

ORDINANCE NO. 2024- 269

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, FLORIDA PERTAINING TO ANIMAL CARE AND CONTROL REESTABLISHING AND PROVIDING A COUNTY WIDE SYSTEM FOR THE CARE, CONTROL, MANAGEMENT AND REGULATION OF ANIMALS; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING THAT THIS ORDINANCE SHALL BE DESIGNATED AND MAY BE CITED AS THE "MADISON COUNTY ANIMAL CARE AND CONTROL ORDINANCE"; AUTHORIZING THE BOARD TO ENACT RULES AND REGULATIONS; PROVIDING THE STATUTORY AUTHORITY FOR THIS ORDINANCE; PROVIDING FOR DEFINITIONS; REQUIRING COLLARS AND IDENTIFICATION FOR DOGS AND CATS; PROHIBITING PUBLIC NUISANCE ANIMALS; PROVIDING THE REMOVAL AND DISPOSAL OF ANIMAL WASTE; PROVIDING FOR RABIES CONTROL; PROVIDING FOR THE CLASSIFICATION AND CONTROL OF DANGEROUS ANIMALS; PROVIDING FOR THE HANDLING OF ANIMAL CRUELTY COMPLAINTS; AUTHORIZING PROPERTY OWNERS AND TENANTS TO RESTRAIN ANIMALS FOUND IN VIOLATION OF THIS ORDINANCE ON THEIR PROPERTY; PROVIDING FOR THE HOLDING AND DISPOSITION OF STRAY ANIMALS; PROVIDING FOR THE ANIMAL SERVICES DEPARTMENT'S RIGHT OF ENTRY; PROVIDING FOR THE DESIGNATION OF THE COUNTY'S ANIMAL SERVICES DEPARTMENT AND ANIMAL SERVICES OFFICERS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR THE ISSUANCE AND DISPOSITIONS OF CITATIONS; PROVIDING FOR EXEMPTIONS FROM PUBLIC RECORDS LAWS; PROVIDING FOR FEES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND FOR THE REPEAL OF ORDINANCE NOS. 94-61, 96-80, 99-100 AND 99-105 IN THEIR ENTIRETY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, Madison County (hereinafter the "County") is a political subdivision of the State of Florida and a non-charter county as that term is used in Article VIII, Section 1(f), Florida Constitution; and,

WHEREAS, the County is given its home rule powers by the Florida Constitution, Section 125.01, Florida Statutes, and other provisions of Florida Law; and,

WHEREAS, the Board of County Commissioners of the County, (hereinafter the "Board") is the governing body of the County; and,

WHEREAS, the Board wishes to provide a comprehensive ordinance for the care, control, management and regulation of animals within the County; and,

WHEREAS, the Board finds that the citizens of the County will benefit from the establishment of such a comprehensive ordinance for the care, control, management and regulation of animals within the County; and,

WHEREAS, the Board finds that the benefit to be enjoyed by citizens of the County will outweigh the costs associated with the enactment of this ordinance and thus the enactment of this ordinance will be in the best interest of the citizens of the County; and,

WHEREAS, the Board has held a properly noticed public hearing and has considered all of the matters presented at such hearing prior to the adoption of this ordinance; and,

WHEREAS, the Board has complied with all other requirements imposed by Florida law for the enactment of this ordinance.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY:

1. GENERALLY PROVISIONS

1.1 Recitals

The above recitals are hereby incorporated into this ordinance as if restated herein and constitute the legislative findings and intent of the Board of County Commissioners (hereinafter the "Board") of Madison County, Florida (hereinafter the "County").

1.2 Short Title

This ordinance shall be designated and may be cited as the "Madison County Animal Care and Control Ordinance."

1.3 Rules and Regulations

The Board may, by resolution, enact reasonable rules and regulations to implement and carry out the provisions of this ordinance and state law.

1.4 Statutory Authority

This ordinance is an exercise of authority pursuant to Chapters 381, 474, 585, 588, 767, 823, 828, Florida Statutes (FS) and the Board's home rule authority as provided in Chapter 125, FS.

1.5 Definitions

As used in this ordinance the following words and terms shall have the meaning set forth in this section, unless the context clearly indicates otherwise.

