

Sec. 10-1. - Definitions.

Animal means every living dumb creature.

Animal control authority means an entity acting alone or in concert with other local governmental units and authorized by them to enforce the animal control laws of the city, county, or state.

Animal control officer means any person duly employed or appointed by the animal control authority, who is authorized to investigate, on public or private property, and to issue citations as provided in this chapter. An animal control officer is not authorized to bear arms or make arrests.

Animal enclosure means any pet store, pet shop, animal shelter, kennel, sty, barnyard, impoundment area or other area where animals are housed and kept, whether for retail, breeding purposes or as household pets.

Animal shelter means the offices of the animal control authority where an impoundment area for animals is provided.

Barnyard animals means all animals of the equine, bovine or swine class and includes goats, sheep, mules, horses, hogs or cattle and domesticated poultry.

City council means the elected governing board of Crestview, Florida.

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

Dangerous or vicious animal means any animal which shall bite or in any manner attack or attempt to attack or kill any person or domestic animal, shall be deemed a dangerous and vicious animal, except that no animal shall be deemed dangerous or vicious if any person or domestic animal is unlawfully upon the owner's or keeper's premises. Any dog that has been used primarily or in part for the purpose of dog fighting, or is a dog trained for dog fighting shall be deemed as a dangerous or vicious animal.

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

Hobby breeder means any person who owns or breeds purebred dogs or pedigreed cats primarily for personal recreational use. Personal recreational use may include participation in recognized conformation shows, hunting, field or obedience trials, racing, specialized hunting, working or water trials, and may include improving the physical soundness, temperament, and conformation of a given breed to standard or for the purpose of guarding or protecting the owner's property.

Livestock means all domestic animals kept for use on a farm or raised for sale and profit.

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.

Pet shop means any place or premises at which the primary purpose is the keeping of pet animals, exclusive of those animals regulated and controlled by the state fresh water fish and game commission, for retail or wholesale purchase.

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 together with visible signage warning persons of the presence of a "bad dog." 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.

Public road means any streets, sidewalk, alley, highway, or other way open to travel by the public including rights-of-way, bridges and tunnels.

Residential area means any area in the city so designated by current zoning or area developed with residential structures within the commercial or industrial zoning district having residential use only.

Stable means those premises at which horses or equines are kept commercially for boarding, riding, breeding, training, or resale purposes.

Sterilization means dogs and cats rendered permanently incapable of reproduction by surgical alteration, implantation of a device, or other physical means, or permanently incapable of reproduction because of physiological sterility, but only where the neutered or spayed condition has been certified by a veterinarian licensed in any state.

Unaltered animal means a dog or cat, which has not been neutered, spayed or is otherwise not sterilized.

Wild animal means any living member of the kingdom Animalia, including those born or raised in captivity, except the following:

- (1) The species *Homo sapiens* (human beings).
- (2) The species *Canis familiaris* (domestic dogs, including hybrids with wolves, coyotes, or jackals).
- (3) The species *Felis catus* (domestic cats, excluding hybrids with ocelots or margays).
- (4) The species *Equus caballus* (domestic horses).
- (5) The species *Equus asinus* (asses/donkeys).
- (6) The species *Bos taurus* (cattle).
- (7) The subspecies *Ovis ammon aries* (sheep).
- (8) The species *Capra hircus* (goats).
- (9) The subspecies *Sus scrofa domestica* (swine).
- (10) Domesticated races of the species *Gallus gallus* or *Meleagris gallopavo* (poultry).
- (11) Domesticated races of the species *Mesocricetus auratus* (golden hamsters).
- (12) Domesticated races of the subspecies *Cavia aperea procellus* (guinea pigs).
- (13) Domesticated races of rats or mice (white or albino, trained, laboratory-reared).
- (14) Domesticated races of the species *Oryctolagus cuniculus* (rabbits).
- (15) All captive-bred members of the species of the families *Psittacidae* (parrots, parakeets), *Anatidae* (ducks), *Fringillidae* (finches), and *Columbidae* (doves and pigeons).
- (16) All captive-bred members of the species *Serinius canaria* of the class *Aves* (canaries).
- (17) Domesticated races of the species *Carassius auratus* (goldfish).
- (18) Captive-bred members of the superorder *Teleostei* of the class *Osteichthyes* (common aquarium fish).

