

FRANKLIN COUNTY, FLORIDA ORDINANCE 2001 - 24

AN ORDINANCE REGULATING ANIMALS IN FRANKLIN COUNTY,
FLORIDA, AND REPEALING ALL OTHER ORDINANCES OF FRANKLIN
COUNTY REGULATING ANIMALS, PROVIDING FOR ENFORCEMENT¹,
PENALTIES, APPEALS, AND AN EFFECTIVE DATE~.

ADOPTED :
October 16, 2001

ORDINANCE 2001-24

AN ORDINANCE REGULATING ANIMALS IN FRANKLIN COUNTY, FLORIDA, AND REPEALING ALL OTHER ORDINANCES OF FRANKLIN COUNTY REGULATING ANIMALS, PROVIDING FOR ENFORCENENT, PENALTIES, APPEALS, AND AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners of Franklin County to provide and maintain for the citizens of the County, standards which ensure their health, welfare and well being; and

WHEREAS, Section 828.27, Florida Statutes, specifically provides for creation of a county ordinance related to animal control and cruelty; and

WHEREAS, Section 767.14, Florida Statutes, specifically authorizes the county to place further restrictions or additional requirements on the owners of dangerous dogs; and

WHEREAS, the Board of County Commissioners of Franklin County recognizes that the public health, interest and safety of the residents of the County will best be served by progressively improving the existing Franklin County Animal Ordinance; and

WHEREAS, the public health, safety and welfare of County residents are affected by the pet population through contact with and the spread of contagious diseases as well as the dangers inherent with animals running at large; and

WHEREAS, the Board of County Commissioners of Franklin County also recognizes the need to encourage humane and responsible animal ownership; and

WHEREAS, there is a need to reduce the over-population of unwanted animals in Franklin County; and

WHEREAS, there is a need to prevent neglect of, and cruelty to, animals; and

WHEREAS, there is a need to protect citizens from dangerous and bothersome animals and to prevent animal bites, attacks and accidents caused by free roaming animals; and

WHEREAS, a civil citation system enforced through the Franklin County Animal Control Department, appropriate law enforcement, and the Franklin County Court system is the most appropriate means of encouraging citizens to comply with the requirements of this Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA, THIS 16TH DAY OF October, 2001, AS FOLLOWS:

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the "Franklin County Animal Ordinance."

SECTION 2. DEFINITIONS

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

ANIMAL: Any domesticated animal or any captive wild animal.

ANIMAL CONTROL DIRECTOR: Shall mean any individual appointed by Resolution of the Franklin County Board of County Commissioners to head the Department of Animal Control and authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue Citations.

ANIMAL CONTROL OFFICER: Shall mean any individual employed, contracted with, or appointed by the County who is appropriately trained and authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue Citations. Animal Control Officers are not authorized to bear arms or make arrests but are otherwise empowered as provided for in Section 828.27, Florida Statutes, as may be amended.

ANIMAL SHELTER: Facility designated or recognized by the Franklin County Commission for the purpose of impounding and/or caring for animals.

AT LARGE: Any animal, which is off the premises of the owner, while not under the control of the owner, or, in the case of dogs, any dog which is not under the direct control of the owner.

CAT: The domestic cat, *Felis catus*.

CITATION: A written notice issued to a person by an Animal Control Officer or Officer stating that the Animal Control Officer or Officer has probable cause to believe that the person has committed a civil infraction in violation of this ordinance.

CONFINED: An animal will be considered confined if it is within a building, pen, fenced yard, vehicle or on a leash or chain.

DANGEROUS DOG: Any dog that according to the records of Franklin County Animal Control, or any law enforcement agency:

(1) Has aggressively bitten, attacked or endangered, or has inflicted severe injury on a human being on public or private property; or

(2) Has more than once severely injured or killed a domestic animal while off the owner's property; or

(3) Has been used primary or in part for the purpose of dog fighting, or is a dog trained for fighting; or

(4) Has, when unprovoked, bitten a domestic animal or a human, regardless of whether on public or private property, or when unprovoked has chased or approached a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack; provided that such actions are attested to in a sworn statement by one (1) or more persons and dutifully investigated by any of the above referenced authorities.

This definition shall not apply to dogs utilized by law enforcement officers in the performance of their duties.

DOG: Shall mean the domestic dog, *Canis familiaris*, or any of the various other animals of the family *Canidae*.