- (1) **Aggressive Animal:** any animal which has injured or killed a domestic animal in a first unprovoked attack while off of the premises of the owner.
- (2) **Animal:** any domesticated animal or any captive wild animal.
- (3) **Animal Services Officer:** The Sheriff and his deputies and any other person employed or appointed by the County who is authorized to investigate, on public or private property, violations relating to animal services or cruelty to animals pursuant to state law and this ordinance.
- (4) **Animal Services:** the department designated by the Board to enforce the ordinances and laws pertaining to animal services.
- (5) **Animal Shelter:** any facility designated by the county for the purpose of housing and caring for animals held under the authority of this ordinance or state law.
- (6) **At Large/Stray:** any animal which is off of the premises of the owner while not under the supervision of the owner.
- (7) **Attack:** the act by any animal of approaching a domestic animal or a person in such a manner that hostile contact with the other animal or a person occurs.
- (8) **Board:** the Board of County Commissioners of the County.
- (9) **Citation:** a written notice issued to a person by an Animal Services Officer stating that the Officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance and that the county court will hear the charge.
- (10) **Community cat:** any un-owned free-roaming cat that has been sterilized, vaccinated against rabies, ear-tipped, implanted with an EAID and returned to field and may be cared for by one (1) or more residents of the immediate area who is/are known or unknown.
- (11) **Community cat caregiver:** a person who provides food, water and/or other care for one (1) or more community cats but who does not own, harbor, keep or have custody, control or charge of such cats.

- (12) **County:** Madison County, Florida.
- (13) **County Health Department:** the public health department created under Part I, Chapter 154, F.S., serving the County.
- (14) **Dangerous Animal:** any animal that has, when unprovoked, bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property; has more than once injured or killed a domestic animal while off the owner's property; has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority; or, in the case of a dog, has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting.
- (15) **EAID:** an acronym for Electronic Animal Identification Device and shall mean a microchip with a frequency used and approved by Animal Services.
- (16) **Ear-tipping:** removing approximately a quarter-inch off the tip of a cat's left ear while the cat is anesthetized for sterilization. An ear-tip on the left ear shall be presumptive evidence that a cat has been vaccinated against rabies, implanted with an EAID, sterilized and returned to the field.
- (17) **Exposure to Rabies:** contact by any person or domestic or captive wild animal with the saliva, brain tissue or body fluids of a rabid animal or of an animal suspected to be rabid due to its apparent ill health, or which is of a species commonly recognized to be a carrier/reservoir of rabies, such as, but not limited, to raccoons, foxes, bats, skunks, or bobcats.
- (18) **Feral Animal:** any wild cat or dog, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication.
- (19) **Free-roaming:** any cat found outdoors regardless of the cat's appearance, behavior or ownership status.
- (20) **Impoundment:** the taking up and confining of an animal by Animal Services in a manner consistent with professionally recognized standards of humane treatment.
- (21) **Neutered/Sterilization:** rendered permanently incapable of reproduction or permanently incapable of reproduction because of physiological sterility, but only where the neutered condition has been certified by a veterinarian licensed in any state.

- (22) **Owner:** any person or corporation owning, harboring, or keeping any animal, or in the case of a person under the age of eighteen (18) years of age, that person's parent or legal guardian. This definition shall not apply to any veterinary clinic or boarding kennel.
- (23) **Police/Fire Dog:** any dog the service of which is employed, by a Federal, state or local law enforcement agency, correctional agency, fire department, special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of criminal activity, flammable materials, or missing persons; the enforcement of laws; the investigation of fires; or the apprehension of offenders.
- (24) **Person:** any individual, firm, corporation, partnership, organization or association.
- (25) **Potential Rabies Carrier/Reservoir:** any species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, bats, skunks, or bobcats.
- (26) **Public Nuisance:** any animal which chases vehicles or molests passersby; or, any animal which causes unsanitary or dangerous conditions to exist; or, any feral animal.
- (27) **Return to field:** return to the place of origin, the vicinity of the place of origin or, as a last resort, to an alternative location if all reasonable options of return to the place of origin have been exhausted.
- (28) **Service Animal:** any animal meeting the definition of "service animal" provided in Section 413.08, F.S.
- (29) **Severe Injury:** any physical injury that results in broken bones, multiple bites, deep puncture wounds or disfiguring lacerations requiring sutures or cosmetic surgery.
- (30) **Sheriff:** the duly elected and serving Sheriff of the County.
- (31) **Tattooed:** identified with a tattoo permanently placed on the animal as required by Animal Control and containing such information as required by Animal Control.
- (32) **Veterinarian:** a person who is licensed to engage in the practice of veterinary medicine as provided for in Chapter 474, FS.
- (33) **Veterinary Hospital or Clinic:** any place or facility owned or operated by a licensed veterinarian and used for the practice of veterinary medicine in the

diagnosis, treatment, and care of diseases of and injuries to animals, or used for the boarding of animals during such diagnosis, treatment or care, or used for the temporary boarding of animals belonging to the veterinarian's clients.

