

ORDINANCE: 1865

**AN ORDINANCE OF THE CITY OF CRESTVIEW,
FLORIDA, REPEALING AND REPLACING THE
CURRENT CHAPTER 10 – ANIMALS OF THE CITY OF
CRESTVIEW CODE OF ORDINANCES; PROVIDING FOR
AUTHORITY; PROVIDING FOR FILING OF THIS
ORDINANCE WITH THE CLERK OF THE CIRCUIT
COURT OF OKALOOSA COUNTY; PROVIDING FOR
SEVERABILITY; PROVIDING FOR SCRIVENER’S
ERRORS; PROVIDING FOR LIBERAL
INTERPRETATION; PROVIDING FOR REPEAL OF
CONFLICTING CODES AND ORDINANCES; AND
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City is authorized and empowered to adopt and enforce ordinances, not inconsistent with state law that are necessary to protect the health, welfare and safety of its citizens and inhabitants; and

WHEREAS, the City Council (“Council”) of the City serves as the elected governing body directly responsible for the promotion and projection of the public welfare, and safety of its citizens and inhabitants; and

WHEREAS, the City has recently regained authority and responsibility over animal control services within the city limits; and

WHEREAS, staff has reviewed various methods by which animal control services is handled in other municipalities and jurisdictions and have researched those other jurisdiction’s ordinances, defenses and penalties in the process of crafting this ordinance.

**BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA AS
FOLLOWS:**

CHAPTER 10 – ANIMALS in its current form is hereby repealed and replaced with Chapter 10 – Animals as attached to this ordinance (Attachment 1).

SECTION 1 – AUTHORITY. The authority for enactment of this ordinance is Chapter 166.021, Florida Statutes, and Section 2 of the City Charter.

SECTION 2 – FILING. Upon passage, the City Clerk is directed to file a copy of this ordinance with the Clerk of Circuit Court of Okaloosa County and with the Florida Department of the State.

SECTION 3 – SEVERABILITY. If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this

ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4 – SCRIVENER’S ERRORS. The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager’s designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

SECTION 5 – ORDINANCE TO BE LIBERALLY CONSTRUED. This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 6 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS. All Charter provisions, codes, ordinances and resolutions or parts of Charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7 – EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

Passed and adopted on second reading by the City Council of Crestview, Florida on the 9th day of May 2022.

Approved by me this 9th day of May 2022.

J. B. Whitten
Mayor

ATTEST:

Maryanne Schrader
City Clerk

Chapter 10 ANIMALS

Sec. 10-1. - Definitions.

Abandon means to forsake entirely or neglect or refuse to provide or perform the legal obligations for care and support of an animal

Adequate food means food which is of sufficient quantity and nutritive value to maintain each companion animal in good health. Adequate food is accessible to each companion animal, is prepared so as to permit ease of consumption for the age, species, condition, size, and type of each companion animal, is provided in a clean and sanitary manner, is placed so as to minimize contamination by excrement and pests, and is provided at suitable intervals for the species, age, and condition of the companion animal, which is at least once daily except as prescribed by a veterinarian.

Adequate water means clean, fresh, potable water of a drinkable temperature. Adequate water is provided at all times in a suitable manner, in sufficient volume, and refreshed at suitable intervals to maintain normal hydration for the age, species, condition, size, and type of each companion animal, except as prescribed by a veterinarian, and is provided in a clean, durable receptacle, which is accessible to each companion animal and is placed so as to prevent contamination of the water by excrement and pests.

Adequate shelter means a shelter that is suitable for the species, age, condition, size, and type of each companion animal, and provides adequate space for each companion animal, is safe and protects each companion animal from injury, direct sunlight, other weather elements, adverse effects of heat or cold, physical suffering, and impairment of health. Adequate shelter is properly lighted, is properly cleaned, enables each companion animal to be clean and dry, except when detrimental to the species, and for dogs and cats provides a solid surface and resting platform, pad, floor mat, or similar device that is large enough for the dog or cat to lie on in a normal manner and can be maintained in a sanitary manner.

Adequate space means space that allows a companion animal to easily sit, stand, lie, turn about, and make other normal body movements in a comfortable, normal position for a companion animal. Adequate space is space that a companion animal can interact safely with other animals in the enclosure, unless otherwise specified by veterinarian care. Nothing in this subsection precludes veterinary care that temporarily restricts movement if it would endanger a companion animal.

Animal means any living non-human vertebrate.

Animal services means The City of Crestview office of animal services, the director, and any enforcement officers.

Animal services officer means any person duly employed or appointed by the city, who is authorized to investigate, on public or private property, and to enforce violations and issue citations as provided in this chapter. An animal services officer is not authorized to bear arms or make arrests.

Animal shelter means any public or private organization existing for the purpose of the prevention of cruelty to animals and/or for the sheltering of animals, is incorporated or chartered under the laws of the State of Florida or established by legislation.

Bite means a penetration of skin with teeth, and with blood appearing in the wound.

Cat means a domestic feline, *felis catus*.

City council means the elected governing board of Crestview, Florida.

Community cat means any unowned free-roaming cat living in an outdoor environment that may or may not be a part of a cat colony and may or may not be cared for by one or more caregivers who is/are known or unknown; a community cat may or may not be feral. Community cat caregiver means any person who provides volunteer care to a community cat, but who does not own, harbor, keep, or have custody, control, or charge of such cats; a community cat caregiver who returns a community cat in conjunction with trap-neuter-return is not deemed to have abandoned the cat.

Community cat caregiver means any person who provides volunteer care to a community cat, but who does not own, harbor, keep, or have custody, control, or charge of such cats; a community cat caregiver who returns a community cat in conjunction with trap-neuter-return is not deemed to have abandoned the cat

Community cat colony means a group of community cats that congregate, more or less, together as a unit and share a common food source.

Community cat management program means that community cats, friendly or feral, found outside and brought to a shelter or veterinary provider, are sterilized, ear-tipped, vaccinated against the threat of rabies, and returned to their outside home.

Companion animal means any animal that lives with and about the habitat of a human and that is dependent upon that human for its survival.

Cruelty means every act, omission, or neglect whereby pain or suffering is caused to an animal. This definition incorporates the definition in F.S. Ch. 828.

Dangerous dog means any dog that has been declared dangerous as a result of an investigation and determination from animal services as per F.S. Ch. 767.

Dog means a domestic canine, *canis familiaris*.

Domestic animal means a dog, cat, or ferret. Domestic animals are subject to the rabies vaccination and license mandate.

Ear-tipped means a mark identifying a community cat as being in a trap-neuter-return program, specifically, the removal of approximately 3/8 of an inch off the tip of the cat's ear in a straight line, the universal sign of a sterilized, unowned cat. An ear-tipped cat shall be distinguished from other cats by being sterilized and vaccinated against the threat of rabies at the time of sterilization; if these requirements are met, the ear-tipped cat is exempt from licensing, stray and at-large provisions of this chapter and may be exempt from other provisions directed toward owned animals.

