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ORDINANCE NO. 93-05

ORDINANCE OF LIBERTY COUNTY, FLORIDA, ESTABLISHING AN ANIMAL CONTROL ORDINANCE WITHIN THE UNINCORPORATED AREAS OF LIBERTY COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING STATUTORY AUTHORITY; PROVIDING AREA OF ENFORCEMENT; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING DESIGNATION OF ANIMAL CONTROL OFFICERS; PROVIDING FOR OBSTRUCTING OF ENFORCEMENT; PROVIDING FOR ALLOWING ANIMALS TO RUN AT LARGE; PROVIDING FOR REQUIREMENT FOR HUMANE CARE; PROVIDING FOR ANIMALS AND MOTOR VEHICLES; PROVIDING FOR RESTRAINT BY PROPERTY OWNER; PROVIDING FOR REDEMPTION OF STRAY OR EMOUNDED ANIMALS; PROVIDING FOR DISPOSAL OF ANIMALS; PROVIDING FOR IMPOUNDMENT AND BOARD FEES; PROVIDING FOR RABIES VACCINATION AND CONTROL; PROVIDING FOR PROTECTION AGAINST POTENTIAL RABIES CARRIERS; PROVIDING FOR A CLASSIFICATION FOR DANGEROUS AND AGGRESSIVE ANIMALS; AND PROVIDING FOR CLASSIFICATION, CITATION, IMPOUNDMENT, AND NOTIFICATION SHOULD A DANGEROUS OR AGGRESSIVE ANIMAL ESCAPE; PROVIDING FOR NEUTERING, TATOOGING, MUZZLING, RESTRAINING AND ENCLOSING DANGEROUS OR AGGRESSIVE ANIMALS; PROVIDING FOR SIGN REGARDING DANGEROUS ANIMALS AND PROVIDING FOR TRAPPING CAGES ALLOWED TO BE PLACED ON PRIVATE PROPERTY; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF LIBERTY COUNTY, FLORIDA, that:

DIVISION 1. GENERALLY

Section 1. Authority. The Board of County Commissioners of Liberty County, Florida, shall have full and complete authority to establish rules, regulations

and fees governing animals kept as pets within the unincorporated areas of the county, including but not limited to, animal seizure, impoundment, certification, disposition, animal rabies vaccination, and fees. The board shall set fees by the ordinance initially and by adopting a resolution setting forth such fees in the future. The animal control officer is responsible for the proper enforcement of this Ordinance.

Section 2. Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggressive animal shall mean any animal which has injured or killed a domestic animal in a first unprovoked attack while off of the premises of the owner.

Animal shall mean any domesticated animal or any captive wild animal.

Animal control officer means any person employed by [redacted] County who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this section. The animal control officer is not authorized to bear arms or make arrests; however, such officer may carry a device to chemically subdue and tranquilize an animal, provided that such officer has successfully completed a minimum of 16 hours of training in marksmanship, equipment handling, safety and animal care, and can demonstrate proficiency in chemical immobilization of animals in accordance with guidelines

prescribed in the Chemical Immobilization Operational Guide of the American Humane Society.

Animal shelter shall mean any facility designated by the county for the purpose of housing and caring for animals held under the authority of this article or state law.

At large shall mean any animal, other than a dog, which is off of the premises of the owner while not under the supervision of the owner, or, in the case of dogs, when any dog is off of the premises of the owner while not under the direct control of the owner.

Board shall mean the Board of County Commissioners.

Citation means a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this ordinance and that the county court will hear the charge. The citation must contain:

1. The date and time of issuance;
2. The name and address of the person;
3. The date and time the civil infraction was committed;
4. The facts constituting probable cause;
5. The ordinance violated;
6. The name and authority of the officer;

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7. The procedure for a person to follow in order to pay the civil penalty, to contest the citation, or to appear in court as required hereunder;
8. The applicable civil penalty if the person elects to contest the citation;
9. The applicable civil penalty if the person elects not to contest the citation;
10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, 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;
11. A conspicuous statement that if the person is required to appear in court as mandated by this ordinance he does not have the option of paying a fine in lieu of appearing in court.