1.6 Area of Enforcement

This ordinance shall be effective throughout the incorporated and unincorporated areas of the County. Provided that in any municipality which has a municipal ordinance in conflict with this ordinance, this ordinance shall not be effective within the municipality to the extent of such conflict.

1.7 Scope of Restrictions

The Board may place such restrictions in effect on a temporary or permanent basis, covering the whole or any defined part of the County, as the exigencies of the situation may require.

1.8 Running at Large/strays

- (1) Generally prohibited. It shall be unlawful for any animal to run or remain at large on any public street, road, alley, park or other public place. It shall be unlawful for any animal to run or remain at large upon any private property without the consent of the owner of such private property. The owner or keeper of any animal found running or remaining at large shall be responsible for any violation of this ordinance.
- (2) Exceptions. Subsection (1) shall not apply to:
 - (a) Any dog actually engaged in a legal sport, including supervised hunting within an authorized area.
 - (b) Any dog or cat being officially showed or trained.
 - (c) Service animals.
 - (d) Military/Law Enforcement/Fire dogs.

1.9 Identification Required

All dogs and cats in the County shall either:

- (1) Wear a properly-fitted collar with either a current identification tag or a current identification plate securely attached to the collar, containing the owner's name,

address and phone number.

- (2) Be Tattooed.
- (3) Be implanted with an EAID.

1.10 Public Nuisance Prohibited

- (1) It shall be unlawful for any person to allow his or her dog or cat to become a public nuisance.
- (2) The owner of any dog or cat which is a public nuisance shall be subject to the procedures and penalties set forth in Section 10.1.

1.11 Animal Waste

Any person who owns or has custody or control of a dog or cat must immediately remove any feces deposited by such animal on:

- (1) Public Property, including, without limitation by enumeration, public roads (including the entire right-of-way), lawns, building grounds, walks, beaches, recreation areas, parks and school grounds, except for those areas designated and marked by appropriate signage to be for that purpose, if any;
- (2) Any swale, ditch or other structure serving to convey surface water to a canal, lake, or other receiving water body; or
- (3) Any private property for which permission has not previously been given by the owner thereof.

Any person removing feces as set out above shall ensure that such feces are disposed of in a lawful and sanitary manner.

1.12 Community Cats

- (1) The following community cat requirements are hereby established:
 - (a) All community cats must be cared for on the real property of the caregiver or with permission of the owner or manager of the real property.
 - (b) All community cat caregivers shall have all un-owned free-roaming cats within their care sterilized, implanted with a EAID, vaccinated against rabies, and ear-tipped for easy identification.

- (c) All community cat caregivers are required to provide certain necessities to each community cat under his/her care on a regular/ongoing basis, including, but not limited to, proper nutrition, adequate quantities of visibly clean and fresh water and medical care as needed. If medical care is unavailable or too expensive, the community cat caregiver must not allow the cat to suffer. Dumping on the ground or dispensing large quantities of food more than will be immediately eaten by the community cats present is prohibited. Feeding areas must be maintained in a clean and sanitary condition.
 - (d) Community cat caregivers shall make reasonable attempts to remove young kittens from the field for domestication.
- (2) A person returning a community cat to field must provide Animal Services with the cat's EAID number and any other information upon request by Animal Services.
 - (3) Animal Services has the right to remove or authorize the removal of any free-roaming cat or community cat because of immediate public health or safety concerns.
 - (4) No community cat shall be released at any governmentally owned or managed park, natural area, area deemed as environmentally sensitive land or on any easement adjacent to such lands without the prior written approval from the applicable governmental entity.
 - (5) Healthy community cats that have been impounded by Animal Services may be immediately returned to field, released to a caregiver or adopted. Notwithstanding the foregoing, whenever such cat is visibly injured or diseased and appears to be suffering and it reasonably appears that such cat cannot be expeditiously cured and returned to field, transferred to a humane society or private animal nonprofit organization or placed in foster care, then Animal Services, acting in good faith and upon reasonable belief, may humanely euthanize the cat.

2.0 RABIES CONTROL

2.1 Animal Bites

- (1) When any animal bites or wounds a human or when a human or domestic or captive wild animal is bitten by or exposed to rabies by a suspected or known rabid animal, the owner shall comply fully with Chapter 64D-3, FAC, Communicable Disease Control.

