

ORDINANCE NO. 943

AN ORDINANCE RELATING TO THE REGULATION AND CONTROL OF ANIMALS WITHIN THE CITY OF LIVE OAK; PROVIDING DEFINITIONS; REQUIRING OWNERS TO CONFINE CERTAIN ANIMALS; COVERING DISPOSAL OF ANIMALS; REQUIRING VACCINATIONS FOR ANIMALS; SETTING FORTH PROCEDURES TO BE FOLLOWED FOR VICIOUS ANIMALS; REQUIRING QUARANTINE OR DESTRUCTION OF CERTAIN RABID ANIMALS; REQUIRING RABIES VACCINATION TAGS ON ANIMALS; PROVIDING PENALTIES; PROVIDING THAT THIS ORDINANCE IS TO BE LIBERALLY CONSTRUED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVE OAK, FLORIDA;

SECTION 1. AUTHORITY. This Ordinance is enacted for the purpose of providing necessary regulations for the control of vicious animals, rabid animals or animals that create a nuisance or are noisy in order to protect the citizens and inhabitants of the City of Live Oak from injury, inconvenience or bother to persons or property arising out of animals creating a nuisance upon properties of others or from improperly restrained vicious animals, and to require rabies vaccination of all animals, in the interest of the public health, safety and welfare of the citizens and inhabitants of Live Oak, Florida.

Section 2. DEFINITION. As used in this Ordinance the following terms shall be defined to mean:

- (a) "Animal" - as used herein shall mean dogs, cats and every other warm blooded living, dumb creature.
- (b) "Animal Control Officer" - the person or persons appointed by City Council to enforce this Ordinance.
- (c) "Animal Shelter" - any premises designed by action of City Council for the purpose of impounding and caring for all animals taken or picked up by reason of any violation of this ordinance.
- (d) "Confinement" - to have an animal under the control, custody, charge or possession by the owner or other responsible person either by fence, leash, cord, chain or other restraining devise.

- (e) "Cruelty" - the deprivation of proper nutrition, potable water, medical attention, shelter from wind and rain, also the causing of pain or suffering to an animal.
- (f) "Nuisance Animal" - any animal that disturbs the peace and quiet of neighboring residents by habitual or repeated barking, howling, crying, screaming, whining or other bothersome noise; or any animal that chases vehicles; animals that run at large; animals that act in an aggressive manner; or any animal that destroys or damages property or that interferes with use and enjoyment of property; any animal that is unwelcomed on property; any domesticated animal without current rabies vaccination; any animal creating an unpleasant odor associated with the keeping and harboring of animals for neighboring residents.
- (g) "OWNER" - any person, group of persons, corporation, partnership or other legal entity owning, keeping or harboring an animal or animals.
- (h) "Restraint" - an animal shall be deemed under restraint within the meaning of this ordinance if it does not violate any of the items in definition (d) above.
- (i) "Stray" - any animal which is off the premises of the owner and not under the direct control, custody, charge or possession of the owner or other responsible person either by fence, lease, cord, chain or other restraining device. An animal shall not be considered a stray if it is a work dog during the time it is actually working, a guide dog for the blind, a police dog while it is being utilized by the police. An animal may also be considered a stray if it is either on public or private property and does not have attached to it a current tag evidencing rabies vaccination.
- (j) "Veterinarian" - a veterinarian licensed to practice in the State of Florida.
- (k) "Vicious Animal" - any animal which shall exhibit, or shall have exhibited, tendencies toward attacking, biting, mauling or otherwise injuring people or animals, shall be deemed a vicious animal. Said definition shall not be limited by a requirement that an animal in question has actually attacked, bitten, mauled or otherwise injured people or animals in the past; however, such prior actions may evidence a disposition toward, or habit of, vicious behavior. In determining whether any animal is vicious, the size may be considered, in the light of its tendencies, as a contributing element to danger and the circumstances surrounding the alleged vicious conduct.