(Ord. No. 1061, §§ 2, 3, 8-26-02; Ord. No. 1519, § 2, 5-12-14)

Sec. 10-2. - City designated as bird sanctuary.

- (a) The entire area now embraced by the city is hereby designated as a bird sanctuary.
- (b) Adequate signs shall be erected and maintained at entrance to the city, within the discretion of the council, signifying the designation of the area within the corporate limits of the city as a bird sanctuary.

(Ord. No. 1061, §§ 2, 3, 8-26-02)

Sec. 10-3. - Animal control authority.

The city animal control authority means an entity acting alone or in concert with other local governmental units and authorized by them to enforce the animal control laws of the city, county, or state. Said authority will maintain an establishment (hereafter know as "animal shelter") with adequate food, shelter and emergency care for all impounded animals apprehended in the field or surrendered to the authority.

(Ord. No. 1519, § 3, 5-12-14)

Editor's note— Ord. No. 1519, § 3, adopted May 12, 2014, in effect repealed former § 10-3, and enacted a new section. Former § 10-3 pertained to the animal shelter and derived from Ord. No. 1061, adopted August 26, 2002.

Sec. 10-4. - Impounding officer.

- (a) The animal control officers shall have full and complete authority in the enforcement of this chapter and may pick up, catch, or procure any animal under any circumstance which is a violation of this chapter and cause the animal to be impounded in the animal shelter. An animal shall be subject to pick up and impounding, if the animal is cruelly treated, unlicensed, roaming at large, or stray, or any animal infected with rabies or believed to be so infected; infected with any other contagious or infectious disease, or believed to be so infected, or has been classified as a dangerous or vicious animal.
- (b) Animal control officers may carry a device to chemically subdue and tranquilize an animal.
- (c) The animal control officer shall have authority and be required to impound all unlicensed animals, except for animals confined or fenced in on the owner's premises or under direct control while participating in an organized match, show, trial, or undergoing obedience training. The animal control officer shall also be required to pick up and make humane disposition of any diseased or injured animal in the city. If an owner refuses entrance to his premises to an animal control officer attempting to enforce this chapter, such officer shall contact the police department and proceed on the owner's premises in the company of the officer with such legal authority as is necessary to lawfully enter the owner's premises for the purpose of enforcing this chapter. The animal control officers are hereby authorized to issue citations and notices to appear for the violation of this chapter when based upon personal investigation and the officer has reasonable and probable grounds to believe that a violation has occurred.

(Ord. No. 1061, §§ 2, 3, 8-26-02)

Sec. 10-5. - Fees.

- (a) The impound and other fees collected by the animal control authority shall be retained by the authority to assist in offsetting the costs to the city for animal control. Other disposition of fees collected by the animal control authority will be determined under contract agreement between the city and the animal control authority.
- (b) The animal control authority is authorized to establish rules and regulations relating to the care, custody, control and disposal of animals, which, in the opinion of the impounding officer, will further guarantee and protect the health and safety of the citizens of the city.

(Ord. No. 1061, §§ 2, 3, 8-26-02; Ord. No. 1519, § 4, 5-12-14)

Sec. 10-6. - Citations.

