

Chapter 4

ANIMALS*

ARTICLE I -- In General

Section 4.1	Cruelty to animals
Section 4.2	Squirrels; Killing, wounding or molesting
Section 4.3	Animals running at large prohibited; Impounding
Section 4.4	Same - Fees; notice to owners, sale and disposition of unredeemed animals
Section 4.5	Release or interference with impounded animal
Section 4.6	Dead animals; Duty of owner to remove from public streets and squares; costs
Section 4.7	Same; Removal from private property
Section 4.8	Killing, wounding or molesting wild birds
Section 4.9	Robbing nests
Section 4.10	Operation of kennel
Section 4.11	Keeping undomesticated animals
Section 4.12	Removal of animal waste
Section 4.13–4.25	Reserved

ARTICLE II -- Dogs and Cats

Section 4.26	Purpose
Section 4.27	Short title
Section 4.28	Definitions
Section 4.29	Establishment of pound
Section 4.30	Animal control officer
Section 4.31	Enforcement officer immune from prosecution
Section 4.32	Rules and regulations
Section 4.33	Rabies vaccination required
Section 4.34	Licensing
Section 4.35	Public nuisance
Section 4.36	Dogs/cats running at large
Section 4.37	Restrictions regarding vicious dogs
Section 4.38	Animals infected with rabies and suspected rabies cases
Section 4.39	Notice of impoundment and redemption
Section 4.40	Report of bite cases
Section 4.41	Officer safety in suspected rabies cases
Section 4.42	Visitors to the city
Section 4.43	Other agencies
Section 4.44	Operative in unincorporated areas
Section 4.45	Severability clause
Section 4.46	Violations; penalty

***Cross references:** *Administration*, Chapter 2; *Animals on public beaches or parks*, § 5.3; *Garbage and Refuse*, Chapter 9; *Housing*, Chapter 11; *Streets, sidewalks and other public places*, Chapter 16; *Traffic*, Chapter 18.

ARTICLE I -- In General

Section 4.1 Cruelty to animals

It shall be unlawful to overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, cruelly to or unnecessarily beat or whip any animal, or cause or procure the same to be done. Whoever, having the charge or custody of any animal either as owner or otherwise, inflicts unnecessary cruelty upon it, or rides, drives or works it when sick or unfit to work, or fails to provide it with proper food, drink, shelter or protection from the weather, upon conviction shall be punished as provided for in Section 1.15 of this Code. (Code 1958, Section 5-1)

Section 4.2 Squirrels; Killing wounding or molesting

It shall be unlawful to willfully kill or wound, or attempt to capture or molest, any squirrel running at large within the City limits by shooting, clubbing, throwing of stones or other missiles, or by the use of slingshots or otherwise. (Code 1958, Section 5-2)

Section 4.3 Animals running at large prohibited; Impounding*

(a) It shall be unlawful for any animal of the equine species, cow, calf, bull, boar, bitch in heat, goat, or dangerous, vicious or mischievous animal of any species to be allowed or permitted to run in or on any of the public thoroughfares, squares or enclosed lands, or other public lots of the City.

(b) It shall be the duty of the police, on information or view, to cause the same to be impounded. Such animal shall not be restored to the owner until such owner shall pay the cost of impounding as hereafter provided for each and every such animal. Before impounding any mischievous animal, if the owner is known to the police, the police shall notify such owner to keep such animal confined. If thereafter such animal is found upon the thoroughfares, squares, unenclosed land or lots aforesaid at large, the same shall be impounded without special notice, as provided above.

(Code 1958, Section 5-3)

Cross reference: See Section 4-36 of this Chapter and *Streets, Sidewalks and Other Public Places*, Chapter 16.

Section 4.4 Same - Fees; notice to owners, sale and disposition of unredeemed animals*

(a) The fees for impounding under this Chapter shall be as on file in the administrative supervisor's office. The actual expense necessary for feeding and caring for each animal shall be added, but the fees and expenses shall in no case exceed the value of the animal impounded.