DIRECT CONTROL: Immediate, continuous physical control of a dog at all times such as by means of a leash, cord, secure fence, or chain of such strength to restraint the dog and controlled by a person capable of restraining the dog, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the dog, voice control shall be considered direct control.

HUMANE MANNER: Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

IMPOUNDMENT: The taking or picking up and confining of an animal by an officer under the provisions of this ordinance.

KENNEL: An establishment kept for the purpose of breeding, selling, or boarding cats and dogs or engaged in training cats and dogs.

LEGAL RESPONSIBILITY: For the purpose of this ordinance, the owner as defined herein shall be considered legally responsible for:

- (1) The actions of an animal; and
- (2) The care of an animal.

In the absence of written proof of ownership, all adult members of the household shall be considered legally responsible.

LICENSING AUTHORITY: The agency or department of the Franklin County Commission or any designated representative thereof charged with the issuance and/or revocation of permits and licenses under the authority of this ordinance.

NEUTERED: Rendered permanently incapable of reproduction.

OFFICER: Any law-enforcement officer or any animal control officer.

OWNER: Any person, partnership, corporation or other legal entity 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 apply to any veterinary clinic or boarding kennel.

PERSON: Any individual, firm, corporation, partnership, organization or association.

PROPER ENCLOSURE FOR A DANGEROUS DOG: The secure confinement indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of children and designed to prevent the dog from escaping. 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. The enclosure shall be kept locked at all times to prevent unintentional opening of the enclosure. The dog shall not be permitted to come into contact with animals other than those which reside on the owner's premises, or come into contact with persons other than the owner.

RESTRAINT: A dog or cat shall be considered under restraint if it is confined within the real property limits of it's owner or secured by a leash or lead or under the direct control of a responsible person.

SEVERE INJURY: Any physical injury that results in broken bones, multiple punctures, or disfiguring lacerations requiring sutures or cosmetic surgery.

SPAYED OR NEUTERED: Rendered permanently incapable of reproduction by a licensed veterinarian.

UNPROVOKED ATTACK OR BITE: Attack or bite where the victim has been conducting himself peacefully and lawfully and has been bitten or chased in a menacing fashion or attacked by a dog.

VETERINARIAN: Shall mean a person trained and authorized to treat animals medically who is duly licensed and registered by the State of Florida under Florida Statutes, chapter 474, or licensing area in which the veterinarian is practicing.

VICIOUS ANIMAL: An animal that constitutes a physical threat to humans or other domestic animals.

SECTION 3. CLASSIFICATION OF DOGS AS DANGEROUS; NOTICE REQUIREMENTS; APP) ~14L;
HEARING BEFORE THE ANIMAL ADJUDICATORY BOARD; FINAL DECISION; CONFINEMENT OF
ANIMAL; UNLAWFUL ACTS DANGEROUS DOGS CERTIFICATION OF REGISTRATION;
NOTIFICATION REQUIREMENTS

(a) An animal control officer shall investigate reported incidents involving any dog that may be dangerous and shall interview the owner and require a sworn affidavit from any person, including an animal control officer or enforcement officer, desiring to have a dog classified as dangerous.

Criteria considered in such investigations shall include but not be limited to the following: provocation, severity of attack or injury, previous aggressive history of the dog, observable behavior of the dog, site and circumstances of the incident, and testimony from interested parties, etc. After the investigation, if the dog is deemed dangerous, the Animal Control Director, shall immediately provide written notification by registered mail or certified hand delivery to the owner of a dog that has been classified as dangerous.

(b) No dog shall be classified as dangerous because of injuries it has inflicted upon another domestic animal which at the time was teasing, tormenting, abusing or assaulting the dog.

(c) No dog shall be classified as dangerous if the threat or injury was sustained by a person who at the time, was committing or attempting to commit a tort or a crime upon the owner of the dog; or was committing a willful trespass upon the premises occupied by the owner of the dog; or who was teasing, tormenting, assaulting, or abusing the dog or its owner.

(d) The owner may file a written request for a hearing to appeal the classification within 10 business days after receipt of the written notice. The dog determined to be dangerous shall be impounded by Animal Control at the owner's expense pending the disposition of the hearing. If no request is made for a hearing within ten (10) business days following receipt by the owner or keeper of the animal. The Animal Control Director shall determine that the owner or keeper shall be deemed to have waived his or her right to protest such to destroy the dog. In such case, the Animal Control Director shall proceed with making a dangerous dog determination and then dispose of the dog.