- (2) It shall be the duty of any person having knowledge that an animal has bitten or otherwise exposed a person or domestic or captive wild animal to rabies, to report the incident immediately to the County Health Department, law enforcement officer, or Animal Services for investigation, or for the supervised quarantine of the animal at the expense of the owner.
- (3) Any dog, cat, ferret or other domestic animal that has bitten or exposed a human to the potential transmission of rabies shall be quarantined for a period of not less than ten days.
- (4) The procedures for the investigation of animal bites inflicted by animals other than dogs, cats or ferrets shall be followed in accordance with the provisions set forth in Chapter 64D-3, FAC.
- (5) The location and conditions of examination or quarantine of animals which have bitten or otherwise exposed a person to the possible transmission of rabies shall be approved by the County Health Department.
- (6) It shall be unlawful for any person to hide, conceal or refuse to surrender any animal for examination or quarantine upon lawful demand to do so by the County Health Department, any law enforcement officer, or Animal Services.
- (7) Any person having knowledge that a domestic animal has been bitten by or otherwise exposed to rabies by a wild animal of a species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, skunks, bats or bobcats, shall immediately report such bite or exposure to the County Health Department, a law enforcement officer, or Animal Services.

2.2 Rabies Vaccination for Dogs, Cats and Ferrets Required

- (1) Frequency; exception. Every dog, cat or ferret four months of age or older shall be vaccinated at intervals recommended by the rabies vaccine manufacturer against rabies with a United States Government-approved vaccine. Such vaccination is excused for bona fide racing greyhound kennels or if a licensed veterinarian certifies in writing that a vaccination would be injurious to the dog, cat or ferret's health. In either case the dog, cat or ferret shall be confined in an enclosed building or kennel.
- (2) Proof of vaccination; tags. Proof of vaccination shall consist of a rabies vaccination certificate signed by the licensed veterinarian administering the vaccination and a rabies vaccination tag. A rabies vaccination certificate and a rabies vaccination tag issued for an animal shall not be valid for any other animal. Rabies vaccinations by licensed veterinarians outside of the County shall be

recognized as current rabies vaccinations in the County.

- (3) Display of proof. It is unlawful for the owner of a dog, cat or ferret to refuse to show proof of current vaccination of such dog, cat or ferret by the end of the next business day if such information is requested by the County Health Department, any law enforcement officer, or Animal Services.
- (4) Rabies information. For rabies investigations, any veterinarian administering a rabies vaccination to a dog, cat or ferret within the county shall furnish the information contained therein to the County Health Department or to Animal Services upon written request.

3.0 DANGEROUS ANIMALS

3.1 Petition for Classification - Generally

- (1) Any adult person may request under oath that an animal be classified as dangerous or aggressive as defined in this ordinance by submitting a "petition for classification of a dangerous or aggressive animal," hereinafter called the "petition", to Animal Services.
- (2) Upon receipt of a petition, Animal Services shall notify the owner of the animal that a petition has been filed with the County, and that an investigation into the allegations as set forth in the petition will be conducted.
- (3) Upon completion of the investigation, a classification committee appointed by the Board consisting of a County Health Department official, a law enforcement official and a concerned citizen, shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous or aggressive and shall afford the owner an opportunity for a hearing prior to making a final determination. Animal Services shall provide written notification of the sufficient cause finding to the owner, by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48, FS, relating to service of process. The owner may file a written request for a hearing within 7 calendar days from the date of receipt of the notification of the sufficient cause finding and, if requested, the hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than 5 days after receipt of the request from the owner. If the classification committee finds sufficient cause to classify the animal dangerous or aggressive the classification committee shall determine the classification and disposition of the animal based upon Chapter 767, FS. In hearings before the classification committee, formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings. The classification committee shall decide the issues based upon the preponderance

of the evidence, and its decision shall be final. Where a disposition of permanent confinement has been determined by the classification committee, the committee shall reserve jurisdiction to alter the disposition should the classified animal, subsequent to the determination by the committee, bite, wound, attack or kill or assist in biting, wounding, attacking, or killing a person or domestic animal. Thereafter, Animal Services shall notify the animal's owner and the petitioner in writing by registered mail or certified hand delivery of the findings of the investigation, the proposed disposition of the animal and the review process.

- (4) If the owner or keeper cannot appear at any hearing scheduled by the classification committee, he or she shall contact Animal Services no later than 24 hours prior to the hearing, requesting a continuance to the next available date. If the owner or keeper fails to appear at the rescheduled classification hearing, the owner or keeper of such animal shall be deemed to have waived his or her right to appear at such hearing. In such case, Animal Services shall proceed with the hearing and shall notify the owner or keeper in writing of the findings of the committee.