Enclosure means any structure with at least three walls, a roof, and a floor in adequate condition as not to endanger the safety of the animal and as to provide the necessary protection of the animal from weather conditions. An enclosure must be properly located so that it does not allow for standing water to pool inside the enclosure following any weather event or other water intrusion. For pets not declared dangerous, a residence may be considered a proper enclosure; different rules as specified in this chapter apply to a "proper enclosure" for declared dangerous dogs.

Feral means a wild animal that exists in an untamed state or that has returned to an untamed state generally not socialized to human contact and is no longer considered domesticated.

Harbor means the act of caring for and keeping an animal, or the act of providing a premises or residence to which the animal returns for food, shelter, or care for a period of at least ten days, or at the point where the caregiver is providing the primary source of sustenance for the animal, whichever time is shorter. If the city

establishes a program for the maintenance of feral or community cats, those persons maintaining those cats will be regulated in accordance with such program.

Hobby breeder means any person who owns or breeds purebred dogs or pedigreed cats primarily for personal recreational use. Personal recreational use may include participation in recognized conformation shows, hunting, field or obedience trials, racing, specialized hunting, working or water trials, and may include improving the physical soundness, temperament, and conformation of a given breed to standard or for the purpose of guarding or protecting the owner's property.

Leash means a strap or cord that would not cause cruelty or neglect used to restrain, guide, and control an animal by attaching it to a collar, harness, or halter.

Livestock means horses, mules, cows, bovines, cattle, hogs, goats, sheep, swine, ducks, geese, turkeys, peafowl, doves, and domesticated poultry.

Microchip means an implantable permanent radio-frequency identification device (RFID).

Neglect means depriving an animal of sufficient food, sufficient water, shelter, or medical treatment, or allowing an animal to live in an environment when such deprivation or environment causes the animal's physical health to be significantly impaired or to be in danger of being significantly impaired.

Owner means any person, firm, corporation, or organization possessing, harboring, keeping, or having control or custody of an animal or, if the animal is owned by a person under the age of 18, that person's parent or guardian.

Physical control means:

- (1) Immediate and continuous control of a dog by a person, using a leash; or
- (2) Continuous control of a dog through the use of an enclosure, which prevents the escape of the dog. An electrical device for the purpose of confining an animal does not meet the definition of physical control.

Pet store means a pet shop, pet groomer, pet beauty parlor, or other retail establishment open to the public and engaging in the business of selling pet supplies and/or services and/or offering for sale and/or selling animals at retail. This definition includes mobile businesses and brick and mortar stores.

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 together with visible signage warning persons of the presence of A dangerous dog. 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.

Provoked or provocation means any action or activity, whether intentional or unintentional, which would be reasonably expected to cause a normal dog in similar circumstances to react in a manner similar to that shown by the evidence.

Public road means any streets, sidewalk, alley, highway, or other way open to travel by the public including rights-of-way, bridges, and tunnels.

Quarantine means the isolation of an animal in a properly ventilated enclosure that does not harm or endanger the animal, so that it may not contact another animal or unauthorized person.

Rabies means an acute, fatal, infectious disease of the central nervous system that is transmitted when introduced into bite wounds, open cuts in skin, or onto mucous membranes.

Residential area means any area in the city so designated by current zoning or area developed with residential structures within the commercial or industrial zoning district having residential use only.

Scratch means a penetration of skin from something other than teeth and blood being present in the wound.

Severe injury means any physical injury that results in a broken bone, multiple bites, or a disfiguring laceration requiring sutures or reconstructive surgery.

Stationary object means any object natural or manmade that is of sufficient weight or construction to inhibit the free movement of a dog when tethered, fastened, chained, or tied, including a runner system, running line, or other cable run system.

Sterilization means dogs and cats rendered permanently incapable of reproduction by surgical alteration, implantation of a device, or other physical means, 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.

Stray means any non-feral domestic animal found off of its owner's property without the owner's consent and without the consent to be on the property where the animal is found; this provision shall not apply to community cats.

Sufficient food means access to proper food for the species of animal on a regular, ongoing basis in quantities sufficient to maintain a regular body weight as designated by objective measurement tools such as body condition score ("BCS") systems. As an example, regular body weight would be the "ideal" level (four or five) on the internationally recognized veterinary and animal welfare Purina Body Score System Chart. Animals under active, current veterinary care may deviate from the scale based upon the expertise of a licensed veterinarian.

Sufficient water means access to clean, potable water on a regular, ongoing basis in quantities to prevent the animal from exhibiting signs of dehydration.

Tether means a leash, cord, or chain that is anchored to a stationary object on one end.

Trap-neuter-return means trapping, or otherwise obtaining a community cat, and providing for the sterilization, vaccination against the threat of rabies, and ear-tipping of the cat, followed by return to its original location.

Unaltered animal means a dog or cat, which has not been neutered, spayed, or is otherwise not sterilized.

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 in Florida under the authority of F.S. Ch. 474.

Wild animal means any living member of the kingdom Animalia, including those born or raised in captivity, except the following:

- (1) *The species Homo sapiens (human beings).*
- (2) *The species Canis familiaris (domestic dogs, including hybrids with wolves, coyotes, or jackals).*
- (3) *The species Felis catus (domestic cats, excluding hybrids with ocelots or margays).*
- (4) *The species Equus caballus (domestic horses).*
- (5) *The species Equus asinus (asses/donkeys).*
- (6) *The species Bos taurus (cattle).*
- (7) *The subspecies Ovis ammon aries (sheep).*

- (8) *The species Capra hircus (goats).*
- (9) *The subspecies Sus scrofa domestica (swine).*
- (10) *Domesticated races of the species Gallus gallus or Meleagris gallopavo (poultry).*
- (11) *Domesticated races of the species Mesocricetus auratus (golden hamsters).*
- (12) *Domesticated races of the subspecies Cavia aperea procellus (guinea pigs).*
- (13) *Domesticated races of rats or mice (white or albino, trained, laboratory-reared).*
- (14) *Domesticated races of the species Oryctolagus cuniculus (rabbits).*
- (15) *All captive-bred members of the species of the families Psittacidae (parrots, parakeets), Anatidae (ducks), Fringillidae (finches), and Columbidae (doves and pigeons).*
- (16) *All captive-bred members of the species Serinus canaria of the class Aves (canaries).*
- (17) *Domesticated races of the species Carassius auratus (goldfish).*
- (18) *Captive-bred members of the superorder Teleostei of the class Osteichthyes (common aquarium fish).*

Sec. 10-2. - City designated as bird sanctuary.

- (a) The entire area embraced by the city is hereby designated as a bird sanctuary.
- (b) Adequate signs shall be erected and maintained at entrance to the city, within the discretion of the council, signifying the designation of the area within the corporate limits of the city as a bird sanctuary.