- (a) *Format.* A citation and notice to appear shall be in the form prescribed by the animal control authority, and when issued, shall constitute notice that an officer has probable cause to believe an infraction of this chapter has been committed and that the cause will be heard in the county court in and for the city. Exclusive jurisdiction and authority shall be in the county court to dispose of or make adjudication based upon a citation once it has been issued. A citation shall include the following:
- (1) The date and time of issuance.
 - (2) The name and address of the person.
 - (3) The date and time the civil infraction was committed.
 - (4) The facts constituting probable cause.
 - (5) The ordinance violated.
 - (6) The name and authority of the officer.
 - (7) The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear in court as required by subsection (c) of this section.
 - (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, then he shall be deemed to have waived his right to contest the citation and that in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
 - (11) A conspicuous statement that if the person is required to appear in court as mandated by subsection (c) of this section, he does not have the option of paying a fine in lieu of appearing in court.
- (b) *Issuance.* For violation of any of the provisions of sections 10-7, 10-8 and 10-10, the animal control officer shall have the discretion to either issue a warning with no civil penalty, issue a citation for a fine in the amount specified in the animal control fee resolution as approved by the city council, or a notice to appear in court as required by this section. Any person cited for violation of this chapter under this section shall be deemed to be charged with a civil infraction and cited to appear in court. Any person cited for an infraction under this chapter shall sign and accept a citation acknowledging receipt of the citation and indicating a promise to appear in county court if such person wishes to contest the charge, or if mandated to appear in court as required by this subsection (c) of this section.
- (c) *Mandatory court appearance.* Court appearance shall be mandatory for violations of this chapter involving the unprovoked biting, attacking or wounding of a domestic animals or human being; the destruction or loss of personal property; second or subsequent violations of animal cruelty laws; and/or violations resulting in the issuance of a third or subsequent citation to a person or persons within the same household. In the event mandatory court appearance is required, the citation must clearly inform the person of such mandatory appearance, and records shall be maintained by animal control regarding such cases. Persons required to appear in court do not have the option of paying the fine instead of appearing in court.
- (d) *Payment of civil penalty.* Any person cited with a violation of this section may pay the civil penalty within ten days of the date of receiving the citation. If the person cited follows the above procedure, he shall be deemed to have admitted the civil infraction and to have waived his right to a trial on the issue of commission of the violation.
- (1) If a person fails to pay the civil penalty within ten days of receipt of the citation, the clerk of the court shall issue a notice to appear. An additional amount shall be assessed as a late fee for each penalty paid after the initial ten-day period in accordance with the fee resolution as established by the board of county commissioners.

- (2) If a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required by subsection (c) of this section, the court may issue an order to show cause upon the request of the governing body of the county or municipality. This order shall require such persons to appear before the court to explain why actions on the citation have not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person shall be held in contempt of court.
- (e) *Liability for penalty.* In the event an animal is impounded for violation of this chapter and the owner of the animal abandons the animal to the animal control authority, the owner shall remain liable for the civil penalties and any other actions imposed for violation of this chapter.
- (f) *Refusal to sign or accept citation.* Any person refusing to sign and accept a citation shall be in violation of this chapter, and shall be punished as provided for in section 10-20.

(Ord. No. 1061, §§ 2, 3, 8-26-02; Ord. No. 1519, § 5, 5-12-14)

Sec. 10-7. - Vaccination of animals required.

Unvaccinated animals . The animal control officer shall impound wherever found any dog or cat not vaccinated as required by general law. An animal impounded under this section shall be vaccinated by the county veterinarian and licensed prior to redemption provided the owner pays any impounding fee and charges established pursuant to this chapter.

(Ord. No. 1061, §§ 2, 3, 8-26-02; Ord. No. 1519, § 6, 5-12-14; Ord. No. 1529, § 2, 7-14-14)

Sec. 10-8. - Unlicensed animals prohibited.

Any person who shall own, keep or harbor any dog or cat within the city that is not licensed may be cited for a civil infraction and punished as provided in this chapter. The lack of a license tag on the collar or harness of a dog or cat or the lack of approved license marking shall be deemed prima facie evidence of the violation of this chapter.

(Ord. No. 1061, §§ 2, 3, 8-26-02)

Sec. 10-9. - Barnyard animals.

No person shall keep or permit to run at large in the city any animals of the equine or swine class and includes goats, sheep, mules, horses, hogs or cattle and domesticated poultry.

(Ord. No. 1061, §§ 2, 3, 8-26-02)

Sec. 10-10. - Animal control.