3.2 Owner's Right to Contest

- (1) If the owner or keeper of an animal classified as dangerous or aggressive disputes the order of the classification committee, he or she may within ten business days following the date of receipt of the order apply to a court of competent jurisdiction for any remedies which may be available. A copy of the action seeking relief shall be served upon the County.
- (2) If the owner or keeper of the animal is unable to or fails to or refuses to confine the animal in a securely enclosed area, complying with Section 3.8, until the conclusion of the judicial proceeding, the animal classified as dangerous or aggressive shall be impounded by Animal Services at the owner's expense pending the disposition of the hearing in accordance with the rules and regulations established by the Board.
- (3) If no legal action has been served upon the County within the time period specified above, or if the owner or keeper fails to appear at the judicial proceeding scheduled pursuant to the foregoing sub-part, the owner or keeper of such animal shall be deemed to have waived his or her right to protest such classification order to permanently confine or to destroy the animal. In such case, Animal Services shall proceed with the disposition of the animal.
- (4) If a court of competent jurisdiction finds that the animal is not dangerous or aggressive as defined in this chapter, the animal shall be released to the custody of the owner or keeper. In such case, the owner shall redeem the animal no later than the close of the following business day following the date of the court's finding

denying the classification.

3.3 Citation Authority

An Animal Services Officer or law enforcement officer shall issue a citation to any owner or keeper of a dangerous or aggressive animal found in violation of any of the provisions of this ordinance. In addition to the issuance of a citation, an Animal Services Officer may impound the animal when it is found in violation of any of the provisions of this ordinance.

3.4 Impoundment - Permit and Tag Required for Dangerous or Aggressive Animals

- (1) An Animal Services Officer shall impound any animal which, subsequent to its classification as a dangerous or aggressive animal, bites, wounds, attacks or kills, or assists in biting, wounding, attacking, or killing, any person or domestic animal. Such animal shall remain impounded pending a rehearing on the determination of the disposition of the animal by the classification committee pursuant to Section 3.1(3). The impoundment shall be at the owner's expense.
- (2) The owner or keeper of a dangerous or aggressive animal shall, within fourteen (14) days of the classification of the animal as dangerous or aggressive or upon the acquisition of such an animal, obtain a permit from Animal Services to harbor the animal. The fee for the annual permit shall be \$100.00.
- (3) At the time the permit is issued, a red circular tag shall be issued to the owner or keeper of the dangerous or aggressive animal. Such tag shall be worn at all times by the animal to clearly and easily identify it as a dangerous or aggressive animal.
- (4) The permit for maintaining a dangerous or aggressive animal shall be presented to any Animal Services Officer or to any law enforcement officer upon demand.
- (5) The permit shall be valid for a period of one year from the date of classification.

3.5 Notification of Change of Status

- (1) The owner or keeper of a dangerous or aggressive animal shall notify Animal Services immediately if the animal escapes from its enclosure or restraint and is at large, or if it bites or attacks a person or domestic animal, or if it dies. If the animal dies, satisfactory proof of such death must be provided to Animal Services within 24 hours. Satisfactory proof shall be either verification from an animal shelter or veterinary hospital that the animal was euthanized, or verification from an Animal Services Officer or a law enforcement officer that he or she has seen the dead body of the animal.

- (2) If the owner or keeper of a dangerous or aggressive animal intends to change his or her address, or sell, give away, or trade any dangerous or aggressive animal, he or she shall notify Animal Services prior to such change of address, sale, transfer, or trade. The owner or keeper shall provide Animal Services with the new name, address, and phone number of the person receiving the animal, as well as the location at which the animal will be maintained. Further, it shall be the responsibility of the owner to notify the person receiving the dangerous or aggressive animal in writing of the classification of the animal as dangerous or aggressive.
- (3) Any person receiving an animal classified as dangerous or aggressive must obtain the required permit, tag, and enclosure prior to the acquisition of the animal. Any person obtaining an animal classified as dangerous or aggressive shall comply fully with the provisions of this ordinance pertaining to the maintenance, control and ownership of a dangerous or aggressive animals.

3.6 Neutering/sterilization

Any animal classified as dangerous or aggressive shall not be used for breeding. Animals classified as dangerous or aggressive shall be neutered by a licensed veterinarian within thirty (30) days of such classification unless:

- (1) A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or,
- (2) A licensed veterinarian certifies in writing that neutering the animal would be injurious to the animal's health, provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be neutered immediately after the health condition has been corrected.

3.7 Tattoo - Dangerous Animals Only

- (1) Any animal classified as dangerous shall be tattooed by a licensed veterinarian or by a trained tattooist at the expense of the owner or keeper of such animal. The tattoo shall be placed on the inside rear thigh with a number corresponding to the number of the permit issued to the owner or keeper at the time of the animal's classification as dangerous.
- (2) The tattoo shall be placed on the animal within thirty (30) days of such classification.

3.8 Enclosure Required

- (1) All dangerous or aggressive animals that are not humanely destroyed shall be confined in an enclosure as defined in Section 767.11(4) FS.
- (2) It shall be unlawful for any owner or keeper of a dangerous or aggressive animal to maintain said animal upon any premises which does not have a proper enclosure in which to confine the animal.
- (3) The enclosure shall be approved by Animal Services prior to its usage for confinement.