Sec. 10-3. - Animal Services.

Animal services is designated as the city agency responsible for the proper enforcement of this chapter and is assigned the administrative functions of carrying out the provisions of this chapter and other authorized duties. In carrying out the duties of this chapter, Animal services may employ equipment, including but not limited to control poles, nets, leashes of any construction, chemical capture devices, snake tongs, oleoresin capsicum aerosols, snake hooks, humane traps, collapsible batons, and metal carrying cages. Animal services shall maintain an animal shelter, or shelters for the purpose of having impounded therein animals, as required by the provisions of this chapter and other authorized duties.

Sec. 10-4. - Animal services officer.

- (a) An animal services officers shall have full and complete authority in the enforcement of this chapter and may pick up, catch, or procure any animal under any circumstance which is a violation of this chapter and cause the animal to be impounded in an animal shelter. An animal shall be subject to pick up and impounding if the animal is cruelly treated, roaming at large, stray, or an animal infected with rabies or believed to be so infected; infected with any other contagious or infectious disease, or believed to be so infected, or has been classified as a dangerous or vicious animal.
- (b) Animal services officers may carry a device to chemically subdue and tranquilize an animal.
- (c) The animal services officer shall be required to pick up and make humane disposition of any diseased or injured animal in the city. If an owner refuses entrance to the premises to an animal services officer attempting to enforce this chapter, such officer shall contact the police department and proceed on the owner's premises in the company of the officer with such legal authority as is necessary to lawfully enter the owner's premises for the purpose of enforcing this chapter. Animal services officers are hereby authorized to issue citations and notices to appear for violation of this chapter when based upon personal investigation and the officer has reasonable and probable grounds to believe that a violation has occurred.

Sec. 10-5. - Fees.

- (a) The fees to be charged in connection with the provisions of this chapter shall be established in the Comprehensive Fee Schedule. Adoption fees may be decreased or waived by the animal services Director, or designee during special promotions, to promote efficient shelter operations, and/or to optimize animal lifesaving.
- (b) No reclaim fees shall be assessed for community cats.
- (c) No fees shall be assessed if an animal is improperly impounded.
- (d) Animal services is authorized to establish rules and regulations relating to the care, custody, control, and disposal of animals, which, in the opinion of the animal services officer, will further guarantee and protect the health and safety of the citizens of the City.

Sec. 10-6. - Citations.

- (a) Citations must be prepared as prescribed by F.S. Ch. 828.
- (b) An animal services officer may, but shall not be required to, issue a written warning prior to the issuance of a citation for a violation of this chapter. Failure to comply with the provisions of a written warning may result in issuance of a citation or impoundment of the animal, or both.
- (c) Any animal services officer shall have the authority to issue citations to citizens whose pets are found to be in violation of this chapter.
- (d) Any violations of the provisions of this chapter are hereby declared to be civil infractions for which there may be fines imposed by the county court a maximum fine not to exceed \$500.00. Unless cited for a violation for which court appearance is mandatory, anyone cited with a violation of this chapter may pay a fine as contained within the Comprehensive Fee Schedule.

If a person fails to pay the civil fine within the time prescribed on the citation or fails to obtain a court date, or having obtained a court date, fails to appear in court to contest the citation, the person shall be deemed to have waived the right to contest the citation. In such cases, final judgment may be entered against the person in the maximum civil fine of \$500.00 allowed, which shall be payable within 60 days from the date of execution of the final judgment. Alternatively, the court may issue an order to show cause, requiring the person 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 in addition to having to pay the civil fine, court costs, and restitution, as applicable.

- (1) First offense (the current offense is a first offense if there have been no other citations in the preceding 36 months);
- (2) Second offense (the current offense is a second offense if there has been only one previous citation within the preceding 36 months);
- (3) Third offense (the current offense is a third offense if there have been two previous citations within the preceding 36 months);
- (4) Fourth and subsequent offenses (the current offense is a fourth or subsequent offense if there have been three or more previous citations within the preceding 36 months) requires mandatory court appearance. For citations involving a mandatory court appearance, the citation shall specify that the court appearance is mandatory. If a person so cited fails to appear within the time prescribed in the citation to obtain a court date or having a court date, fails to appear in court, a default judgment may be entered against the person in the maximum civil fine payable within 60 days from the date of execution of the final judgment.
- (5) Anyone cited with a violation of this chapter who pays the required fines and then goes three years with no offenses shall return to the status of having no prior offenses for the purposes of this chapter.

- (e) An additional fine, set in the Comprehensive Fee Schedule, is required for any violation involving a dog or cat in heat if not under the owner's control.
- (f) An administrative fee, as set in the Comprehensive Fee Schedule, shall be assessed, and collected upon each civil penalty imposed for violation of an ordinance relating to animal control, cruelty, or neglect.
- (g) Any animal services officer shall have the authority to cite the owner or any person having custody of an animal for a violation of this chapter when and only when:
 - (1) The officer has received from an adult witness a sworn affidavit attesting to the animal having committed a violation pursuant to this chapter; or
 - (2) The officer has witnessed the commission of a violation under this chapter.

Sec. 10-7. - Vaccination of animals required.

The animal services officer shall impound any dog or cat not vaccinated as required by general law. An animal impounded under this section shall be vaccinated by a licensed veterinarian prior to redemption provided the owner pays any impounding fee and charges established pursuant to this chapter. Violations of this section shall be subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.

Sec. 10-8. - Barnyard animals.

- (a) Generally. No person shall keep or permit to run at large in the city any animals of the equine or swine class and includes goats, sheep, mules, horses, hogs or cattle and domesticated poultry, except for the species gallus domesticus ("chicken"), as per the regulations of subsection (b).
- (b) Chickens. The following regulations will govern the keeping of chickens and are designed to prevent conditions that are unsanitary, unsafe or a nuisance. No person shall keep chickens unless the following regulations are followed:
 - (1) Roosters are not permitted within city limits.
 - (2) Location: Keeping of chickens is permissible as an accessory use on lots one quarter acre or larger with an existing land use of single family residential, regardless of current zoning or future land use designation.
 - (3) Quantity: No more than four (4) chickens for the first quarter acre and three (3) additional chickens per each additional quarter acre are allowed on each respective property with an existing land use of single family residential.
 - (4) Setbacks:
 - i. Coops or cages housing chickens shall be placed according to the setback requirements for accessory buildings as per Chapter 7 of the Land Development Code.
 - ii. Coops or cages housing chickens shall be kept at least twenty-five (25) feet from the door or window of any other dwelling or occupied structure other than the owner's dwelling.
 - iii. Coops or cages housing chickens shall be located behind the principal structure.
 - (5) Sanitation:
 - i. The coop or cage must be kept in sanitary condition and free from offensive odors. The coop or cage must be cleaned on a regular basis to prevent the accumulation of waste.
 - ii. Odors shall not be perceptible at any lot line.
 - iii. Noise shall not be perceptible at any lot line to the extent that it results in a public nuisance or is in violation of the municipal noise ordinance.
 - iv. Keeping of chickens shall not attract rodents or other pests.
 - (6) Violations of this section shall be subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.

