

FRANKLIN COUNTY ORDINANCE 2017-07

AN ORDINANCE REGULATING ANIMALS IN FRANKLIN COUNTY, FLORIDA
AND REPEALING ALL OTHER ORDINANCES OF FRANKLIN COUNTY REGULATING
ANIMALS, PROVIDING FOR ENFORCEMENT, PENALTIES, APPEALS AND AN
EFFECTIVE DATE.

Section 1 - Title.

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

Section 2 - Authority and Area Regulated.

This article is enacted in the interest of the public health and safety and general welfare of the citizens and inhabitants of the county, pursuant to F.S. §§ 125.01, 705.19, 828.13, 767.01 et seq., 828.01 et seq., and Laws of Fla. Ch. 90-180, as amended, and under the authority of the county to regulate animals located within the county, including all municipal corporations, except to the extent that this ordinance may be in conflict with a valid municipal ordinance.

Section 3. - Definitions.

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

Abandon means 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 means any domesticated animal or any captive wild animal, excluding alligators, crocodiles, panthers, bears, and mountain lions.

Animal control officer means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

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

At large means 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 means 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 means 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, the term "baiting" means the use of live animals in the training of racing greyhounds.

Board means the Board of County Commissioners of Franklin County, Florida.

Citation means 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 means 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. 166.0415.

County health officer means the person designated by the Board pursuant to the definitions in F.S. Ch. 154 and F.A.C. Ch. 64D-3.

Current rabies vaccination means a rabies vaccination administered by a licensed veterinarian which is valid for not less than one year and not more than three years.

Dangerous animal means an animal that has, when unprovoked:

- (1) Bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property; or
- (2) Has more than once severely injured or killed a domestic animal while off the owner's property;

provided that such actions as set forth and described in subsection (1) and (2) of this definition are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.

Dangerous dogs means any domestic dog, *Canis familiaris*, and any genetic hybridization thereof, whether alone or in member of a pack, that according to the records of the appropriate authority has:

- (1) Aggressively bitten, attacked or endangered, or has inflicted severe injury on a human being on public or private property;
- (2) Has more than once severely injured or killed a domestic animal while off the owner's property;
- (3) 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, provided 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 means 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 means the person designated by the board to enforce this chapter as Director of Franklin County Animal Control.

Division of animal control means the agency designated by the board to enforce the ordinances and law pertaining to animal control and cruelty.

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

Exotic Animals means any animal not identified in the definition of "animal" provided in this part that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak

Exposure to rabies means 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.

Feral animal means 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 means any fighting between roosters or other birds, or between dogs, bears, or other animals.

Horse means any animal of any registered breed of the genus Equus, or any recognized hybrid thereof

Humane or humanely means marked by compassion, sympathy, or consideration for animals.

Impoundment means 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 means any site used for the owning, breeding or boarding of six or more dogs, cats, or combination thereof, of six months or older, for a commercial purpose.

Livestock means 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 means 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.

- (1) The term "owner" means any person or corporation owning, harboring or keeping any animal, or in the case of a person under the age of 18 years of age, that person's parent or legal guardian. The term owner includes, but is not limited to, a custodian, or other person in charge of an animal
- (2) The term "owner" does not apply to any veterinary clinic or boarding kennel.

Person means any individual, firm, corporation, partnership, organization, or association.

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

Proper enclosure of a dangerous dog means, while on the owner's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements

Public nuisance means 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. The term "public nuisance" includes any dog causing aggravation or misery by continuously barking, howling or otherwise disturbing the peace.

Severe injury means any physical injury that results in broken bones, multiple bites or disfiguring lacerations requiring sutures or reconstructive surgery.

Shelter means provision of access to a three-dimensional structure having a roof, walls and a floor, which is dry, sanitary, clean, weatherproof 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 means 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.

Unprovoked means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.

Veterinarian means a person who is licensed to engage in the practice of veterinary medicine as provided for in F.S. Ch. 474.

Veterinary hospital or clinic means 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.