(b) Immediately after impounding, the police shall give notice to the owner, if known; and if such owner does not redeem the animal or animals within twenty-four [24] hours from the time such notice is given by paying the fees and expenses as herein provided, the police shall immediately proceed to advertise for sale such animal so impounded by posting notice of such sale at City Hall, or by publishing in a newspaper in the City at the expiration of ten [10]

days. In the event the owner is unknown, such notice shall be given immediately upon impounding.

(c) The animal shall be sold at public sale to the highest cash bidder, before the door of the city hall, the proceeds of the sale to be applied first to the payment of the fees and expenses of impounding, keeping and sale. The balance, if any, shall be paid to the owner if known. If no owner applies within thirty [30] days after such sale, the balance shall be placed in the general fund. Owners may at any time before the sale redeem such animal by the payment of all the fees and expenses incurred to the date of redemption.

(Code 1958, Section 5-4)

***Editor's Note:** To the extent Sections 4.3 and 4.4 are in conflict therewith, the provisions of these Sections 4.3 and 4.4 are superseded by later adoption of Ordinance 9506, adopted 12-14-95. (See Article II, sections 4-26 through 4-46 of this Chapter)

Section 4.5 Release or interference with impounded animal

Any person who, after the impounding of any animal under any of the ordinances of the City, shall release or attempt to release or in any manner interfere with such animal or with the safekeeping thereof until after such animal be released in accordance with the Ordinances shall on conviction, be punished by a fine as provided by Section 1.15 of this Code.

(Code 1958, Section 5-5)

Section 4.6 Dead animals; Duty of owner to remove from public streets and squares; costs

The owner of dead animals upon the public streets and squares shall, immediately upon notification, remove the same so as not to constitute a nuisance. If the owner fails to do so, the City shall remove and dispose of such carcass, and charge the cost of such removal and disposition to the owner of the carcass, if known.

(Code 1958, Section 5-6)

Section 4.7 Same; Removal from private property

When any dead animal is found on private property, the owner of the dead animal, or the owner of the premises upon which such animal is located shall, when notified, remove the same immediately at his own cost. Upon failure to do so within a reasonable time, the City shall remove same, with the cost to be collected from the offending party.

(Code 1958, Section 5-7)

Section 4.8 Killing, wounding or molesting wild birds

It shall be unlawful for any person to willfully kill or wound, or attempt to kill, capture or molest, within the City limits, any mockingbird, redbird, thrush, woodpecker, dove or other wild bird in the City.

(Code 1958, Section 5-8)

Section 4.9 Robbing nests

It shall be unlawful for any person to rob the nests of any of the birds mentioned in Section 4.8 hereof by removing such nest, or the eggs there from, or taking out the young birds or destroying the same.

(Code 1958, Section 5-9)

Section 4.10 Operation of kennel

It shall be unlawful to house, maintain, care for, board (whether for pay or not), or keep six [6] or more dogs, cats or other animals over the age of six [6] months without first obtaining a City license to operate a kennel.

(Ordinance No. 9006; 6-14-90)

Cross reference: *Licenses and Business Regulations*, Chapter 12

Section 4.11 Keeping undomesticated animals

For purposes of this section, undomesticated animals are defined as horses, mules, cattle, goats, swine, rabbits, poultry, fish, reptiles, and all other animals not commonly used as household pets.

(a) It shall be unlawful for any person to keep undomesticated animals within the corporate limits of the City, except at a distance of more than 250 feet from any dwelling or adverse property ownership.

(b) It shall be unlawful for any person to keep undomesticated animals within the corporate limits of the City which, by reason of frequent or continual noise, smell or other unsanitary conditions, disturb the peace, comfort or health of neighbors.

(Ordinance No. 03-006, 11-10-03)

Section 4-12 Removal of animal waste

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal upon public property, including but not limited to streets, sidewalks and parks, or the private property of others. It shall be unlawful for any owner, having knowledge of such deposits by his animals, to fail to remove such excreta.

