilized by a licensed veterinarian.

v. Proof of permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.

2. Additionally, the owner must immediately notify the Wauchula Police Department when the dog:

- i. Is loose or unconfined.
- ii. Has bitten a human being or attacked another animal.
- iii. Is sold, given away, or dies.
- iv. 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 and implementing local ordinances, 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 his or her jurisdiction.

3. A dog classified as dangerous must not be outside of a proper enclosure unless the dog is muzzled and securely restrained by a chain or leash of not more than four feet and under control of a competent person over the age of 18. No dog classified as dangerous may be chained, tethered, or otherwise tied to any inanimate object, such as a tree, post, or building that is outside of its proper enclosure. 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 his or her 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.

b. If a dog is classified as a dangerous dog due to an incident that causes severe injury, as defined in F.S. Ch. 767, 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 as permitted by F.S. § 767.12(5)(b), as may be amended.

(6) 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.

- (c) *Attack or bite by a dog that previously has been classified as a dangerous dog, impoundment, destruction.* If a dog that previously has been classified as a dangerous dog bites a person or domestic animal without provocation, Wauchula Police Department shall immediately impound the dangerous dog, placing it in quarantine if necessary, and the dog shall be euthanized in a humane and expeditious manner ten business days after written notice is provided to the owner. During the ten-business-day period, the owner may notify the Wauchula Police Department in writing of a request for a hearing in accordance with subsection 4-3(b)(3) above. The owner shall be responsible for paying all boarding costs and other fees as may be incurred to humanely and safely keep the dog during any appeal process.
- (d) *Death of a human by dog, impoundment, destruction.* If a dog attacks and causes the death of a human, regardless of whether that dog previously has been classified as a dangerous dog, [the] Wauchula Police Department shall immediately impound the dangerous dog, placing it in quarantine if necessary, and after written notice to the owner, the dog shall be euthanized in a humane and expeditious manner after ten business days. During the ten-business-day period, the owner may notify the Wauchula Police Department in writing of a request for a hearing in accordance with subsection 4-3(b)(3) above. The owner shall be responsible for paying all boarding costs and other fees as may be incurred to humanely and safely keep the dog during any appeal process.
- (e) *Additional charges.* Nothing in this section shall preclude criminal charges under Florida law.
- (f) *Offspring of impounded dogs.* If a dog who is impounded under this section gives birth to offspring during the impoundment, the Wauchula Police Department shall provide the owner written notice that the offspring have been born. The owner shall be entitled to claim the puppies when, in the judgment of the animal control authority, the puppies are appropriately weaned. The owner may claim the offspring within 14 days of receipt of the notice that the offspring are weaned and ready to be claimed, in advance, by cash or certified check payable to the City of Wauchula, the estimated cost to board the puppies and the mother, including payment of any associated medical costs or fees. If the puppies are not claimed during the 14-day period, then they shall be considered abandoned and ownership shall revert to the Wauchula Police Department.
- (g) *Violations of this section.* A person who violates any provision of this section commits a noncriminal infraction, punishable by a fine of \$500.00.

Sec. 4-4. Rabies vaccination requirements.

Every owner of a dog or cat over three months of age shall cause such dog or cat to be vaccinated against rabies annually by a licensed vet (or as required by statute). Every owner of each dog or cat so vaccinated is required to cause the dog or cat to wear a valid inoculation tag at all times. Failure to annually vaccinate a dog or cat over three months of age shall be a violation of this chapter.

Sec. 4-5. Reserved.

Sec. 4-6. Breeders permit.

- (a) A breeder's permit is required for a person that offers dogs or cats for sale to the public. The permit can be purchased from ~~the Animal Services Department~~ Hardee County Animal Control located at 685 Airport Rd., Wauchula, Florida.
- (b) The breeder will be responsible for maintaining records containing the following information and shall:
 - (1) Maintain accurate records of all animals produced by breeding and a record of their final disposition.
 - (2) Display the permit number in all advertising.
 - (3) Immunize all dogs and cats before they are offered for sale as required in F.S. § 828.29.
 - (4) Send a copy of the current rabies certificate to the Animal Services Department along with the name, address and telephone number of the person receiving the animal from the breeder.