Dangerous Animal shall mean an animal that has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property; has more than once severely injured or killed a domestic animal while off the owner's property; 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; or, in the

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case of a dog, has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting.

Exposure to rabies shall mean contact by any person, domestic animal or captive wild animal with saliva, brain tissue, or body fluids of a rabid animal or of an animal suspected to be rabid due to its apparent ill health, or which is of a species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, bats, skunks, and bobcats.

Feral animal shall mean any wild cat or dog, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication.

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Feral animal shall mean any wild cat or dog, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication.

Impoundment shall mean the taking up and confining of an animal by the animal control officer in a manner consistent with professionally-recognized standards of humane treatment.

Neutered shall mean rendered permanently incapable of reproduction or permanently incapable of reproduction because of physiological sterility, but only where the neutered condition has been certified by a veterinarian licensed in any state.

Owner shall mean any person over the age of eighteen (18) years of age, or any firm, corporation or organization which owns, manages, harbors, maintains, or controls an animal. For the purposes of this article, an animal shall be deemed to be harbored or maintained if it is fed and/or sheltered for five (5) or more

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Section 4. Area of enforcement. This article shall be effective throughout the unincorporated area of the county and within any incorporated area of the county upon the execution of an interlocal agreement with the incorporated area specifying the terms for the implementation and enforcement of this article within the incorporated area.

Section 5. Enforcement generally; penalties. (a) In addition to or in lieu of impounding an animal which any animal control officer or any law enforcement officer has probable cause to believe is in violation of this ordinance the officer may issue a citation to the owner or keeper of the animal.

(b) Any person to whom a citation is issued shall pay the fine by the designated date or appear in county court at the time and location designated in the citation.

(c) Minimum civil penalties for violations of this ordinance are as follows:

- (1) First violation \$ 10.00
- (2) Second violation 25.00
- (3) Thereafter 75.00

(d) Any person electing to appear or required so to appears waives the right to pay the minimum civil penalties.

(e) Penalties shall be in addition to the court costs as established by the county court.

(c) It shall be the duty of the animal control officer to keep or cause to be kept accurate and detailed records of all complaints, impoundments and disposal of all animals coming into his/her custody.

Section 7. Right of entry. (a) Pursuant to law, the animal control officer may enter public or unfenced private property within the county to carry out the duties imposed by this article.

(b) The animal control officer may enter fenced private property, exclusive of buildings, when:

- (1) The owner or keeper of an animal which has bitten or otherwise exposed a human or domestic or captive wild animal to rabies refuses to surrender such animal for rabies quarantine.
- (2) The animal being sought was at large immediately prior to the animal control officer receiving a complaint that the animal was at large chasing people or domestic animals or was causing the destruction or loss of personal property, but subsequently returned to its owner's fenced private property, provided, however, that the animal has the capability to leave the fenced property by climbing, jumping, or crawling under the fence and provided that an attempt to contact the owner, if known, was unsuccessful.

Section 8. Obstructing enforcement. No person shall:

- (1) Any dog actually engaged in a legal sport, including supervised hunting within authorized areas.
- (2) Any dog or cat being officially showed or trained.
- (3) Seeing eye-, or hearing ear-, or other service dogs for the handicapped.
- (4) Government police dogs.

Section 10. Public nuisance prohibited. (a) It shall be unlawful for any person to allow his animal to become a public nuisance.

(b) The owner of any domestic animal which is a public nuisance shall be subject to the procedures and penalties set forth in section 5.

(c) Any animal which is feral shall be classified as a public nuisance and shall be impounded and humanely euthanized. Feral animals shall not be required to be held for minimum period of time as is required for other stray animals.

(d) When an animal control officer or a law enforcement officer witnesses an animal continuously barking, howling, or otherwise disturbing the peace, the owner shall first be given written notification by the county that the animal's behavior constitutes a public nuisance, that the owner is required to make reasonable efforts to abate the nuisance, and that subsequent violations may result in the issuance of a citation to the owner for allowing his animal to become a public nuisance.