3.9 Muzzle

- (1) It shall be unlawful for any owner or keeper to allow a dangerous or aggressive animal to be outside of the enclosure unless it is necessary for the animal to receive veterinary care or exercise. In the case of dangerous animals, the animal shall wear a properly-fitted muzzle, restrained by an adult capable of controlling the animal and shall be on a leash of sufficient tensile strength no more than 3 feet in length to prevent it from biting humans or other animals. Such muzzle shall not interfere with the animal's breathing.
- (2) However, it shall be lawful for an owner to exercise a dangerous or aggressive animal within a securely fenced or enclosed area that does not have a top, without a muzzle, if the animal remains within the owner's sight and only members of his or her immediate household, or persons 18 years of age or older, are allowed in the enclosure when the animal is present.

3.10 Signs - Dangerous Animals Only

The owner or keeper of a dangerous animal shall display clearly visible warning signs on all entry points to the premises on which a dangerous animal is maintained warning that a dangerous animal is being harbored on such property. In addition, at least one sign shall be posted on the enclosure in which the dangerous animal is maintained.

4.0 CRUELTY TO ANIMALS

Animal Cruelty complaints shall be handled pursuant to Chapter 828, FS.

5.0 RESTRAINT BY PROPERTY OWNER

A property owner or tenant may restrain, in a humane manner, any animal found in violation of this ordinance on his or her property. When such restraint is made the property owner or tenant shall immediately notify Animal Services or any law enforcement officer. The property owner or tenant shall treat the animal humanely and

shall exercise due care to ensure the animal's safety and well being.

6.0 REDEMPTION

Stray animals which are not suffering from illness or injury, or are not suspected of having an infectious disease, shall be held for not less than five business days not counting day of capture nor day of disposition unless sooner redeemed by the owner. Ill or injured animals may be euthanized prior to the expiration of the five business-day holding period in accordance with Section 828.05, FS. In instances when the owner of an impounded animal can be determined, Animal Services shall make a reasonable attempt to contact the owner before disposing of the animal. A reasonable attempt to contact the owner shall be satisfied by a telephone call to the owner, and should the telephone method fail, by placing a notice in a conspicuous place on the owner's premises.

7.0 DISPOSITION OF ANIMALS

- (1) Diseased, injured or unweaned animals may be euthanized immediately upon impoundment. Other animals not claimed at the end of the holding period as described in Section 6.0 shall become the property of the County and shall be disposed of through adoption or euthanasia or transfer to a rescue shelter. In instances when the owner of an impounded animal can be determined, Animal Services shall make a reasonable attempt to contact the owner before disposing of the animal. A reasonable attempt to contact the owner shall be satisfied by a telephone call to the owner, and should the telephone method fail, by placing a notice in a conspicuous place on the owner's premises.
- (2) A fee shall be collected at time of redemption by owner or adoption to cover costs of neutering/sterilization and other basic health care costs. In addition, all female animals will be identified by tattoo, microchip or other means at time of neutering/sterilization. The fee shall be paid by the adaptor prior to release of the animal. Before any animal may be adopted from the animal shelter, unless meeting the below listed exceptions, provision shall be made for such animal to be neutered per Section 823.15, FS.
 - (a) A dog or cat claimed by the owner shall not be required to be neutered before its release to the owner.
 - (b) If the dog or cat is under the age of six: months, provisions shall be made to have it neutered at the age of six months.
 - (c) Upon the request of a licensed veterinarian, and for a valid medical reason, such as the relative immaturity of a particular animal or breed at the required age of neutering or the presence of a medical problem or

condition in a particular animal which makes surgery at the time inadvisable, Animal Services shall extend the time limits within which the animal must be neutered.

- (3) No wolf-hybrid, or animal which has been classified as dangerous, or which has been involved in an unprovoked bite or attack on a person or domestic animal, or which has endangered without provocation a person or domestic animal, shall be placed for adoption from the animal shelter if the owner does not redeem the animal. An animal involved in a provoked bite or attack on a person or domestic animal shall be placed for adoption only with prior approval of Animal Services, to be determined on a case-by-case basis.