Sec. 10-9. - Humane treatment for companion animals.

- (a) An owner shall treat a companion animal in a humane manner and shall provide humane care for an animal. Humane care includes but is not limited to providing adequate food, adequate water, adequate shelter, adequate space, and adequate veterinary care to maintain health and to prevent or cure diseases.
 - (1) Veterinary care may include humane euthanasia if a companion animal is beyond the abilities of veterinary medicine to treat or cure and the animal is suffering.
- (b) Except as provided herein and in section 10-27(b) no person shall restrain a dog by means of tethering, fastening, chaining, or tying to a doghouse, tree, fence, or any other stationary object.
- (c) Notwithstanding subsection (b), a person may tether a dog when it is in visual range of the owner, and the owner is located outside with the tethered animal.
- (d) In all cases where tethering is permissible, the following conditions must be met:
 - (1) The dog must be attached to the tether by a buckle-type collar or a body harness. A dog shall not be tethered by means of a choke-type, pinch-type, prong-type, or improperly fitting collar;
 - (2) The tether has the following properties: it is at least five times the length of the tethered animal's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than one-eighth of the tethered animal's weight; and it is free of tangles;
 - (3) The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement;
 - (4) If there are multiple dogs, each one must be tethered separately. The tethering of each dog must be in accordance with the requirements of this Code;
 - (5) The dog is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes;
 - (6) The dog has continuous access to water, adequate shelter, and dry ground;
 - (7) The dog is at least six months of age. Puppies shall not be tethered; and
 - (8) The dog is not sick or injured.
- (e) An owner shall use a collar or harness which is appropriate for the age and size of a companion animal.
- (f) A person shall not crop the ears of any dog, unless the person employs a veterinarian to perform the cropping. If a person possesses a dog with an ear or ears cut off or cropped, and with the unhealed wound, then that possession is prima facie evidence of a violation of this section, unless the cropping was performed by a veterinarian.
- (g) A person shall not castrate a companion animal unless that person employs a veterinarian to perform the castration.
- (h) A person shall not for any reason willfully abandon any dog or cat. A dog or cat locked unattended in a vacant house, trailer, or other similar structure or stored unattended in a boarding facility in excess of twenty-four hours shall be considered abandoned.
- (i) Violations of this section shall be subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.

Sec. 10-10. – Confinement of domestic animals in heat (estrus).

- (a) An owner shall securely confine a domestic animal in heat (estrus) indoors or in an enclosed and locked structure which prevents the entry of a male domestic animal and prevents the female in heat from escaping. Confinement solely by a leash, tether, or other similar restraint, or within a fence, open kennel, open cage or run, is not presumed to be compliant with this section.
- (b) If a female domestic animal is to be released for an acceptable reason from the secured enclosure, then the owner of the female domestic animal in heat must have physical control over the domestic animal at a distance of six feet or less and be able to physically restrain the animal from coming into contact with a male domestic animal. Acceptable reasons for release from confinement are limited to excretion and veterinary visits.

- (c) A person intentionally breeding a female domestic animal in a controlled environment, with the consent of the owner of the male domestic animal, is exempt from this section during breeding.
- (d) For purposes of this section, the definition of domestic animal excludes ferret.
- (e) Violations of this section shall be subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.

Sec. 10-11. - Physical control of dogs.

- (a) An owner shall maintain physical control of a dog at all times when the dog is off the owner's property, unless the property owner or designee or lessee consents to the removal of the physical control and the dog is under adult supervision. Off the owner's property means on any public or private property including but not limited to streets, sidewalks, schools, parks, or private property of others. For property owned or controlled by a government entity, it is presumed that consent is not given unless posted.
- (b) Dogs which are exempt from this section include:
 - (1) A police dog, fire dog, or SAR dog, as defined in F.S. § 843.19, when the dog is operating in its official capacity, as defined in said section; or
 - (2) A dog that is a trained and is a certified animal service dog used to assist persons with disabilities when it is performing those services; or
 - (3) A dog involved in organized training or exhibiting including obedience trials, conformation shows, field trials, hunting trials, and herding trials; or
 - (4) A dog involved in any legal hunt in an authorized area, when the owner possesses a valid hunting license.
- (c) Violations of this section shall be subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.

Sec. 10-12. – Public Nuisances.

- (a) Removal of dog excreta.
 - (1) The owner of a dog shall immediately remove any excreta deposited by the dog on any property other than the owner's, including but not limited to public property, streets, sidewalks, schools, parks, and private property. The owner of a dog shall carry adequate waste removal devices or disposal bags while the dog is off the owner's property, unless the waste removal devices are provided.
 - (2) The owner of a dog shall remove any excreta deposited by the dog on their own property when the accumulation of feces causes an odor to be perceptible at or past any lot line of the owner's property.
- (b) Noise.
 - (1) No dog or cat shall be permitted to bark, bay, cry, whine, howl or make any other noise continuously and/or incessantly in an excessive, habitual or untimely fashion for such a duration that it annoys or disturbs a reasonable person of normal sensitivities residing in or occupying premises in close proximity to the premises on which the animal is located.
 - (2) It shall not be considered a violation of this section if, at the time the dog or cat is making any noise, a person is trespassing or threatening to trespass upon private property where the dog or cat is situated or for any other legitimate cause which teased or provoked the dog or cat.
 - (3) In the case of multiple animals at one location, it shall not be necessary to single out which specific dog or cat committed a noise nuisance. It shall be sufficient to demonstrate that the noise emanated from the premises.
- (c) Violations of this section shall be subject to penalties per Section 10-6(d), with fines set in the Comprehensive Fee Schedule.

Sec. 10-13. - Procedure to classify a dog as dangerous.

- (a) Animal services shall investigate reported incidents involving any dog that may be dangerous. Animal services shall, if possible, interview the owner and witnesses, and attempt to obtain a sworn affidavit from any person, including any enforcement officer, desiring to have the dog classified as dangerous.
- (b) After the investigation, animal services shall make an initial determination as to whether there is sufficient cause to classify a dog as dangerous as defined in F.S. Ch. 767. If animal services does find sufficient cause, animal services shall provide to the owner of the dog written notification of the sufficient cause finding. Such notification shall be provided by certified or registered mail, certified hand delivery, or in accordance with F.S. Ch. 48.
- (c) If animal services find sufficient cause to classify a dog as dangerous, the owner may request a hearing to contest the classification, as provided in F.S. 767.12, to be heard per section 10-14 of this code. Notification pertaining to these hearings shall be provided by certified or registered mail, certified hand delivery, or in accordance with F.S. Ch. 48.
- (d) Animal services shall not declare a dog 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, its owner, or a family member. Animal services shall not declare a dog dangerous if the dog was protecting or defending a human being from an unjustified attack or assault and the protected or defended human being was within the immediate vicinity of the dog.
- (e) Animal services shall impound any dog that is the subject of an investigation under this section until the conclusion of the investigation, unless the animal services officer makes a written determination that the dog(s) can be safely confined by its owner, based upon an evaluation of the following criteria:
 - (1) The physical layout of the area where the dog will be confined;
 - (2) The plan for proper confinement of the dog;
 - (3) The individual characteristics and behavior of the dog; and
 - (4) Any other relevant factors.

