

**WAKULLA COUNTY ORDINANCE
08-10**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, REPEALING ORDINANCE #95-29, #96-21, and 2000-7 AND ALL ORDINANCES AND RESOLUTIONS ADOPTED PURSUANT THERETO; REPLACING SECTIONS 6.001 THROUGH 6.020.3 IN THEIR ENTIRETY; GOVERNING RABIES VACCINATIONS AND CONTROL, THE RUNNING AT LARGE, HUMANE CARE AND ABANDONMENT OF ANIMALS, DANGEROUS DOGS, FIGHTING OR BAITING OF ANIMALS, RIGHT OF ENTRY, IDENTIFICATION OF OWNERSHIP, ANIMAL LICENSE FEES, AND ENFORCEMENT AND PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Wakulla County, Florida as follows:

- 1. Ordinance #95-29, #96-21, #2000-7 and all ordinances and resolutions adopted pursuant thereto are hereby repealed and replaced as follows:**

ARTICLE I. ANIMAL CONTROL ORDINANCE

Sec. 6.001. Short title.

This article shall be known as the Animal Control Ordinance of Wakulla County, Florida.

Sec. 6.002. Legislative authorization.

This article is enacted in the interest of the public health and safety and general welfare of the citizens and inhabitants of Wakulla County, Florida, pursuant to Florida Statutes §§ 125.01, 705.19, 828.13, 767.01 et seq, 828.01 et seq., and Chapter 90-180, Laws of Florida, as amended, and under the authority of the county to regulate animals located within the county.

Sec. 6.003. Definitions.

As used in the article, the following terms mean:

Abandon: To forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.

Animal: Any domesticated animal or any captive wild animal.

Animal control officer: Any person employed or appointed by Wakulla County who is authorized to investigate, on public or private property, violations relating to animal control and or cruelty, according to F.S. § 828.27, violations of the provisions and [the] Animal Control Ordinance of Wakulla County, Florida.

Animal shelter: Any facility designated by Wakulla County, Florida for the purpose of housing and caring for animals held by the authority of this article or state law.

At large: Any animal, other than a dog, that 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.

Attack: The act by any animal of approaching a domestic animal or a person in such a manner that hostile contact with the other animal or person occurs.

Baiting: To attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, “baiting” means the use of live animals in the training of racing greyhounds.

Board: The Board of County Commissioners of Wakulla County.

Citation: A written notice issued to a person by an animal control officer or designee, stating that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly-enacted ordinance, and that the county court will hear the charge.

Code Enforcement Officer: Any designated employee or agent of a county or municipality whose duty it is to enforce codes and ordinances enacted by the county or municipality, according to F.S. 162.21

County health officer: The person designated by the board pursuant to the definitions in Chapter 154, Florida Statutes, and the Florida Administrative Code, Chapter 10D-3.

Current rabies vaccination: A rabies vaccination administered by a licensed veterinarian which is valid for not less than one (1) year and not more than three (3) years.

Dangerous animal: An animal that has, when unprovoked,

- a) Bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property; or
- b) Has severely injured or killed a domestic animal while off the owner's property.

Provided that such actions as set forth and described in paragraphs a) and b) above are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.

Dangerous Dogs: Any domestic dog, Canis familiars, and any genetic hybridization thereof, whether alone or in member of a pack, that according to the records of the appropriate authority:

- (a) Has aggressively bitten, attacked or endangered, or has inflicted severe injury on a human being lawfully on public or private property;
- (b) Has killed a domestic animal or has more than once severely injured a domestic animal while off the owner's property.
- (c) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or
- (d) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion, or an apparent attitude of attack, providing that such actions are attested to in a sworn

statement by one or more persons and dutifully investigated by the appropriate authority.

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 and 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.