(e) Upon receipt of said notice, the Animal Control Director shall within 3 business days notify the Clerk of Court to convene the Animal Adjudicatory Board. The Animal Adjudicatory Board shall consist of three members who shall serve two year terms from the date of their appointment, and thereafter until the members successor takes office. One member shall be appointed by the Apalachicola City Commission, one member shall be appointed by the Carrabelle City Commission, and one member shall be appointed by the Franklin County Board of County Commissioners.

(f) Appeals filed pursuant to Section 767.12, Florida Statutes and this Ordinance or otherwise as to destruction of dogs or other animals, shall be to the Franklin County Animal Adjudicatory Board.

(g) During the hearing the owner or keeper requesting the hearing shall be afforded the following rights relevant thereto: .

- (1) Present his or her case by oral or documentary evidence.
- (2) Be accompanied, represented, and advised by his or her own counsel.
- (3) Offer the testimony of witnesses.

The nature of the hearing shall be non-adversarial and informal in form, providing the owner and the Animal Control Director with an opportunity to be heard. Following the hearing, the board shall submit a written final decision on the matter and provide a copy of the same to the owner. If the board finds that the dog is not dangerous as defined in this Ordinance, the dog shall be released to the custody of the owner or keeper upon payment of all appropriate fees, who shall claim the dog no later than seventy-two (72) hours from the time of entry of the order finding the dog not dangerous.

(h) Control of Dangerous Dogs: All dangerous dogs that are not humanely destroyed shall be confined in a proper enclosure in which to confine the dog.

(1) It shall be unlawful for any owner or keeper of a dangerous dog to maintain said dog upon any premise which does not have a proper enclosure in which to confine the dog.

(2) The proper enclosure shall include suitable shelter and protection from the elements and shall provide adequate exercise room, light, ventilation and sanitation.

(3) It shall be unlawful for any owner or keeper to allow any dangerous dog to be outside of the proper enclosure unless it is necessary for the dog to receive veterinary care or exercise. In such case, the dog shall wear a fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with dog's breathing or vision.

(4) Whenever the dangerous dog is outside of the enclosure, it shall be restrained by an adult capable of controlling the dog and shall be on a chain of sufficient tensile strength not more than three (3) feet in length.

(5) The owner or keeper shall display signs on the premises on which a dangerous dog is maintained warning that a dangerous dog is harbored on such property. In addition, at least one (1) sign shall be posted on the enclosure in which the dangerous dog is maintained.

(i) Within 30 days after a dog has been classified as dangerous, the owner of the dog must obtain a certificate of registration for the dog from the animal control director serving the area in which he resides, and the certificate shall be renewed annually. The Animal Control Director is authorized to issue such certificates of registration, and renewals thereof, only to person who are at least 18 years of age. The cost for such registration shall be \$50.00 annually..

(j) The owner or keeper of a dangerous dog shall immediately notify Animal Control when the dog:

1. Is loose or unconfined.
2. Has bitten a human being or attacked another animal.
3. Is sold, given away, or dies.
4. Is moved to another address.

SECTION 4. RABIES VACCINATION OF DOGS AND CATS

- a) All dogs and cats over the age of 4 months or older must be vaccinated by a licensed veterinarian against rabies with a United States Government-approved vaccine. The cost of vaccination must be borne by the animal's owner.
- b) A dog or cat is exempt from vaccination against rabies if a licensed veterinarian has examined the animal and has certified in writing that at the time vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. An exempt animal must be vaccinated against rabies as soon as its health permits.
- c) All dogs and cats shall be vaccinated against rabies annually by a licensed veterinarian, in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians.
- d) A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.

SECTION 5. OWNER RESPONSIBILITY

- a) All dogs shall be kept under restraint in any property zoned residential or commercial. Hunting dogs engaged in normal, legal hunting activity, are excepted.
- b) Every vicious animal, as defined herein, shall be confined by its owner within a building or secure enclosure and shall be muzzled or caged whenever off the property of its owner.
- c) No animal shall be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this ordinance.
- d) All animal owners will provide adequate food, water, shelter, medical care if needed, and a sanitary environment.
- e) Failure to comply with the provisions of this section shall be deemed a 2nd degree misdemeanor and punished according to law.