8.0 RIGHT OF ENTRY

- (1) Pursuant to Sections 828.27, 828.073, and 125.01, FS, any law enforcement officer or Animal Services Officer shall have the authority to enter public or unfenced private property within the county to carry out the duties imposed by this ordinance.
- (2) Pursuant to Sections 828.27, 828.073, and 125.01, FS, any law enforcement officer or Animal Services Officer shall have the authority to enter fenced private property, exclusive of buildings, when:
 - (a) The owner or keeper of an animal which has bitten or otherwise exposed a human or domestic or captive wild animal to rabies refuses to surrender such animal for rabies quarantine.
 - (b) The animal being sought was at large immediately prior to Animal Services receiving a complaint that the animal was at large chasing people or domestic animals or was causing the destruction or loss of personal property, but subsequently returned to its owner's fenced private property, provided, however, that the animal has the clear capability to leave the fenced property by climbing, jumping, or crawling under the fence and provided that an attempt to contact the owner, if known, was unsuccessful.
 - (c) An Animal Services Officer or law enforcement officer is taking possession of any animal found neglected or cruelly treated pursuant to Sections 828.27, 828.073 and 125.01, FS.

9.0 DESIGNATION OF ANIMAL SERVICES DEPARTMENT AND ANIMAL SERVICES OFFICER

- (1) The Board is hereby authorized to designate a department as Animal Services and

Animal Services Officers. Presently the Board and the Sheriff have agreed for the Sheriff's Office to serve as Animal Services for the County and the Sheriff's Office is so serving. Pursuant to such agreement, the Board will not designate any employees to serve as Animal Services Officers. Rather, the Sheriff may, from time to time, assign and reassign his deputies to serve as Animal Services Officers as the Sheriff sees fit. Such agreement shall continue in full force and effect until and unless either the Sheriff or the Board gives 90 days prior written notice to the other of termination thereof.

- (2) Should the above referenced agreement with the Sheriff be terminated, the Board by resolution, may designate a County department as Animal Services and how Animal Services Officers will be appointed therefore.
- (3) The training and qualifications of the Animal Services Officers shall be those required by Section 828.27, FS.
- (4) Any Animal Services Officer and any law enforcement officer shall have the authority to enforce this ordinance.

9.1 Enforcement Policies and Procedures

The policies and procedures used in the enforcement of this ordinance shall be established by the Board in accordance with professionally-recognized standards of humane capture, care and disposal.

10.0 ENFORCEMENT

10.1 Enforcement Generally - Penalties

- (1) In addition to or in lieu of impounding an animal which any Animal Services Officer or any law enforcement officer has probable cause to believe is in violation of this ordinance the officer may issue a citation to the owner or keeper of the animal.
- (2) Any person to whom a citation is issued shall pay the fine by the designated date or appear in county court at the time, date and location designated in the citation.
- (3) Civil penalties for violations of this chapter are as follows:
 - (a) First violation (minimum fine) \$25.00
 - (b) Second violation (minimum fine) \$50.00
 - (c) Thereafter (minimum fine) \$100.00

- (4) Civil penalties for violations which result in the destruction or loss of personal property are as follows:
 - (a) First violation (minimum fine) \$50.00
 - (b) Second violation (minimum fine \$100.00
 - (c) Thereafter (maximum fine) \$150.00
(Plus mandatory court appearance)

- (5) Civil penalty for violations which result in the unprovoked, biting, wounding, or attacking of a domestic animal or person are as follows:
 - (a) First violation (animal) (minimum fine) \$100.00
 - (b) First violation (person) (minimum fine \$250.00
 - (c) Thereafter (maximum fine) \$500.00
(Plus mandatory court appearance)

- (6) Where violations concern more than one animal, each violation for each animal shall be a separate violation.

- (7) Any person electing to appear or required so to appear waives the right to pay the minimum civil penalties.

- (8) Penalties shall be in addition to court costs as established by the county court, and shall include a surcharge of \$5 per violation to be used for Animal Services Officer training pursuant to Section 828.27, FS.

- (9) The maximum civil penalty for each violation of this ordinance shall be \$500.00.

- (10) If a person to whom a citation is issued does not contest the citation and elects to pay the applicable civil penalty in lieu of appearing in county court, the civil penalty shall be less than the maximum civil penalty.

10.2 Obstructing Enforcement

No person shall:

- (1) Refuse to surrender an animal upon lawful demand by any Animal Services Officer or law enforcement officer.

- (2) Interfere with any Animal Services Officer or law enforcement officer who is lawfully performing his or her duties.

- (3) Hold, hide, or conceal any animal which any Animal Services Officer or law

enforcement officer has deemed to be in violation of this ordinance.

- (4) Take or attempt to take any animal from any Animal Services Officer or from any law enforcement officer or from any vehicle used by him or her to transport animals in the legal performance of his or her duties.
- (5) Take or attempt to take any animal from an Animal Services shelter, a humane live trap, or an animal carrier, without proper authority.
- (6) Refuse to provide information to any Animal Services Officer or any law enforcement officer which is necessary to complete official documents, including, but not limited to, citations, bite reports, courtesy notices, or warnings.

