



Santa Rosa County Animal Services

ORDINANCE NO. 2004

AN ORDINANCE RELATING TO SANTA ROSA COUNTY, FLORIDA, RELATING TO THE CREATION OF AN ANIMAL SHELTER; THE APPOINTMENT OF ANIMAL CONTROL OFFICERS AND DEFINING THEIR RIGHTS, AUTHORITIES AND DUTIES; ESTABLISHING PROCEDURE FOR CITATIONS AND FINES; PROVIDING FOR RABIES VACCINATION OF ANIMALS AND THE WEARING OF TAGS COINCIDENT WITH THE VACCINATION; PROVIDING FOR THE IMPOUNDMENT OF UNVACCINATED ANIMALS; PROVIDING FOR THE DISPOSITION AND/OR REDEMPTION OF ANIMALS IMPOUNDED UNDER THIS ORDINANCE; PROVIDING FOR THE CARE OF DISEASED, AND INJURED ANIMALS; PROVIDING A PENALTY FOR THE POISONING OF ANIMALS; PROVIDING FOR THE CONTROL OF ANIMALS IN OR ON PUBLIC PLACES, SCHOOL PROPERTIES, PUBLIC PARKS, AND RECREATIONAL AREAS; DEFINING DANGEROUS OR VICIOUS ANIMALS AND PROCEDURE TO FOLLOW; PROVIDING FOR FEMALE ANIMALS IN SEASON; PROVIDING FOR THE DISPOSITION OF DEAD ANIMALS; PROHIBITING ANIMAL NUISANCES; PROVIDING FOR DIRECT CONTROL OF ANIMALS IN CERTAIN AREAS; PROVIDING PROCEDURE FOR PROHIBITING ANIMAL NEGLECT AND CRUELTY; PROVIDING FOR THE METHODS AND PROCEDURES FOR ENFORCEMENT OF VIOLATIONS OF ORDINANCE; PROVIDING FOR TAG REMOVAL PENALTIES; PROVIDING FOR ANIMALS TRAINED TO ASSIST THE BLIND; PROVIDING THAT PERSONS WHO INTERFERE WITH THE ANIMAL CONTROL OFFICER, WHO RELEASE IMPOUNDED ANIMALS, WHO DAMAGE COUNTY POUND SHALL BE IN VIOLATION OF THIS ORDINANCE; PROVIDING FOR EXEMPTIONS FROM ORDINANCE; DECLARING VIOLATIONS OF ORDINANCE TO BE MISDEMEANORS OR CIVIL INFRACTIONS AND PROVIDING FOR PENALTY; PROVIDE FOR ADOPTION OF ANIMALS; REPEALING AND REPLACING ORDINANCE 2002-25 AS AMENDED; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA ROSA COUNTY, FLORIDA:

SECTION 1. This Ordinance shall be known and may be cited as the "Santa Rosa County Animal Control Ordinance."

SECTION 2. DEFINITIONS

(1) "Owner" - The term "owner" as used in this Ordinance shall mean any person owning, harboring or keeping any animal or animals or if the owner is a person under the age of eighteen (18), that person's parent or guardian.

(2) "Animal" - The term "animal" as used in this Ordinance shall mean any male, female, or altered member of the canine or feline species, except those classified by the Florida Fish and Game Commission as wildlife.

(3) "Animal Control Officer" - The term "Animal Control Officer" as used in this Ordinance shall mean that person or persons designated by the Board of County Commissioners. Any authorized agents of the impounding Officer may carry out the functions of this Ordinance.

(4) "County Commissioners" - The term "County Commissioners" as used in this Ordinance shall mean the Board of County Commissioners of Santa Rosa County, Florida.

(5) "Direct Control" - The term "direct control" as used in this Ordinance shall mean immediate, continuous physical control of an animal at all times such as by means of a fence, leash, cord, or chain of such strength to restrain the same;



Santa Rosa County Animal Services

(6) “Dangerous and vicious animal” - The term “dangerous and vicious animal” in this Ordinance shall mean any animal which shall bite or in any manner attack, or attempt to attack, any person or shall severely injure or kill a domestic animal provided, however, that no animal which bites or attacks, or attempts to attack, any person or domestic animal unlawfully upon its owner's or keeper's premises, shall be deemed a dangerous or vicious animal.