Direct control: Immediate, continuous physical control of a dog at all times such as by means of a leash, cord, or chain of such strength to humanely restrain the dog, and controlled by a person capable of restraining the dog, or humane safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the dog, voice control shall be considered direct control only when the dog is actually participating in training or in official showing, obedience, or field event. Direct control shall not be required of dogs actually participating in a legal sport in an authorized area or to government police dogs.

Director of animal control: The person designated by the board to enforce this chapter as Director of Wakulla County Animal Control.

Domestic animal: Any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry, ostrich, emus, rhea, or other domesticated beast or bird.

Division of Animal Control: The agency designated by the board to enforce the ordinances and law pertaining to animal control and cruelty.

Exposure to rabies: Any person or domestic or captive wild animal which has been bitten by or otherwise exposed to the 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.

Humane or humanely: Marked by compassion, sympathy, or consideration for animals.

Feral animal: Any wild dog or cat, whether it was born in the wild or has reverted to a wild state due to abandonment or lack of domestication.

Fighting: Any fighting between roosters or other birds, or between dogs, bears, or other animals.

Impoundment: The taking up and confining of an animal by the division of animal control in a manner consistent with professionally recognized standards of humane treatment.

Kennel: Any site used for the owning, breeding or boarding of six (6) or more dogs, cats, or combination thereof, of six (6) months or older, for a commercial purpose.

Livestock: Grazing animals, such as cattle, horse, sheep, swine, goats, other hoofed animals, ostriches, emus, and rheas which are raised for private use or commercial purposes.

Neutered or spayed: Rendered permanently incapable of reproduction 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.

Owner: Any person or corporation owning, harboring, or keeping any animal, or in the case of a person under the age of eighteen (18) years of age, that person's parent or legal guardian. This definition shall not apply to any veterinary clinic or boarding kennel.

Person: Any individual, firm, corporation, partnership, organization, or association.

Potential rabies carriers: Any species commonly recognized to be a carrier of rabies, such as, but not limited to raccoons, foxes, bats, bobcats, and skunks.

Public nuisance: Any animal which damages property, chases vehicles or molests passersby; 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 it; or, any animal which causes unsanitary or dangerous conditions to exist; or any feral animal. Public nuisance includes any dog causing aggravation or misery by continuously barking, howling or otherwise disturbing the peace.

Severe Injury: Any physical injury that results in broken bones, multiple bites or disfiguring lacerations requiring sutures or reconstructive surgery.

Shelter: Provision of access to a three-dimensional structure having a roof, walls and a floor, which is dry, sanitary, clean, weather proof and made of durable material. At a minimum, the structure must be:

- (1) Sufficient in size to allow each sheltered animal to stand up, turn around, lie down and stretch comfortably;
- (2) Designed to protect the animal from adverse effects of the weather and provides access to shade from direct sunlight and regress from exposure to inclement weather conditions;
- (3) Free of standing water and accumulated wastewater and debris. Structures with wire, grid or slat floors which permit the animal's feet to pass through the openings, sag under the animal's weight or which otherwise do not protect the animal's feet or toes from injury are prohibited except for birds where perches are provided.

Tethering: A rope, leash, pulley run or other means of constraint which must be attached to the animal by a properly applied collar, halter or harness and configured where as to protect the animal from injury and prevent entanglement with other objects and /or animals.

Veterinarian: A person who is licensed to engage in the practice of veterinary medicine as provided for in Chapter 474, Florida Statutes.

Veterinary hospital or clinic: Any place or facility owned or operated by a licensed veterinarian and used for the practice of veterinary medicine in the diagnosis, treatment, 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 clients.

Unprovoked: Encountering a person who has been conducting himself or herself peacefully and lawfully.

Sec. 6.004. Rabies vaccination required.

(a) Every dog and cat, four (4) months of age or older shall be vaccinated by a licensed veterinarian 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 vaccination would be injurious to the dog 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 shall consist of a rabies vaccination certificate, a rabies vaccination tag and identification tag which shall specify the name and telephone number of the owner of the animal. Said certificate and rabies tag shall be approved by the director of animal control. The rabies vaccination tag issued for one (1) dog or cat shall not be valid for any other dog or cat. Said tags must be placed on the dog or cat.