If the dog is impounded pending the outcome of the investigation, a notice shall be provided to the owner stating the basis for confinement at animal services and stating that the owner may board the dog at a licensed kennel or veterinarian at the owner's expense. If the dog is not required to be impounded by animal services, the owner of the dog must agree in writing to the following:

- (1) The subject dog(s) must be humanely and safely confined in a securely fenced or enclosed area approved by animal services pending the outcome of the investigation and any hearings related to the classification;
 - (2) The owner of the dog will provide animal services with the address where the dog will be kept; and
 - (3) The owner of the dog(s) may not relocate or transfer ownership of the dog pending the outcome of the investigation or hearings related to the classification without approval by animal services. Animal services shall impound the subject dog(s) if the owner refuses to agree to the above shelter-in-place requirements in writing. The owner may utilize the hearing provisions of this chapter to challenge any restrictions imposed under this section.
- (b) Animal services shall perform a prompt and thorough dangerous dog investigation. If animal services maintains custody of the dog during the investigation, then only medical fees shall accrue.

Sec. 10-14. – Dangerous Dog Hearing Procedure.

- (a) On or before the following dates, an owner may file a written request for hearing with animal services to contest the classification. The City Manager shall designate an individual or any code enforcement mechanism pursuant to Article III, Division 5 of the City Code to act as a Hearing Officer to hold a hearing on or before:
 - (1) The seventh calendar day after the date of service of written notification of an initial determination of a sufficient cause finding under section 10-13 of this Code; or

- (b) No less than five calendar days and no more than 21 calendar days after the date of receipt of the written request, animal services shall provide for the requested hearing.
- (c) Hearing procedures.
 - (1) Each party shall have the following rights:
 - i. To be represented by counsel;
 - ii. To compel the attendance of witnesses;
 - iii. To examine witnesses;
 - iv. To introduce exhibits;
 - v. To examine opposing witnesses on any relevant matter, even though the matter was not covered under direct examination;
 - vi. To impeach any witness regardless of which party first called the witness to testify.
 - (2) Any interested party or person may make application and, upon good cause shown, may be allowed within the discretion of the Hearing Officer to intervene or appear in a proceeding pending before the Hearing Officer.
- (d) Subpoenas.
 - (1) The Hearing Officer has the power to issue subpoenas to compel the attendance of witnesses at a hearing upon the written request of any party or upon the Hearing Officer's own motion.
 - (2) A subpoena may be served by any person authorized by law to serve process. Service shall be made as provided by law.
 - (3) Any person subject to a subpoena may, before compliance and on timely petition, request the Hearing Officer having jurisdiction of the dispute to invalidate the subpoena.
 - (4) A party may seek enforcement of a subpoena issued under the authority of this chapter by filing a petition for enforcement in the county court. Failure to comply with an order of the court shall result in a finding of contempt of court. However, no person shall be in contempt while a subpoena is being challenged under subsection (d)(3).
 - (5) If a party willfully fails to testify when duly subpoenaed, the Hearing Officer may:
 - i. Order that the matters regarding which the questions were asked, or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;
 - ii. Render a judgment by default against the disobedient party.
 - (6) Witness fees shall be paid as provided by law.
- (e) Evidence.
 - (1) All hearings shall be conducted, insofar as practicable, in accordance with the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an informal manner.
 - (2) In any hearing before the Hearing Officer, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
 - (3) Documentary evidence may be received in the form of a copy or excerpt if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.
 - (4) A party shall be permitted to conduct cross-examination when testimony is taken, or documents are made a part of the record.
 - (5) The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
 - (6) The City shall ensure that an audio and documentary record of the hearing is preserved, which record shall be public and open to inspection and transcription or copying by any person.

- (f) Written determinations of the Hearing Officer.
 - (1) After due public hearing, the Hearing Officer shall issue a determination based upon the preponderance of the evidence. The animal services officer shall bear the burden of establishing the dangerousness of the dog, or that a violent dog attack occurred; and the owner shall bear the burden of establishing any legal defenses.
 - (2) All determinations of the Hearing Officer shall be in writing, signed and dated by the Hearing Officer, shall contain findings of fact and conclusions of law, and shall be served upon the owner by certified or registered mail, certified hand delivery, or service in conformance with Chapter 48, Florida Statutes. If the Hearing Officer upholds the initial determination of dangerousness, the owner shall comply with the provisions of Section 10-15 within fourteen (14) calendar days of the Hearing Officer's determination; or in the event of any appeal of said determination to a court of competent jurisdiction, within fourteen (14) calendar days of a decision adverse to the owner.
 - (3) On or before the tenth business day after the date of service of a final decision, the owner may appeal to the proper court the decision regarding any dangerous dog. The appeal shall be a review of the record, not de novo.
- (g) Payment of Hearing Officer. The cost of the Hearing Officer shall be paid by the losing party and shall be a fee set in the Comprehensive Fee Schedule.

Sec. 10-15. - Requirements for dogs declared dangerous.

- (a) On or before the fourteenth calendar day after the date of notification of the classification of a dog as dangerous or a classification is upheld on appeal as provided in section 10-14 of this Code, the owner of the dog shall obtain a certificate of registration and a dangerous dog tag or collar from animal services subject to the fee set in the Comprehensive Fee Schedule. The owner shall renew the certificate annually. Animal services is authorized to issue such certificates of registration and renewals only to persons who have attained at least 18 years of age and who present to animal services sufficient evidence of:
 - (1) A current certificate of rabies vaccination and license for the dog;
 - (2) A proper enclosure for a dangerous dog;
 - (3) Warning signs that are clearly visible from all entry points and inform both children and adults of the presence of a dangerous dog on the property;
 - (4) Permanent identification of the dog by microchip;
 - (5) Surgical sterilization of the dog, unless a veterinarian certifies in writing that sterilizing the animal would be injurious to the animal's health. If the health condition of the animal is of a temporary nature, then the owner shall employ a veterinarian to sterilize the animal immediately after the health condition has been corrected;
 - (6) Two color photos of the dog in two different poses showing the color and size of the animal;
 - (7) Fee simple ownership of the property upon which the dangerous dog and enclosure are located or, alternatively, permission to locate the dangerous dog and enclosure on the property from the fee simple owner of the property; and
- (b) The owner shall secure the dangerous dog collar or tag around the dog's neck so that it is clearly visible at all times.
- (c) The owner shall immediately notify animal services when a dog that has been classified as dangerous:
 - (1) Becomes loose or unconfined;
 - (2) Attacks a human being or another companion animal; or
 - (3) Dies.
- (d) The owner shall immediately notify animal services if the owner moves to another address with the dangerous dog. If the dog owner is a tenant or otherwise differs from the property owner, animal services will notify the property owner of the presence of the dangerous dog via certified mail.

