

412

**ORDINANCE NO. 95-02**

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 CAPE; PROVIDING FOR ANIMALS AND MOTOR VEHICLES; PROVIDING FOR RESTRAINT ON PROPERTY OWNER; PROVIDING FOR REDEMPTION OF STRAY OR EMPOUNDED 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, TATOOING, 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 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

417

413

a resolution setting forth such fees in the future. The animal control officer, or any other law enforcement 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 Liberty 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. All law enforcement officers shall have the semi-rights, duties, powers and authority of an animal control officer.

**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.

414

**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;
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;

415

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 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.

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

416

**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 consecutive days. If the animal is owned by a person under the age of eighteen (18), that person's parent or guardian shall be the owner.

**Potential rabies carrier** shall mean any species commonly recognized to be a carrier of rabies, such as but not limited to, raccoons, foxes, bats, bobcats, and skunks.

**Public nuisance** shall mean any animal which chases vehicles or molests passersby; or, any animal, which runs at large upon public or private property without permission from the property owner; or, any animal which soils, defiles, or defecates on public or private property, other than the property of the owner, unless the owner immediately removes and properly disposes of it; or, any animal which causes unsanitary or dangerous conditions to exist; any feral animal; or any animal which continuously barks, howls or otherwise disturbs the peace.

**Veterinarian** shall mean a person who is licensed to engage in the practice of veterinary medicine as provided for in F.S., ch. 474.

**Veterinary hospital** shall mean any place or facility owned or operated by a licensed veterinarian and used for the practice of veterinary medicine in the diagnosis, treatment,

417

and care of diseases of and injuries to animals, or used for the boarding of animals during such diagnosis, treatment or care, or used for the temporary boarding of animals belonging to the veterinarian's clients.

**Section 3. Statutory authority.** This article is an exercise of authority under F.S. §828.27.

**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 appear waives the right to pay the minimum civil penalties.

418

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

(f) The maximum civil penalty for each violation of this article shall be \$500.00.

(g) If a person to whom a citation is issued does not contest the citation and elects to pay the applicable civil penalty in lieu of appearing in county court, the civil penalty shall be as set forth in Section 5(c) above.

(h) A mandatory court appearance shall be required for any of the following:

- (1) Third and subsequent violations of this Ordinance.
- (2) Violations that result in the destruction or loss of personal property.
- (3) Violations which result in the unprovoked biting, wounding, or attacking by a domestic animal.

The Board of County Commissioners may, by resolution, enact reasonable rules and regulations to implement and carry out the provisions of this Ordinance.

**Section 6. Designation of enforcement officers.** (a) The Board of County Commissioners is hereby authorized to designate certain of its employees as enforcement officers, herein referred to as "animal control officers." The training and qualifications of the employees for such designation shall be determined by the board and Florida Statutes.

(b) Any animal control officer or law enforcement officer shall have the authority to enforce this article. Each person designated as an animal control officer pursuant to F.S. ch. 828, or law enforcement officer, may issue to the known owner or keeper of such animal a warning notice or citation as defined in Section 2.

(c) It shall be the duty of the animal control officer or law enforcement 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 or law enforcement 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 or law enforcement 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 or law enforcement 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) Refuse to surrender an animal upon lawful demand by any animal control officer or law enforcement officer.



420

- (2) Interfere with any animal control officer or law enforcement officer who is lawfully performing his duties.
- (3) Hold, hide, or conceal any animal which any animal control officer or law enforcement officer has deemed to be in violation of this article.
- (4) Take or attempt to take any animal from any animal control officer or law enforcement officer or from any vehicle used by him to transport animals in the legal performance of his duties.
- (5) Take or attempt to take any animal from an animal control shelter, a humane live trap, or an animal carrier, without proper authority.

**Section 9. Running at large.** (a) Generally prohibited. The owner of any animal shall not allow such animal to run or remain at large on any public street, road, alley, park or other public place or upon any private property, whether under direct control or not, without the consent of the owner of such private property.

(b) Dogs and cats in estrus. The owner of any female dog or cat in estrus shall keep such dog or cat confined in a building or secure enclosure, veterinary hospital, or boarding kennel in such manner that such female dog or cat cannot come in contact with a male dog or cat, except for intentional breeding purposes.