(c) It is unlawful for any person to remove the rabies vaccination tag or identification 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

(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) 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 the director of animal control or any animal control officer.

(e) ***Compliance with State Administrative Code.*** When any animal bites or wounds a human or when a human or domestic or captive wild animal is bitten by or exposed to

rabies by a suspected or known rabid animal, the owner shall comply fully with Florida Administrative Code, Chapter 10D-3, "Communicable Disease Control."

Sec. 6.005. Potential rabies carriers.

No person shall keep, own, possess, or harbor any rabies carriers, as a personal pet within Wakulla County, Florida. Owners of potential rabies carriers shall be allowed to keep, own, possess, or harbor said animal, provided that they are properly permitted through state or federal agencies. 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. Carriers as defined in this chapter 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 the division of animal control.

Sec. 6.006. Rabies control.

(1.) 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 division of animal control for examination, or for supervised quarantine of the animal at the expense of the owner.

- (a) Any animal which has bitten or exposed a human to rabies shall be quarantined for a period of not less than ten (10) days.
- (b) 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 the Florida Administrative Code, Chapter 10D-3.
- (c) 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 (Florida Administrative Code, Chapter 10D-3).

(d) 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 county health officer or by the division of animal control.

(e) 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 county health officer or to the division of animal control for the investigation of such bite or exposure.

Sec. 6.007. Running at large.

(a) It shall be unlawful for any animal to run or remain at large on any public street, road, park or other public place.

(b) It shall be unlawful for any animal to run or remain at large upon any private property, whether under direct control or not, and posing a threat to public safety, without the consent of the owner of such private property.

(c) It shall be a violation of this article for the owner or keeper of any animal to tie, chain or otherwise tether such animal in such a manner that it has access to public property or the property of another without consent of that property owner.

(d) 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 a manner that such female dog or cat cannot come in contact with a male dog or cat, except for intentional breeding purposes.

(e) **Responsibility.** The owner or keeper of any animal found running or remaining at large shall be responsible for any violation of this article.

(f) **Exceptions:** This section shall not apply to:

(1) Any dog or cat being officially shown-or trained; or

(2) Any animal that is especially trained to assist or provide personal services for a disable person, as define under the American With Disabilities Act.

- (3) Government police dogs.
- (4) Any dog actually engaged in a legal sport, including supervised hunting within authorized areas.
- (e). All dogs shall be physically contained on the property of the owner by fence or other enclosure.

Sec. 6.008. Public nuisances prohibited.

- (a) It shall be unlawful for any person to allow his or her animal to become a public nuisance, as defined in this chapter.
- (b) The owner of any domestic animal which is a public nuisance as defined in this chapter shall be subject to the procedures and penalties set forth in provided ordinances of Wakulla County.
- (c) Any animal which is feral as defined in this chapter shall be classified as a public nuisance, and shall be impounded and humanely euthanized. Feral animals shall not be required to be held for a minimum period of time as required for other stray animals, as specified in ordinances of Wakulla County.
- (d) Any nuisance complaint shall be investigated by either animal control, law enforcement or code enforcement. 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 effort to abate the nuisance within (7) seven calendar days of the written notice of violation, and that subsequent violations may result in the issuance of a citation to the owner for allowing his or her animal to become a nuisance.
- (e) Subsequent violations, after warning, shall be based on the animal control, law enforcement or code enforcement officer having personal knowledge of the nuisance or at least (2) affidavits from different parties residing in close proximity to the alleged nuisance must be received. Close proximity shall mean residing within a radius of 200 feet from the residence or location of the offending animal but shall not preclude the consideration of evidence and testimony of persons living more than 200 feet from the

residence or location of the offending animal. One affidavit may be sufficient to warrant an investigation where there is only one party in close proximity to the alleged nuisance.

Sec. 6.009. Humane care required.

