ANIMAL CONTROL ORDINANCE

ORDINANCE NO. 2004-58

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CORRECTED ANIMAL CONTROL ORDINANCE

ORDINANCE 2004-58

AN ORDINANCE ESTABLISHING ANIMAL CONTROL REGULATIONS FOR THE UNINCORPORATED AREAS AND THE INCORPORATED AREAS PURSUANT TO INTERLOCAL AGREEMENT OF NASSAU COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the uncontrolled breeding of cats and dogs continually results in a huge homeless population, thereby creating a public nuisance and a public health hazard that requires the trapping and impoundment of these Animals at the county's expense; and

WHEREAS, dangerous Animals are a serious threat to the public safety and welfare of the people of Nassau County, and such attacks are attributable, in part, to the failure of Owners to properly confine and control their Animals; and

WHEREAS, the county, through legislation, community education and active animal control, wishes to take all reasonable measures to reduce the proliferation of unwanted Animals as well as to discourage the mistreatment of Animals; and

WHEREAS, the county also desires to encourage and expedite the adoption of healthy Animals through the county's Animal Control Department and the Animal welfare organizations that work in the county; and

WHEREAS, the county wishes to implement a comprehensive program of licenses and permits to regulate the ownership and professional services of all Animals; and

WHEREAS, this Ordinance shall be applicable to unincorporated Nassau County and the incorporated areas of Nassau County which are pursuant to an interlocal agreement.

NOW, THEREFORE, BE IT ORDAINED this $\underline{13th}$ day of $\underline{December}$, 2004, by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION 1. DEFINITIONS

As used in this ordinance, the following terms are defined below:

Animal: Every non-human species of Animal, both domestic and wild.

Animal-At-Large: Any Animal, excluding Livestock, not under the restraint of a person capable of controlling the animal on/or off the premises of the Owner. However, a hunting dog shall not be considered to be at large when he is found to be within a Designated Hunting Area.

Animal Control: Shall mean the Nassau County Animal Care and Control Center.

Animal Control Officer: Any person designated by the state of Florida or Nassau County government as a law enforcement officer who is qualified to perform animal control duties under the laws of this state.

Animal Cruelty: Any act or acts of neglect, torture, or torment that causes unjustifiable pain to or suffering of an Animal.

Animal Shelter: Any facility operated by a county agency or its authorized agents, for the purpose of impounding Animals under the authority of this ordinance or state law for care, confinement, return to Owner, adoption or euthanasia.

Auction: Any place or facility where Animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this ordinance. This does not apply to individual sales of Animals by Owners.

Breeder: Any person who produces for sale one or more litters per year of kittens, puppies, or ferrets.

Circus: A commercial variety show featuring Animal acts for public entertainment.

Commercial Animal Establishment: Any pet shop, grooming shop, guard dog auction, riding school or stable, zoological park, circus, performing Animal exhibition, or boarding or breeding kennel.

Designated Hunting Area: State designated wildlife management area or privately owned land designated for hunting.

Dog Trainer: A person who educates, trains and teaches the responsibility of dog ownership and obedience to any canine in a humane fashion.

Grooming Shop: A commercial establishment where Animals are bathed, clipped, plucked, or otherwise groomed. The buying and/or selling of Animals is not permitted.

Guard Dog: Any dog that will detect and warn its handler that an intruder is present in/or near an area that is being secured.

Incorporated Areas: Shall be any incorporated government
within Nassau County.

Interlocal Agreement: An Agreement entered into between
Nassau County and an incorporated town or city within the
county.

Kennel or Cattery: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

Livestock: Horses, asses, mules, cattle, swine, sheep, goats and other grazing Animals.

Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more Animals. An Animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

Performing Animal Exhibition: Any spectacle, display, act, or event, other than circuses in which performing Animals are used.

Pet or Companion Animal: Any Animal kept for pleasure rather than utility; an Animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Pet Shop: Any person, partnership, or corporation, whether operated separately or in connection with another business

enterprise, (except for a licensed Kennel or Cattery) that buys, sells, or boards any species of Animal.

Petting Zoo: A collection of docile Animals for children to pet and feed.

Public Nuisance Animal: Any Animal or Animals that unreasonably annoy humans, endanger the life or health of other Animals or persons, or substantially interfere with the rights of citizens, other than their Owners, or the enjoyment of life or property. Specifically, the term "Public Nuisance Animal" can include, but is not limited to, any Animal that

- Is repeatedly found at large;
- Damages the property of anyone other than its Owner;
- Molests or intimidates pedestrians or passersby;
- Chases vehicles;

- Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the Animal is kept or harbored;
- Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the Animal is kept or harbored;
- Causes unsanitary conditions in enclosures or surroundings where the Animal is kept or harbored;
- Is offensive or dangerous to the public health, safety, or welfare such that the number of Animals maintained constitutes a pack and/or is difficult to maintain;
- Attacks other domestic Animals; or
- Has been found, after notice to its Owner and a hearing, to be a public nuisance Animal by virtue of

being a menace to the public health, welfare, or safety. *

Restraint: Any Animal secured by a leash or lead under the control of a responsible person and obedient to that person's commands, or within the real property limits of its Owner. However, a hunting dog shall not be considered to be at large when he is found to be within a Designated Hunting Area.