(7) “Dangerous dog” means any dog 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 on public or private property.
- (b) Has more than once severely injured or killed 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 apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons.

(8) “Severe Injury” - The term “severe injury” in this Ordinance shall mean any physical injury which results in broken bones, multiple punctures, or disfiguring lacerations requiring sutures or cosmetic surgery.

(9) “Division” – Santa Rosa County Animal Services Division.

SECTION 3. ANIMAL SHELTER. The County Animal Shelter shall serve the purpose of having impounded therein animals in violation of this Ordinance, animals running at large or believed to be strays, animals not vaccinated against rabies, or animals having or believed to have rabies or any infectious or contagious disease.

SECTION 4. ANIMAL CONTROL OFFICER. The Animal Control Officers of Santa Rosa County shall have full and complete authority in the enforcement of this Ordinance and shall be authorized to pick up, catch, or procure any animal in violation of this Ordinance, roaming at large, or stray, or any animal infected with rabies or believed to be so infected with any other contagious or infectious disease, or believed to be so infected, and cause said animal to be impounded in the Animal Shelter provided hereinabove. If an owner refuses entrance to his premises to an Animal Control Officer attempting to enforce this Ordinance, such officer shall contact the Sheriff's Office and proceed on the owner's premises in the company of the Sheriff or his deputy with such legal warrant or other document of authority as is necessary to lawfully enter the owner's premises for the purpose of enforcing this Ordinance.

SECTION 5. CITATIONS. The Animal Control Officers are hereby authorized to issue citations and notices to appear for the violation of the Animal Control Ordinance when based upon personal investigation the officer has reasonable and probable grounds to believe that a violation has occurred.

Citations and notices to appear shall be in the form prescribed by the Board of County Commissioners and shall state:

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



Santa Rosa County Animal Services

6. The name and authority of the officer.
7. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
8. The applicable civil penalty if the person elects to contest the citation.
9. The applicable civil penalty if the person elects not to contest the citation.
10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

For violation of the following provisions of the Santa Rosa County Animal Control Ordinance, the Animal Control Officer or his designated agents shall have the discretion to either issue a warning with no civil penalty or issue a citation for a fine in the amount as follows for each infraction.

<u>SECTION(S)</u>	<u>1st VIOLATION</u>	<u>2nd VIOLATION</u> of same provision within 1 year	<u>3rd VIOLATION</u> subsequent violations of the same provision
§6 Vaccinations Required	50	100	200
§7 Rabies Tags	30	60	100
§8 Unvaccinated Animals			
§9 Sterilized Adopted Animals	30	60	100
§12 (1) Public Places	30	60	100
§12 (2) Schools, Parks & Beaches	30	60	100
§12 (5) Female Animal in Season	50	100	200
§12 (6) Burying Dead Animals	30	60	100
§12 (7) Animal Nuisance	30	60	100
§12 (8) Direct Control	30	60	100
§12 (9) Neglect / Cruelty	50	100	200
§12 (10) Dangerous & Vicious	50	100	200
§13 Enforcement for Violation	30	60	100
§14 Tag Removals	30	60	100
§21 Failure to follow Quarantine Criteria	50	100	200
§19 (2) Under Penalty			
§11 Poisoning Animals		2 nd Degree Misdemeanor	
§12 (4) Dangerous or Vicious Animals		2 nd Degree Misdemeanor	
§16 Interfering with Officer, Damaging County Property & Releasing Animals		2 nd Degree Misdemeanor	

However, any person issued a citation for a first offense violation of Section 6 may pay a fine of \$10.00 if the person presents proof of current vaccination to the clerk's office within ten (10) days of issuance of the citation.



Santa Rosa County Animal Services

Pursuant to Florida Statute 828.27(4)(b), there shall be a \$5.00 surcharge per citation issues.

If the infraction is contested, the minimum fine shall be Thirty Dollars (\$30.00) and the maximum fine shall be Five Hundred Dollars (\$500.00).

The time period for repeat violations shall be measured based on the date of issuance of the citation. An owner shall be guilty of a repeat violation regardless of whether the original or repeat violations are attributable to the same animal.

Any person cited for violation of the Animal Control Ordinance under this Section shall be deemed to be charged with a non-criminal infraction. Any person cited for an infraction under this section shall sign and accept a citation acknowledging receipt of the citation and indicating a promise to appear in court if such person wishes to contest the charge(s).