SECTION 6. IMPOUNDMENT

- a) Any dog found running at large may be impounded by an Animal Control Officer in an animal shelter and confined in a humane manner. Immediately upon impounding a dog, the Animal Control Officer shall make every reasonable effort to notify the owner and inform such owner of the condition under which the animal may be regained. Dogs not claimed within a period of five full days in which the shelter is open to the public shall become the property of Franklin County.

Animals becoming the property of Franklin County shall be disposed of in the following manner:

- 1) Animals not reclaimed, or adopted out, shall be humanely Euthanized in such a manner as to cause as little pain as possible.
- 2) Any animal, at the discretion of the animal control officer may be given to an adult who desires to give said animal a home, and who pays a refundable vaccination deposit of \$20.00 for an unvaccinated animal, and a neutering deposit of \$40.00 to be refunded upon proof of both procedure.
- 3) Released to the Humane Society for adoption.
- b) When a dog is found running at large and it's ownership is verified by the Animal control Officer who may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.
- c) In the event that the Animal Control Officer finds dogs or cats to be suffering, it shall have the right forthwith to remove or cause to have removed any such animal to a safe place for care at the owner's expense or to Euthanize them when necessary to prevent further suffering.
- d) Disposal of an animal by any method specified herein does not relieve the owner of liability for violation of any accrued charges.
- e) No animal shall be sold or given to any person for any type of medical or other research.

SECTION 7. IMPOUNDMENT FEES

- 1) Any animal impounded may be redeemed by the owner thereof within 5 days upon payment of an impoundment fee. The following daily impoundment fees and boarding costs shall hereafter be set by resolution adopted by the Board.

FEEES

Impoundment Fee (per dog/cat)	First Offense	\$25.00
Impoundment Fee (per dog/cat)	Second Offense	\$50.00
Impoundment Fee (per dog/cat)	Third Offense (and thereafter)	\$75.00
Boarding Cost (per dog/cat)	Per Day	\$10.00
· Rabies Vaccination	Refundable Deposit	\$20.00
· Neutering\Spaying	Refundable Deposit	\$40.00

·Refundable deposits of will be refunded upon proof that both the vaccination and neutering procedure has been completed as outlined in Section 4.

Payment of impoundment fees are not considered to be in lieu of any fine or penalty.

SECTION 8. ADOPTION

An animal may be released to the Franklin County Humane Society for adoption with the understanding that suitable homes will be found and the animals are to be vaccinated and neutered.

SECTION 9. RIGHT OF ENTRY

The animal control officer shall have the right to enter upon any private or public property, except a building, mobile home or other structure designated for, and used for residential purposes, for the purpose of enforcing this ordinance.

If any person refuses entrance to premises, including a residence, in his possession or control, the animal control officer attempting to enforce this ordinance, such officer shall contact a law enforcement office and proceed on such premises with a warrant or other document of authority as necessary to lawfully enter such premises for the purpose of enforcing this ordinance.

SECTION 10. ANIMAL CRUELTY

1. DEFINITIONS:

In this section, the word "animal" shall be held to include every living dumb creature. The words "torture," "torment," and "cruelty" shall be held to include every act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused, or allowed to continue when there is reasonable remedy or relief.

2. KILLING AN INJURED OR DISEASED DOMESTIC ANIMAL:

(1) The purpose of this section is to provide a swift and merciful means whereby domestic animals which are suffering from an incurable or un-treatable condition or are imminently near death from injury or disease may be destroyed without unconscionable delay and in a humane and proficient manner.

(2) As used in this section, the term "officer" means:

- (a) Any law enforcement officer;
- (b) Any veterinarian; and
- (c) Any officer or agent of any municipal or county animal control unit or of any society or association for the prevention of cruelty to animals, or the designee of such an officer or agent.

(3) Whenever any domestic animal is so injured or diseased as to appear useless and is suffering, and it reasonably appears to an officer that such animal is imminently near death or cannot be cured or rendered fit for service and the officer has made a reasonable and concerted, but unsuccessful, effort to locate the owner, the owner's agent, or a veterinarian, then such officer, acting in good faith and upon reasonable belief, may immediately destroy such animal by shooting the animal or injecting it with a barbiturate drug. If the officer locates the owner or the owner's agent, he shall notify him of the animal's location and condition. If the officer locates only a veterinarian, the officer shall destroy the animal only upon the advice of the veterinarian.