Section 11. Failure to remove deposits of animal excreta. It shall be unlawful for any owner or keeper of an animal or fowl to permit accumulation of

Section 15. Restraint by property owner. A property owner or tenant may restrain in a humane manner any animal found in violation of this ordinance on his property. When such restraint is made, the property owner or tenant shall immediately notify the animal control officer. The property owner or tenant shall treat the animal humanely and shall exercise due care to ensure the animal's safety and well-being. The animal control officer may impound any animal delivered by its owner, or may pick up and impound any animal restrained by a property owner as described above, and shall dispose of the animal pursuant to this ordinance.

Section 16. Redemption. Stray animals which are impounded and are not suffering from or suspected of having an infectious disease, shall be held for not less than five consecutive days unless sooner redeemed by the owner. Ill or injured animals may be euthanized prior to the expiration of the five-day holding period in accordance with F.S. § 828.05. In instances when the owner of an impounded animal can be determined the animal control officer shall make a reasonable attempt to contact the owner before the disposition of the animal. A reasonable attempt to contact the owner shall be satisfied by a telephone call to the telephone number provided by the owner on two separate days and times, and should the telephone method fail, by placing a notice in a conspicuous place on the owner's premises.

Section 17. Disposal of animals. (a) Feral or unweaned animals may be euthanized immediately upon impoundment. Other animals not claimed at the end

area of the county only with prior approval of the animal control officer, to be determined on a case-by-case basis.

(d) Any animal not redeemed by its owner or adopted as a personal pet shall be humanely euthanized.

Section 18. Fees. Impoundment and board fees for animals under this division shall be as follows:

- (1) Impoundment, \$30.00.
- (2) Boarding fees, for each day the animal is impounded or partial day thereof, shall be \$10.00 per day.

The fees set forth in this section may be changed by resolution.

DIVISION 3. RABIES CONTROL

Section 19. Rabies vaccination required. (a) *Frequency; exception.* Every dog and cat three months of age or older shall be vaccinated against rabies with a U.S. government-approved vaccine. Each animal shall be required to be vaccinated no more frequently than the effective period of the approved vaccine used. Such vaccination is excused only if a licensed veterinarian certifies in writing that a vaccination would be injurious to the dog's or cat's health. In such case, the dog or cat shall be confined in an enclosed building or kennel until the dog or cat can be safely vaccinated.

(d) *Display of proof.* It is unlawful for the owner of a dog or cat to refuse to show proof of current vaccination of such dog or cat by the end of the next business day if such information is requested by any animal control officer, or the HRS-Liberty County public health unit.

(e) *Rabies information to go to county.* Any veterinarian administering a rabies vaccination to a dog or cat within the county shall furnish the information contained therein to the animal control officer or the HRS-Liberty County public health unit upon request.

Section 20. Animal bites. (a) When any animal bites or wounds a human or when a human or domestic or captive wild animal is bitten or exposed to rabies by a suspected or known rabid animal, the owner shall comply fully with F.A.C. ch. 10D-3, "Communicable Disease Control."

(b) It shall be the duty of any person having knowledge that an animal has bitten or otherwise exposed a person or domestic or captive wild animal to rabies, to report the incident immediately to the animal control officer or to the HRS-Liberty County public health unit for examination, or for supervised quarantine of the animal at the expense of the owner.

(c) Any cat or dog which has bitten or exposed a human to rabies shall be quarantined for a period of not less than ten days.

must be provided for the animal which are consistent with the species' normal requirements for size, shelter, exercise area, heat, ventilation, light, and safety. All areas for the animal must be maintained in a sanitary manner. Owners of animals which were obtained prior to June 1, 1988 shall not replace a wild animal with another prohibited potential rabies carrier if the animal owned prior to June 1, 1988 becomes lost, is stolen, is given away, or dies. The prohibition on the ownership of potential rabies carriers shall not apply to properly licensed or permitted museums, wildlife rehabilitators, zoological parks, or research facilities. It shall be the responsibility of the owner of any potential rabies carrier animal to provide proof of the acquisition date and the animal's source if requested to do so by animal control officer.

DIVISION 4. DANGEROUS AND AGGRESSIVE ANIMALS

Section 22. Disposition generally. Any animal classified as dangerous or aggressive according to the definitions in this ordinance shall be, at the time of being so classified, either confined permanently to the owner's premises, or humanely destroyed.