Riding School or Stable: Any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or trains the above Animals, including a racetrack, trotting track, or rodeo.

Vermin: Noxious or objectionable creatures, especially those of a small size that appear commonly and are difficult to control such as fleas, lice, cockroaches and rats.

Veterinary Hospital/Facility: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of Animals.

Vicious/Dangerous Animal: Any Animal that attacks, bites, or injures human beings or domesticated Animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated Animals, or, as defined pursuant to Florida Statutes 767.11 has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property; has more than once severely injured or killed a domestic animal while off the Owner's property; has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or has, when unprovoked, 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 or more persons and dutifully investigated by the appropriate authority.

Wild Animal: Any living member of the Animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids

^{*} Corrected Ordinance to delete definition of Public Nuisance Animal per Board 7 intent at 12-13-04 meeting

with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm Animals, rodents, any hybrid Animal that is part wild, and captive-bred species of common cage birds.

Zoological Park: Any facility operated by a person, partnership, corporation, or government agency, other than a Pet Shop or Kennel or Cattery, displaying or exhibiting one or more species of non-domesticated Animals.

SECTION 2. ANIMAL CONTROL OVERSIGHT COMMITTEE

(A) Membership:

The Animal Control Oversight Committee shall consist of at least seven (7) members appointed by the Board of County Commissioners and shall include: (1) a member of the Board of County Commissioners; (2) a member of the Nassau Humane Society, Inc.; (3) the President of the Nassau Veterinary Association; (4) a member of the Animal Rescue Society (STARS); (5) a member of Cats Angels, Inc.; and (6) two (2) at-large citizens.

(B) Terms:

The terms of office for members shall be three (3) years except for the President of the Nassau Veterinary Association who shall serve as long as he/she remains President of the Nassau Veterinary Association commencing on a date set forth by Resolution of the Board of County Commissioners, with staggered terms so that one-third (1/3) of the members' terms expire at one (1) time. Members may be removed by the Board of County Commissioners. Vacancies shall be filled by appointment by the Board of County Commissioners.

(C) Meeting Date, Time, and Place:

The Animal Control Oversight Committee shall establish a regular meeting date and time, which shall be no less than quarterly.

(D) Procedural Rules:

The Animal Control Oversight Committee shall adopt procedural rules to be approved by the Board of County Commissioners by Resolution. The Chairman of the Committee shall be the Board of County Commissioners' member.

(E) Purpose:

The Animal Control Oversight Committee may:

(1) Propose to the Board of County Commissioners appropriate changes to the provisions of Ordinance 74-34, as amended;

The Animal Control Oversight Committee shall:

- (1) Review and evaluate the operation of the Animal Control facility and make recommendations to the Board of County Commissioners on Animal Control program needs, services and facilities;
- (2) Meet with the Director of Animal Care and Control and Code Enforcement and his/her staff to address the operation of the facility;
- (3) Report its findings and recommendations to the Board of County Commissioners on any issues or concerns presented to the Committee.
- (F) County Attorney's Office: The County Attorney's office shall provide legal advice to the Committee, and a representative shall attend meetings when necessary.

SECTION 3. RABIES VACCINES AND LICENSING

- (A) Any person owning, keeping, harboring, or having custody of a dog, cat, or ferret four months of age or older within this county must secure a county license from a veterinarian or from the county Animal Control facility and, as a part of such license, shall show proof of a current rabies vaccination which shall have been administered by a veterinarian.
 - (1) Animals not "currently vaccinated" include:
 - (a) Dog, cat, ferret, or livestock whose first vaccination was given less than one month before exposure to a known or suspected rabid Animal;
 - (b) Dog, cat, ferret, or livestock whose previous vaccination expired;

(c) Dog, cat, ferret, or livestock whose previous vaccination expired and whose revaccination was given less than one (1) month before exposure to a known or suspected rabid Animal;

- (d) Dog or cat over the age of two (2) years
 given a three-year vaccine at less than one
 (1) year of age and not boostered one (1)
 year later;
- (e) Any Wild Animal, including wolf-dog or coyote-dog hybrids.
- (B) All dogs, cats, and ferrets four (4) months of age or older must be vaccinated by a licensed veterinarian against rabies with a United States Government Department of Agriculture approved vaccine pursuant to Florida Statute Section 828.30. The cost of vaccination must be borne by the Animal's Owner.
 - (1) Upon vaccination against rabies, the licensed veterinarian shall provide the Animal's Owner and the county Animal Control with a rabies vaccination certificate which must contain at least the following information:
 - (a) The license number of the administering veterinarian;
 - (b) The name, address, and phone number of the veterinarian and Owner;
 - (c) The date of vaccination;
 - (d) The expiration date of the vaccination;
 - (e) The species, age, sex, color, breed, weight, and name of the Animal vaccinated;
 - (f) The rabies vaccine manufacturer;
 - (g) The vaccine lot number and expiration date;
 - (h) The type and brand of vaccine used;
 - (i) The route of administration of the vaccine;

(j) The signature or signature stamp of the licensed veterinarian.

The license certificate as described herein will also include the above information required for rabies certification.