Any person who willfully refuses to sign and accept a citation issued by an officer shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 19.

Pursuant to Florida Statute 828.27(6), the animal control officer may require a mandatory court appearance for any violation of this Ordinance: resulting in the unprovoked biting, attacking, or wounding of a person, or domestic animal; resulting in the destruction or loss of personal property; second or subsequent violations of animal cruelty provisions, or violations resulting in the issuance of a third or subsequent citations to a person.

The citation will clearly inform the person of the mandatory court appearance.

If a person receiving a citation fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court for a mandatory court appearance, the court may issue an order to show cause upon the request of the county. This order shall require such persons to appear before the court to explain why action on the citation has not been taken. If any person who is issued such an order fails to appear in response to the court's directive, that person may be held in contempt of court.

Any person cited with a violation of this section of the Animal Control Ordinance may pay the civil penalty within ten (10) days of the date of receiving the citation. If the person cited follows the above procedure, he shall be deemed to have admitted the infraction and to have waived his right to a trial on the issue of commission of the violation.

If a person fails to pay the civil penalty within ten (10) days of receipt of the citation, the Clerk's Office shall issue a notice to appear. The Clerk's Office shall assess a \$10.00 late fee for each penalty paid after the initial ten (10) day period but paid prior to the day for which a court appearance is scheduled.

Failure to pay the civil penalty shall result in the recording of a lien in the amount of the civil penalty, late fee, and recording fees.

If the person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required, the court may issue an order to show cause upon the request of the governing body of the county or municipality. This order shall require such person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court.

In the event an animal is impounded for violation of this Ordinance and the owner of the animal abandons the animal to the Division, the owner remains liable for the civil penalties imposed for violation of this Ordinance.

SECTION 6. VACCINATION OF ANIMALS REQUIRED. Every owner of an animal, four (4) months of age or older, shall cause such animal to be vaccinated against rabies by a licensed veterinarian with the U.S. approved rabies vaccine. Evidence of vaccination shall consist of a certificate signed by a license veterinarian administering the vaccine and containing



Santa Rosa County Animal Services

pertinent data for identification of the animal. One copy of the certificate shall be given to the owner, one filed with the Division, and one retained by the person administering the vaccine.

SECTION 7. ANIMALS TO WEAR TAG. Coincident with the issuance of the Certificate of Inoculation as prescribed in Section 6, the person administering the vaccine shall be responsible for issuing of a metal serially numbered rabies vaccination tag, which shall be valid for a one (1) year period from date of vaccination. The animal owner must insure that the tag is worn at all times. Animals under direct control while participating in an organized match, show, trial, hunt, or undergoing obedience training shall not be required to wear tags.

SECTION 8. UNVACCINATED ANIMALS. The Animal Control Officer shall impound wherever found, any animals not vaccinated as required by Section 6 of this Ordinance. Any animal found without his vaccination tag shall be presumed not inoculated until proved otherwise. An animal impounded under this section shall be released for vaccination to such veterinarian as the owner of the animal shall direct or to the owner, provided the owner pays any impounding fee due and further provides that said owner see to and pay for immediate vaccination of his animal, no later than 72 hours of release.

SECTION 9. IMPOUNDMENT. In the event the owner of any animal impounded under any section of this Ordinance fails to reclaim it within five (5) days from the impounding date, the County animal shelter may make such disposition of the animal as is in the public interest. It is lawful for the County Animal Shelter to release suitable, unclaimed animals to new owners on payment of required fees and provided that any animal, so released, is vaccinated as required by Section 6 of this Ordinance. New owners shall enter into a written agreement with the County Animal Shelter guaranteeing that the animal will be sterilized within thirty (30) days of the release to the new owner or prior to the animal's sexual maturity. The County Animal Shelter shall require a new owner to place a neuter and spay deposit, which deposit shall be refundable upon presentation to the County Animal Shelter of written evidence by the veterinarian performing the sterilization that the animal has been sterilized. It shall be a civil infraction, punishable as provided in Section 19 of this Ordinance, for any new owner who has entered into such an agreement, not to have the animal sterilized as required by this section.

Impoundment, redemption, and adoption fees shall be charged as established by the Board of County Commissioners. An owner claiming an unvaccinated animal will be required to have the animal vaccinated within seventy two (72) hours as required in Section 8 of this ordinance.