- (a) *Generally.* Animals are prohibited from roaming freely among the public within the city unless such animal is specifically excepted as further set out in this section.
- (b) *Public places.* Animals are prohibited from public places in the city such as airports, hotels, restaurants, theaters, public conveyances, grocery stores, or other establishments serving food, beverages or staple foods, and at public gatherings such as outdoor festivals, fairs, etc. Animals so found, whether roaming or on direct control by the owner, may be impounded.
- (1) It shall be unlawful for the owner of an animal to allow his animal in public places of the city such as school grounds, school bus stops, public parks, beaches, and playgrounds.

- (2) It shall be unlawful for the owner of an animal to allow his animal, whether roaming at large or on a leash or otherwise under his control on recreational areas.
 - (3) Provided, however, no animal owner shall be prohibited from permitting his animal within 50 feet of a building which the animal owner owns or leases.
- (c) *Exceptions.* These restrictions relating to public places, schools, parks, beaches and recreational areas shall not apply to:
- (1) Animals utilized by law enforcement agencies, while engaged in law enforcement activity.
 - (2) Animals trained to assist the persons with disabilities, provided such animal is in the company of such person.
 - (3) The showing and training of dogs and the use of animals in educational presentations in appropriate locations of auditoriums, schools, parks, parking lots, armories, theaters, and similar public or privately owned areas.
 - (4) The transportation of animals by airlines at the airport in the county.
- (d) *Female animals in season.* The owner of any female animal in heat shall keep such animal confined in a building or secure enclosure, veterinary hospital, or boarding kennel in such a manner that such female animal cannot come in contact with another animal, except for intentional breeding purposes. An owner who does not keep the female animal confined while in season shall be guilty of a civil infraction and punished as provided in section 10-20. This section shall not apply to female animals entered in organized shows.
- (e) *Animal nuisances prohibited.* Any animal or animals that habitually or continuously bark, howl, or otherwise disturb the peace and quiet of the inhabitants of the city or are permitted to cause damage to personal property or defecate upon the property of others or are kept or maintained in such a manner as to disturb by noxious or offensive odors or otherwise endanger the health and welfare of the inhabitants of the city are declared to be an animal nuisance. Any person who keeps, harbors, or maintains an animal nuisance as defined above, shall be guilty of a civil infraction and punishable as provided in section 10-20.
- (f) *Removal of canine waste and requirement for possession of device for removal in the city.*
- (1) It shall be the duty of each person who is in the company of or responsible for a dog on areas other than the property of such person to remove any feces left by his dog on any yard, sidewalk, gutter, street, right-of-way, or other public or private place.
 - (2) It shall further be the duty of any person while in direct control of a dog to have in his possession a plastic bag or "pooper scooper" or other such device sufficient for his use in the removal of canine waste.
 - (3) Violators of this section shall be guilty of a civil infraction and punishable pursuant to section 10-20.
- (g) *Animal enclosures.*
- (1) The owner or keeper of an animal enclosure shall not sell, trade or give away any dog or cat, over four months of age, unless the dog or cat has been vaccinated. Appropriate records shall be maintained in accordance with F.S. § 828.30, as it may be amended.
 - (2) The animal control authority shall be permitted to inspect any animal enclosure, animal records, and all animals and the premises where such animals are kept at any reasonable time during normal business hours where the officer has probable cause to believe a violation of this chapter exists to ensure compliance with all provisions of this chapter.
- (h) *Animals not under owner control.* It shall be a violation of this chapter for any animal to be off the premises of its owner or person responsible for the animal, without it being under the direct control of its owner, person responsible therefor, or other person. Animals not under direct control shall be considered unlicensed animals and private nuisances and may be seized, restrained, impounded, and disposed of as provided by this chapter for any unlicensed animal.

- (i) *Domesticated animals.* Domesticated animals shall not be chained, tied, fastened or otherwise tethered to dog houses, trees, fences, or other stationary objects as a means of confinement to property.

(Ord. No. 1061, §§ 2, 3, 8-26-02; Ord. No. 1519, § 7, 5-12-14; Ord. No. 1529, § 3, 7-14-14)

Sec. 10-11. - Reserved.