(Ordinance No. 03-006, 11-10-03)

Section 4.13 – 4.25 Reserved

ARTICLE II -- Dogs and Cats

Section 4.26 Purpose

The purpose of this Article is to recognize that the public health and safety of citizens will be secured by enacting animal control legislation, to recognize the right of the public to own and properly maintain domestic animals and to recognize that effective animal control includes:

- (a) administration of rabies vaccination programs;
- (b) licensing of certain animals;
- (c) impoundment of strays;
- (d) disposition of impounded animals, and
- (e) confinement of certain animals.

(Ordinance No. 9506, Section II; 12-14-95)

Section 4.27 Short title

This Article shall be known and may be cited by the short title of *City of Crescent City Animal Control Ordinance*.

(Ordinance No. 9506, Section III; 12-14-95)

Section 4-28 Definitions

Cat shall mean and include all members of the feline family

Dog shall mean and include all members of the canine family

Owner shall mean any person having a right of property in a dog or cat, or who keeps or harbors a dog or cat, or has it in his or her care, or acts as its custodian, or who permits a dog or cat to remain on or about any premises occupied or controlled by him or her.

Public nuisance animal or animals shall mean any domesticated animal or animals which:

1. Damage private property
2. Are vicious
3. Molest passersby or vehicles
4. Attack other animals while on other than its owner's property
5. Cause an annoyance in the neighborhood by acts such as overturning garbage cans, defecating, urinating or digging holes on other than its owner's property or such other acts as are generally regarded to create a public nuisance.

Stray animal shall mean any animal at large without identifying tags or without appearance of an owner. "Stray" shall not mean a hunting dog while hunting on private or public property unless it becomes a nuisance as described above.

Vaccination against rabies shall mean the injection of a canine or feline with anti-rabies vaccine approved by and administered in an amount and manner approved by the State Board of Health.

Vicious and / or dangerous dog shall mean a dog which habitually attacks other dogs or animals, or which has once bitten or otherwise physically attacked, without reasonable provocation, a human being; or upon sworn affidavit by an adult that such dog has viciously destroyed property; while on other than its owners property.
(Ordinance No. 9506, Section IV; 12-14-95)

Section 4.29 Establishment of pound

The Board of County Commissioners of Putnam County established and maintains a county pound for the purpose of having impounded therein, all strays and any animals found in violation of this Article, or other animals having or suspected of having rabies.
(Ordinance No. 9506, Section V; 12-14-95)

Section 4.30 Animal control officer

The Board of County Commissioners of Putnam Country does employ persons known as “animal control officers” who have the vested authority to enforce this Article by picking up, catching, or procuring any unlicensed dog or cat roaming at large, or believed to be a stray or public nuisance, and impounding same in the pound provided for herein.
(Ordinance No. 9506, Section VI; 12-14-95)

Section 4.31 Enforcement officer immune from prosecution

Any enforcement officer, or any other person authorized by the enforcement agency, and the enforcement agency itself shall be immune from prosecution, civil or criminal, for good-faith trespass on private property while discharging the duties of this Article or other authorized duties when the act is committed in his or her presence or upon a sworn affidavit that such an act has occurred.
(Ordinance No. 9506, Section VII; 12-14-95)

Section 4.32 Rules and regulations

The Board of County Commissioners has established reasonable impounding fees and per diem rates for board while keeping animals so impounded which shall be paid by the owner of the animal so impounded before it is released, and to make rules and regulations relating to the subject hereof which, in the opinion of the Board, will further guarantee and protect the health and safety of the citizens of the City.
(Ordinance No.9506, Section VIII; 12-14-95)

Section 4.33 Rabies vaccination required

Every owner of a dog or cat over four [4] months of age shall cause same to be vaccinated against rabies every twelve [12] months by a veterinarian licensed by the State, and purchase the license herein provided for. Evidence of vaccination shall consist of a certificate signed by the person administering the vaccine and containing pertinent data identifying the dog

or cat. One copy of the certificate shall be given to the owner, two copies filed with the County Animal Control Office. One copy is retained by the person administering the vaccine. (Ordinance No. 9506, Section IX; 12-14-95)