The cost of the breeder permit will be \$25.00 per year and will be renewed annually with the Animal Services Department. The license fees for animal breeders will be waived if a breeder's permit is purchased and a current rabies vaccination certificate is sent to Animal Services yearly.

Sec. 4-7. Power to set fees and costs.

The City Commission, by resolution, shall set the fees and costs to be charged to the owner or custodian of a dog or cat by the City for impoundment, boarding, adoption, sterilization, euthanasia, and disposal.

Sec. 4-8. Animals at large, restrictions.

- (a) No person owning or having possession, charge, custody, or control of any dog or cat shall cause, permit, or allow ~~a dog~~ such animal to stray or ~~in any manner~~ to run ~~in or~~ at large upon any public street, sidewalk, or park, or other public property, or the property of another.; ~~however, such dog~~ A dog or cat may be

off the premises of ~~the~~ its owner or of the person having possession, charge, custody, or control of the dog or cat ~~if the dog provided the animal~~ is leashed or otherwise under the direct control of the person in custody of the dog or cat while being walked, transported, or taken to or from veterinary treatment, grooming, lawful training, organized exhibitions, competitions, or other lawful animal-related activities.

- (b) ~~Enforcement officers~~ Animal Control Officers are authorized to impound any dog or cat which is at large or astray. An officer, sworn or civilian, shall not enter onto private property without first receiving either: (1) the consent of the owner or occupant of said property; or (2) obtaining a lawfully issued inspection warrant, for the purpose of capturing such dog or cat for impoundment.

Sec. 4-9. Keeping livestock or fowl.

It shall be unlawful to keep any cow, bull, steer, calf, horse, colt, pony, mule, jackass, jenny, goat, sheep, hog, pig, other livestock, or fowl (not including household pets) within the City, except as provided for in the Land Development Code.

Sec. 4-10. Stray and feral chickens.

- (a) It shall be unlawful for any owner or custodian of a chicken to allow a chicken to become a stray or feral chicken. For the purposes of this section, a "stray or feral chicken" shall mean a domesticated chicken which has strayed, been released, or has roamed from the property of its owner, and shall include the offspring of a domesticated chicken which has strayed, been released, or has roamed from the property of its owner.
- (b) Any chicken which is suspected of being a stray or feral chicken may be picked up, trapped, and captured, by the City, and/or any designee, agent or contractor of the City authorized to perform stray and feral chicken removal services. Stray and feral chickens which are picked up, trapped, or captured by the City, its designees, agents, or contractors, shall be impounded for a period of not less than ten calendar days. Impounded chickens shall be released to their owners upon payment of an impoundment fee. The amount of the impoundment fee shall be set by resolution of the City Commission of the City. Failure to claim a chicken and pay the impoundment fee within the impoundment period shall be deemed a waiver of any right, title, claim or interest in the chicken. Chickens which are not redeemed by their owners may be disposed of in any manner deemed appropriate by the City Commission of the City. The impoundment of the stray or feral chickens, and subsequent disposition thereof, shall not ~~relieve~~ relieve the chicken's owner of liability for civil penalties imposed for violations of subsection (a).
- (c) Before conducting stray and feral chicken removal activities, the City shall provide notice that stray or feral chicken will be picked up, trapped, and captured by the City, and/or any designee, agent or contractor of the City, in

such areas of the City which the City ~~Council~~ Commission may determine from time to time be suffering from an infestation of stray or feral chickens. Such notice shall consist of at ~~least~~ least one advertisement published in a newspaper of general circulation in Hardee County. Said notice shall be published not less than ten calendar days prior to the commencement of stray and feral chicken removal services. In addition to publication, a copy of the above notice shall also be posted at the Wauchula City Hall and the Wauchula Police Department ~~City of Wauchula Animal Control Shelter~~ not less than ten calendar days prior to the commencement of stray and feral chicken removal services.