- (e) If the owner moves to a different jurisdiction, then the owner shall also notify the enforcement officer of the new jurisdiction that the dog has been classified as dangerous.
- (f) The owner shall immediately notify animal services if the owner is going to sell or give away the dangerous dog. 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 animal services. The new owner shall comply with all of the requirements of this chapter that relate to dangerous dogs, even if the animal is moved from the jurisdiction of this chapter to another local government jurisdiction within the state.
- (g) The owner shall immediately notify animal services if the owner believes that the dangerous dog has been stolen and shall file a police report.
- (h) The owner of a dangerous dog shall not permit the dog to be outside of the proper enclosure for a dangerous dog, unless the dog is muzzled and restrained by a leash and under physical control of a competent person. The owner shall use a muzzle that is made in a manner that will not cause injury to the dog or interfere with its vision or respiration but prevents the dog from biting any person or animal. The owner may exercise the dog on the owner's property in a securely fenced or enclosed area that does not have a top, without a muzzle or leash on the dog, if the dog remains within the owner's sight and only members of his immediate household and persons 18 years of age or older are allowed in the enclosure when the dog is present. While transporting the dangerous dog, the owner shall restrain the dog safely and securely within a vehicle.
- (i) An owner of a dangerous dog shall not use the dog for hunting purposes.
- (j) The provisions of this chapter relating to dangerous dogs ~~do~~ does not apply to dogs used by law enforcement officials for law enforcement work.
- (k) The owner of a dangerous dog shall not permit the dog to be left unattended with a minor child.
- (l) If the requirements of subsection (a) of this section are not satisfied after fourteen days from the date of notification of the classification of the dog as dangerous, and if there are no pending appeals, the dangerous dog will become the property of animal services and disposition will be in accordance with applicable policies.
- (m) Animal services may seek an injunction from a court of competent jurisdiction to enforce the requirements of this section. Each failure to comply with a dangerous dog requirement or responsibility of a dangerous dog owner contained in this chapter shall constitute a noncriminal infraction, punishable by any means available at law or in equity.
- (n) Violations of this section shall be subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.

Sec. 10-16. - Consequences to dog's owner after a dog attack.

The consequences to a dog's owner after a dog attack shall be the same as per F.S. Ch. 767.

Sec. 10-17. - Procedures after possible rabies exposure.

- (a) When an animal has allegedly bitten or scratched a person or is suspected or believed to be infected with rabies, the owner shall relinquish control of the animal to animal services upon request, or shall quarantine the animal at home or with a veterinarian, as directed by animal services.
- (b) In certain cases, home quarantine of a domestic animal, which has bitten or scratched a person, may be permitted at the discretion of animal services, if determined safe and appropriate, and the following criteria and conditions are met:
 - (1) The animal involved is a domestic animal that has a current rabies vaccination from a veterinarian;
 - (2) Animal is a dog that attacked a person, the owner had the dog under physical control when the attack occurred or, if the dog attack occurred on the owner's property, or animal services determined that the attack was provoked;
 - (3) The owner of the domestic animal has a facility to contain within a cage, fenced yard, or house the domestic animal during the quarantine period, which facility has been deemed appropriate by animal services;

- (4) The owner agrees that at the end of the quarantine period, the owner allows a representative or designee of the county health department to visually check an animal quarantined at home; and
- (5) Any other conditions or safeguards as animal services may deem necessary and appropriate.
- (c) At any time during the home quarantine period, if a domestic animal is reported or observed to not be confined or a dog is reported to not be under physical control, the home quarantine privilege is revoked immediately and the owner, at the owner's expense, shall confine the domestic animal either with a veterinarian or at a city animal shelter for the duration of the quarantine period.
- (d) The investigating animal services officer shall decide whether to allow home quarantine of a domestic animal. In the event of any dispute regarding the appropriateness of home quarantine, the director or designee has final decision-making authority in the matter.
- (e) If the animal is quarantined at an animal services shelter, an additional quarantine fee shall apply, per the amount set in the Comprehensive Fee Schedule.
- (f) If a police dog, as defined in F.S. § 843.319, has attacked a person while acting under the direction of a law enforcement agency in an official capacity, such as aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders, the director may exempt the dog from the quarantine and impoundment provisions of this chapter, upon proof of a current vaccination and licensing for the dog.

Sec. 10-18. - Rabies vaccination for domestic animals.

All provisions of F.S. § 828.30 shall apply regarding the vaccination of domesticated animals.

Sec. 10-19. - Prohibition on owning a primary vector of rabies.

A person shall not own, harbor, keep, display, exhibit, sell, or intentionally breed any animals that are a primary vector of rabies, including but not limited to a raccoon, fox, coyote, or skunk, unless permitted by the Florida Fish and Wildlife Conservation Commission. Violations of this section shall be subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.

Sec. 10-20. - Community cat management.

- (a) The City recognizes the need for innovation in addressing the issues presented by the permanent presence and uncontrolled reproduction of community cats living outdoors, independent of human intervention.
- (b) Community cat management, in which the community cat is sterilized, ear-tipped, vaccinated against the threat of rabies, and returned to the original location, is the preferred response to a community cat. If these requirements are met, the community cat is exempted from stray, at-large, abandonment, and other possible provisions of this ordinance that apply to owned animals.
- (c) Return-to-field of impounded community cats.
 - (1) Community cats entering animal services shall be examined for health and temperament to evaluate their ability to survive in an outdoor environment with or without assistance from a community cat caregiver.
 - (2) Community cats determined to be thriving in their environment may be sterilized, ear-tipped, vaccinated against the threat of rabies, and returned to the original location.
 - (3) An ear-tipped cat received by animal services shall be returned to the location where trapped unless veterinary care is required. A trapped ear-tipped cat shall be released on site unless veterinary care is required.
 - (4) Healthy community cats that have been impounded by animal services may be immediately returned-to-field, released to a community cat caregiver, or, if considered sufficiently socialized, adopted. Notwithstanding the foregoing, whenever an impounded community cat is visibly injured or diseased, appears to be suffering, and upon the advice of a veterinarian, such community cat cannot be expeditiously treated and returned to an outdoor living environment, or transferred to a rescue group, then animal services may humanely euthanize the community cat.