Section 23. Exception to classification. (a) No animal shall be classified as dangerous or aggressive because of injuries it has inflicted upon another domestic animal, which at the time was teasing, tormenting, abusing, or assaulting the animal.

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classification committee, he shall notify the animal control officer in writing, within ten business days following the date of the order of his desire to contest the order. Within ten business days following receipt of such notice by the animal control officer, the county will file a petition in the county court for an order to show cause why the animal should not be classified and disposed of pursuant to the classification committee's findings and order. The court shall direct that an order to show cause be served upon the owner or keeper of the animal setting forth a time and place for a hearing on the matter, and that a copy of such order be provided to the animal control officer. The animal classified as dangerous or aggressive shall be impounded by the animal control officer at the owner's expense pending the disposition of the hearing in accordance with the rules and regulations established by the board.

(b) If no written notice of dispute has been received by the animal control officer within the period specified above, or if the owner or keeper fails to appear at the hearing schedule pursuant to the foregoing subpart, the owner or keeper of such animal shall be deemed to have waived his right to protest such classification or order to permanently confine or to destroy the animal. In such cases, the animal control officer shall proceed with the disposition of the animal.

(c) If the court finds that the animal is not dangerous or aggressive as defined in this chapter, the animal shall be released to the custody of the owner or keeper. In such case the county shall be liable for costs of impoundment of the

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(d) The permit for maintaining a dangerous or aggressive animal shall be presented to any animal control officer or to any law enforcement officer upon demand.

Section 28. Notification of change of status. (a) The owner or keeper of a dangerous or aggressive animal shall notify the animal control officer immediately if the animal escapes from its enclosure or restraint and is at large or if it bites or attacks a person or domestic animal, or if it dies. If the animal dies, satisfactory proof of such death must be provided to the animal control officer within 24 hours. Satisfactory proof shall be either verification from an animal shelter or veterinary hospital that the animal was euthanized, or verification from an animal control officer that he has seen the dead body of the animal.

(b) If the owner or keeper of a dangerous or aggressive animal intends to change his or her address, or sell give away, or trade any dangerous or aggressive animal, he or she shall notify the animal control officer prior to such change of address, sale, transfer or trade. The owner or keeper shall provide the animal control officer with the new name, address, and phone number of the person receiving the animal, as well as the location at which the animal will be maintained. Further, it shall be the responsibility of the owner to notify the person receiving the dangerous or aggressive animal in writing of the classification of the animal as dangerous or aggressive.

(b) The tattoo shall be placed on the animal within 30 days of such classification.

Section 31. Enclosure Required. (a) All dangerous or aggressive animals that are not humanely destroyed shall be confined in an enclosure. As used in this section, "enclosure" shall mean either the residence or other building owned or leased by the animal's owner, or any other secure enclosure which the animal control officer has approved as suitable for restraining the animal and for preventing it from escaping. For animals classified as "dangerous," the enclosure shall have secure sides and a secure top and bottom to prevent the animal from escaping over, under, or through the structure. The enclosure shall be kept locked at all times to prevent unintentional opening of the enclosure. The dangerous or aggressive animal shall not be permitted to come into contact with animals other than those which reside on the owner's premises. Dangerous animals shall not come into contact with persons other than the owner.

(b) It shall be unlawful for any owner or keeper of a dangerous or aggressive animal to maintain said animal upon any premises which does not have an enclosure in which to confine the animal.

(c) The enclosure shall include suitable shelter and protection from the elements, and shall provide adequate exercise room, light, ventilation, and sanitation.

(d) The enclosure shall be approved by the animal control officer prior to its usage for confinement.

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altered, damaged or destroyed, any trapping cage placed on by the department of animal control, or any animal confined therein.

Section 36. Conflict. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 37. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 38. Effective Date. This Ordinance shall take effect as provided by law.

DULY PASSED AND ADOPTED by the Board of County Commissioners of Liberty County, Florida, this 4th day of November, 1993.

BOARD OF COUNTY COMMISSIONERS,
LIBERTY COUNTY, FLORIDA.

By: John T. Sanders
John T. Sanders, Chairman

ATTEST:

Vernon Ross
Vernon Ross,
Clerk of the Circuit Court

APPROVED AS TO FORM:

J. C. C.
County Attorney