Sec. 4-11. Administrative authority; Enforcement of ordinance; Contents of citation or notice to appear.

- ~~(a) All employees of the Animal Services Division are hereby designated as animal control officers. The City Council may from time to time provide by resolution that certain employees of the Animal Services Division are not to be designated as animal control officers.~~
 - ~~(b) It shall be the duty of all enforcement officers to enforce the City of Wauchula Animal Control Ordinance. An enforcement officer is hereby authorized to issue citations and notices to appear for violation of the Animal Control Ordinance when, based upon personal investigation, the officer has reasonable and probable grounds to believe that a violation of this chapter has occurred.~~
 - ~~(c) The qualifications of employees of the Animal Services Division shall be established by the Police Chief pursuant to the current classification and pay plan approved by the City Council. The training program for Animal Control Officers shall be pursuant to Section 828.17(4) of Florida Statutes.~~
- 1) The Chief of Police is authorized to develop administrative forms, procedures, and policies necessary to implement and enforce this chapter, provided such procedures are not inconsistent with this chapter or applicable law.
 - 2) All sworn law enforcement officers and officially designated civilian employees of the Wauchula Police Department are hereby designated as Animal Control Officers, as defined in this chapter. The City Commission may, by resolution, exempt any employee or class of employees from such designation.
 - 3) It shall be the duty of all Animal Control Officers to enforce the City of Wauchula Animal Control Ordinance. An Animal Control Officer is hereby authorized to issue citations and notices to appear for violation of the Animal Control Ordinance when, based upon personal investigation, the officer has probable cause to believe that a violation of this chapter has occurred.
 - 4) The qualifications of employees acting in the capacity of Animal Control Officers for the Wauchula Police Department shall be established by the Police Chief pursuant to the current classification and pay plan approved by the City

Commission. The training program for Animal Control Officers shall be pursuant to Section 828.17(4) of Florida Statutes.

Sec. 4-12. Abandoned animals.

It shall be unlawful for a person to abandon or dispose of a dog or cat on the property of another or public property or to abandon a dog or cat in his former residence when relocating to a new residence. Violation of this section shall be punishable as provided in Section 4-14.

Upon an affidavit of two citizens who are not residents of the same household, or upon probable cause developed through investigation to believe that an animal has been abandoned, an ~~enforcement officer~~ Animal Control Officer will investigate the matter. If the officer is unable to obtain consent ~~from~~ of the owner or occupant to enter onto the property upon which the dog or cat is located, the officer shall obtain an inspection warrant ~~as provided by Florida Law under Chapter 933, Florida Statutes, specifically Sections 933.20 through 933.30.~~ If upon entering the property for inspection, the officer finds an abandoned dog or cat thereon, the officer shall take it into custody.

Sec. 4-13. Claiming of quarantined animals by owner.

The owner of any animal in quarantine shall be notified of the date quarantine terminates and to claim the animal. Any animal held under quarantine at the impoundment area will be considered abandoned if not claimed on the day following the date the quarantine terminates. If not claimed on the day following quarantine, the animal ~~will~~ may be euthanized and/or disposed of as necessary.

Sec. 4-14. Rabies quarantine.

- (a) Any dog or cat suspected of having rabies, or having bitten any person or other animal, shall be captured alive and quarantined at the owner's expense, at the animal shelter or if such dog or cat has proof of current vaccination, then the Animal Control Officer may allow, at his discretion, the owner to quarantine the dog or cat at home. The quarantine period shall cover a period of ten days.
- (b) Any dog or cat held under quarantine at the ~~Animal Services Division~~ Hardee County Animal Control will be considered abandoned if not claimed on or before the third day following the quarantine. If not claimed on or before the third day following quarantine, the dog or cat may be euthanized and/or disposed of as necessary.
- (c) Any dog that is owned, or the service of which is employed, by a law enforcement agency, or any dog that is used as a service dog for blind, hearing impaired, or disabled persons, and that bites another animal or human is exempt from the quarantine requirements of this chapter following such bite if

the dog has a current rabies vaccination that was administered by a licensed veterinarian.