Sec. 10-12. - Disposition of animals.

- (a) *Generally.* Animals, which are picked up, caught or procured because of a violation of this chapter, shall be impounded in a shelter maintained by the animal control authority, disposition will be in accordance with all city and county ordinances, and state statutes, relating to animal control. An animal suspected or displaying symptoms of rabies shall be quarantined for the required period and animals having infectious or contagious diseases shall be segregated from other animals. It is unlawful for an animal control officer to dispose of animals by destroying them unless such animals are put to death in a humane manner.
- (b) *Redemption of impounded animals.*
 - (1) If any animal is impounded and such animal is not redeemed within five consecutive business days of impoundment of such animal excluding the day of impoundment, the animal control officer, without notice to the owner of such animal, if any, may dispose of the animal. However, if the owner of the animal is known to, or can be identified by, the animal control officer by reason of some marking or collar attachment on the animal, the animal control officer shall notify the owner of the fact that his animal has been impounded and that he may redeem his animal within five business days of notification. The final day of the five-day period shall only occur on a day in which the facility in which the animal is impounded is open for normal operating activities.
 - (2) The owner or owner's agent shall be entitled to resume possession of any impounded animal upon compliance, if applicable, of the licensing provisions in this chapter and the payment of impoundment fees, service fees, and board fees established pursuant to this chapter. Proof of ownership shall be established by way of a license and rabies vaccination certificate, bill of sale, photograph, affidavits from neighbors, or other reliable documentary evidence. The animal regulation division may also require a sworn statement of ownership.
 - (3) These provisions requiring notice and redemption shall not apply in those circumstances where the animal has been impounded because of animal cruelty. No animal suspected of rabies shall be released before the expiration of the required quarantine period.
- (c) *Failure to claim.* In the event the owner of any animal impounded under any section of this chapter fails to reclaim it within the time period established by the animal control authority, the animal control authority may make such disposition as provided in their rules and regulations.
 - (1) It is lawful for the animal control officer to release suitable, unclaimed animals to new owners on payment of required fees and provided that any animal, so released, is vaccinated and licensed as required by section 10-7. New owners shall enter into a written agreement with the animal control authority, guaranteeing that the animal will be sterilized within 30 days of the release to the new owner or upon the animal's sexual maturity.
 - (2) In the event an owner of an unaltered animal impounded for the third time (recurring impoundment) wishes to reclaim it within the appropriate time, animal control shall require the owner to spay or neuter such animal as a condition of reclaiming it, unless a veterinarian certifies to animal control that the animal should not be spayed or neutered due to the health or a condition of the animal.
 - (3) It shall be a violation of this chapter for any new owner who has entered into such an agreement; not to have the animal sterilized as required by this section.

- (d) *Diseased or injured animals.* In the event any animal is impounded because of any infectious or contagious disease or injury, the animal control authority shall have full and complete authority to procure the services of a trained veterinary surgeon, in order to treat such disease or injury, if in the opinion of such persons it can be successfully treated. Further, in the event the veterinarian and such animal control officer is of the opinion that the health and safety of the citizenry of county would be jeopardized by the continued existence of such infected animal or injured animal, then such animal may be destroyed and the remains disposed of without compensation being paid to the owner.
- (e) *Disposition of animal remains.*
 - (1) Any animal as defined in this chapter killed or found dead on public property, shall be disposed of by the person or agency agreed upon in the contract with the animal control authority.
 - (2) Any person may, on his own real property, bury or dispose of any dead animal; provided such person places not less than three feet of earth over the carcass of the animal.
 - (3) The owner of any dead animal may request the animal control authority to pick up and dispose of such animal. The animal control officer shall charge and collect from the owner, for the disposition of such dead animal, a fee established by the animal control authority.

(Ord. No. 1061, §§ 2, 3, 8-26-02; Ord. No. 1519, § 8, 5-12-14)

Sec. 10-13. - Dangerous or vicious animals.