SECTION 3. STRAY ANIMALS. It shall be unlawful for any owner to allow their animal to stray anywhere in the corporate city limits. Stray animals will be picked up by the Animal Control Officer or other law enforcement agency and impounded in the animal shelter. If the stray animal cannot be captured by the Animal Control Officer due to either the temperament of the animal, or the inability of the Animal Control Officer to catch the stray animal, the animal may be destroyed by the Officer. It shall be the duty of all persons having animals under their custody or ownership to have such animals vaccinated for rabies annually and have attached to such animal a current tag evidencing the vaccination. Any owner of a stray animal that has been impounded shall be entitled to have the animal returned after all impounding fees and vaccination fees for rabies are paid. The

animal not having current vaccination must be vaccinated within 72 hours after return to the owner. Proof of vaccination must be presented to the Animal Control Officer within 72 hours, or the animal will be considered a nuisance animal.

If any stray animal is not claimed by its owner within three (3) business days of such impoundment, such animal shall be treated as a nuisance animal in accordance herewith.

SECTION 4. NUISANCE ANIMALS. It shall be unlawful for any person to own, keep or harbor an animal that is a nuisance. After receipt of a written or verbal complaint, the Animal Control Officer will determine if an animal is a nuisance, and if the animal continues to be a nuisance a reasonable time, but not more than seven (7) days, after written notice to the owner or keeper that the animal is a nuisance, the Animal Control Officer is authorized to pick up, catch or procure said animal, and to handle the animal in accordance herewith, and the owner shall be deemed in violation hereof and punishable in accordance with Section 15.

SECTION 5. CONFINEMENT. If an animal is confined by chain fence, cord, leash etc., such method of confinement must be tangle free and at least four times the animal's body length with a minimum of ten feet.

SECTION 6. SANITATION. An animal owner or other responsible person must not allow an accumulation of feces. Feces must be removed a minimum of every 24 hours.

SECTION 7. DISPOSAL OF VICIOUS OR NUISANCE ANIMALS. Any animal determined to be vicious that is at large or not confined or restrained; any animal found at large anywhere in the corporate city limits, whether licensed or otherwise, and whether owned or unowned, and all nuisance animals under the custody of the Animal Control Officer, shall be disposed of as follows:

(a) Where said animal bears no indication of ownership, said animal shall be confined by the Animal Control Officer for three (3) business days from the date the animal was found. At the expiration of three (3) business days if the Animal Control Officer shall determine that the animal is vicious or a nuisance, and if no owner has appeared to claim the animal, the animal shall be destroyed in accordance with Florida Statutes, or at the discretion of the Animal Control Officer, may be made available for adoption upon the payment of all fees and costs incurred pertaining to that animal, and spaying or neutering of the animal.

(b) Where such animal bears an indication of ownership, the indicated owner of such animal shall be notified by mail, and by telephone if possible, of the animal's impoundment. If said owner makes no claim upon said animal within three (3) business days from the date of mail, said animal, if determined to be vicious or a nuisance by the Animal Control Officer, shall be deemed unowned and handled as set forth in subsection (a) above.

(c) All claimed animals shall be returned to the owner after paying all fees and costs of impounding, and proof of a current rabies vaccination is shown to the Animal Control Officer within 72 hours. All animals shall be claimed in writing by the owner. Failure to provide a certificate of vaccination within 72 hours will allow the Animal Control Officer to recapture and dispose of the

animal. There will be no refunding of any fees in the event the Animal Control Officer is required to recapture the animal. These costs to be set from time to time by resolution of the City Council.

(d) Where an animal suspected of being vicious is found at large and has been previously confined by the Animal Control Officer, and where the animal is claimed in writing by the owner, the animal may be held while the Animal Control Officer, Police Chief and third person selected by the Police Chief determine the viciousness or non-viciousness of the animal. Said determination shall be made no later than five (5) business days from the date upon which the owner claimed the animal in writing. If the Animal Control Officer, Police Chief, and third person determine that the animal is not vicious as defined herein, the animal shall be returned to the owner without charge. If two of those three persons above determine that the animal is vicious the following shall apply:

- (1) The first time the animal is determined vicious it shall be marked for identification and returned to the owner upon proof of ownership, and after paying all fees and costs of impoundment. The owner of all animals returned under this paragraph must sign a statement agreeing to confine the animal before the animal can be returned to the owner.
- (2) The second time within a two-year period the animal is determined vicious by the Animal Control Officer, Police Chief, and third person, the animal shall be destroyed not sooner than five (5) business day from said determination, as set forth in subsection (a) above. Any appeal to a court of competent jurisdiction, or original action therein, shall stay the destruction of any animal determined by the Panel to be vicious until three (3) business days after said court shall render its final judgment.