Section 4 - 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 8 through 13, 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 ordinance.
 - (2) Third and subsequent violations which result in the destruction or loss of personal property.
 - (3) Violations which involve more than two 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;
 - (5) Second and subsequent violations of section 10, humane care required;
 - (6) Second and subsequent violations which result in the unprovoked biting, wounding, or attacking of a domestic animal or person; and
 - (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.
- (g) Minimum civil penalties for violations of the article not otherwise listed in subsection (f) of this section are as follows:

Code Section	Description of Violation	1 st Violation	2 nd Violation	3 rd Violation & Thereafter
15	Interference Animal with Control	\$50.00	\$75.00	\$250.00
8	Running at Large	\$30.00	\$75.00	\$250.00
9	Public Nuisance Prohibited	\$30.00	\$75.00	\$250.00
10	Humane care required	\$100.00	Mandatory court appearance	
11	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 person or domestic animal	\$250.00	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	

- (h) 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 the county animal control officers as required by F.S. § 828.27(4)(b).
- (i) Notwithstanding any provision to the contrary, violations of Section 10(c)(1) involving animal cruelty shall be punished as a first degree misdemeanor as provided by s. 775.082, Florida Statutes.
- (j) Notwithstanding any provision to the contrary, violations of Section 10(c)(2) involving the tripping of horses shall be punished as a third degree felony as provided by ss. 775.082, s. 775.083, or s. 775.084, Florida Statutes.
- (k) Notwithstanding any provision to the contrary, violations of Section 13 involving the fighting or baiting of animals shall be punished as a third degree felony.

Section 5 - Rabies vaccination required.

- (a) Every dog and cat, four 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 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 F.A.C. Ch. 10D-3, pertaining to communicable disease control.

Section 6 - Potential rabies carriers.

No person shall keep, own, possess, or harbor any rabies carriers as a personal pet within the county.

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.

Section 7 - Rabies control.

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 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 FAC. Ch. 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 (FAC. Ch. 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.

Section 8 - Running at large prohibited.

- (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 disabled person, as defined 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.
- (g) All dogs and livestock shall be physically contained on the property of the owner by fence or other enclosure.

Section 9 - Public nuisances prohibited.

- (a) It shall be unlawful for any person to allow his 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 the 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 the 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 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 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 two 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.

Section 10 - Humane care required.

- (a) No owner shall fail to provide his 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.
- (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.
 - (1) Officers finding an animal under the conditions reference above may rescue such animal from the vehicle following the policy established by animal control.
- (c) Pursuant to F.S. § 828.12, no person shall:
 - (1) Unnecessarily overload, overdrive, torment, deprive of necessary sustenance or shelter, unnecessarily mutilate, kill, or any animal or cause the same to be done, or carry upon any vehicle or otherwise, any animal in a cruel or inhumane manner, commits animal cruelty and shall be guilty of a first degree misdemeanor.
- (d) 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.
- (e) 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:

- (1) 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.
- (2) 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 feet or at least three 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.
- (3) Tethering of an animal is prohibited during natural disasters such as flood, fires, tornadoes or hurricanes.
- (4) No animal shall be confined to a vacant or abandoned structure.

Section 11- Abandonment of animals prohibited.

- (a) It shall be a violation of this article 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 article to abandon an animal in a former residence when relocating to a new residence.
- (c) After posting a 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.

Section 12 - Dangerous dogs prohibited; state statute adopted by reference.

- (a) F.S. § 767.12 (2015), which reads as follows, and any subsequent amendments made by the state legislature, are adopted and by reference made a part of this article:
 - (1) Dangerous dog determination procedure is as follows:
 - 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 or enforcement officer, desiring to have a dog classified as dangerous. Any animal that is the subject of a dangerous dog investigation that is not impounded with the animal control authority shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification. The address of where the animal resides shall be provided to the animal control authority. No dog that is the subject of a dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog classification. In the event that a dog is to be destroyed, the dog shall not be relocated or ownership

- transferred.
- b. A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
 - c. After the investigation, the animal control authority shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall afford the owner an opportunity for a hearing prior to making a final determination. The animal control authority shall provide written notification of the sufficient cause finding, to the owner, by registered mail, certified hand delivery, or service in conformance with the provisions of F.S. Ch. 48, relating to service of process. The owner may file a written request for a hearing within seven 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 five days after receipt of the request from the owner. The board of county commissioners shall establish hearing procedures that conform to this subsection. 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 dog, the animal control authority shall provide written notification to the owner by registered mail, certified hand delivery, or service, and the owner may file a written request for a hearing in the county court to appeal the classification within 10 business days after receipt of a written determination of a dangerous dog classification and must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal. The board of county commissioners shall establish hearing procedures that conform to this subsection.
- (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 on the inside thigh or electronic implantation.
 - 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 person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting 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.
- (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 this section 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 \$500.00, plus court costs.