SECTION 10. DISEASED OR INJURED ANIMALS. In the event any animal is impounded because of any infectious or contagious disease or injury, the Animal Control Officer shall have full and complete authority to procure the services of a trained veterinary surgeon, in order to treat such disease or injury, if in the opinion of such persons it can be successfully treated. In the event the Animal Control Officer is of the opinion that the health and safety of the citizenry of Santa Rosa County would be jeopardized by the continued existence of such infected animal or injured animal or that the animal's condition requires that the animal be put to death in a humane manner, then such animal may be destroyed and the remains disposed of without compensation being paid to the owner.

SECTION 11. POISONING ANIMALS PROHIBITED. Any person who shall poison, or aid, abet or assist in the poisoning or putting out or placing of poison at any point or place outside of buildings where animals may secure the same shall be guilty of a misdemeanor of the second degree and punished as provided for in Section 19 of this Ordinance.

SECTION 12. ANIMAL CONTROL.

(1) **Public Places.** Animals are prohibited from public places in Santa Rosa County such as airports, hotels, restaurants, theaters, public conveyances, grocery stores, or other establishments serving food, beverages or staple foods. Animals so found, whether roaming or in direct control by the owner, shall be impounded. This section shall not apply to animals trained to assist the blind, provided; such animal is in the company of such blind person.

(2) **Schools, Parks, and Beaches.** It shall be unlawful for the owner of an animal to



Santa Rosa County

Animal Services

allow his animal in public places of Santa Rosa County such as school grounds, public parks, beaches and playgrounds.

(3) The above two subsections shall not be construed to prohibit the showing and training of dogs in appropriate locations of auditoriums, schools, parks, parking lots, armories, theaters, and similar public or privately owned areas. The above two subsections shall not apply to animals utilized by law enforcement agencies.

(4) **Dangerous or Vicious Animals.**

- (a) The Division 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, which 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 Division 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 Division 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 seven (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 twenty one (21) calendar days and no sooner than 5 days after receipt of the request from the owner. Further, in accordance with the provisions of Chapter 767 of the Florida Statutes, individuals may provide duly sworn formal complaints to Animal Control requesting that a dog be classified as "dangerous". The Division shall investigate reported incidents involving dogs that may be dangerous and shall require sworn formal complaints from individuals desiring to have a dog classified as dangerous. The Division may then seek to have the dog classified as dangerous. A committee consisting of the County Administrator, Public Services Director, and County Risk Manager shall conduct the hearing and make the determination of whether the dog shall be classified as dangerous. The criteria specified in Section 2(7) of this Ordinance shall be used in making this determination.

Decisions of the committee shall be final and not appealable to the Board of County Commissioners. The decisions of the committee shall be issued in writing

- (d) Once a dog is classified as a dangerous dog, the Division shall provide written notification to the owner by registered mail, certified hand delivery or service, and the owner may file a written request for a hearing in the County Court to appeal the classification within 10 business days after receipt of a written determination of dangerous dog classification and must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal.



Santa Rosa County

Animal Services

- (e) Within 14 days after a dog has been classified as dangerous by the Division 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 Division serving the area in which he or she resides, and the certificate shall be renewed annually. The Division may 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:
- (1) A current certificate of rabies vaccination for the dog.
 - (2) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property.
 - (3) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.
- (f) An annual fee of \$150.00 shall be imposed for the issuance of certificates of registration required by this section.
- (g) The owner shall immediately notify the appropriate animal control authority when a dog that has been classified as dangerous:
- (1) is loose or unconfined.
 - (2) Has bitten a human being or attacked another animal.
 - (3) Is sold, given away, or dies.
 - (4) Is moved to another address.
- Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control authority. The new owner must comply with all of the requirements of this act and implementing local ordinances, even if the animal is moved from one local jurisdiction to another within the state. The animal control officer must be notified by the owner of a dog classified as dangerous that the dog is in his or her jurisdiction.
- (h) It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner 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 or her 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.
- (i) Hunting dogs are exempt from the provisions of this Section 12(4) when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from the provisions of this act when engaged in any legal procedures. However, such dogs at all other times in all other respects shall be subject to this and other laws. Dogs that have been classified as dangerous shall not be used for hunting purposes.