(4) No officer or veterinarian acting in good faith and with due care pursuant to this section will be liable either criminally or civilly for such act, nor will any civil or criminal liability attach to the employer of the officer or veterinarian.

(5) A court order is not necessary to carry out the provisions of this section.

3. ANIMALS FOUND IN DISTRESS; WHEN AN OFFICER MAY TAKE CHARGE; HEARING~DISPOSITION; SALE:

(1) The purpose of this section is to provide a means by which a neglected or mistreated animal can be:

- (a) Removed from its present custody, or
- (b) Made the subject of an order to provide care, issued to its owner by the county court, any animal control officer or any law enforcement officer, and given protection and an appropriate and humane disposition made.

(2) Any animal control officer or any law enforcement officer or any society or association for the prevention of cruelty to animals appointed under the provisions of s. 828.03 may:

- (a) Lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location, or
- (b) Order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense without removal of the animal from its present location, and shall forthwith petition the county court judge of the county wherein the animal is found for a hearing, to be set within 30 days after the date of seizure of the animal or issuance of the order to provide care and held not more than 15 days after the setting of such date, to determine whether the owner, if known, is able to provide adequately for the animal and is fit to have custody of the animal. The hearing shall be concluded and the court order entered thereon within 60 days after the date the hearing is commenced. No fee shall be charged for the filing of the petition. Nothing herein is intended to require court action for the taking into custody and making proper disposition of stray, nuisance or abandoned animals as lawfully performed by animal control.

(3) The officer or any society or association for the prevention of cruelty to animals taking charge of any animal pursuant to the provisions of this section shall have written notice served, at least 5 days prior to the hearing set forth herein upon the owner of the animal, if he or she is known and is residing within the county, in conformance with the provisions of chapter 48 relating to service of process.

The county sheriff shall not charge a fee for service of such notice. If the owner of the animal is known but is residing outside of the county or if the owner is unknown or the residence of the owner is unknown notice of the hearing shall be by publication in conformance with the provisions of chapter 49.

(4) (a) The officer or any society or association for the prevention of cruelty to animals taking charge of an animal as provided for in this section shall provide for the animal until either:

1. The owner is adjudged by the court to be able to provide adequately for, and have custody of, the animal, in which case the animal shall be returned to the owner upon payment by the owner for the care and provision for the animal while in the agent's or officer's custody; or

2. The animal is turned over to the officer or agent as provided in paragraph (c) and a humane disposition of the animal is made.

(b) If the court determines that the owner is able to provide adequately for, and have custody of, the animal, the order shall provide that the animal in the possession of the officer or agent be claimed and removed by the owner within 7 days after the date of the order.

(c) Upon the court's judgment that the owner of the animal is unable or unfit to adequately provide for the animal:

1. The court shall order the animal to be sold by the sheriff at public auction, and shall provide in its order that the current owner shall have no further custody of the animal and that any animal not bid upon shall be remanded to the custody of the Society

for the Prevention of Cruelty to Animals, the Humane Society, the county, or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit; or

2. The court may order the animal destroyed or remanded directly to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit, upon the testimony of the agent who took custody of the animal, or upon the testimony of other qualified witnesses, that the animal requires destruction or other disposition for humanitarian reasons or is of no commercial value.

3. Upon proof of Costs incurred by the agent or officer, the court may require that the owner pay for the care of the animal while in the custody of the agent or officer. A separate hearing may be held.

4. The court may order that other animals that are in the custody of the owner and that were not seized by the officer or agent be turned over to the officer or agent, if the court determines that the owner is unable or unfit to adequately provide for the animals. The court may enjoin the owner's further possession or custody of other animals.

(5) In determining the person's fitness to have custody of an animal under the provisions of this section, the court may consider, among other matters:

(a) Testimony from the agent or officer who seized the animal and other witnesses as to the condition of the animal when seized and as to the conditions under which the animal was kept.

(b) Testimony and evidence as to the veterinary care provided to the animal.

(c) Testimony and evidence as to the type and amount of care provided to the animal.

(d) Expert testimony as to the community standards for proper and reasonable care of the same type of animal.

(e) Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody.

(f) The owner's past record of judgments under the provisions of this section.

(g) Convictions under this ordinance prohibiting cruelty to animals.

(h) Any other evidence the court considers to be material or relevant.