- (d) Trap-neuter-return of free-roaming community cats. The city recognizes there are community cats that may not enter the shelter, may or may not be under the care of a known community cat caregiver, and may or may not live in a recognized community cat colony. Community cat trap-neuter-return programs to curtail breeding of community cats may be implemented by animal services, veterinary providers, or animal welfare organizations.
- (e) Management of community cat colonies. The City recognizes there are community cat caregivers and acknowledges that community cats living in colonies may be tolerated living outdoors, provided such cats are cared for in accordance with the following requirements.
 - (1) Managed community cat colonies must be maintained on private property of the community cat caregiver or with the permission of the property owner or property manager (including public property).
 - (2) In instances in which the community cat colony or its members create a documented concern regarding public health or safety, animal services shall work with residents, animal welfare organizations, and community cat caregivers to mitigate concerns via community cat management, education, or relocation of cats, as appropriate.
 - (3) If a person is providing care for a community cat colony, he or she is required to provide certain necessities on a regular/ongoing basis, including, but not limited to, proper nutrition and medical care as needed.
 - i. Food, if supplied, shall be provided in the proper quantity and frequency for the number of cats being managed. Food must be maintained in proper feeding containers.
 - ii. Water, if supplied, shall be clean, potable, and free from debris.
 - iii. Shelter, if provided, shall be unobtrusive, safe, and of the proper size for the community cats.
 - iv. Community cats shall be fed in an area where they do not interfere with sensitive wildlife.
 - v. Community cat caregivers shall make a good faith effort to trap all pre-existing and newly arriving cats to have them sterilized, ear-tipped, vaccinated against the threat of rabies, and returned to the original location.

Sec. 10-21. - Keeping a stray domestic animal.

A person shall not harbor, feed, or keep any stray domestic animal, other than a community cat, unless animal services is notified on or before the 24th hour after the person came into possession of such animal. Upon receiving notice, an enforcement officer may impound the animal and place it in the animal shelter. A person shall surrender any stray domestic animal to an enforcement officer upon the officer's demand. Violations of this section shall be subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.

Sec. 10-22. - Confinement, hold periods, and reclaim of dogs and cats.

- (a) Dogs or cats impounded pursuant to this chapter and not claimed by their owners shall be held by animal services prior to disposition, as provided herein:
 - (1) The hold period before disposition shall be five shelter business days after the date of impoundment for any animal with an identification tag, microchip, or other owner identification.
 - (2) The hold period before disposition shall be five shelter business days for animals impounded because the owner is unable to care for the animal due to injury, illness, incarceration, or other involuntary absence; and animals received from a law enforcement agency where there is a known owner.
 - (3) There shall be no hold period for kittens and puppies less than five months of age and for adult cats lacking an identification tag, microchip, or other owner identification. These animals shall immediately become the property of animal services upon impoundment and shall be made immediately available for live outcome.
 - (4) Dogs and cats that have been abandoned while in the custody of a licensed veterinarian or kennel and that have been turned over to animal services after the ten-day notice period required by section 705.19, Florida Statutes, shall not be subject to any confinement period.

- (5) If an owner does not reclaim the animal within the specified time, then animal services may provide for the animal to be adopted, transferred to an animal welfare organization, entered into a community cat return-to-field program, or make disposition pursuant to law at any time, but shall not euthanize the animal for a minimum of five shelter business days after the date of impoundment unless covered by section 10-24.
- (6) Animals that have been voluntarily surrendered by their owners to animal services shall not be subject to any confinement period.
- (7) In order to promote public health and to protect the health of every animal at the animal shelter, animal services is authorized to provide preventive healthcare and disease screening to every animal that is impounded, including during the hold period. Preventive health care and disease screening includes, but is not limited to, physical examination, vaccination against common infectious diseases, treatment for common internal and external parasites, heartworm testing for dogs, and retrovirus testing for cats. Healthy community cats directed towards return-to-field shall be exempted from retrovirus testing.
- (8) At the expiration of the appropriate hold period, the animal shall become the property of animal services and shall be processed in accordance with applicable policies, including mandatory sterilization.
- (b) If animal services allows an owner to reclaim an injured animal or one suspected of carrying an infectious or contagious disease, the owner shall provide immediate veterinary care.
- (c) In addition to any other requirements set forth herein, an owner seeking to reclaim a companion animal must present valid picture identification and acceptable proof of ownership, must pay all applicable fees, and must ensure that the animal has a valid license. Acceptable proof of ownership includes but is not limited to, license receipt, veterinary records, affidavits from neighbors, photographs, or other reliable, verifiable documentary evidence. Fees include but are not limited to reclaim fees, vaccination and licensing fees, boarding fees, and veterinary charges.
- (d) Community cat caregivers shall be permitted to reclaim impounded, previously sterilized, and ear-tipped, community cats without proof of ownership and are exempted from reclaim fees.
- (e) If a companion animal is impounded because of inhumane treatment or held during dangerous dog proceedings, the owner shall be responsible for fees accrued.
- (f) Animal services shall scan any impounded animal for a microchip with a device capable of detecting all available microchip frequencies (global scanner) on the day of impoundment and take appropriate measures to contact any individual or organization connected to the animal's microchip account.

Sec. 10-23. - Release of an animal.

- (a) All animals in the custody of animal services shall be disposed of via adoption, transfer to an animal welfare organization, community cat return-to-field, owner reclamation, or euthanasia.
- (b) Adoption of an animal.
 - (1) Animal services shall not permit a person to adopt a companion animal from the shelter if animal services determines that adoption would not be in the best interest of the animal or the public.
 - (2) Any dog or cat adopted from animal services shall be sterilized, vaccinated, and microchipped by animal services prior to release to the new owner. If the sterilization of the animal cannot be done at the time of adoption because of health reasons, then the person shall leave a deposit guaranteeing sterilization, as required by F.S. § 823.15.
 - (3) To be eligible for the return of the required adoption deposit for any dog or cat, the adopter shall present to animal services written documentation confirming sterilization of the animal from the veterinarian who performed the sterilization within 30 calendar days of the adoption occurring.
 - (4) If an adopter fails to comply with this section within the time specified, then the adopter shall forfeit the deposit and animal services may issue a citation. Pursuant to F.S. § 823.15(2), an adopter who fails to comply with the provisions of this section, shall be liable for legal fees and court costs to enforce the provisions of this section.

- (c) Transfer of an animal. In the event that an animal is transferred to an animal welfare organization prior to sterilization, the organization must enter into a written agreement with animal services, pursuant to section 823.15, Florida Statutes, as amended, ensuring that the animal will be sterilized within 30 days or prior to sexual maturity. The animal welfare organization shall vaccinate the animal against the threat of rabies if the animal is four months of age or older prior to another owner readopting the animal or prior to returning a community cat to the field. Organizations shall provide to animal services, at a minimum, the following information:
 - (1) The name, location address, and phone number of the adopter or the organization providing community cat management services;
 - (2) The date of sterilization and name and address of veterinarian; and
 - (3) The date of rabies vaccination and name and address of veterinarian.
- (d) Animal services may suspend transfers to an animal welfare organization for failing to comply with the reporting requirements.