In that area of Santa Rosa County north of East River and south of the Yellow River, hunting dogs shall be exempt from the provisions of: Section 12(7) for noise nuisance (unless the dog is located in a recorded subdivision), and Section 12(8)



Santa Rosa County Animal Services

when wearing a tag issued by the County designating said dog as a hunting dog. Once issued, the tag shall be valid for the life of the hunting dog.

- (j) This section does not apply to dogs used by law enforcement officials for law enforcement work.
- (k) Any person who violates any provision of this section is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500.00.
- (l) The owner of any dangerous or vicious animal which is not confined in a building or secure enclosure or any person who shall release, either willfully or through a failure to exercise due care or control, or take such animal out of such building or secure enclosure in such a manner which is likely to cause injury to another person or damage to the property of another person shall be guilty of a misdemeanor of the second degree, punishable as provided for in Section 19 of this Ordinance.

(5) **Female Animals in Season.** The owner of any female animal in heat which does not keep such animal confined in a building or secure enclosure, veterinary hospital, or boarding kennel in such a manner that such female animal cannot come in contact with another animal, except for intentional breeding purposes, shall be guilty of a civil infraction and punished as provided for in Section 19 of this Ordinance. Any female animal not confined as herein provided shall be impounded and shall not be redeemed during said period of heat. This section shall not apply to female animals while entered in organized shows.

(6) **Disposition of Dead Animals.** Any person may, on his own real property, bury or dispose of any dead animal, provided such person places not less than three (3) feet of earth over the carcass of the animal. The impounding officer shall not be responsible for disposing of dead animals found on private property. Such disposal shall be the responsibility of the animal owner or property owner.

(7) **Animal Nuisances Prohibited.** For purposes of this section, the term "animal" shall also include fowl, except in agriculturally zoned districts. Any animal or animals that habitually or continuously bark, howl, make noise, or otherwise disturb the peace and quiet of the inhabitants of Santa Rosa County or are kept or maintained in such a manner or in such numbers as to disturb by noxious or offensive odors or otherwise endanger the health and welfare of the inhabitants of Santa Rosa County are declared to be an animal nuisance. Furthermore, animals who damage private property or shall be deemed to create a nuisance. Any person who keeps, harbors, or maintains an animal nuisance as defined above shall be guilty of a civil infraction and punishable as provided in Section 19 of this Ordinance.

(8) **Direct Control.** It shall be a violation of this Ordinance for any animal to be off the premises of its owner or person responsible for said animal, without being in direct control of its owner, person responsible therefor, or other person. Animals not under direct control shall be considered an animal nuisance and may be seized, restrained, impounded, and disposed of as provided by this Ordinance for any unlicensed animal.

- (a) Direct control as required above shall apply only to the areas of Santa Rosa County which may be designated by Ordinance of the Board of County Commissioners duly adopted from time to time. These areas shall be referred to herein as "direct control" areas. Those areas specified in Santa Rosa County Ordinances 79-03, 79-09, 79-10, 80-02, 81-06, 81-09, 82-08, 83-01, 83-06, 84-06, 85-27, 86-20, 87-01, 87-02, 88-19, 89-14, 89-25, 90-26, 91-23, 91-29, 92-18, 93-27, 93-28, 94-18, 94-20, 95-13, 96-25, 99-06, 99-12, 2000-20, 2001-08, 2001-09, or any other ordinance are hereby designated direct control areas without adoption of any additional ordinance.

Additionally, all incorporated areas subject to the provisions of this ordinance pursuant to Section shall be direct control areas.

- (b) Additional ordinances adding certain areas to or deleting certain areas from the "direct control" area may be adopted from time to time. Such additional ordinances may be adopted on the Board's own motion, or may be adopted after receipt of a petition from residents of an area requesting that such area be added to or deleted



Santa Rosa County Animal Services

from the "direct control" area.

(9) **Animal Neglect / Cruelty.** Any owner or person, who neglects an animal by reason of failing to provide adequate food, drink proper medical care or shelter, which does not result in serious injury or death to the animal, shall be guilty of a civil infraction punishable as provided in Section 19 of this Ordinance.

Any person who overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, is guilty of a misdemeanor of the first degree, punishable as provided in Florida Statute 775.082 or a fine of not more than \$5,000, or both..