(6) If the evidence indicates a lack of proper and reasonable care of the animal, the burden is on the owner to demonstrate by clear and convincing evidence that he or she is able and fit to have custody of and provide adequately for the animal.

(7) In any case in which an animal is offered for auction under the provisions of this section, the proceeds shall be:

- (a) Applied, first, to the cost of the sale.
- (b) Applied, secondly, to the care and provision for the animal by the officer or agent of any county or of any society or association for the prevention of cruelty to animals taking charge.
- (c) Applied, thirdly, to the payment of the owner for the sale of the animal.
- (d) Paid over to the court if the owner is not known.

4. PENALTY FOR EXPOSING POISON:

Whoever leaves or deposits any poison, antifreeze or any substance containing poison, in any common street, alley, lane, or thoroughfare of any kind, or in any yard or enclosure other than the yard or enclosure occupied or owned by such person, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

5. CRUELTY TO ANIMALS:

(1) A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a CRUEL or inhumane manner, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$1,000, or both.

(2) A person who intentionally commits an act to any animal which results in the CRUEL death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or both.

(3) A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this section. Such a veterinarian is, therefore, under this subsection, immune from a lawsuit for his part in an investigation of cruelty to animals.

6. FIGHTING OR BAITING ANIMALS; OFFENSES; PENALTIES:

(1) As used in this section:

(a) "Baiting" means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals.

(2) Any person who commits any of the following acts is guilty of a felony of the third degree, punishable as provided in s. 775.082, or s. 775.083:

(a) Baiting, or using any animal for the purpose of fighting or baiting any other animal.

(b) Knowingly owning, managing, or operating any facility, kept or used for the purpose of fighting or baiting any animal.

(c) Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals.

7. CONFINEMENT OF ANIMALS WITHOUT SUFFICIENT FOOD, WATER, OR EXERCISE; ABANDONMENT OF ANIMALS:

(1) As used in this section:

(a) "Abandon" means to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.

(b) "Owner" includes any owner, custodian, or other person in charge of an animal.

(2) Whoever:

(a) Impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water.

(b) Keeps any animals in any enclosure without wholesome exercise and change of air, or

(c) Abandons to die any animal that is maimed, sick, infirm, or diseased, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$1,000, or by both imprisonment and a fine.

(3) Any person who is the owner or possessor, or has charge or custody, of any animal who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road or public place without providing for the care, sustenance, protection, and shelter of such animal is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$1,000 or both imprisonment and a fine.

SECTION 11. ENFORCEMENT AND PENALTIES

(1) In addition to or in lieu of impounding an animal which any Animal Control Officer or any Law Enforcement Officer has probable cause to believe is in violation of this ordinance, the Officer may either:

(a) Issue a warning notice of violation to the owner or keeper of the animal.

(b) Issue a citation to the owner or keeper of the animal.

(2) Schedule of Fines

(a) Any person to whom a citation is issued shall pay the fine within 30 days of the issue date or appear in County Court on the date time and location designated in the citation.

(b) Civil penalties of infractions:

FINES

First infraction	\$25.00
Second infraction	\$50.00 within one year
Third infraction	Mandatory Court appearances

(3) Any person electing to appear or required to appear waives his or her right to pay the minimum civil penalties.

(4) Penalties shall be in addition to Court costs as established by the County Court.

(5) The maximum civil penalty for each violation of this article shall be five hundred (500.00) dollars.

(6) Mandatory Court appearances. A mandatory court appearance shall be required for any of the following:

1. Third and subsequent violation of this ordinance
2. Violations that result in the destruction or loss of personal property
3. Violations of Section 10 of this ordinance, Animal Cruelty.

SECTION 12. DUTIES OF OFFICER

Any animal control officer, or any law enforcement officer is hereby authorized to issue a citation on the person 'owning, keeping, or harboring the animal when the officer has probable cause to believe that a violation of the ordinance has occurred.

SECTION 13. CONTENTS OF CITATION

A citation issued by an Animal Control Office under the provisions of the act shall be in a form prescribed by the Board and shall include:

1. The time and date of issuance.
2. The name and address of the person in violation.
3. The date and the time the civil infraction was committed.
4. The section and number of the animal control ordinance violated.
5. The name and authority of the issuing Animal Control Officer.
6. The facts constituting probable cause.
7. The time, date and place at which the person accused shall appear in Court.
8. The signature of the person accused.
9. The procedure for the person to follow in order to pay the specific civil penalty imposed or to contest the citation.
10. The maximum civil penalty if the person elects to contest the citation
11. A conspicuous statement that if the person fails;
 - a. to pay the civil penalty within the time allowed or
 - b. 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.