(c) Exceptions. Subsections (a) and (b) shall not apply to:

- (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.

421

(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 deposits of excreta on private property in such a manner as to constitute a health hazard or cause annoyance to neighboring residences.

**Section 12. Human care required.** (a) No owner shall fail to provide his animal with sufficient and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment, including sufficient exercise space.

422

(b) No person shall overload, overwork, torture, or torment, deprive of necessary sustenance, beat, mutilate or inhumanely kill or otherwise abuse any animal or cause or permit the same to be done.

(c) No person shall abandon any animal by forsaking the animal entirely or by neglecting or refusing to provide or perform the legal obligations for care and support of the animal.

**Section 13. Animals in motor vehicles.** No operator of a motor vehicle shall transport or keep an animal in or on any motor vehicle unless the animal is safely enclosed within the vehicle or protected by a container, cage, or other device that will prevent the animal from falling from, being thrown from, or jumping from the motor vehicle.

#### **DIVISION 2. IMPOUNDMENT, REDEMPTION, ETC.**

**Section 14. Authority of county.** The animal control officer or law enforcement officer shall pick up, catch or confine any animal in violation of this ordinance.

**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 or law enforcement 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 or law enforcement officer may impound any animal

423

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 or law enforcement 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 of the fifth day or after the quarantine period shall become the property of the county.

(b) Before any animal may be adopted from the animal shelter, provision shall be made for such animal to be neutered with the following exceptions:

- (1) A dog or cat claimed by the owner before the end of the fifth day or at the end of the quarantine period shall not be required to be neutered before its release to the owner.
- (2) If the dog or cat is under the age of six months, provisions shall be made to have it neutered at the age of six months.

424

(3) Upon the request of a licensed veterinarian, and for a valid medical reason, such as the relative immaturity of a particular animal or breed at the required age of sterilization or the presence of a medical problem or condition in a particular animal which makes surgery at the time inadvisable, the animal control officer or law enforcement officer shall extend the time limits within which the animal must be sterilized.

(c) No animal from the unincorporated area of the county which has been classified as dangerous, or which has been involved in an unprovoked bite or attack on a person or domestic animal, shall be placed for adoption from the animal shelter if the owner does not redeem the animal. An animal involved in a bite or attack on a person or domestic animal shall be placed for adoption into the unincorporated area of the county only with prior approval of the animal control officer or law enforcement 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 of the Board of County Commissioners.

425

### 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.

(b) Proof of vaccination; tags. Evidence of such vaccination against rabies shall consist of a county rabies vaccination certificate, signed by the person administering the vaccine and containing all pertinent information requested to identify the breed, age, sex, status, classification and type of vaccinated animal, the person administering the vaccine, the vaccine administered to the animal, and the date the vaccine was administered. Coincident to the vaccination of the dog or cat against rabies, the person administering the vaccine shall obtain and issue a county animal permit tag to the owner of such vaccinated dog or cat, which shall be valid for one year.

(c) Removal of tag. It is unlawful for any person to remove the rabies vaccination tag of any currently-vaccinated dog or cat unless:

- (1) The dog or cat is participating in any organized exhibition or field trial, or is training for these events, or is engaged in a legal sport under competent supervision; or

428

(2) A licensed veterinarian directs in writing that the rabies vaccination tag be removed for reasons of the dog's or cat's health. In such event, the dog or cat shall be confined until the veterinarian permits the tag again to be placed on the dog or cat; or

(3) The animal is securely confined.

(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 law enforcement 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 law enforcement 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 law enforcement 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.

427

(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.

(d) The procedures for the investigation of animal bites inflicted by animals other than dogs and cats shall be followed in accordance with the provisions set forth in F.A.C. ch. 10D-3.

(e) The location and conditions of examination or quarantine of animals which have bitten or otherwise exposed a person to rabies shall be established by the county health officer, (F.A.C. ch. 10D-3).

(f) It shall be unlawful for any person to hide, conceal, or refuse to surrender any animal for examination or quarantine upon lawful demand to do so by the animal control officer or law enforcement officer or the HRS-Liberty County public health unit.

(g) Any person having knowledge that a domestic animal has been bitten by or otherwise exposed to rabies by a wild animal of a species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, skunks, bats, and bobcats, shall immediately report such bite or exposure to the animal control officer or law enforcement officer or to the HRS-Liberty County public health unit for the investigation of such bite or exposure.