(1) No owner shall fail to provide his or her animal with sufficient and wholesome food and water. The owner is responsible for providing water, shelter and protection from the weather at all times, veterinary care when needed to prevent suffering or disease, and with humane care and treatment, including sufficient exercise space. The owner of an animal shall provide clean water for the animal in a sufficient quantity to maintain the animal in a healthy condition. Water shall be provided at all times in a stable container which is sized appropriately for the animal's species and breed.

(2) Pursuant to F.S.828.12, no person shall:

(a) Unnecessarily overload, overdrive, torture, torment, deprive of necessary sustenance or shelter, unnecessarily mutilate, or kill, or otherwise abuse any animal or cause or permit allow, when such allowance is within the control of the person, the same to be done, or carry upon any vehicle, or other wise, and animal in a cruel or inhumane manner.

(b) No vehicle owner, passenger or operator shall place or confine an animal or allow it to be placed or confined or to remain in an unattended vehicle without sufficient ventilation or under conditions or for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to heat, lack of water, or such other circumstances as may be expected to cause suffering, disability or death.

(c) Officers finding an animal under the conditions reference above may rescue such animal from the vehicle following the policy established by animal control.

(3) Any person who, as the operator of a motor vehicle, strikes a domesticated animal should immediately report such incident to any law enforcement agency or to the division of animal control.

(4) No person shall under any circumstances tether or otherwise confine any animal in a manner that is injurious to the animal's health, safety and well being. Proper and humane tethering includes, but is not limited to the following:

(i) Collars used to attach an animal should be comfortable and properly fitted.

The uses of choke chains are prohibited, except when an owner is walking or exercising their animal, or when the animal 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.

(ii) The tether shall not extend over an object or edge in such a manner that could result in strangulation of or injury to the animal. The length of the tether must be a minimum of ten (10) feet or at least three (3) times the length of the animal measured from the animal's nose to the base of its tail, whichever is greater, unless the tether is being used to secure the animal to the bed of an open vehicle or pick-up truck. Restraints should allow the animal to move about and lie down comfortably.

(iii) Tethering of an animal is prohibited during natural disasters such as flood, fires, tornadoes or hurricanes.

(iv) No animal shall be confined to a vacant or abandoned structure.

Sec. 6.009.1 Abandonment of Animals.

(a) It shall be a violation of this section for a person to abandon or dispose of an animal on the property of another person or on public property.

(b) It is a violation of this ordinance to abandon an animal in a former residence when relocating to a new residence.

(c) After posting a twenty-four (24) hour notice of intent to impound and no attempt by the owner has been made to contact animal control, the animal shall be impounded by animal control.

Sec. 6.010. Dangerous dogs--Adoption of F.S. §§ 767.12, 767.13.

Section 767.12, Florida Statutes (1995), which reads as follows, and any subsequent amendments made by the Florida legislature, are adopted and by reference made a part of this article.

- (1). (a) An animal control authority 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 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 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. However, the animal control authority may at any time impound the dog when, in its discretion, impoundment is necessary to protect the public health , safety, or welfare or to prevent said dog from being relocated. It shall be unlawful for the owner or keeper of such dog to refuse to surrender the dog upon lawful demand to the animal control authority. The owner shall be responsible for payment of all boarding costs, fines imposed and other fees as may be required to humanely and safely keep the dog during impoundment. No animal shall be redeemed to its owner until such costs, fines, and fees are paid or otherwise resolved with 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 provisions 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 of 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 than 5 days after receipt of the request from the owner. The Board of County Commissioners shall establish hearing procedures that conform to this paragraph. If the owner fails to timely requests a hearing, the owner shall be deemed to have waived their rights to appeal the dangerous dog classification.

(d.) Once a dog is classified as a dangerous, 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 14 days after receipt of a written determination of dangerous dog classification and must confine the dog in a securely fenced or enclosed area pending resolution of the appeal.