- (b) F.S. § 767.13 (2015), 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) 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 F.S. §§ 775.082 or 775.083. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time, or impounded and held for 10 business days after the owner is given written notification under F.S. § 767.12, and thereafter destroyed in an expeditious and humane manner. This 10 day time period shall allow the owner to request a hearing under F.S. § 767.12. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.
 - (2) If a dog that has not been declared dangerous attacks and causes severe injury to or death of any human, the dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time or held for 10 business days after the owner is given written notification under F.S. § 767.12, and thereafter destroyed in an expeditious and humane manner. This 10 day time period shall allow the owner to request a hearing under F.S. § 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 F.S. §§ 775.082 or 775.083.
 - (3) If a dog that has been previously 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 Section 775.082, Section 775.083, or Section 775.084. In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time or held for 10 business days after the owner is given written notification under F.S. § 767.12, and thereafter destroyed in an expeditious and humane manner. This 10 day time period shall allow the owner to request a hearing under F.S. § 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.
 - (4) If the owner files a written appeal under F.S. § 767.12 or this section, the dog must be held and may not be destroyed while the appeal is pending.
 - (5) If a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner is not guilty of any crime specified under this section.

(c) **Insurance.** In order to protect the public and to afford relief from the severe harm and injury that is likely to result from a dangerous dog attack, the owner of a dangerous dog shall obtain and maintain insurance in the minimum amount of \$100,000.00 for each individual dangerous dog owned to provide liability insurance for damage to persons and property caused by the dangerous dog(s). The insurance shall be provided by an insurance company authorized to do business in the State of Florida, and the owner shall provide the animal control division evidence of a certificate of insurance and a copy of the endorsement. Alternatively, the owner may post a \$100,000.00 surety bond with the Clerk of Bay County conditioned upon the payment of damages to persons and property caused by the dangerous dog during the period of registration, renewable annually. Annual registration shall be denied any owner not in compliance with this section. If, at any time, the liability insurance is cancelled or lapses, the animal control division shall have the authority to impound the dangerous dog. If the owner does not re-insure the animal within 14 days of the impoundment, ownership of the dog shall revert to the county and the dog shall be euthanized in an expeditious and humane manner

Section 13 - Fighting or baiting of animals is prohibited.

Pursuant to F. S. §828.122, Fighting or Baiting Animals:

(1) As used in this section, the term:

(a) “Animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals.

(b) “Baiting” means 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.

(c) “Person” means every natural person, firm, co-partnership, association, or corporation.

(2) Any person who knowingly commits any of the following acts commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting or baiting;

(b) Owning, possessing, or selling equipment for use in any activity described in paragraph (a);

(c) Owning, leasing, managing, operating, or having control of any property kept or used for any activity described in paragraph (a) or paragraph (b);

(d) Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals;

(e) Performing any service or act to facilitate animal fighting or baiting, including, but not limited to, providing security, refereeing, or handling or transporting animals or being a stakeholder of any money wagered on animal fighting or baiting;

(f) Removing or facilitating the removal of any animal impounded under this section from an agency

where the animal is impounded or from a location designated by the court under subsection (4), subsection (5), or subsection (7), without the prior authorization of the court;

(g) Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or

(h) Attending the fighting or baiting of animals.

Notwithstanding any provision of this subsection to the contrary, possession of the animal alone does not constitute a violation of this section.

(3) If a court finds probable cause to believe that a violation of this section or s. 828.12 has occurred, the court shall order the seizure of any animals and equipment used in committing the violation and shall provide for appropriate and humane care or disposition of the animals. This subsection is not a limitation on the power to seize animals as evidence at the time of arrest.

(4) If an animal shelter or other location is unavailable, a court may order the animal to be impounded on the property of its owner or possessor and shall order such person to provide all necessary care for the animal and to allow regular inspections of the animal by a person designated by the court.

(5) If a veterinarian finds that an animal kept or used in violation of this section is suffering from an injury or a disease severe enough that it is not possible to humanely house and care for the animal pending completion of a hearing held under s. 828.073(2), final disposition of the criminal charges, or court-ordered forfeiture, the veterinarian may euthanize the animal as specified in s. 828.058. A veterinarian licensed to practice in this state shall be held harmless from criminal or civil liability for any decisions made or services rendered under this subsection.

(6) If an animal can be housed in a humane manner, the provisions of s. 828.073 shall apply. For the purpose of a hearing provided pursuant to s. 828.073(2), any animal baited, bred, trained, transported, sold, owned, possessed, or used for the purpose of animal fighting or baiting shall be considered mistreated.

(7) In addition to other penalties prescribed by law, the court may issue an order prohibiting a person who is convicted of a violation of this section from owning, possessing, keeping, harboring, or having custody or control over any animals within the species that are the subject of the conviction, or any animals kept for the purpose of fighting or baiting, for a period of time determined by the court.