(e) Where any animal is impounded pursuant to this section, the Animal Control Officer may collect from the owner such daily impoundment fees as may be established by resolution by the City Council.

(f) For the terms of this Ordinance a nuisance shall be presumed to exist where more than four (4) animals of any species is maintained.

SECTION 8. CRUELTY TO ANIMALS. It shall be unlawful for any owner or other person or persons to be cruel to an animal or animals as defined in Section 1 of this Ordinance. Any owner or person or persons in violation of any one part of the cruelty definition shall be deemed guilty of cruelty.

SECTION 9. VACCINATION. All persons who own or harbor an animal shall have the animal vaccinated against rabies.

- (a) Evidence of such vaccination shall consist of a current tag or certificate from the veterinarian.

- (b) The cost of rabies vaccine shall be borne by the owner of the animal.

SECTION 10. RIGHT TO ENTER UPON PRIVATE PROPERTY. For purposes of discharging the duties imposed by the Ordinance, including investigation of possible violations and enforcing its provisions, the Animal Control Officer, Police Chief and Police Officers are empowered to enter without authority of any court of competent jurisdiction upon any private property, exclusive of any dwelling house or structure to demand that the animal or, if applicable, the vaccination license of such animal be exhibited to said officer.

SECTION 11. ANIMALS INFECTED WITH RABIES. It shall be the duty of the owner or any person knowing of any animal infected with or showing suspicious symptoms of rabies or any unusual behavior to report the same within twelve (12) hours to the Animal Control Officer or the Police Department, who shall forward a copy of the report to the County Health Office immediately.

SECTION 12. DUTIES OF THE ANIMAL CONTROL OFFICER IN SUSPECTED RABIES CASES. Whenever the Animal Control Officer shall be informed that any animal has bitten or scratched any person or is suspected of having or showing suspicious symptoms of rabies or any other infections or contagious disease or any unusual behavior, it shall be the duty of said Animal Control Officer to notify the County Health Department.

SECTION 13. SURRENDER OF ANIMAL FOR QUARANTINE OR DESTRUCTION. Any person who shall fail to surrender any animal for quarantine or any person who shall fail to surrender any animal for destruction, wherein the Animal Control Officer, Police Chief, or third person selected by the Police Chief, determines that the animal should be destroyed as set forth in Section 7 above, when written demand is made for the animal by the Animal Control Officer, shall be guilty of a misdemeanor in the second degree and punished as provided for in this Ordinance.

SECTION 14. SURRENDER OF CARCASS OF RABID ANIMAL. Any person who, upon demand, shall not surrender to the Animal Control Officer, County Health Officer or Police Chief the carcass of any dead animal exposed to or suspected of having been exposed to rabies shall be guilty of a misdemeanor in the second degree and punished as provided for in this Ordinance.

SECTION 15. PENALTIES FOR VIOLATION. Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor of the second degree and upon conviction shall be punishable as provided by law.

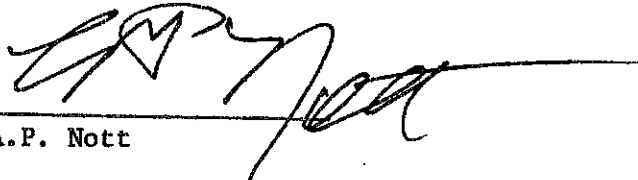
SECTION 16. CONSTRUCTION. The provisions of this Ordinance shall be liberally construed in order to effectively carry out the purpose of this ordinance in the interest of the public health, welfare and safety of the citizens and residents of Live Oak.

SECTION 17. SEVERABILITY. It is declared to be the City Council intent that if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

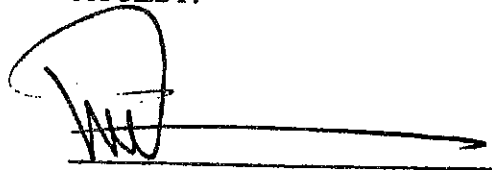
SECTION 18. EFFECTIVE DATE. This Ordinance shall take effect on June 12, 2001.

ENACTED THIS 12th day of June, 19 2001


President, City Council


Mayor A.P. Nott

ATTEST:


City Clerk William J. McCullers

Read and adopted on its first reading May 8, 2001

Noticed in Suwannee Democrat May 23 and 30 2001

Finally adopted at regular meeting June 12, 2001