10.3 Citation Issuance

Any Animal Services Officer or any law enforcement officer is hereby authorized to issue a citation to the owner or keeper of an animal found in violation of this ordinance when the officer has probable cause to believe that a violation of this ordinance has occurred. In addition to the issuance of a citation, an Animal Services Officer may impound the animal when it is found in violation of any of the provisions of this ordinance.

10.4 Procedure upon Citation

- (1) Any person cited for violation of this ordinance shall be deemed to be charged with a civil infraction and cited to appear in county court.
- (2) Any person cited for an infraction under this section must:
 - (a) Sign and accept a citation indicating a promise to appear in county court at the time, date, and place indicated in the citation, or, in lieu of appearing, pay the applicable civil penalty prior to the court date noted on the citation.
 - (b) Exception. No person to whom a citation has been issued which requires a mandatory court appearance may pay the civil penalty in lieu of appearing in county court.
- (3) Any person who willfully refuses to accept and sign the citation shall be in violation of state law and this ordinance and shall be punished in accordance with Sections 775.082, 775.083, or 828.27, FS.
- (4) If the person cited pays the applicable civil penalty in lieu of appearing in county court, he or she shall be deemed to have admitted the infraction and to have

waived his or her right to a hearing on the issue of commission of the infraction.

- (5) Any person electing to appear or who is required to appear shall be deemed to have waived his or her right to pay the minimum civil penalty.

10.5 Contents of Citation

A citation issued by an Animal Services Officer or law enforcement officer under the provisions of this ordinance shall be in a form prescribed by Animal Services and shall include, at a minimum, the following:

- (1) The date and time of issuance.
- (2) The name and address of the person.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting probable cause.
- (5) The ordinance violated.
- (6) The name and authority of the officer.
- (7) The time, date and place at which the person accused shall appear in county court;
- (8) The signature of the person accused;
- (9) The procedure for the person to follow in order to pay the civil penalty if the person elects not to contest the citation;
- (10) The procedure for the person to follow in order to contest the citation;
- (11) The applicable civil penalty if the person elects to contest the citation;
- (12) The applicable civil penalty if the person elects to pay the citation;
- (13) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, then he or she shall be deemed to have waived his or her right to contest the citation and that in such case judgment may be entered against the person for an amount up to the maximum civil penalty;
- (14) A conspicuous statement that if the person is required to appear in court he or she does not have the option of paying a fine in lieu of appearing in court, and other information as may be appropriate.

11.0 PUBLIC RECORDS EXEMPTION

Pursuant to state law, the home addresses and home telephone numbers of Animal Services Officers are confidential and exempt from the provisions of Section 119.07(1), FS, and the Florida Constitution, Article I, Section 24(a).

12.0 FEES

Impoundment and other fees for animals under this ordinance shall be as self supporting as possible and shall be collected prior to release of animals. Modification of fees shall be

established by a resolution of the Board. Impoundment fees may be waived for any unaltered dog or cat if, prior to the release of the animal, the owner agrees in writing to have the animal neutered. If the impounded animal is neutered, the impoundment fee may be waived if the owner agrees in writing to neuter another animal belonging to him or her.

- (1) Initial impoundment fee.....\$25.00
- (2) Repeat impoundment fee.....\$50.00
- (3) Daily kennel fee.....\$12.00
- (4) Owner requested capture fee without chemical immobilization\$5.00
- (5) Owner requested capture fee with chemical immobilization 40.00
- (6) Fee for surrender of each unwanted animal..... 25.00

13.0 REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. Ordinance Nos. 94-61, 96-80, 99-100 and 99-105 are specifically repealed in their entirety.

Ordinance No. 2011-196 and amendments thereto, if any, provide for, among other things, the maximum number of dogs and/or cats allowed on parcels of real property in the unincorporated area of the County without a permit. Ordinance No. 2011-196 and amendments thereto, if any, shall not be deemed to conflict with this ordinance and shall not be deemed repealed or superceded, in whole or in part, by the enactment of this ordinance.

14.0 SEVERABILITY

It is declared to be the intent of the Board that if any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not effect the validity of the remaining portions hereof.

15.0 EFFECTIVE DATE

This ordinance shall become effective as provided by law.

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This ordinance shall become effective as provided by law.

ORDAINED upon due motion, second, after discussion, by majority vote this 14th day of August, 2024.

BOARD OF COUNTY COMMISSIONERS
MADISON COUNTY, FLORIDA

BY: H. Alston Kelley
H. Alston Kelley
Chair

ATTEST: Billy Washington
Billy Washington,
Clerk