(8) This section shall not apply to:

(a) Any person simulating a fight for the purpose of using the simulated fight as part of a motion picture which will be used on television or in a motion picture, provided s. 828.12 is not violated.

(b) Any person using animals to pursue or take wildlife or to participate in any hunting regulated or subject to being regulated by the rules and regulations of the Fish and Wildlife Conservation Commission.

- (c) Any person using animals to work livestock for agricultural purposes.
- (d) Any person violating s. 828.121.
- (e) Any person using dogs to hunt wild hogs or to retrieve domestic hogs pursuant to customary hunting or agricultural practices.
- (9) This section shall not prohibit, impede, or otherwise interfere with recognized animal husbandry and training techniques or practices not otherwise specifically prohibited by law.

Section 14 - Animal control appeal board.

An appeal board consisting of five persons who are residents of Franklin County shall be appointed by the board of county commissioners to review decisions of the division of animal control as required under the Franklin County Animal Control Ordinance, including, but not limited to, the initial classification of an animal as dangerous. The membership of the animal control appeal board shall include the following: one member knowledgeable in the area of animal behavior; one member with a law enforcement background; one member licensed to practice veterinary medicine in the State of Florida; one member knowledgeable in the area of public health; and one citizen member.

Section 15 - 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 F.S. Ch. 828, may issue to the known owner or keeper of such animal a warning notice or citation as defined in section 3.
- (b) No person shall:
 - (1) Refuse to surrender an animal upon lawful demand by the director of animal control or any animal protection officer;
 - (2) 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
 - (3) Take or attempt to take any animal from:
 - a. An animal control officer or from any vehicle used by him to transport animals in the legal performance of his duties; or
 - b. An animal control shelter, a humane live trap, or an animal carrier, without proper authority.
- (c) A property owner or tenant may restrain in a humane manner any animal found in violation of this article on his 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 working days unless sooner redeemed by the owner. Ill or injured animals may be euthanized prior to the expiration of the five 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.

Section 16 - Right of entry.

- (a) 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.
- (b) 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:
 - (1) The owner or keeper of an animal which has bitten or otherwise exposed a human or domestic or captive wild animal to rabies refuses to surrender such animal for rabies quarantine.
 - (2) The animal being sought was at large immediately prior to the 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.
 - (3) 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.
 - (4) 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.

Section 17 - 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 15, shall become the property of the 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 county dog or cat is under the age of six months, if female; or eight months, if male, provisions shall be made to have said county dog or cat neutered or spayed between the ages of six and eight months, if female; or eight and ten 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 the county which is dangerous within the meaning of Laws of Fla. Ch. 90-180, 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 14 days of its arrival at the animal shelter shall become the property of the 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 county animal shelter.

Section 18 - Identification of ownership.

- (a) Except as otherwise provided, every owner of an animal over the age of four months residing within the geographical areas of the county must carry identification to identify the animal's ownership including:
 - (1) The owner's name;
 - (2) The owner's address;
 - (3) The owner's phone number.
- (b) 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 county animal shelter.

Section 19 - License fees for dangerous dogs.

Dogs classified as a dangerous dog shall pay a license fee as set by resolution by the board of county commissioners.

Section 20 - Kennel license.

Any person operating a kennel within the county shall obtain all necessary licenses and approvals from the county, and shall meet any and all requirements of state law.

Section 21- 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.

Section 22 - 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.

Section 23 - Designation of enforcement officers.

- (a) The board of county commissioners is hereby authorized to designate certain of its employees in the animal control division as enforcement officers along with the 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.
- (b) 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 defined in section 3.

Section 24 - 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.

Section 25 - Officer's authority to issue citation.

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

Section 26 - 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 this article which was 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 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.

Section 27 - Procedure upon issuance of citation.

- (a) Once a ticket is issued the person cited shall either:
 - (1) Pay the ticket in the amount required within ten days; or
 - (2) Contact the clerk's office within ten days and request a hearing.
- (b) If the ticket is not paid within ten 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.
- (c) If a hearing is requested then, if the defendant:
 - (1) Is present, he shall plead guilty or not guilty and shall face a fine and court costs determined by the court;
 - (2) 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.
- (d) Any person who willfully refuses to sign and accept a citation (ticket) shall be in violation of this article and shall be punished according to applicable state law.