- (2) As is already required for dogs and cats, each ferret vaccinated according to this section must be quarantined, when necessary according to rules of the Department of Health.
- Per Florida Statute, Section 828.30, an Animal (3) Owner's name, street address, phone number, and Animal tag number contained in а rabies vaccination certificate provided to the county Animal Control is exempt from s. 119.07(1). (Public Records Request). Law enforcement and prosecutional agencies; other Animal Control authorities; emergency and medical response and disease control agencies; or other governmental health agencies shall be provided information contained in the rabies vaccination certificate for the purpose of controlling the transmission of rabies; however, the receiving agencies and authorities must not release the information.
- (C) The license shall consist of a rabies vaccination and license certificate and a tag.
 - The certificate shall only be issued and signed (1)by county authorized entities, or by veterinarian, and shall be evidence of the rabies vaccination. The issuer of the certificate shall issue such certificate upon administration of the vaccine or upon evidence presented to show proof of a current rabies vaccination by a licensed veterinarian. Licenses may be issued without the administration of a rabies vaccination provided a veterinarian has examined the dog, cat or ferret and has certified that a rabies vaccination could endanger its health because of infirmity, debility, illness, or other medical consideration and states on the certificate, "Rabies vaccination not given for

- medical reasons". The dog, cat or ferret must be vaccinated as soon as its health improves sufficiently to tolerate the vaccine.
- The certificate (See Form #1 A) and tag shall be (2) approved and supplied by the Board of County Commissioners. No other license certificate or tag shall be valid in the county, except as otherwise provided under this article. certificate shall provide space for pertinent data for identification of the Animal as well as required information for the certificate (NASPHV Form 51). The license tag shall consist of a serially numbered piece of metal or other material bearing the same number as the certificate and the year of issuance and designated shape and color for that year. dogs and cats shall be required to wear a tag, except as otherwise provided under this section. The person to whom a dog or cat license has been shall cause the tag to be issued securely by a substantial device about fastened Animal's neck so as to be clearly visible at all times. If a license tag is lost or destroyed, a duplicate shall be issued by the county Animal Control upon presentation of the certificate and upon payment of a fee to Animal Control established by the Board of County Commissioners. In lieu of the tag, Owners of cats and ferrets may choose a breakaway collar or an alternate form of identification as approved by county Animal Control.
- (3) Veterinarians shall distribute county rabies vaccination and license certificates and tags to dog and cat Owners on such form as is provided by the County. Following issuance, the veterinarian shall file the original certificates with the county Animal Control on a monthly basis; one (1) copy shall be given to the Owner of the Animal, and one (1) copy shall be retained by the veterinarian.
- (4) All tags and certificates provided by the county and issued by the veterinarians and monies collected therefrom must be accounted for on such form as the county shall provide. Completed

accounting forms shall be maintained by the veterinarian for a period of one (1) year from document's origination. In addition, veterinarians shall remit to county Control the issued certificates, completed accounting forms, and all money due from license sales in any calendar month by the end of the following month regardless of whether or not the fees were collected from the dog, cat or ferret Owner. All such remitted payments shall be in the form of a check or money order payable to Animal Control.

- (D) If not revoked, licenses for the keeping of dogs, cats and ferrets shall be for a period of one (1) year, running concurrently with the rabies vaccination.
- (E) Application for a license must be made within thirty (30) days after obtaining a dog, cat, or ferret which are four (4) months of age or older.
- (F) Dogs must wear identification tags at all times when off the premises of the Owner, and Owners of cats and ferrets must provide proof of licensing upon request.
- (G) The county or county's designee shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public. Per Florida Statute, Section 828.30, an Animal Owner's name, street address, phone number, and Animal tag number contained in a rabies vaccination certificate provided to the county Animal Control is exempt from s. 119.07(1), Florida Statutes (Public Records Request). However, any person who has been bitten, scratched, or otherwise exposed to a zoonotic disease or the physician of such person; a veterinarian who is treating an Animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease; or the Owner of an Animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease shall be provided with any information contained in a rabies vaccination certificate but only with respect to particular Animal biting, scratching, or otherwise causing exposure. Any person with an Animal tag number may receive vaccination certificate information with regard to that Animal. Law enforcement and prosecutorial agencies; other Animal Control authorities; emergency and medical response and disease control agencies; or other governmental health

agencies shall be provided information contained in the rabies vaccination certificate for the purpose of controlling the transmission of rabies; however, the receiving agencies and authorities must not release the exempt information.

- (H) Licenses, certificates and tags shall not be transferable from the Owner of one dog, cat or ferret to another.
- (I) Those persons who relocate their dogs, cats, or ferrets which are four (4) months of age or older, to the county shall secure a license within thirty (30) days of relocation.
- (J) When ownership of a dog, cat or ferret is transferred from one party to another, the transferor shall report the change of ownership to the county Animal Control on such form as provided by the county, whether such change is effectuated by sale, barter, gift, or otherwise, within thirty (30) days of such transfer. The new Owner shall maintain a record of the date of transfer, the name and address of the transferor, and proof of previous vaccination and license. Such records shall be maintained by the new Owner for a minimum period of one (1) year from the date of transfer and shall be subject to inspection upon demand by any Animal Control Officer. All Owners of dogs, cats or ferrets four (4) months of age or older shall obtain a county license within thirty (30) days of the date that they became the Owner as defined in this article.
- (K) Every person selling or transferring ownership of a dog, cat or ferret shall keep records of the most recent proof of vaccination, license, and, when applicable pursuant to Florida Statutes Chapter 828, certificate of veterinary inspection. The previous Owner shall maintain such records for a minimum period of one (1) year from the date of transfer. All dogs and cats offered for sale, and copies of vaccination or license records, or certificates of veterinary inspection, held by the seller and veterinarian shall be subject to inspection by any Animal Control Officer.
- (L) Every person owning, possessing, harboring, keeping or having control or custody of a dog, cat or ferret shall keep records of proof of vaccination, license, and, when applicable pursuant to Florida Statutes Chapter 828,