- (a) The owner of any dangerous or vicious animal shall confine the animal in a secure or proper enclosure. The owner and/or any person who shall release, either willfully or through a failure to exercise due care or control, or take such animal out of such secure or proper enclosure in such a manner which is likely to cause injury to another person or damage to the property of another person shall be in violation of this chapter and punished as a civil infraction as provided for in section 10-20.
- (b) Further, in accordance with the provisions of F.S. ch. 767, individuals may provide duly sworn formal complaints to the animal control authority, requesting that a dog be classified as "dangerous."
 - (1) Such formal complaints shall be executed by a minimum of two individuals who reside in separate households who have witnessed the dangerous actions of the dog. An animal control authority shall investigate reported incidents involving dogs that may be dangerous and shall require sworn formal complaints from individuals desiring to have a dog classified as dangerous. The animal control authority shall determine if a dog is to be classified as dangerous and shall immediately provide written notification by registered mail or certified hand delivery to the owner of a dog that has been classified as dangerous.
 - (2) 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.
- (c) Within 30 days after a dog has been classified as dangerous, 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. The animal control authority is authorized to issue such certificates of registration and renewals only to persons who are at least 18 years of age and who present to the animal control authority sufficient evidence of:
 - (1) A current certificate of rabies vaccination for the dog;
 - (2) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property;
 - (3) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation; and

- (4) Payment of annual registration fee to animal control authority. The appropriate governmental unit may impose an annual fee for the issuance of certificates of registration required by this section.
- (d) The owner shall immediately notify the appropriate animal control authority when a dog that has been classified as dangerous:
 - (1) Is loose or unconfined;
 - (2) Has bitten a human being or attacked another animal;
 - (3) Is sold or given away, or dies; or
 - (4) Is moved to another address.
- (e) 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 chapter, even if the animal is moved from one local jurisdiction to another within the state. The animal control officer or appropriate agency of another jurisdiction must be notified by the owner of a dog classified as dangerous that the dog is in his jurisdiction.
- (f) 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 shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any person or animal. When being transported, such dogs shall be safely and securely restrained within a vehicle.
- (g) Any dog deemed dangerous or vicious as a result of the dog aggressively attacking and causing severe injury to a human or a domestic animal shall be impounded by the animal control authority as provided for in section 10-5, and the dog shall be held at the city animal shelter for ten business days including the day of impoundment and thereafter destroyed in an expeditious and humane manner.
- (h) Hunting dogs are exempt from the provisions of 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 the provisions of this chapter when engaged in any legal procedures. However, such dogs at all times in all respects shall be subject to this chapter. Dogs that have been classified as dangerous shall not be used for hunting purposes.
- (i) This section does not apply to dogs used by law enforcement officials for law enforcement work.
- (j) A violation of any provision of this section shall be a civil infraction punishable pursuant to section 10-20. Notwithstanding the preceding, the amount of the civil penalty for a violation of subsections (c), (d) and (e) of this section, shall be the amount established by resolution of the city council, which, from time to time, may be amended, and which is by reference made a part hereof.

(Ord. No. 1061, §§ 2, 3, 8-26-02; Ord. No. 1519, § 9, 5-12-14)

Sec. 10-14. - Poisoning animals prohibited.

Any person who shall poison, or aid, abet or assist in the poisoning, or putting out or placing of poison at any point or place outside of buildings where animals may secure the such poison shall be in violation of this chapter and punished as provided for in section 10-20.

(Ord. No. 1061, §§ 2, 3, 8-26-02)

Sec. 10-15. - Cruelty to animals.