Section 28- Interference with Performance of Duties

It shall be unlawful for any person to interfere with, prevent or hinder anyone in the performance of any duty required by this chapter including, but not limited to, removing or attempting to remove an animal from an animal control officer's vehicle, tampering with or removing an animal from an animal control division animal trap, tampering with or destroying signs and/or other county property, interfering with the lawful execution of the duties of an animal control officer or interfering with the lawful impoundment of an animal. All alleged violators of any section of this chapter shall be required to provide positive photo identification and accurate current residence; failure to do so shall be considered a violation of this section that is subject to a fine as designated in the fines and fees schedule adopted by resolution of the board of county commissioners. If the fine and fees scheduled does not provide for a penalty for the violation of this section, then the penalty shall be a \$100 fine, plus court costs. If the fine and fees schedule provides a penalty which is in conflict with this section, then the resolution adopting a fine and fee schedule shall control.

Section 29 - Neglecting or abandoning animals.

It shall be unlawful for any person to neglect or abandon an animal. For purposes of this article, it shall be considered neglect or abandonment if one or more of the following occurs:

- (1) Failing to provide any one of the following: sufficient water; sufficient food; adequate shelter to protect the animal from extreme weather, necessary veterinary care/treatment to prevent suffering, sufficient exercise, and wholesome exchange of air.
- (2) Caging or confining an animal and failing to supply the animal, during such caging or confinement, with sufficient water, sufficient space, sufficient exercise and with sufficient food;
- (3) Abandoning an animal upon or beside any street, road or other public or private place; or
- (4) Forsaking entirely and leaving to die any animal that is maimed, sick, infirm or diseased.

Section 30 - General Nuisance.

It shall be an unlawful nuisance to keep or feed any animal, domestic or wild, in a manner that causes any one or more of the following: creates unsanitary conditions or objectionable odor; is a source of infestation by insects or rodents; and/or creates physical conditions that endanger the health or safety of humans. This subsection shall not apply to animals maintained on land zoned for agricultural purposes, nor shall it apply to a properly permitted animal shelter established for the care and/or placement of unwanted or stray animals, nor a properly zoned commercial boarding kennel, veterinary clinic, or other animal facility.

Section 31 - Noise.

- (a) It shall be unlawful for the owner, or any caretaker of an animal or animals to allow the animal(s), to bark, meow, whine, howl, or to make other sounds common to the species, persistently or continuously for a period of 30 minutes or longer when the animal is not contained

within an enclosure sufficient to baffle loud noises and render them reasonably unobjectionable. This subsection shall not apply to animals maintained on land zoned for agricultural purposes, nor shall it apply to a properly permitted animal shelter established for the care and/or placement of unwanted or stray animals, nor a properly zoned commercial boarding kennel or other animal facility.

- (b) An owner or custodian of the animal(s), may be cited for violation of this section when either the investigating officer has received, from at least two unrelated adult witnesses from different residences, a sworn affidavit attesting to the committing of a nuisance pursuant to such section or subsection, or the citing officer has witnessed the commission of such a nuisance. Affidavits attesting to the nuisance must come from residents within a three-block radius (approximately 900-foot radius)

Section 32 - County court jurisdiction

- (a) The county court in and for Franklin County, Florida, shall hear charges of code violations pursuant to the issuance of citations.
- (b) Any person so charged may contest the citation in the county court.

Section 33 - Repeal.

All other ordinances of the county which are in conflict with this article, specifically Ordinance No. 2001-24, are hereby repealed.

Section 34 - Effective Date

This ordinance shall take effect upon filing with the State of Florida.

Section 35 – Remedies Cumulative

The remedies provided by this ordinance are cumulative and are in addition to State Law, except to the extent of conflict with or preemption by the State. In the event that State Law imposes a greater or lesser penalty than is provided by this ordinance, then the penalty provided by State Law shall prevail.

Section 36 – Savings Clause

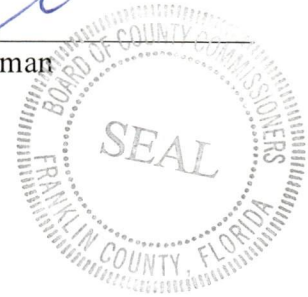
If any court of competent jurisdiction should enter a final order finding that any one, or more, parts of this ordinance are unlawful or unenforceable, then such part, or parts, shall be stricken and the remainder of the ordinance shall remain in full force and effect.

This ordinance adopted in open regular session this 2nd day of May, 2017, after notice of intent to consider the same has been made and kept in the Ordinance Book of the Clerk of the Board for at least 10

days, and the title and substance hereof published according to law.

FRANKLIN COUNTY, a political subdivision
of the State of Florida

By: Joseph A. Parrish
Joseph A. Parrish, Its Chairman



Attest:

Marcia M. Johnson
Marcia M. Johnson, Clerk of Courts

Approved By:

Thomas M. Shuler
Thomas M. Shuler
Franklin County Attorney