Sec. 4-15. Notification of owner of impounded animal; holding period for impounded animals.

- (a) Reserved.
- (b) The following holding periods are hereby established for animals picked up or turned into the impoundment kennels:
 - (1) Healthy dogs and cats wearing a current rabies vaccination tag, shall be held ten calendar days (not including the day of impoundment) from the date of posting the written notice of impoundment).
 - (2) Healthy dogs and cats not wearing a current rabies vaccination tag, shall be held for a minimum of five calendar days (not including the day of impoundment) from the date of posting the written notice of impoundment.
 - (3) Diseased or injured dogs or cats, whether tagged or untagged, shall be held 48 hours from the date and time of the posting of the written notice of impoundment. However, nothing herein shall be construed to prevent the ~~euthanization~~ euthanizing of animals that are suffering from incurable or untreatable condition or are imminently near death from injury or disease, as provided in F.S. § 828.05.
 - (4) ~~The Animal Services Division~~ Hardee County Animal Control may at its sole discretion extend the holding period beyond this time on a space available basis.
- (c) Promptly upon the impoundment of any dog or cat, the Animal Control Officer shall give written notice to the owner of said dog or cat, if the owner's name and address is known, and shall post a notice that said dog or cat has been impounded. The notice shall state the date and the area where the dog or cat was picked up, a description of the dog or cat, the reason for impounding it, a statement by the Animal Control Officer certifying the date and time on which the officer posted the notice, a statement of the number of days or hours in which the owner has to claim the dog or cat from the date the notice is posted, and a statement that unless claimed within the applicable number of days or hours from the date and time on which the notice was posted, said dog or cat will [be] disposed of. The notice shall be posted at the Animal Services Impounding Kennel.
- (d) Any impounded dog or cat which is not reclaimed by its owner prior to the expiration of the holding period shall be disposed of in the following manner:
 - (1) Said dog or cat may be destroyed as provided in F.S. Ch. 828.

(2) Said dog or cat, at the sole discretion of the Animal Control Officer, may be adopted by an adult 18 years of age or older, who desires to give said dog or cat a home, and who pays for the sterilization, proper vaccination, and fees for such adoption.

Sec. 4-16. Interference with Animal Control Officers.

It shall be unlawful to interfere with any ~~enforcement officer~~ Animal Control Officer as defined in this chapter while in the legal performance of his duties, or anyone who may be assisting in the performance of such duties; or to take or attempt to take any animal from any ~~enforcement~~ such officer, or from any vehicle used by him to transport any animal; or to take or attempt to take any animal from the impoundment kennels with proper authority.

Sec. 4-17. Penalties and fines. Civil Penalties and Enforcement.

(a) Civil Violations.

~~Violation of any section~~ Any violation of this chapter shall ~~be constitute~~ constitute a civil infraction, the maximum penalty for which shall not exceed \$500.00. ~~If the person who has committed the civil infraction does not contest the citation, civil penalties of less than the maximum civil penalty shall be assessed as follows: Unless the citation is timely contested as provided herein, the following civil penalties shall apply:~~

1) For violation of Section 4-14, "Rabies vaccinations [requirements]", Section 4-2 "Nuisance dogs and cats", or Section 4-6, "Breeders permits", the officer shall have the discretion either to issue a warning with no civil penalty or issue a citation for a fine in the amount of \$50.00 for the first offense. The second offense occurring within three years, whether the first offense resulted in a warning or fine, shall require a fine in the amount of \$100.00. The third offense occurring within three years shall require a fine in the amount of \$150.00. Subsequent offenses occurring within three years shall be punishable by a civil penalty ~~as the court may impose, as defined in this chapter,~~ not to exceed \$500.00.