(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.
- (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 and visible identification of the dog, such as a tattoo.
- (d). Proof of spay or neutering
- (e). Provision to the animal control authority of a photo of the dog that is no older than (30) days old.
- (f). Provision to the animal control authority of a photo of the owner that is no older than (30) days old.

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.
- e. Is stolen.

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 authority must be notified by the owner of a dog classified as dangerous that the dog is in its jurisdiction.

(4) It is unlawful for the owner of a dangerous dog to permit the dog to be outside of a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent adult. The muzzle must be made in a manner the 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 the immediate household or persons 18 years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle, at a minimum, tethered to both sides of the vehicle to prevent the animals from reaching either side.

(5) 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 6.010 when engaged in any legal procedures. However, such dogs at all other times in all other respects shall be subject to this 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 767.13, Florida Statutes (1995), which reads as follows, and any subsequent amendments made by the Florida legislature, are adopted and by reference made a part of this article.

(8) 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 first degree, punishable as provided in § 775.082 or § 775.083. If a dog 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, punishable as provided in § 775.082 or § 775.083, § 775.084. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time, or impounded and held for 14 days after the owner is given written notification under § 767.12, and thereafter destroyed in an expeditious and humane manner. This 14-day time period shall allow the owner to request a hearing under § 767.12. The owner

shall be responsible for payment of all boarding costs, fines imposed and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

- (9) 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 14 days after the owner is given written notification under § 767.12, and thereafter destroyed in an expeditious and humane manner. This 14-day time period shall allow the owner to request a hearing under § 767.12. The owner shall be responsible for payment of all boarding costs, fines imposed 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, punishable as provided in § 775.082 or § 775.083.
- (10) If the owner files a written appeal under § 767.12 or this section, the dog must be held and may not be destroyed while the appeal is pending.
- (11) 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.

Sec. 6010.1 Fighting or baiting of animals is prohibited

- (a) Pursuant to Chapter 828.122 F.S., fighting or baiting animals, in its entirety, no person shall,
- 1.) Bait, use any animal for purpose of fighting or baiting any other animal.
 - 2.) Knowingly own, manage, or operate any facility used for the purpose of fighting or baiting any animal or promote stage, advertise, or charge any admission fee to a fight or baiting between two or more animals.
 - 3.) Bet, or wager any money or other valuable consideration on the fighting or baiting of animals.
 - 4.) Attend the fighting or baiting of any animal(s).

(b) Any animal baited, trained, transported, sold, owned, possessed, or used for the purpose of animal fighting or baiting shall be considered mistreated.

(c) The provisions of subsections (a) (1), (a) (2), and (a) (4) shall not apply to any person:

1. Using animals to pursue or take wildlife or to participate in any hunting regulated or subject to being regulated by rules and regulations of the state fish and wildlife commission.
2. Using animals to work livestock for agricultural purposes.
3. Using animals to hunt wild hogs or retrieve domestic hogs.

(b) Nothing in this section shall be construed to prohibit, impede, or otherwise interfere with recognized animal husbandry and training techniques or practices not otherwise specifically prohibited by law.

(c) Penalty for violation of this section is a felony of the third degree

Sec. 6.010.2. Dangerous animals appeal board.

An appeals board consisting of five (5) members shall be appointed by the Board of County Commissioners to review the initial classification of a dog as dangerous by the animal control authority. The appeals board will hear appeals filed pursuant to section 6.010 (c) of the Wakulla County Code. The appeals board shall consist of citizens knowledgeable in the areas of animal behavior, law enforcement, and/or public health.

Sec. 6.011. Impoundment.

(a) The director of animal control or any animal control officer shall have the authority to enforce this article, and shall pick up, catch, or confine any animal in violation of this article. Each person designated as an enforcement officer, pursuant to Chapter 828, Florida Statutes, may issue to the known owner or keeper of such animal a warning notice or citation as defined in section 6.014.