certificates of veterinary inspection. Every person owning, possessing, harboring, keeping or having control or custody of a ferret shall keep records of proof of vaccination. Such records shall be subject to inspection upon demand by any Animal Control Officer.

- (M) The Board of County Commissioners is authorized to establish reasonable fees for the issuance and renewal of dog, cat or ferret licenses payable to Animal Control. License fees shall be waived for the following:
 - (1) Those persons who are legally blind and whose dogs are registered Seeing Eye dogs; or those persons who are legally deaf and whose dogs are certified "hearing" dogs; or such other handicapped persons whose dogs are certified and trained to assist the physically and mentally handicapped or such dogs who were retired from such practices.
 - (2) Dogs owned or retired by a law enforcement agency and used for law enforcement purposes.
 - (3) The initial license issued for dogs or cats adopted from state chartered nonprofit humane organizations based upon registry data provided in accordance with Section 3.
- (N) A license shall be issued after payment of the following application fee to Animal Control:

 Unneutered male dog 	\$ 23.00
 Unneutered male cat 	\$ 23.00
 Unspayed female dog 	\$ 23.00
 Unspayed female cat 	\$ 23.00
 Unneutered male ferret 	\$ 23.00
 Unspayed female ferret 	\$ 23.00
 Neutered male dog 	\$ 10.00
 Neutered male cat 	\$ 10.00
 Neutered male ferret 	\$ 10.00
 Spayed female dog 	\$ 10.00
 Spayed female cat 	\$ 10.00
 Spayed female ferret 	\$ 10.00

plus a fee of Two Dollars (\$2.00) for the veterinarians, if issued through a veterinarian's office. The sum of Three Dollars (3.00) from the application fees for each unneutered male dog, unneutered male cat, unspayed female dog, unspayed female cat, unneutered male ferret, and unspayed female ferret shall be remitted to the Spay Nassau Program.

(O) A duplicate license may be obtained from the county's Animal Control facility upon payment of a \$5.00 replacement fee.

SECTION 4. PERMITS

- (A) No person, partnership, or corporation shall operate a Commercial Animal Establishment or Animal Shelter without first obtaining a permit in compliance with this section.
- (B) The county or its designee shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all Animals and for compliance with the provisions of this ordinance and other applicable laws. The county or its designee may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of Animals.
- (C) When a permit applicant has shown that he/she is willing and able to comply with the regulations promulgated by the county or its designee, a permit shall be issued upon payment of the applicable fee to Animal Control.
- (D) The permitting period shall begin on October 1 and shall run for one (1) year. Renewal applications for permits shall be made thirty (30) days prior to, or thirty (30) days after, October 1. Application for a permit to establish a new Commercial Animal Establishment under the provisions of this ordinance may be made at any time. A late fee of twenty percent (20%) of the permit amount will be assessed for applications not received within thirty (30) days of the date due for renewal.
- (E) If there is a change in ownership of a Commercial Animal Establishment, the new Owner may have the current permit transferred to his/her name upon payment of a \$25.00 transfer fee to Animal Control.

- (F) No Dog Trainer shall train any dog to be used as a companion pet dog, guard or sentry dog without possessing a valid permit. This section shall not apply to the City/County government or any of its agencies. The application for any dog training permit shall state the name and address of the trainer, location of the facility, and the maximum number of dogs to be housed at the training facility. Any Dog Trainer who works on any private or public property is also required to have a permit.
- (G) Annual permits shall be issued by Animal Control upon payment of the applicable fee to Animal Control:

•	Auction	\$200.00
•	Breeder	\$100.00
•	Circus	\$500.00
•	Dog Trainer	\$ 50.00
•	Grooming Shop	\$100.00
•	Guard-dog Training Center	\$100.00

- Kennel or Cattery authorized to house fewer than ten dogs or cats \$50.00
- Kennel or Cattery authorized to house ten or more but fewer than fifty \$150.00
- Kennel or Cattery authorized to house fifty or more dogs or cats \$250.00

•	Pet Shop	\$300.00
•	Petting Zoo	\$250.00
•	Riding School or Stable	\$150.00
•	Zoological Park	\$150.00

- (H) Each facility regulated by this ordinance shall be considered a separate enterprise requiring an individual permit.
- (I) Persons operating a Kennel or Cattery for the breeding of dogs or cats may elect to license such Animals individually.
- (J) No permit or fee may be required of any veterinary hospital, Animal shelter, 501(c)3 non-profit Animal rescue group, or government-operated Zoological Park.
- (K) Failure to obtain a permit when operating any facility covered in this section shall result in a fine of \$150.00, payable to Animal Control. Additionally, the person

operating without a permit must register and pay for the permits.