2) For violation of Section 4-8, "Animals at large, restrictions", the officer shall have the discretion to either issue a written warning with no civil penalty or issue a citation for a fine in the amount of \$50.00 for the first offense. The second offense occurring within three years, regardless of whether the first offense resulted in a warning or a fine, shall require a fine in the amount of \$100.00. The third offense occurring within three years shall require a fine in the amount of \$150.00. Subsequent offenses occurring within three years shall be punishable by a civil penalty ~~as the court~~ the City's Special Magistrate may impose, not to exceed \$500.00.

3) For violation of either Section 4-12 "Abandoned dogs and cats", or Section 4-16, "Interference with an officer", the civil penalty shall be in the amount of

\$150.00 for the first offense. Subsequent offenses occurring within three years shall be punishable by a civil penalty as ~~the court~~ the City's Special Magistrate may impose, not to exceed \$500.00.

4) If a dog or cat scratches, bites, threatens to, or otherwise physically injures any person under circumstances constituting a violation of Section 4-8, "Animals at large, restrictions", or Section 4-4, "Rabies vaccinations [requirements]", said offense shall require a fine of \$100.00 in addition to any other applicable fine for a first offense. The second and subsequent offenses in violation of this section within three years shall be punishable by such monetary penalty as ~~the court~~ the City's Special Magistrate may impose, not to exceed \$500.00.

5) ~~If the person who has been cited for committing the civil infraction should contest the citation, civil penalties up to the maximum civil penalty, with court costs may be assessed. A person who timely contests a citation before the City's Special Magistrate will be entitled to a hearing before the City's Special Magistrate. Following a hearing, the Special Magistrate may impose any civil penalty authorized by this chapter, not to exceed five hundred dollars (\$500.00), together with any administrative costs authorized by law.~~

(b) Issuance of Citation.

~~An Animal Control Officer who has probable cause to believe that a violation of this chapter has occurred may issue a Civil Citation. A citation may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this chapter. After issuing a citation to an alleged violator, the officer shall deposit the original of the citation with the Clerk of Courts for Hardee County. The officer shall also give one copy of the citation to the alleged violator, one copy to the Wauchula Police Department Records Custodian, and shall retain one copy of the citation for himself. The Animal Control Officer shall file the original citation with the City Clerk, shall provide copies of the citation to the person cited for violating this Chapter and the Wauchula Police Department Records Custodian, and the issuing officer shall retain a copy of the citation.~~

(c) Civil Penalty; Request for Hearing.

~~Any person cited receiving a Civil Citation for a violation of this Chapter shall pay the civil penalty assessed in the citation within thirty (30) calendar days of the date of the citation was issued unless the person receiving the Civil Citation elects to contest the citation by filing a written Request for Hearing with the City Clerk within thirty (30) calendar days of the date the citation was issued. who does not elect to appear in county court shall pay the Clerk of Court for Hardee County the civil penalty either by mail or in person within 30 days of the date of receiving the citation.~~

Upon receipt of a timely Request for Hearing, the City Clerk shall schedule the matter before the City's Special Magistrate and provide written notice of the hearing to the Respondent and the issuing officer.

The City Clerk may issue subpoenas upon request of either the Respondent or the issuing officer as authorized by law. The parties requesting such subpoenas shall be responsible for identifying witnesses and providing sufficient information to the City Clerk for service of the subpoenas.

(d) Failure to Timely Request Hearing.

Any person cited for a violation of this chapter who fails to timely request a hearing shall be deemed to have waived the right to contest the citation; the civil penalty identified in the citation shall become immediately due and payable; and the citation shall thereafter constitute a final administrative determination of liability for violation of this Chapter elect to appear in county court shall pay the Clerk of Court for Hardee County the civil penalty either by mail or in person within 30 days of the date of receiving the citation.

(e) Hearing Procedures.