**Section 21. Potential rabies carriers.** No person shall keep, own, possess or harbor any potential rabies carriers as defined in this article as a personal pet within the county. Owners of potential rabies carriers obtained prior to June 1, 1988 shall be allowed to keep, own, possess, or harbor the animal, provided that they are properly permitted through state or federal agencies, and further provided that the animal was not



428

obtained from the wild. Adequate living quarters and confinement 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 or law enforcement officer.

#### **DIVISION 4. DANGEROUS AND AGGRESSIVE ANIMALS**

**Section 22. Classification of dogs as dangerous; certification of registration; notice and hearing requirements; confinement of animal; exemption, appeals; unlawful acts.**

(1)(a) An animal control officer or law enforcement officer shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, including any animal control officer or law enforcement officer, desiring to have a dog classified as dangerous. Any animal that is the subject of a dangerous dog investigation, that is not impounded with the animal control authority, shall be humanely and safely confined by the owner in a

429

securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification. The address of where the animal resides shall be provided to the animal control authority. No dog that is the subject of a dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog classification. In the event that a dog is to be destroyed, the dog shall not be relocated or ownership transferred.

(b) A dog shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(c) After the investigation, the animal control authority shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall afford the owner an opportunity for a hearing prior to making a final determination. The animal control authority shall provide written notification of the sufficient cause finding to the owner, by registered mail, certified hand delivery, or service in conformance with the provision of chapter 48 relating to service of process. The owner may file a written request for a hearing within 7 calendar days from the date the receipt of the notification of the sufficient cause finding and, if requested, the hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner

430

than 5 days after receipt of the request from the owner. Each applicable local governing authority shall establish hearing procedures that conform to this paragraph. The hearing shall be conducted by the County Commission.

(d) Once a dog is classified as a dangerous dog, the animal control authority shall provide written notification to the owner by registered mail, certified hand delivery or service, and the owner may file a written request for a hearing in the county court to appeal the classification within 10 business days after receipt of a written determination of dangerous dog classification and must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal. Each applicable local governing authority must establish appeal procedures that conform to this paragraph. The County Judge shall hear the evidence submitted by the County and by the owner and shall decide whether there is a preponderance of the evidence sufficient to uphold the decision of the Board of County Commissioners.

(2) Within 14 days after a dog has been classified as dangerous by the animal control authority or a dangerous dog classification is upheld by the county court on appeal, the owner of the dog must obtain a certificate of registration for the dog from the animal control authority serving the area in which he resides, and the certificate shall be renewed annually. Animal control authorities are authorized to issue such certificates of registration, and renewals thereof, only to persons who are at least 18 years of age and who present to the animal control authority sufficient evidence of:

(a) A current certificate of rabies vaccination for the dog.

431

(b) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property.

(c) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.

The appropriate governmental unit may impose an annual fee for the issuance of certificates of registration required by this section.

(3) The owner shall immediately notify the appropriate animal control authority when a dog that has been classified as dangerous:

- (a) Is loose or unconfined.
- (b) Has bitten a human being or attacked another animal.
- (c) Is sold, given away, or dies.
- (d) Is moved to another address.

Prior to a dangerous dog being 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 act and implementing local ordinances, even if the animal is moved from one local jurisdiction to another within the state. The animal control officer or law enforcement officer must be notified by the owner of a dog classified as dangerous that the dog is in his jurisdiction.

(4) It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner

432

that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any 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 sight and only members of his 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.

(5) Hunting dogs are exempt from the provisions of this act 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 the provisions of this act when engaged in any legal procedures. However, such dogs at all other times in all other respects shall be subject to his and local laws. Dogs that have been classified as dangerous shall not be used for hunting purposes.

(6) This section does not apply to dogs used by law enforcement officials for law enforcement work.

(7) Any person who violates any provision of this section is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500.

**Section 23. Attack or bite by dangerous dog; penalties: confiscation; destruction.**

(1) If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the owner is guilty of a misdemeanor of the

433

first degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length or time, or impounded and held for 10 business days after the owner is given written notification under Section 22 and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under Section 22. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

(2) If a dog that has not been declared dangerous attacks and causes severe injury to or death of any human, the dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time or held for 10 business days after the owner is given written notification under Section 22 and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under Section 22. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure. In addition, if the owner of the dog had prior knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog is guilty of a misdemeanor of the second degree, punished as provided in s. 775.082 and s. 775.083.