(L) Any person who has a change in the category under which a permit was issued shall be subject to reclassification and readjustment of the permit fee.

SECTION 5. PERMIT ISSUANCE AND REVOCATION

- (A) After an application is filed, the county or its designee shall inspect the facility prior to issuing the permit. The county may revoke any permit if the person holding the permit refuses or fails to comply with this ordinance, the regulations promulgated by the county, or any law governing the protection and keeping of Animals.
- (B) Any person whose permit is revoked shall, within ten (10) days thereafter, humanely dispose of all Animals owned, kept, or harbored. No part of the permit fee shall be refunded.
- (C) It shall be a condition of the issuance of any renewal permit that the county shall be permitted to inspect all Animals and the premises where Animals are kept at any reasonable time and shall, if permission for such inspection is refused, revoke the permit of the refusing Owner.
- (D) If the applicant has withheld or falsified any information on the application, the county shall refuse to issue a permit.
- (E) No person who has been convicted of cruelty to Animals shall be issued a permit to operate a Commercial Animal Establishment.
- (F) Any person having been denied a permit may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a \$50.00 fee.

SECTION 6. RESTRAINT

(A) All Animals shall be kept under Restraint. However, a hunting dog shall not be considered to be at large when he is found to be under restraint while engaged in hunting.

- (B) Each Owner shall exercise proper care and control of his Animals to prevent them from becoming a public nuisance.
- (C) Every female dog, cat, or ferret in heat shall be confined in a building or secure enclosure in such a manner that such female dog, cat, or ferret cannot come into contact with another Animal except for planned breeding.
- (D) Every Vicious Animal shall be confined by the Owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of the Owner.

SECTION 7. IMPOUNDMENT AND VIOLATION NOTICE

- (A) Public Nuisance Animals shall be taken by the Animal Control Officers and impounded in an Animal Shelter and there confined in a humane manner.
- (B) Impounded dogs, cats, and ferrets shall be kept for not fewer than five (5) working days unless reclaimed by Owner. Exceptions to the holding period shall be made when the impounded Animal is so severely injured, sick or diseased that euthanasia is a humane choice, per Florida Statute Section 828.05.
- (C) If, by a license tag or other means, the Owner of an impounded Animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the Owner by telephone or certified mail.
- (D) An Owner reclaiming an impounded dog, cat or ferret shall pay a fee to Animal Control of \$25.00 and \$10.00 for each day or any part thereof the Animal has been impounded, and a license fee (which includes current rabies) payable to Animal Control, if not current. Subsequent impounds occurring within twelve (12) months are charged at double these rates.
- (E) Any Animal not reclaimed by its Owner within five (5) working days shall become the property of the local government authority and shall be placed for adoption within the Animal Control facility, a humane society or a rescue group, or humanely euthanized.

- (F) In addition to, or in lieu of, impounding an Animal-At-Large, the Animal Control Officer, humane officer, or police officer may issue to the known Owner a notice of ordinance violation. Such notice shall impose upon the Owner for a first offense a penalty of \$100.00, \$200.00 for a second offense, and \$500 for a third offense to be paid to the county Animal Control within seventy two (72) hours in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a criminal warrant shall be initiated before a magistrate and upon conviction of a violation of this ordinance, the Owner shall be punished as provided in Section 24 of this ordinance.
- (G) The Animal Control authority shall revoke automatically all licenses issued to Animal Owners against whom three (3) or more ordinance violations have been assessed and impound the animal.
- (H) The Director of Animal Care and Control and Code Enforcement or his/her designee shall keep complete and accurate records of the care, feeding, veterinary treatment, and disposition of all Animals impounded at the animal control facility.
- (I) The Animal Control Department shall keep all adoptable Animals available for a minimum of fifteen (15) days after the five (5) day quarantine period, except for Animals that are approved for foster care or transferred to an Animal rescue group. Thereafter, the Animals shall be offered to the county's Animal rescue groups for adoption. Should the animal rescue groups, after four (4) business days, decline any offered Animals, then Animal Control, at the discretion of the Director, may euthanize such Animals.

SECTION 8. DANGEROUS DOGS

- (A) The provisions of Section 767.10 through 767.16, Florida Statutes or their successor, which apply to Dangerous Dogs, are hereby adopted by reference.
- (B) The purpose of this section is to implement the above Statutes within Nassau County by establishing hearing and appeal procedures pertaining to the classification of a dog as a Dangerous Dog and conforming to the Statute.