If a person fails to pay the civil penalty within 30 days, or to appear in court to contest the citation, the court may issue an order to show cause upon motion filed by the Clerk of Court. In such case the person shall be deemed to have waived his right to contest the citation and a judgment may be entered against the person for an amount up to the maximum penalty. This order shall require such persons to appear before the court to explain why action on the citation has not been taken. The City Attorney shall attend the hearing set by the order to show cause. If any person who is issued such order fails to appear in response to the court directive, that person may be held in contempt of court. The City shall be entitled to its costs and reasonable attorney's fees incurred in such proceedings.

The Special Magistrate shall conduct hearings in a fair and impartial manner consistent with the requirements of procedural due process.

Formal rules of evidence shall not apply, but due process must be observed and govern the proceedings. All testimony shall be given under oath, and the Special Magistrate may receive any evidence reasonably relevant to the citation or any defenses the Respondent asserts. The Respondent may appear personally, present witnesses, introduce documentary evidence, cross-examine adverse witnesses, and be represented by counsel at the Respondent's own expense.

If a Respondent fails to appear after receiving proper notice of the hearing, the Special Magistrate may proceed in the Respondent's absence and enter a Final Administrative Order based upon the competent substantial evidence presented.

The issuing Animal Control Officer shall bear the burden of establishing the violation by a preponderance of the evidence.

(f) Authority of the Special Magistrate.

Following the hearing, the Special Magistrate may:

1. Dismiss the citation;
2. Sustain the citation;
3. Reduce, affirm, or increase the civil penalty, provided the penalty imposed does not exceed the maximum authorized by this chapter;
4. Assess administrative costs authorized by law;
5. Establish a reasonable compliance deadline when corrective action is appropriate;
6. Enter any other administrative order authorized by this chapter or applicable law.

~~As provided in F.S. § 828.27(5), any person who willfully refuses to sign and accept a citation issued by an officer is guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083.~~

(g) Final Administrative Order.

The decision of the Special Magistrate shall be reduced to writing in the form of a Final Administrative Order.

The Final Administrative Order shall include, as applicable:

1. Findings of Fact;
2. Conclusions based upon this chapter;
3. The civil penalty imposed;
4. Administrative costs assessed;
5. Any corrective action ordered;
6. Any compliance deadline established; and
7. Notice of the consequences of failing to comply with the Final Administrative Order.

The City Clerk shall maintain the Final Administrative Order as part of the official record.

~~In addition to the enforcement procedures herein, the City Commission may enforce this chapter by any other means provided by law, and may further enforce this chapter by actions at law and in equity, including actions for injunctive relief, and, if the City prevails in any such action, the City shall be entitled to its costs and reasonable attorney's fees incurred in such action.~~

(h) Compliance Review.

If a Respondent fails to comply with a Final Administrative Order within the time prescribed therein, the City may request that the matter be scheduled for a compliance review hearing before the Special Magistrate.

Following notice and an opportunity to be heard, the Special Magistrate may determine whether the Respondent has complied with the Final Administrative Order and may enter such additional administrative orders as are authorized by this chapter or applicable law.

~~In the event a dog or cat is impounded for violation of this chapter and the owner of the dog or cat abandons the dog or cat to the Animal Services Division, the owner shall remain liable for the civil penalties imposed for violation of this chapter.~~

(i) Refusal to Accept Citation.

As provided in Section 828.27(5), Florida Statutes, any person who willfully refuses to sign and accept a citation issued by an Animal Control Officer commits a misdemeanor of the second degree punishable as provided by Florida law.

~~Issuance of a citation or warning to an adult member of the household in which a dog or cat resides shall be deemed notice of the citation or warning to all members of the household.~~

(j) Other Remedies.

In addition to the remedies and enforcement procedures herein, the City Commission may enforce this chapter by any other means provided by law, and may further enforce this chapter by actions at law and in equity, including actions for injunctive relief, and, if the City prevails in any such action, the City shall be entitled to its costs and reasonable attorney's fees incurred in such action.