(3) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner is guilty of a felony of the third degree,

434

punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time or held for 10 business days after the owner is given written notification under Section 22, and thereafter destroyed in an expeditious and humane manner. This 10 days time period shall allow the owner to request a hearing under Section 22. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

(4) If the owner files a written appeal under Section 22 or this section, the dog must be held and may not be destroyed while the appeal is pending.

(5) If a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner is not guilty of any crime specified under this section.

**Section 24. Citation.** An animal control officer or law enforcement officer shall issue a citation to any owner or keeper of a dangerous or aggressive animal found in violation of any of the provisions of this ordinance. In addition to the issuance of a citation, an animal control officer or law enforcement officer may impound the animal when it is found in violation of any of the provisions of this ordinance.

**Section 25. Impoundment.** (a) An animal control officer or law enforcement officer shall impound any animal which, subsequent to its classification as a dangerous or aggressive animal, bites, wounds, attacks, or kills, or assists in biting, wounding, attacking, or killing, any person or domestic animal. Such animal shall remain

435

impounded pending the determination of the disposition of the animal. The impoundment shall be at the owner's expense. Owners of animals classified as dangerous or aggressive are required to have a permit.

(b) The fee for the permit shall be \$50.00.

(c) At the time the permit is issued, a red circular tag shall be issued to the owner or keeper of the dangerous or aggressive animal. Such tag shall be worn at all times by the animal to clearly and easily identify it as a dangerous or aggressive animal.

(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 26. Notification of change of status.** (a) The owner or keeper of a dangerous or aggressive animal shall notify the animal control officer or law enforcement 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 or law enforcement 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 or law enforcement 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 or law enforcement officer prior to such change of address, sale, transfer or trade. The owner or keeper shall provide the animal



43b

control officer or law enforcement 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.

(c) Any person receiving an animal classified as dangerous or aggressive must obtain the required permit, tag, and enclosure prior to the acquisition of the animal. Any person obtaining an animal classified as dangerous or aggressive shall comply fully with the provisions of this article pertaining to the maintenance, control, and ownership of a dangerous or aggressive animal.

**Section 27. Neutering.** Any animal classified as dangerous shall not be used for breeding. Animals classified as dangerous shall be neutered by a licensed veterinarian within 30 days of such classification unless:

- (1) A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or
- (2) A licensed veterinarian certifies in writing that neutering the animal would be injurious to the animal's health, provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be neutered immediately after the health condition has been corrected.

**Section 28. Tattoo.** (a) any animal classified as dangerous shall be tattooed by a licensed veterinarian or by a trained tattooist at the expense of the owner or keeper of such animal. The tattoo shall be placed on the inside rear thigh with a number

437

corresponding to the number of the permit issued to the owner or keeper at the time of the animal's classification as dangerous.

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

**Section 29. 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 or law enforcement 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 or law enforcement officer prior to its usage for confinement.

438

**Section 30. Muzzle.** It shall be unlawful for any owner or keeper to allow any dangerous or aggressive animal to be outside of the enclosure unless it is necessary for the animal to receive veterinary care or exercise. In the case of dangerous animals, the animal shall wear a properly-fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the animal's breathing.

**Section 31. Restraint.** Whenever a dangerous or aggressive animal is outside of the enclosure, it shall be restrained by an adult capable of controlling the animal and shall be on a chain of sufficient tensile strength not more than three feet in length.

**Section 32. Signs.** The owner or keeper shall display signs on the premises on which a dangerous animal is maintained warning that a dangerous animal is being harbored on such property. In addition, at least one sign shall be posted on the enclosure in which the dangerous animal is maintained.

**Section 33. Trapping cages allowed to be placed.** The animal control officer or law enforcement officer may place animal trapping cages on private property with the property owner's permission or on public property within the county. An animal trapped or confined shall be in the custody of the County and its officers, and it shall be unlawful and a violation of this ordinance for any person to remove, disengage, release, relocate, alter, damage or destroy, or cause to be removed, disengaged, released, relocated, altered, damaged or destroyed, any trapping cage placed on by the department of animal control, or any animal confined therein.