- (a) It shall be unlawful for any owner or person to be cruel to an animal by cruelly beating, torturing, mutilating, clearly failing to provide food, drink or shelter, ventilation, exercise, necessary veterinary care or to abandon animals.
- (b) It shall be unlawful for any owner or person in possession of an animal or who has charge or custody of an animal to suffer injury or malnutrition or to abandon any animal in a street, road, or public place without providing for the care, sustenance, protection and shelter of such animal, or to impound or confine any animal in a place or enclosure without supplying such animal with a sufficient quantity of good and wholesome food and water and air, during such period of confinement, or to abandon any animal that is maimed, sick, infirmed, or diseased. In addition, the provisions of F.S. § 828.13, as may be amended, are hereby adopted and such prohibitions as contained therein are incorporated by reference.
- (c) It shall be unlawful for any person who shall have knowledge that an animal was struck by a vehicle under the person's control, to fail to render first aid to such animal by taking it to a veterinarian or by notifying either the owner, the animal control authority, the police or the sheriff.
- (d) It shall be unlawful for any person to transport any dog or other animal in a motor vehicle on any public street, when such animal is not fully enclosed within the vehicle or confined in a container, cage or like enclosure, or temporarily secured or tethered in a manner that will prevent the animal from falling or jumping from the vehicle.
- (e) Any person cruel to an animal as provided in this section shall be in violation of this chapter and punished as provided in section 10-20.

(Ord. No. 1061, §§ 2, 3, 8-26-02; Ord. No. 1519, § 10, 5-12-14)

Sec. 10-16. - Animals killed or injured by motor vehicles.

The driver of an automobile, which strikes and accidentally kills or injures an animal roaming at large in violation of this chapter, shall not be subject to liability to the owner of such animal.

(Ord. No. 1061, §§ 2, 3, 8-26-02)

Sec. 10-17. - Animals trained to assist persons with disabilities, allowed in public places.

It shall be a violation of this chapter for any person owning, operating, or maintaining any public place of business or conveyance into which the general public is invited for any business purpose to exclude therefrom any animal which has been trained to assist persons with disabilities, provided that such animal is in the company of the person it is assisting. Violation of this section shall be a civil infraction punishable pursuant to section 10-20.

(Ord. No. 1061, §§ 2, 3, 8-26-02; Ord. No. 1519, § 11, 5-12-14; Ord. No. 1529, § 4, 7-14-14)

Sec. 10-18. - Interfering with animal control officer, or injuring animal control authority shelter, or releasing animals prohibited.

Any person who shall in any manner interfere with, hinder, resist, obstruct, or molest the animal control officer in the performance of his duty, or without authority of a court having jurisdiction to try violations of this chapter seek to release or remove any animal from the custody of the animal control officer, or tear down, burn, deface, destroy, or otherwise injure any animal control authority shelter, animal control vehicle or equipment, or enclosure thereof shall be in violation of this chapter and punished as provided for in section 10-20.

(Ord. No. 1061, §§ 2, 3, 8-26-02; Ord. No. 1519, § 12, 5-12-14)

Sec. 10-19. - Concealment of animals, scientific experimentation and related acts prohibited.

- (a) Any person who shall hold, hide, or conceal any animal to which he does not have legal title shall be in violation of this chapter and punished as provided for in section 10-20; provided, however, that no person shall be in violation of this section if he shall have reported his possession of such animal to the animal control authority within 24 hours after acquiring possession of such animal.
- (b) It shall be unlawful for any person, firm, organization or corporation to deliver, sell, offer or give any animal to any person, firm, organization or corporation for scientific experimentation which involves any cruel or inhumane treatment.
- (c) No traveling animal exhibit shall be allowed within the city such as roadside zoos, menageries, petting zoos, etc., unless it is a special event where all applicable state and local permits have been obtained.
- (d) No person may sponsor, promote or train a wild animal to participate in, contribute to the involvement of a wild animal in, or attend as a spectator any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activities, irrespective of whether or not a fee is charged to spectators and regardless of whether or not a permit to own, possess or have custody of a wild animal has been issued as provided in this chapter.

(Ord. No. 1061, §§ 2, 3, 8-26-02; Ord. No. 1519, § 13, 5-12-14)

Sec. 10-20. - Exemption from provisions of chapter.