Any Dangerous Dog investigation arising under the (1)Florida Statutes shall be conducted by Animal Control. If Animal Control makes an initial determination that sufficient cause exists to classify the dog, that is the subject of the investigation, as a Dangerous Dog, then Animal Control shall provide to the Owner of the dog a written notification of the sufficient finding by registered mail, certified delivery, or service in conformance with the Statutes, provisions of Chapter 48, Florida relating to service of process. Copies of Section 767.12, Florida Statutes, and this section shall be provided to the Owner along with such written notification. The notification shall inform the Owner that within a period of seven (7) calendar days immediately following the date of service thereof, the Owner may file with Animal Control a written request for a hearing before the Code Enforcement Board on the issue of whether a final determination classifying the dog as a Dangerous Dog should be made. The notification must inform the Owner that the Owner's failure to cause such a request to have been actually filed with the Code Enforcement Board within such seven (7) day period shall be deemed a waiver of the Owner's right to a hearing, and that Animal Control may proceed without delay in making a determination classifying the dog as a Dangerous Dog based upon its initial determination. If the Owner of the dog shall fail to cause such a request to have been actually filed with the Code Enforcement Board within such seven (7) period, the Owner shall be deemed to have waived his or her right to a hearing, and the department may proceed without delay in making a final determination classifying the dog as a Dangerous Dog based upon its initial determination. If the Owner of the dog shall properly and timely request hearing, Animal Control a immediately schedule a hearing with the Code Enforcement Board, to be conducted not more than twenty-one (21) calendar days and not sooner than five (5) days after receipt of the request from the Owner. Animal Control shall serve written notice upon the Owner regarding the date, time and place of hearing.

- (2) Following the conclusion of the hearing, Director of Animal Care and Control and Code Enforcement may proceed without delay in making a final determination, on behalf of Animal Control, whether to classify the dog as a dangerous dog. Upon the making of any final determination classifying the dog as a Dangerous Dog by the Code Enforcement Board, Animal Control shall promptly provide to the Owner of the dog a written notification thereof by registered mail, certified hand delivery, or service conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process. Such notification must inform the Owner of the Owner's right to file a written request for a hearing in the County Court to appeal the Dangerous Dog classification within ten (10) business days after receipt thereof and that, if the Owner has custody of the dog, the Owner must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal.
- business (3) Within ten (10)days immediately following receipt from Animal Control of written notification of a final determination classifying a dog as a Dangerous Dog, the Owner of the dog may file with the County Court a written request for a hearing in the County Court to appeal the Dangerous Dog classification. The Owner must pay all applicable filing fees. The Owner's failure file such request timelv shall purposes of jurisdictional. For the proceeding, the parties shall be the Animal Control Department and the Owner of the dog. Each party shall promptly serve upon the other copies of all documents filed with the court appeal proceeding. Such connection with the service shall be certified as provided in the Florida Rules of Civil Procedure and may be accomplished in any manner authorized under said rules. The County Court shall promptly conduct a trial de novo on the issue whether the dog should be classified as a Dangerous Dog.
- (C) When it has been established that the Animal has been classified as a Dangerous Dog, Owners, at their own

expense, are required to have such dog microchipped as recommended by the Florida Animal Control Association (FACA).

- (1) As an added form of identification, each Dangerous Dog shall be required to wear a large reflective identification tag using fluorescent coloring. The word "Dangerous" should be boldly imprinted on the tag to be clearly read from a safe distance. The telephone number should be included on this tag.
- (2) All Dangerous Dogs should be surgically sterilized at the Owner's expense.

SECTION 9. RABIES CONTROL

- (A) Quarantine. Every Animal which bites a person shall be promptly reported to Animal Control, and shall thereupon be securely quarantined at the direction of Animal Control for a period of ten (10) days, and shall not be released from such quarantine except by written permission of Animal Control. Any Animal showing any signs of illness should be evaluated by a veterinarian, and if any signs suggestive of rabies are apparent the Animal should be euthanized and the head shipped for testing. At the discretion of Animal Control, such quarantine may be on the premises of the Owner, at the county Animal Shelter, or at the Owner's option and expense, in a veterinary hospital of his/her choice.
- (B) Owner to Bear Costs. Upon demand by Animal Control, the Owner shall surrender any Animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine which expense shall be borne by the Owner, and may be reclaimed by the Owner if adjudged free of rabies, upon payment of fees of \$20.00 per day.
- (C) Death While Under Quarantine. When an Animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, or dies while under such observation, Animal Control shall immediately send the head of such Animal to the appropriate health department for pathological examination, and shall notify

the proper public health officer of reports of human contacts, and the diagnosis made of the suspected Animal.

(D) Area Quarantine. When a laboratory report, either preliminary or final, gives a positive diagnosis of rabies the health officer for Nassau County may declare a certain area quarantined for a period of thirty (30) days, and upon invoking of such quarantine, no Animal shall be permitted to be at large, except on a leash and accompanied by a during such period of quarantine. responsible person, During such quarantine, no Animal may be taken or shipped from the county without written permission of Animal During this quarantine period, Control. and as afterward as he/she decides it is necessary to prevent the spread of rabies, the local county health officer shall require all Animals, three (3) months of age or older, to be vaccinated against rabies with a canine rabies vaccine approved by the Biologics Control Section of the U.S. Department of Agriculture. The types of approved canine anti-rabies vaccine to be used and the recognized duration of immunity for each shall be established by the local health officer. All vaccinated Animals shall be restricted (leashing or confinement on enclosed premises) for thirty (30) days after vaccination. During the quarantine period, the local health officer shall be empowered to provide for a program of mass immunization by the establishment of rabies vaccination temporary emergency canine located throughout the area strategically of health jurisdiction.