Any person who intentionally commits an act to any animal which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, is guilty of a felony of the third degree, punishable as provided in Florida Statute 775.082 or by a fine of not more than \$10,000, or both.

(10) **Dangerous and Vicious Animals.** Any person who keeps, harbors, or maintains an animal which commits any act as specified in Section 2(6) shall be guilty of a civil infraction.

SECTION 13. ENFORCEMENT FOR VIOLATION.

(1) The impounding Officer shall impound:

(a) Any animal found to be cruelly treated as defined in Section 12(9), or any animal suspected or believed to be infected with rabies or any infectious disease. Each animal so apprehended which is suspected to have or exhibits symptoms of having rabies or an infectious or contagious disease shall be segregated from other animals so as to prevent said animal from coming in contact with any animal.

(b) Any animal not licensed as provided for in this Ordinance.

(2) The Animal Control Officer shall, in the event an animal is deemed in violation of this Ordinance or is owned, kept, harbored, or maintained in violation of this Ordinance:

(a) Issue a "Citation" to the owner of such animal; such "Citation" shall be in the form specified in Section 5; and/or

(b) Impound such animal.

SECTION 14. TAG REMOVALS. No person, except the owner, or his authorized agent, shall remove any vaccination tag from an animal's collar or remove any collar with a tag attached thereto from any animal. No person shall keep or harbor an animal with a fictitious, altered or invalid tag, or a tag not issued in connection with the vaccination of the animal wearing the same. No license tag issued for one animal shall be transferable to another animal.

SECTION 15. ANIMALS TRAINED TO ASSIST THE BLIND ALLOWED IN PUBLIC AREAS. It shall be unlawful for any person owning, operating, or maintaining any public place of business or conveyance into which the general public is invited for any business purpose to exclude therefrom any animal which has been trained to assist the blind, provided that such animal be in the company of the blind person whom it was trained to assist.

SECTION 16. INTERFERING WITH THE ANIMAL CONTROL OFFICER: DAMAGING COUNTY POUND: RELEASING ANIMALS PROHIBITED. Any person who shall in any manner interfere with, hinder, resist, obstruct, or molest the Animal Control Officer in the performance of his duty, or without authority of a Court having jurisdiction to try violations of this Ordinance or without authority under this Ordinance seek to release or remove any animal from the custody of the Animal Control Officer, or tear down, burn, deface, destroy, or otherwise injure any County Pound or enclosure thereof shall be guilty of a misdemeanor and



Santa Rosa County Animal Services

punished as provided for in Section 19 of this Ordinance.

SECTION 17. EXEMPTIONS FROM PROVISIONS OF ORDINANCE. The tag and vaccination requirements of Sections 6, 7, and 8 of this Ordinance shall not apply to any animal belonging to a non-resident of the County and kept within the County for not longer than thirty (30) days; provided the animal had been vaccinated against rabies and the owner shall at all times comply with all other provisions of this Ordinance.

SECTION 18. OPERATIVE IN UNINCORPORATED AREA; ADOPTION OF TERMS BY MUNICIPALITIES. This Ordinance shall apply to and be enforced in all unincorporated area of Santa Rosa County and any incorporated area of Santa Rosa County that adopts an ordinance incorporating the terms of this Ordinance.

SECTION 19. PENALTY.

(1) Any person found in violation of any of the provisions of this Ordinance, which are punishable as a civil infraction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). If the infraction is not contested, the fine shall be as stated in Section 5 of this Ordinance. If the infraction is contested, the minimum fine shall be Thirty Dollars (\$30.00) and the maximum fine shall be five hundred dollars (\$500.00).

(2) Any person who violates Section 10, Section 12(4), or Section 16 shall be guilty of a misdemeanor of the second degree and punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or imprisoned for up to sixty (60) days or both.