SECTION 14. PROCEDURE UPON ISSUANCE OF CITATION

(1) Any person cited for violation of this animal control ordinance shall be deemed to be charged with a civil infraction and cited to appear in County Court.

(2) Any person cited for infraction under this ordinance must:

a. Sign and accept a citation indicated a promised 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 a citation shall be in violation of this ordinance and shall be punished according to Section 775.082, Florida Statutes.

(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 rights to a hearing on the issue of commission of the infraction.

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

SECTION 15. INTERFERENCE WITH AN ANIMAL CONTROL OFFICER

1. No individual shall interfere with an Animal Control Officer in the legal performance of his or her duties. This includes but is not limited to, striking or attempting to strike an Animal Control Officer, or hindering or molesting an Animal Control Officer in the performance of any duty as herein provided.

2. No individual shall refuse to surrender an animal to any Animal Control Officer that has probable cause to believe that the animal has violated any provision of this ordinance.

3. No individual shall provide the Animal Control Officer with false information.

4. No individual shall take or attempt to take any animal from any Animal Control Officer in the legal performance of his or her duties.

5. No individual shall tamper with or release an animal trapped in a humane live trap set by an Animal Control Officer for the purpose of trapping stray or nuisance animals.

6. No individual shall tamper with or release an animal confine within a vehicle used by an Animal Control Officer for the purpose of transporting the animal to a holding facility.

7. No individual shall remove an animal impounded for a violation of this ordinance from any facility authorized by the County to hold impounded animals, or damaging any County property used in conjunction with the legal performance of the Animal Control Officer's duties.

Any person violating this section shall be deemed guilty of a misdemeanor of the second degree, and shall be subject to imprisonment or a fine as set forth in Sections 775.082 and 775.083 of the Florida Statutes.

SECTION 16. DUTY TO REPORT ANIMAL BITES

It shall be the duty of every person licensed to practice medicine, osteopathic medicine, veterinary medicine or any other person knowing of or in attendance on an animal bite case, to promptly report to the Franklin County Health Department every instance in which a person is bitten by a dog or other domestic or wild animal.

SECTION 17. REMOVAL OF DEAD ANIMALS FROM PUBLIC RIGHT OF WAY

When an animal is found dead on the public right of way it shall be part of the animal control officer's responsibilities to remove and properly dispose of the carcass.

SECTION 18. REPEAL

All other ordinances of Franklin County regulating animals are hereby repealed.

SECTION 19. SEVERABILITY

If any part of this ordinance shall be held invalid, this shall not affect the remaining parts of this ordinance.

SECTION 20. COMPLIANCE WITH STATE LAW

Nothing in this Ordinance shall be construed to exempt compliance with state laws relating to Animals. Violations of state law may be prosecuted as applicable.

SECTION 21. PUNISHMENT

A Violation of this ordinance shall be a misdemeanor, except as otherwise provided herein.

SECTION 22. SAFETY CLAUSE

The Franklin County Commission hereby finds, determines and declares that this ordinance is necessary for the protection of the public health, safety and welfare of the people of Franklin County.

SECTION 23. EFFECTIVE DATE

THIS Ordinance adopted in open regular meeting this 16th day of October 2001, after notice of interest to consider the same has been made and kept and the title hereof published according to law in a newspapers of general circulation within the County.

THE BOARD OF COUNTY COMMISSIONERS
OF FBANKLIN COUNTY, FLORIDA.

BY: CHAIRMAN

STATE OF FLORIDA
COUNTY OF FRANKLIN

I, KENDALL WADE, Clerk of the Circuit Court and **Ex Officio Clerk of the** BOARD OF COUNTY COMMISSIONERS of Franklin County, Florida, do hereby certify that the above foregoing is a true and accurate copy of an Ordinance adopted by the Board at its regular meeting of as the same appears in record in Minute Book 9 of the Public Records of Franklin County, Florida.

WITNESS my hand and official seal this 16th day of October , 2001.
Approved as t and legal

CLERK OF CIRCUIT COURT

COUNTY ATTORNEY