No Animal which has been impounded is allowed to be adopted by Animal Control during the period of rabies emergency quarantine, except by special authorization of the public health officer and Animal Control. Unvaccinated dogs, cats and ferrets exposed to a known rabid Animal should be euthanized immediately.

- (E) Extension of Quarantine. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional two (2) months.
- (F) Violation of Provisions. No person shall kill, or cause to be killed, any rabid Animal; any Animal suspected of having been exposed to rabies, or any Animal which has bitten a human, in an attempt to defeat the purposes of this Ordinance, except as herein provided, nor remove same

from the county without written permission from Animal Control.

- (G) Surrender of Carcass. The carcass of any dead Animal exposed to rabies shall, upon demand, be surrendered to Animal Control.
- (H) Disposition of Infected Animal. Animal Control shall direct the disposition of any Animal found to be infected with rabies.
- (I) Compliance Required. No person shall fail or refuse to surrender any Animal for quarantine or destruction as required herein when demand is made thereof by Animal Control.

SECTION 10. REPORTS OF BITE CASE

It shall be the duty of every physician, or other practitioner to report to Animal Control the names and addresses of persons treated for bites inflicted by Animals, together with such other information as will be helpful in rabies control.

SECTION 11. RESPONSIBILITIES OF VETERINARIANS

It shall be the duty of every licensed veterinarian to report to Animal Control his/her diagnosis of any Animal observed by him/her as a rabies suspect.

SECTION 12. EXCEPTIONS

- (A) Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of Animals are exempt from the provisions of this Ordinance, except where such duties are expressly stated.
- (B) The licensing and vaccination requirements of this Ordinance shall not apply to any Animal belonging to a nonresident of the county and kept within the county for not longer than thirty (30) days, provided all such Animals shall at all times while in the County be kept within a building, enclosure or vehicle, or be under restraint by the Owner.

SECTION 13. INVESTIGATION

For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, any agent of Animal Control or any police officer, shall obtain a Court Order or Owner's permission before entering upon any premises upon which an Animal is kept or harbored and to demand the exhibition by the Owner of such Animal or the license of such Animal.

In communities where there is no humane organization to enforce the State anti-cruelty laws, it is further provided that any agent of Animal Control may enter the premises where any Animal is kept in a reportedly cruel or inhumane manner and demand to examine such Animal and to take possession of such Animal when, in his/her opinion, it requires humane treatment.

SECTION 14. INTERFERENCE WITH AUTHORITIES

No person shall interfere with, hinder, or molest any agent of the county in the performance of any duty of such agent, or seek to release any Animal in custody of Animal Control, except as herein provided.

SECTION 15. ANIMAL CARE AND ANIMAL CRUELTY

- (A) Each Owner shall provide his/her Animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air maintained at a temperature within the Animal's acclimation/thermoneutral zone (45 85 degrees Fahrenheit) as defined in the IAW Title 9 Code of Federal Regulations, shelter space that is three-sided with a roof and a floor and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.
- (B) It is unlawful for any person to subject any Animal to Animal Cruelty. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an Animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between Animals or between Animals and humans.

- (C) No Owner of an Animal shall abandon such Animal.
- (D) No person shall crop a dog's ears, dock a dog's tail, or declaw a cat except a licensed veterinarian.
- (E) Any person who, as the operator of a motor vehicle, strikes a domestic Animal shall stop at once and render such assistance as may be possible without risking personal safety and shall immediately report such injury or death to the Animal's Owner; in the event the Owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to Animal Control.
- (F) No person shall expose any known poisonous substance, whether mixed with food or not, with the intention to harm any Animal excluding Vermin.
- (G) Restraint by chaining may be used provided the following conditions are met:
 - (1) The chain or tether shall be fitted with swivels on both ends;
 - (2) The chain or tether shall be attached to a properly fitted collar or harness worn by the Animal; and
 - The Animal, while restrained by chain or tether, is able to access shelter with sufficient floor, three walls, and roof to protect the Animal from the weather, extreme temperatures and direct sunlight; and is able to access sufficient water and sufficient wholesome food.
- (H) It shall be unlawful for any person to cause, procure or inflict cruelty to or upon Animals, whether or not such cruelty results in severe injury or death. It shall be considered causing, procuring, and/or inflicting cruelty, if the following occurs: Carrying any Animal in or upon any vehicle in an inhumane way so as not to provide for the protection, safety and comfort of the Animal being carried including, but not limited to, an Animal which is enclosed in a vehicle and showing signs of hypothermia (body temperature of 105 degrees) and carrying an Animal in the

back of an open truck or other open vehicle without being safety tethered to avoid injury and without protecting the Animal from the weather.

(I) It shall be unlawful for the Owner of an Animal to allow the Animal, to bark, meow, whine, howl, or to make other sounds common to its species, persistently or continuously for a period of thirty (30) minutes or longer when such Animal is not contained within an enclosure sufficient to baffle loud noises and render them reasonably unobjectionable.

SECTION 16. KEEPING OF WILD ANIMALS

- (A) No person shall own, possess, or have custody on his/her premises any Wild or Vicious Animal for display, training, or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to AAZPA accredited facilities.
- (B) No person shall keep or permit to keep any Wild or Vicious Animal as a Pet.
- (C) Animal Control shall have the power to release or order the release of any infant Wild or Vicious Animal under temporary permit that is deemed capable of survival.