(b) No person shall refuse to surrender an animal upon lawful demand by the director of animal control or any animal protection officer; or shall interfere with any animal

protection officer who is lawfully apprehending an animal; or shall hold, hide, or conceal any animal which the director of animal control or an animal control officer has deemed to be in violation of this article; or shall take or attempt to take any animal from an animal control officer or from any vehicle used by him or her to transport animals in the legal performance of his or her duties; or shall take or attempt to take any animal from an animal control shelter, a humane live trap, or an animal carrier, without proper authority. A property owner or tenant may restrain in a humane manner any animal found in violation of this article on his or her property. When such restraint is made, the property owner or tenant shall immediately notify the division of animal control. 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 director of animal control or any animal protection officer shall impound any animal delivered by its owner, or shall pick up and impound any animal restrained by a property owner or tenant as described above, and shall dispose of the animal pursuant to this article.

(d) Animals which are impounded and are not suffering from or suspected of having an infectious or contagious disease, shall be held for not less than five (5) working days unless sooner redeemed by the owner. Ill or injured animals may be euthanized prior to the expiration of the five (5) days holding period in accordance with F.S. § 828.05. In instances when the owner of an impounded animal can be determined, the director of animal control or any animal control officer shall make a reasonable attempt to contact the owner before disposition of the animal.

(e) The owner shall be responsible for payment of all boarding costs, fines imposed and other fees as may be required to humanely and safely keep the dog during impoundment. No animal shall be redeemed to its owner until such costs, fines, and fees are paid or otherwise resolved with the animal control authority.

Sec. 6.011.1 Right of entry.

(1) Pursuant to F.S. 828.27, 828.073 and 125.01, the director of animal control and/or any animal control officer may enter public or unfenced private property within the county to carry out the duties imposed by this article.

(2) Pursuant to F.S. 828.27, 828.073 and 125.01 the director of animal control and/or any animal protection officer may enter fenced private property when:

- (a). 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.
- (b). The animal being sought was at large immediately prior to the division of animal control receiving a filed 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 fences and provided that an attempt to contact the owner, if known, was unsuccessful.
- (c) The division of animal control is investigating or taking possession of any animal found or suspected to be neglected or cruelly treated pursuant to F.S. 828.27, 828.073 and 125.01
- (d) Pursuant to F.S. 767.12 and 125.01, the division of animal control is taking possession of any animal initially determined as dangerous or aggressive.

Sec. 6.012. Disposal of impounded animals.

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 for animals impounded pursuant to section 6.011, shall become the property of Wakulla County. Before any animal may be adopted from the animal shelter, provision shall be made for such animal to be neutered or spayed 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 or spayed before its release to the owner.

(2) If said Wakulla County dog or cat is under the age of six (6) months, if female, or eight (8) months, if male, provisions shall be made to have said Wakulla

County dog or cat neutered or spayed between the ages of six (6) and eight (8) months, if female, or eight (8) and ten (10) months, if male.

(3) Upon 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 of a particular animal which makes surgery at the time inadvisable, the director of animal control shall extend the time limits within which the animal must be sterilized.

(4) No animal from the incorporated area of Wakulla County which is dangerous within the meaning of Chapter 90-180, Laws of Florida, as amended, shall be placed for adoption from the animal shelter in the event that the owner does not redeem said animal.

(5) Any animal not redeemed by its owner or adopted as a personal pet within fourteen (14) days of its arrival at the animal shelter shall become the property of Wakulla County Animal Shelter.

(6) Any animal for which its owner is responsible to the animal control authority or animal shelter for boarding fees, costs, or fines shall not be redeemed to its owner until said fees, costs, and fines are paid or otherwise resolved with the animal control authority or animal shelter. If said fees are not paid or otherwise resolved the animal becomes the property of the Wakulla County Animal Shelter.