439

**Section 34. 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 35. 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 36. 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 9<sup>th</sup> day of February 1995.

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:

Jan C. [Signature]  
County Attorney

4410

Notice to Appear-Animal Control Department

Misdemeanor Citation  Civil Infraction

In County of Florida. In the Court designated below the undersigned certifies that he has just and reasonable grounds to believe and does believe that		<input type="checkbox"/> S.O. <input type="checkbox"/> C.P.D. <input type="checkbox"/> Other Case No.		COMPLAINT	
Weekday	Month	Day	Year	At	AM PM
Name (First, Middle, Last, Aliases)					
Street					
City/State					Zip
Date of Birth		Race	Sex	Hgt	Wgt
Place of Birth		Hair	Eyes	SS#	
Occupation			Place of Employment		
Res. Phone	Bus. Phone	Complexion, scars, tattoos			
Driver Lic. #					
State		Type	Year Expires		

Upon a public street or highway, or other location, namely:

Did unlawfully commit the following offense:

In violation of State Statute  Local Ordinance  Section \_\_\_\_\_  
Narrative:

Mandatory Appearance in Court on \_\_\_\_\_ (day of week) \_\_\_\_\_ (month) \_\_\_\_\_ (day) 19\_\_ at \_\_\_\_\_ a.m./p.m.  
 You need not appear in Court, but must comply with instructions on back.

Co-defendant(s) \_\_\_\_\_

If required to appear in court I understand I do not have the option of paying a fine in lieu of appearing in court. I agree to appear at the time and place designated above to answer the offense charged. I understand that should I willfully fail to appear before the Court as required by this Notice to Appear, that I may be held in contempt of Court and a warrant for my arrest shall be issued.

\_\_\_\_\_  
Signature of Defendant

I swear the above and reverse and attached statements are true and correct to the best of my knowledge and belief.

ID# \_\_\_\_\_

\_\_\_\_\_  
Signature of Officer

NOTIFICATION TO INDIVIDUAL CHARGED  
COURT APPEARANCE NOT REQUIRED

Your failure to answer this summons in the manner prescribed will result in a warrant being issued for a separate and additional charge.

INSTRUCTIONS

You must elect one of the following options and respond to this Notice on or before \_\_\_\_\_, 19\_\_.

(1) If you desire to plead guilty or nolo contendere (no contest) and you need not appear in court as indicated on the fact of this Notice, you may present this Notice at:

Mr. Vernon Ross  
Clerk of the Circuit Court  
Liberty County Courthouse  
Bristol, Florida 32321  
(904) 643-5404

Monday through Friday  
8:00 a.m. through 5:00 p.m.

and pay a fine of \$ \_\_\_\_\_ to the Clerk of the Court at the address indicated above. IF NO FINE IS INDICATED, Contact the Clerk of the Court at the address or telephone number above for instructions.

The Waiver below must be completed and returned with your remittance. **Read carefully!!**

In consideration of my not appearing in court, I, the undersigned, do hereby enter my appearance on the affidavit for the offense charged on the other side of this Notice and waive the reading of the affidavit in the above named cause and the right to be present at the trial of said action. hereby enter my plea of guilty or nolo contendere, and waive my right to prosecute, appeal, or error proceedings.

I understand the nature of the charge against me; I understand my right to be represented by counsel and waive this right and the right to a continuance. I waive my right to trial before a judge or jury. I plead  GUILTY or  NOLO CONTENDERE to the charge being fully aware that my signature to this plea will have the same effect as a judgment of the court.

\_\_\_\_\_  
Defendant Signature  
Address: \_\_\_\_\_

CERTIFIED CHECK or MONEY ORDER payable to

CLERK OF THE COURT

No personal or business checks accepted

(2) If you desire a court hearing rather than paying the prescribed fine you MUST contact the Court Clerk to arrange a hearing. Fine not to exceed \$500.00

IF YOU FAIL TO PAY THE CIVIL PENALTY within the time allowed, or fail to appear in court to contest the citation, you shall be deemed to have waived your right to contest the citation and that, in such case, judgment may be entered against you for an amount up to the maximum civil penalty.