Sec. 10-24. - Humane euthanasia.

- (a) Animal services shall attempt to contact the owner of any animal impounded with an identification tag, microchip, or other traceable identification before humane euthanasia of the animal.
- (b) A companion animal not claimed and not adopted from animal services within the relevant holding period established in section 10-22(a) may be disposed of in a humane manner.
- (c) In the event any unidentifiable animal is found in a state of pain and suffering or becomes so during confinement, animal services may euthanize the animal in a humane manner regardless of the relevant holding period established in section 10-22(a).

Sec. 10-25. - Disposal of an animal carcass by owners.

- (a) Upon the death of an animal, the owner of the animal shall dispose of the carcass either by burying the carcass at a sufficient depth, of at least two feet, below the surface of the land in order to prevent predators from exhuming the carcass, or by recognized alternative methods of disposal such as cremation or rendering. An owner shall not dispose of any animal carcass by dumping such carcass on any public or private property or in any waterway.
- (b) A person who, upon demand, does not surrender to animal services the carcass of any dead animal exposed to rabies shall be guilty of a misdemeanor of the second degree. Each violation constitutes a separate offense.
- (c) Violations of this section shall be subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.

Sec. 10-26. - Duties of person who injures an animal.

Any person who injures an animal shall immediately notify the owner of the animal if the owner is known. If the owner is not known, a person who injures an animal shall immediately notify animal services, the City of Crestview Police Department, or a law enforcement agency that has jurisdiction over the location where the animal was injured. Violations of this section shall be subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.

Sec. 10-27. - Companion animals in motor vehicle.

- (a) A motor vehicle operator shall not place or confine a companion animal or allow it to be placed, confined, or remain in an unattended motor vehicle for such a period of time as may reasonably be expected to endanger the health or well-being of the animal, due to considerations such as insufficient ventilation, heat, or lack of water.

- (b) A motor vehicle operator, operating on a public right-of-way, shall not transport or keep a companion animal in or on any motor vehicle, unless the companion animal is in the passenger compartment of the vehicle, or protected by a container, cage, or other appropriate tethering device that will prevent the animal from falling from, being thrown from, or jumping from the motor vehicle.
- (c) Any enforcement officer who finds a companion animal in a motor vehicle under conditions violating section 10-27(a) shall make a reasonable attempt to notify the operator of the vehicle. In the event the operator of the vehicle cannot be located after a reasonable attempt, the enforcement officer may contact law enforcement and request assistance. If the animal is removed from the vehicle, then the enforcement officer shall leave a written notice bearing the name of the officer, the department's name and telephone number, and the address where the owner may claim the animal. Animal services shall make reasonable efforts to contact the owner of the animal and give notice that the animal is in its custody. Within the relevant holding period established in section 10-22(a), the owner may reclaim the animal upon payment of the reasonable maintenance charges, which may include veterinary fees, reclaim fees, boarding fees, licensing fees, and vaccination fees.
- (d) Violations of this section shall be subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.

Sec. 10-28. - Animal exploitation.

- (a) A person shall not promote, operate, run, participate in, conduct, or allow any exploitative live animal contests, performances, or exhibitions, or other similar activity in which animals are encouraged, forced, or trained to perform in an exploitative, cruel, or harmful manner.
- (b) A person or organization whether for profit, nonprofit, charity, or any other purpose, shall not offer an animal as a prize in response to participation in a contest, drawing of chance, merchandising premiums, promotional giveaways, or any other similar event.
- (c) Violations of this section shall be subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.

Sec. 10-29. - Sale or donation of impounded animals for purpose of scientific research.

All animals in the custody of animal services shall be disposed of via adoption, transfer to an animal welfare organization, community cat return-to-field, owner reclamation, or euthanasia. Animal services shall not release, sell, or give any live animal to any institution, private firm, or individual for the sole purpose of medical or scientific research.

Sec. 10-30. - Authority of animal services to assist with certain animals.

Animal services is authorized, by permit from the Florida Fish and Wildlife Conservation Commission, to humanely trap, transport, relocate, release, or euthanize indigenous or non-indigenous, nongame wildlife such as snakes or other reptiles. Animal services may also release indigenous wildlife to rehabilitators as permitted by the Florida Fish and Wildlife Conservation Commission. Animal services is authorized to assist a law enforcement agency in any situation involving livestock, upon request of such agency. Animal services may provide assistance to any citizen and law enforcement agency regarding any incidents involving any animal.

Sec. 10-31. - Trapping an animal.

- (a) Any person trapping community cats for trap-neuter-return or nuisance wildlife shall:
 - (1) Use a humane trap;
 - (2) Provide the trapped animal with protection from the direct rays of the sun and direct effects of any wind, rain, irrigation and sprinkler system;
 - (3) Provide fresh bait in the trap each time the trap is set;

- (4) Provide fresh water for any animal held for more than 18 hours;
- (5) Make every reasonable attempt to locate the offspring of any trapped lactating mother; and
- (6) Not leave a trap unattended for more than eight hours.
- (7) Immediately release any healthy ear-tipped cat.
- (b) Animal services will not relocate non-rabies vector species nuisance wildlife or rabies vector species nuisance wildlife without documented human exposure. Please contact a commercial wildlife removal expert.
- (c) Violations of this section shall be subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.

Sec. 10-32. 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 such poison shall be in violation of this section, subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.

Sec. 10-33. Animals killed or injured by motor vehicles.

The driver of an automobile, which strikes and accidentally kills or injures an animal roaming at large in violation of this chapter, shall not be subject to liability to the owner of such animal.

Sec. 10-34. Animals trained to assist persons with disabilities, allowed in public places.

It shall be a violation of this chapter 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 persons with disabilities, provided that such animal is in the company of the person it is assisting. Violations of this section shall be subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.

Sec. 10-35. Obstruction of enforcement

- (a) A person shall not refuse to surrender an animal upon lawful demand to an animal services officer.
- (b) A person shall not interfere with an animal services officer who is lawfully performing authorized duties.
- (c) A person shall not hold, hide, or conceal any animal which an animal services officer is investigating or deems to be in violation of this chapter.
- (d) A person shall not take or attempt to take any animal from the director or an animal services officer or from any vehicle that is used by the enforcement officer to transport animals.
- (e) Without proper authority, a person shall not take or attempt to take any animal from the animal services' shelter, an animal services animal carrier, or a trap.
- (f) A person shall not willfully refuse to sign and accept a citation issued by an enforcement officer. If a person violates this subsection, the person shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083 or 775.084.
- (g) A person shall not willfully make any false statement in an affidavit or sworn testimony taken as part of an investigation of a violation of this chapter.
- (h) Violations of this section shall be subject to penalties per Section 10-6(d), with a fine set in the Comprehensive Fee Schedule.