- (a) Hospitals, clinics, and other premises operated by a licensed veterinarian for the care and treatment of animals are exempt from the provisions of this chapter, except where expressly stated.
- (b) The licensing requirements of sections 10-7 and 10-8 shall not apply to any animal belonging to a nonresident of the city and kept within the city for not longer than 30 days; provided the animal has been vaccinated against rabies and the owner shall at all times comply with all other provisions of this chapter; or to any animal welfare organization, corporation not-for-profit and tax exempt from the state, or any greyhound breeder who holds an occupational license or state, issued "greyhound owner's license" provided all other provisions of this chapter have been complied with and such animal enclosures shall continue to be subject to periodic inspection upon probable cause.

(Ord. No. 1061, §§ 2, 3, 8-26-02)

Sec. 10-21. - Penalties.

- (a) A violation of this chapter is a civil infraction, except as provided for in subsection (f) and subsections (g)(1), (2) and (3) of this section.
- (b) The maximum civil penalty for a civil infraction shall not exceed \$500.00.
- (c) By resolution, the city council shall establish the amount of any civil penalty for a civil infraction. Such resolution may be amended from time to time and is incorporated by reference and made a part hereof. In addition to each civil penalty, there is hereby imposed a surcharge of \$5.00 for violations involving animal control or animal cruelty. Funds received shall be used for animal control expenses.
- (d) Any person paying a penalty pursuant to a civil infraction violation of this chapter shall be deemed to have admitted the violation. In no event shall a penalty amount, when a person admits without

contesting the violation, exceed the limits specified in the animal control fee resolution as approved by the board of city council.

- (e) An individual who contests the violation and after trial is found in violation of the provisions of this chapter, except as provided below, shall be guilty of a civil infraction and punished by a fine of not less than \$50.00 and not more than \$500.00.
- (f) Any person who willfully refuses to accept and sign a citation or notice to appear shall be in violation of this chapter and shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 828.27, as it may be amended.
- (g) Any person who owns a dog which aggressively attacks or injures or attempts to attack or injure a person or another animal shall be in violation of this chapter, and the citation issued to such person shall not permit payment of a civil penalty in lieu of court appearance and the owner shall be prosecuted as follows:
 - (1) The owner of a dog which has not been previously declared dangerous under the provisions of section 10-14 and which aggressively attacks and causes severe injury to or death of any person or domestic animal without provocation, upon conviction, shall be guilty of a second degree misdemeanor punishable as provided in F.S. § 775.082 or 775.083, as it may be amended.
 - (2) The owner of a dog which has previously been declared dangerous in accordance with section 10-14 and which aggressively attacks or bites a person or a domestic animal without provocation, upon conviction, shall be guilty of a first degree misdemeanor punishable as provided in F.S. § 775.082 or 775.083, as it may be amended.
 - (3) The owner of a dog which has been previously declared dangerous in accordance with section 10-14, which aggressively attacks or bites and causes severe injury to or the death of any person, upon conviction, shall be guilty of a third degree felony, punishable as provided in F.S. § 775.082, 775.083 or 775.084, as it may be amended.

(Ord. No. 1061, §§ 2, 3, 8-26-02; Ord. No. 1519, § 14, 5-12-14)

Sec. 10-22. - Complaints for violations.

- (a) Individuals may present formal complaints to the animal control authority, in the form of an "affidavit of complaint," signed by two or more residents of the city, where each complainant resides in a separate dwelling in the vicinity of the claimed violation, and when such affidavit has been made under oath before an individual authorized by law to take acknowledgments. Such affidavit must set forth the nature of and the date of the act claimed to violate this chapter.
- (b) Upon receipt of a proper affidavit, the animal control authority shall investigate the complaint to determine whether a violation of this chapter has been committed. In the event the act complained of constitutes a violation of this chapter, the animal control authority shall enforce this chapter pursuant to the provisions of section 10-20 and as otherwise provided in this chapter.

(Ord. No. 1061, §§ 2, 3, 8-26-02; Ord. No. 1519, § 15, 5-12-14)

Sec. 10-23. - Reserved.

Editor's note— Ord. No. 1519, § 16, adopted May 12, 2014, repealed § 10-23, which pertained to the permits for commercial animal establishments and derived from Ord. No. 1061, adopted August 26, 2002.