~~Any civil fines and penalties collected pursuant to this chapter shall be deposited monthly into the City general fund. The Clerk of Court shall retain \$10.00 from each fine collected for the purpose of defraying office expense in response to the court directive, that person may be held in contempt of court. The City shall be entitled to its costs and reasonable attorney's fees incurred in such proceedings.~~

(k) Abandonment of Impounded Animals.

In the event an impounded animal is abandoned to the City or to Hardee County Animal Control, the owner shall remain responsible for any civil penalties lawfully imposed under this chapter.

(I) Disposition of Civil Penalties.

All civil penalties collected pursuant to this chapter shall be deposited into the City's General Fund unless otherwise provided by law.

Sec. 4-18. Service of citation or warning.

~~Issuance of a citation or warning to an adult member of the household in which an animal is kept shall be deemed notice of the citation or warning to all members of the household.~~

Sec. 4-1819. Nuisance animals.

- (a) It shall be unlawful for any owner or custodian of a dog or cat to allow said dog or cat to be a nuisance as defined in this chapter.
- (b) Property zoned commercial kennels or owners of a security dog which is located on commercial or industrially zoned property shall be exempt from the provisions of this section as it relates to dogs or cats which habitually bark, whine, howl, cry, scream or cause objectionable noises.
- (c) An ~~enforcement officer~~ Animal Control Officer, upon receipt of sworn affidavits of complaint from two people residing in separate households alleging a violation of this section, shall investigate and may issue a citation to any dog or cat owner or custodian alleged to be in violation of this section.

Sec. 4-1920. Authority to impound sick, injured or dangerous/vicious animals.

- (a) Any animal whose owner cannot be located, or will not answer the door, and which animal is suspected of being sick or injured or has inflicted injury or threatened to inflict injury to any person or animal may be picked up, trapped, captured by remote chemical immobilization, if the officer determines that the seizure is necessary for public health or safety, or to prevent animal suffering.
- (b) The City shall provide an enclosure for impounding dogs and the total cost of care and keep of the dogs impounded shall be paid for by the owner of such dogs impounded, and an owner shall further comply with the provisions of this chapter before the dog or dogs shall be released to such owner.
- (c) The City shall charge and collect ~~an~~ impounding fees of \$10.00 and daily boarding fees established by Resolution ~~\$4.00 per day boarding fee~~ for

each animal impounded. The impounding fee and boarding fee may be increased from time to time by the City Commission ~~Council~~ of Wauchula, Florida, by resolution. The impounding fee and boarding fee shall be collected before the animal is released.

- (d) The owner or any person redeeming an unvaccinated, impounded animal shall pay prevaccination charges before such animal is released. The paid certificate shall be honored by any veterinarian approved by the City.
- (e) An impounded animal shall only be released to the owner or a person 18 years of age or older residing in the same household as the owner

Sec. 4-~~2021~~. Detaining animals roaming on private property.

- (a) A property owner or tenant who seizes a dog or cat at large on his property shall immediately deliver the animal to an enforcement officer.
- (b) Any person who captures a dog or cat shall exercise care to treat the animal humanely and to avoid any cruelty, injury, sickness, hunger or other ailment or affliction in both seizure and delivery of the animal. Any person unable to comply fully with this section shall not seize the dog or cat.

SECTION 3. SEVERABILITY. If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision, and to that end, the provisions of this ordinance are hereby declared severable.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. INCLUSION IN THE CODE. It is the intent of the City Commission that the provisions of this Ordinance shall become and be made a part of the City's Code of Ordinances, including the Unified Land Development Code.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its enactment.

On Motion of Commissioner _____, seconded by
Commissioner _____, the above
resolution was introduced and approved by the City Commission of the City of Wauchula,
Florida, on the _____ day of _____, 2025.

(SEAL)

ATTEST:

CITY OF WAUCHULA, FLORIDA

Stephanie Camacho, City Clerk

By: _____
Richard Keith Nadaskay, Jr., Mayor

APPROVED AS TO FORM:

Kristie Hatcher-Bolin, City Attorney

#68383569 v1