Sec. 6012.1 Identification of Ownership

(1). Except as otherwise provided, every owner of an animal over the age of four (4) months residing within the geographical areas of Wakulla County must carry identification to identify the animal's ownership including:

- I. Name of Owner
- II. Address of Owner
- III. Phone number of Owner

(2) Unless otherwise provided, all animals are required to wear a rabies tag at all times, unless said animal is implanted with an electronic animal identification device

(microchip) provided the microchip identification code is recorded with the Wakulla County Animal Shelter.

Sec. 6012.2 License Fees

Dogs classified as a “dangerous dog” shall pay a license fee as set by resolution by the Board of County Commissioners.

Sec. 6012.3 Kennel License

Any person operating a Kennel within Wakulla County shall obtain all necessary licenses and approvals from Wakulla County, and shall meet any and all requirements of Florida Law.

Sec. 6.013. Fees.

The board of county commissioners may, by resolution, establish and subsequently amend a fee schedule for the animal shelter which shall be administered by the animal shelter. All fees collected under this section that are not expended in the current fiscal year shall be carried over to the succeeding fiscal year for expenditure for the animal shelter.

Sec. 6.014. Enforcement and 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 article the officer shall either:

- (1) Issue a warning notice of violation to the owner or keeper of the animal, or
- (2) Issue a citation to the owner or keeper of the animal, provided, however, that upon a second conviction within the same household of a violation of sections 6-007, through 6.010.1, the animal shall be confined to the owner's premises by means of an enclosure approved by the division of animal control for restraining the animal and for preventing its escape.

- (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, date and location designated in the citation.
- (c) Any person electing to appear or required so to appear waives the right to pay the minimum civil penalties.
- (d) Penalties shall be in addition to court costs as established by the county court.
- (e) The maximum civil penalty for each violation shall be \$500.00.
- (f) A mandatory court appearance to determine if the animal owner is able to provide adequately for, and have custody of, the animal shall be required for any of the following:
 - (1) Third and subsequent violations of this article
 - (2) Third and subsequent violations which result in the destruction or loss of personal property.
 - (3) Violations which involve more than two (2) animals owned or kept by the person to whom the citation is issued.
 - (4) Violations in which the owner or keeper of the animal in violation has previously evaded or attempted to evade the division of animal control in an effort to circumvent the provisions of this chapter or state law; and
 - (5) Second and subsequent violations of section 6.009, of this chapter, humane care required.
 - (6) Second and subsequent violations which result in the unprovoked biting, wounding, or attacking of a domestic animal or person.
 - (7) Second and subsequent violation of any provision pertaining to dangerous or vicious animals which does not result in injury to a person or domestic animal.
 - (8) Violation of any provision pertaining to dangerous or vicious animals which results in injury to a person or domestic animal.
- (h) Minimum civil penalties for violations of the article not otherwise listed above are as follows:

TABLE INSET:

Code Section	Description of Violation	1st Violation	2nd Violation	3rd Violation & Thereafter
6.011.	Interference with Animal Control	\$50.00	\$75.00	\$250.00
6.007.	Running at Large	\$30.00	\$75.00	\$250.00
6.008.	Public Nuisance Prohibited	\$30.00	\$75.00	\$250.00
6.009.	Humane Care Required	\$250.00	mandatory court appearance	
6.009.1	Abandonment of an animal	\$100.00	\$250.00	
	Violations which result in the destruction or loss of personal property	\$100.00	\$250.00	mandatory court appearance.
	Violations which result in the unprovoked, biting, wounding or attacking of a domestic animal or person	\$450.00 (person) \$250.00 (animal)	mandatory court appearance.	
	Violations of any provision pertaining to a dangerous or vicious animal which does not result in injury to a person or domestic animal.	\$250.00	mandatory court appearance.	
	Violations of any provision pertaining to dangerous or vicious animals which does result injury to a person or domestic animal.	mandatory court appearance.		

(i) In addition to any penalties and/or court costs imposed by this article or the court, there shall be imposed and collected by the clerk of the court a \$5.00 surcharge upon each civil penalty imposed for all citations issued for violations of this article. All funds collected as a direct result of this surcharge shall be placed in a fund by the county to be

utilized for funding training of Wakulla County Animal Control Officers as required by F.S. § 828.27(4)(b).