(3) If a dog that has previously been declared dangerous pursuant to Chapter 767, Florida Statutes, attacks or bites a person or a domestic animal without provocation, the owner of the dog upon conviction, is guilty of a misdemeanor of the first degree, punishable as provided in Section 775.082 or 775.083. In addition, the dangerous dog shall be immediately confiscated by the animal control department, placed in quarantine, if necessary, for the proper length of time or impounded and held for ten (10) business days, and thereafter destroyed in an expeditious and humane manner. This ten (10) day time period shall allow the owner to appear in court of competent jurisdiction for any remedies that may be available. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

(4) If a dog that has not been declared dangerous pursuant to Chapter 767, Florida Statutes, aggressively attacks and causes severe injury to or death of any human, the owner of the dog upon conviction, is guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082, or Section 775.083, Florida Statutes. In addition, the dog shall be immediately confiscated by the animal control department, placed in quarantine, if necessary, for the proper length of time or held for ten (10) business days, and thereafter destroyed in an expeditious and humane manner. This ten (10) day time period shall allow the owner to apply to a court of jurisdiction for any remedies that may be available. 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.

(5) If a dog that has previously been declared dangerous pursuant to Chapter 767, Florida Statutes, aggressively attacks and causes severe injury to or death of any human, the owner of the dog, upon conviction, is guilty of a felony of the third degree, punishable as provided in Section 775.082, or Section 775.083, or in Section 775.084. In addition, the dog shall be immediately confiscated by the animal control department, placed in quarantine, if necessary, for the proper length of time or held for ten (10) business days, and thereafter destroyed in an expeditious and humane manner. This ten (10) day time period shall allow the owner to apply to a court of jurisdiction for any remedies that may be available. 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.

SECTION 20. ADOPTION. All cats and dogs placed for adoption shall be vaccinated and sterilized or a deposit guaranteeing sterilization, as required by Florida Statute 823.15, shall



Santa Rosa County Animal Services

be collected for the adopter in the amount as determined by the Department prior to release of the animal to an adopting party. If funds are available through the Animal Services Department subsidy assistance can be offered to Spay / Neuter by meeting "Income Guidelines" or if receiving "Public Assistance" set forth by the Department Director of Public Services. Any other discounts or subsidy is to be approved by the Director of Animal Services.

SECTION 21. QUARANTINE, REQUIREMENTS. Quarantine is an official order that limits the freedom of movement and actions of animals as set forth in the document "Rabies Prevention and control in Florida, 2000". For this section any animal that bites a human will require a ten (10) day Quarantine. With a Memorandum of Understanding with Santa Rosa County Health Department the Santa Rosa County Animal Control officers have the authority to:

- (1) Certify the adequacy of the quarantine site.
- (2) Assure the owner of the animal signs a home quarantine responsibility statement.
Failure to adhere to the home quarantine requirements will require the animal to be quarantined at the County facility.
- (3) If animal is unvaccinated the officer has the discretion to require the animal to be quarantined at the Santa Rosa County Animal Services Shelter. The owner may choose to quarantine the animal at a Santa Rosa County Veterinarians Facility. The owner is responsible for all expenses related to the quarantine.
- (4) The Santa Rosa County Health Department will be responsible for the termination of the Quarantine process.

(5) If the animal is impounded there will be a redemption fee for the ten (10) day quarantine period and an impound fee for each additional day after the ten (10) days. Charges shall be established by the Board of County Commissioners.

SECTION 22. SEVERABILITY. The provisions of this Ordinance shall be deemed to be separate and independent of all other provisions herein and if any provisions of this Ordinance are declared invalid or void for any reason, the validity thereof shall not affect the remaining provisions of this Ordinance.

SECTION 23. REPEALER. Santa Rosa County Ordinance 2002-25 is hereby repealed and replaced by this Ordinance.

SECTION 24. CODIFICATION. The provisions of this Ordinance shall become and be made a part of the code of laws and ordinances of the County of Santa Rosa. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION 25. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed in the office of the Secretary of State within ten (10) days after enactment, and this Ordinance shall take effect upon receipt of official acknowledgment from that office that said Ordinance has been filed.

PASSED AND ADOPTED by a vote of ___ yeas and ___ nays and ___ absent of the Board of County Commissioners of Santa Rosa County, Florida, on the _14th_ day of October, 2004.

**BOARD OF COUNTY COMMISSIONERS
SANTA ROSA COUNTY, FLORIDA**

By: _____
Chairman

ATTEST:



Santa Rosa County Animal Services

Clerk of Court

I, Mary M. Johnson, Clerk of Court of Santa Rosa County, Florida, do hereby certify that the same was adopted and filed of record and a copy deposited in the Postal Department of the United States of America for delivery by registered mail to the Secretary of the State of Florida, on this _____ day of _____, 2004.

Clerk of Court