Section 4.34 Licensing

(a) **License tag.** Coincident with the issuance of the certificate of the inoculation as herein prescribed, the person administering the vaccine shall deliver to the owner a metal, serially-numbered tag to be attached to the collar or harness of the dog or cat immediately and which must be worn at all times. Certificates and tags shall be furnished by the county animal control office to those within the county designated as qualified to administer rabies vaccine under this act. No other certificate or tag shall be valid under this act. No persons other than the animal control office personnel and licensed veterinarians shall sell dog tags.

(b) **Cost of license.** The cost of each county animal license will be set by the Board of County Commissioners. All fees received under this act shall be placed into the general fund of the county.

(c) **Duplicate license tag.** In the event of loss or destruction of the metallic license tag issued pursuant to subsection (a) above, the owner shall obtain a duplicate tag. (Ordinance No. 9506, Section X; 12-14-95)

Section 4.35 Public nuisance

(a) No owner shall fail to exercise proper care and control of his or her animal(s) to prevent it from becoming a public nuisance or stray as defined herein.

(b) Upon receipt of an *Affidavit of Complaint* signed by any person aggrieved by public nuisance actions of an animal, the animal control officer or law enforcement officer shall investigate the complaint to determine whether the act complained of violated this Article. Such affidavit must be made under oath before said officer authorized by law to take acknowledgements and set forth: the nature and date of the actions complained of; the name of the owner or custodian of the animal; the address of the owner or custodian, if known; and the description of the animal involved. If said officer determines that a violation has taken place, either as a result of an affidavit being filed or upon his or her own investigation, appropriate proceedings shall be instituted against the owner or custodian of such animal. (Ordinance No. 9506, Section XI; 12-14-95)

Section 4.36 Dogs/cats running at large

It shall be unlawful for any person, firm or corporation who shall own, or have the care, custody or control of any dog, to permit the dog to run at large within the corporate limits of the City.

(a) **At large** shall mean “not under the direct control of the owner or caretaker.”

1. Direct control shall mean immediate, continuous, physical control of a dog at all times by means of a leash, cord, cable, chain, trolley or other tether of sufficient strength to restrain the dog, and controlled by a person capable of restraining the dog, or safe and secure restraint within a vehicle.

2. Confinement shall mean in a secure enclosure, fence or pen from which the animal cannot dig, climb, jump or escape and which is locked when the animal remains unattended.

(b) Any dog found running at large within the City limits is declared to be a public nuisance and the owner of any dog found running at large shall be guilty of an offense. In any prosecution brought under this section, it shall not be necessary for the City to allege or prove knowledge or neglect on the part of any accused person.

(Ordinance No. 9506, 12-14-95; Ordinance 03-006, 11-10-03)

Section 4.37 Restrictions regarding vicious dogs

It shall be unlawful for an owner to keep, harbor, or maintain any vicious and/or dangerous dog or cat in a manner which may, or does, endanger the safety of persons or property off his or her premises or lawfully on his or her property.

(Ordinance No. 9506, Section XIII; 12-14-95)

Section 4.38 Animals infected with rabies and suspected rabies cases

In the event any animal is impounded because of rabies or suspected rabies, the Board of County Commissioners or the animal control officer shall have full and complete authority to secure the services of a licensed veterinarian in order to observe such disease for a period as deemed necessary by the County Health Officer, and until the officer is of the opinion that the health and safety of the citizens of the City would be jeopardized by the continued existence of such infected animal. The animal may then be destroyed without any compensation to the owner.

(Ordinance No. 9506, Section XIV; 12-14-95)

Section 4.39 Notice of impoundment and redemption

All animals which have been impounded under the provisions of this Article, after due written notice of impoundment has been given to the owner, if known, said animal(s) may be disposed of, or humanely dispatched when not redeemed within seven [7] days from impounded date. Impounded animals may be redeemed by the payment of accrued fees and board rates. If the owner fails to redeem the animal, any reputable person may redeem such animal at the discretion of the animal control officer after payment of accrued fees and board rates. Animals not having a current rabies vaccination must be vaccinated before being released to an owner or other person.