Sec. 6.014.1 Rules and Regulations.

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

Sec. 6.015. Designation of enforcement officers.

(1.) The Board of County Commissioners of Wakulla County, Florida is hereby authorized to designate certain of its employees in the animal control division as enforcement officers along with Wakulla County Sheriff's department and Division of Code Enforcement. The training and qualifications of the employees for such designation shall be determined by the board.

(2.) The director of animal control, any animal control officer, code enforcement and law enforcement shall have the authority to enforce this article. The director of animal control and each person designated as an animal control officer pursuant to F.S. Ch, 828, may issue to the known owner or keeper of such animal a warning notice or citation as define in section 6.014.

Sec. 6.016. Duties of officers.

It shall be the duty of any person designated as an enforcement officer to enforce the animal control ordinance as determined by the board in conjunction with the designation of the individual enforcement officer.

Sec. 6.017. Officer's authority to issue citation.

Any enforcement officer is hereby authorized to issue a citation for the violation of the animal control ordinance when the officer has probable cause to believe that a violation of the ordinance has occurred. (Chapter 82-319 and Chapter 90-180, as amended, Laws of Florida, and F.S. § 828.27(1) (f).

Sec. 6.018. Contents of citation.

A citation issued by an enforcement officer under the provisions of the act shall be in a form prescribed by the board and shall include:

- (1) The time and date of issuance;
- (2) The name and address of the person accused;
- (3) The date and time the civil infraction was committed;
- (4) The section and number of the animal control ordinance violated;
- (5) The name and authority of the issuing animal protection officer;
- (6) The facts constituting probable cause;
- (7) The time, date, and place at which the person accused shall appear in court;
- (8) The signature of the person accused;
- (9) The procedure for the person to follow in order to pay the specific civil penalty imposed or to contest the citation;
- (10) The maximum civil penalty if the person elects to contest the citation; and
- (11) A conspicuous statement that if the person fails:
 - (a). to pay the civil penalty within the time allowed; or
 - (b). To appear in court to contest the citation, then he or she shall be deemed to have waived his or her 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.

Sec. 6.019. Procedure upon issuance of citation.

1. Once a ticket is issued the person cited shall either (a) pay the ticket in the amount required within ten days; or (b) contact the Clerk's office within ten (10) days and request a hearing.

2. If the ticket is not paid within ten (10) days of issuance and delivery to the violator, and a hearing not required, it shall automatically be reduced to judgment and turned over to a collection agency in the amount set per schedule.

3. If a hearing is requested then (a) if the defendant is present he shall plead guilty or not guilty and shall face a fine and court costs determined by the Court; (b) if the defendant fails to appear a default will be entered and a fine shall be imposed and the defendant shall be deemed to have waived any objection to the amount payable.

4. Any person who willfully refuses to sign and accept a citation (ticket) shall be in violation of this ordinance and shall be punished according to applicable Florida law.

Sec. 6.020. Severability.

If any word, sentence, phrase, clause, section or portion of this article shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Sec. 6.020.1. Repealer.

All other ordinances of the county which are in conflict with this article are hereby repealed.

Sec. 6.020.2. Effective date.

This article shall take effect as provided by law.

I. This Ordinance shall become effective upon acceptance by the U.S. Postal Service for special delivery by certified mail to the Department of State.

DONE AND ADOPTED by a vote of 5 to 0 at a regular board meeting this 11th day of March, 2008.

BOARD OF COUNTY COMMISSIONERS
OF WAKULLA COUNTY, FLORIDA

BY: _____

EDWARD E. BRIMNER
CHAIRMAN

ATTEST:

BRENT X. THURMOND, Ex Officio
Clerk to the Board

APPROVED AS TO FORM:

RONALD A. MOWREY, Esq.
Attorney for the Board