(Ordinance No. 9506, Section XV; 12-14-95)

Section 4.40 Report of bite cases

Veterinarians, physicians, animal owners, or any other person having knowledge that any person has been bitten by an animal shall report same immediately to the county health office, animal control office, or law enforcement agency. Said animal shall be confined in suitable quarters for ten [10] days to maintain quarantine, or until the county health office authorizes release. Any expense incurred in said quarantine shall be borne by the owner.

(Ordinance No. 9506, Section XVI; 12-14-95)

Section 4.41 Officer safety in suspected rabies cases

Should the county animal control officer, or anyone acting under his authority, have reasonable grounds to believe that any unlicensed dog running at large in the county is infected with rabies, and such dog cannot safely be caught or impounded, such animal may be killed by the animal control officer or other law enforcement officer.

(Ordinance No. 9506, Section XVII; 12-14-95)

Section 4.42 Visitors to the city

The licensing requirements of this Article shall not apply to dogs or cats whose owners are not residents of the City. For purpose of this Article, any person who shall reside in the City for more than twenty-eight [28] consecutive days shall be deemed a resident of the City.

(Ordinance No. 9506, Section XVIII; 12-14-95)

Section 4.43 Other agencies

Nothing in this Article shall be held to limit the authorities, duties, and responsibilities of the State Division of Health, the county health officer, the sheriff, or other law enforcement, and other duly qualified agencies as defined by statute.

(Ordinance No. 9506, Section XIX; 12-14-95)

Section 4.44 Operative in incorporated areas

This Article shall apply to, and be enforced in, all areas of the City by county animal control officers, through an interlocal agreement between the City of Crescent City and Putnam County.

(Ordinance No. 9506, Section XX; 12-14-95)

Section 4.45 Severability clause

If any provision of this Article, or the application thereof, to any person or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications of this Article which can be given effect without the invalid provision or application; and to this end, the provisions of this Article are declared severable.

(Ordinance No. 9506, Section XXI; 12-14-95)

Section 4.46 Violations; penalty

It shall be unlawful for any person, firm or corporation to bind or prevent the performance of any impounding officer, agent or employee of any act or duty authorized or required by this Article. Violation of any provision of this Article is a civil infraction with a maximum civil penalty of five hundred dollars [\$500.00]. Any law enforcement officer, or animal control officer, finding probable cause that a person has committed an act in violation of a provision of this Ordinance, may issue that person a citation in the form of a *Notice to Appear* in the county court. If the person receiving the *Notice to Appear* wishes to contest the citation, a personal appearance may be made before the county court on the date specified on the *Notice to Appear*. If the person receiving the notice to appear does not wish to contest the citation, a civil penalty of one hundred dollars [\$100.00] maybe mailed or delivered in person to the Clerk of Court.

This Article hereby adopts and makes a part hereof of Section 767.12(7), Florida Statutes, wherein any person violating any provisions of this Article is guilty of a non-criminal infraction and may be punishable by a fine not exceeding five hundred dollars [\$500.00].

When a *Notice of Violation* or *Summons* is issued pursuant to a violation of this Article, the offender may pay a fine in the amount of one hundred dollars [\$100.00], plus costs for clerk's services in the amount of eight dollars [\$8.00], providing said fine and costs are paid within the time allowed on the *Summons* to the Clerk of Court. Failure to pay the fine and waiver of a formal hearing shall result in an *Order to Show Cause* to be issued by the court. Said *Order to Show Cause* shall have a provision that the offender appear before the County Judge on a certain date to show cause why he or she should not be held in contempt of court for failure to respond. The court may fine the offender up to five hundred dollars [\$500.00] plus ten percent [10%] for costs, payable to the Clerk of Court.
(Ordinance No. 9506, Section XXII; 12-14-95)