SECTION 17. CONFINEMENT OF LIVESTOCK

- (A) Running at Large Prohibited Responsibility of Owner
 - (1) It shall be unlawful for livestock to run or roam at large within the county.
 - (2) Every person owning or having the custody and control of Livestock is prohibited from permitting and is hereby required to prevent them from running or roaming at large within the county.
- (B) Running at Large Prohibited Impoundment Fees

- (1) It shall be the duty of the Animal Control Officer to impound any Livestock found at large within the county.
- (2) Compensation to Animal Control for the impounding of Livestock shall be as follows:
 - (a) For impounding each Animal, the sum of \$100.00 and mileage incurred, at the rate of 29 cents per mile and any other associated costs incurred.
 - (b) For serving any notice and making return thereon, the sum of \$65.38 and mileage incurred, at the rate of 29 cents per mile.
 - (c) For feed of impounded Animals, the sum of \$18.50 per day per Animal plus for the care of impounded Animals the sum of \$7.00 per day for the first three (3) days, and \$5.00 for each subsequent day per Animal.
 - (d) For advertising or posting notices of sale of impounded Animals, the same as provided by law for advertising property for sale under process.
 - (e) For sale or other dispositions of impounded Animals, the sum of \$250.00.
 - (f) For recording of sale of impounded Animals, the sum of 10.00 for the first page and \$8.50 for each page thereafter.
- (C) Notice of Impounding Unknown Owner
 - (1) Within twenty four (24) hours of impoundment, Animal Control shall notify the Owner by certified mail, return receipt.
 - (2) In case the Owner or person in charge of said Livestock be unknown to the impounder, then the notice to the Owner, his agent, or person in charge, may be omitted, provided a notice, addressed to "all whom it may concern" containing a description of the Animal impounded, and

notifying all persons interested in the Animal to redeem the Animal within three (3) days from and after the posting of the notice, shall be posted, on the county's website, all courthouse locations, the Yulee County Building and at Animal Control.

- (D) Failure of Owner to Redeem; Notice and Sale
 - (1) Unless the impounded Animal is redeemed within three (3) days from notice to the Owner, his agent, or the person in charge of the Animal, or within three (3) days from the mailing or the posting of the notice, by paying to the impounder, or agent, all impoundment costs, the Animal Control Officer shall give notice that he/she will sell the impounded Animal at public auction for cash to the highest bidder at a given place, day, and time. The notice shall give the number and kind of Animals to be sold, together with the name of the Owner, if known.
 - (2) That sale shall be held not less than five (5) nor more than ten (10) days from and after the publication or the posting of notice, as provided in paragraph (1) above. The notice may be served, either by publishing it one time in a newspaper general circulation published in County, Florida, or by posting it at three (3) conspicuous places in the county, one of which shall be at all the courthouse doors. The Animal Control Officer at the place, day and time mentioned in the notice, shall sell the Animal at public auction for cash, unless redeemed before the sale. Upon payment of the purchase price at the sale, the Animal Control Officer will deliver to the purchaser a bill of sale for the Animal, which fully vests title to the Animal.
- (E) Disposition of Unredeemed and Unsold Livestock

If there are no bidders for the Animal at the auction, the caretaker has the option to take ownership of the Animal in return for having provided feed and care.

- (F) Disposition of Proceeds of Sale Payment of Deficiency
 - (1) Any proceeds from the auction shall go to Animal Control to be disbursed for all fees and costs to the appropriate party.
 - (2) If the amount realized from the auction is not sufficient to pay all fees and costs, the deficit shall be paid by the county from its fine and forfeiture fund.
- (G) Right to Redeem

The Owner of the Animal shall have the right, at any time before the sale, to redeem the Animal, by paying all impounding fees, keeping charges, advertising and other costs incurred.

(H) Personal Liability for Damages. Lien

The Owner or person having the care, custody and control of any Livestock at large within the county boundaries shall be personally liable to any and all persons damaged in person or property by the Livestock, said damage to be recovered in the Court of Nassau County, Florida, having jurisdiction, and the person suffering the damage shall have a lien upon the Animal subject, however, to all impounding costs and charges, to secure the payment of his damages.

(I) Penalty

The Owner, or person having the care, custody and control of, any Animal who permits the Animal to run at large within the county or who shall release the Animal after being impounded, shall be guilty of a misdemeanor, and shall be punished as is provided for misdemeanors under the general laws of the state.

SECTION 18. PERFORMING ANIMAL EXHIBITIONS

- (A) No person may sponsor, promote, train a Wild Animal to participate in, contribute to the involvement of a Wild Animal in, or attend as a spectator any activity or event in which any Wild Animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the Animal is abused or stressed mentally or physically or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activities and irrespective of whether or not a fee is charged to spectators.
- (B) All equipment used on a performing Animal shall fit properly and be in good working condition.

SECTION 19. ANIMAL WASTE

The Owner of every Animal shall be responsible for the removal of any excreta deposited by his/her Animal(s) on public walks, recreation areas, beaches, or public property. Any violation of this section shall result in a warning for a first offense, a fee of \$50.00 payable to Animal Control for the second offense, and \$100.00 for each subsequent offense.

SECTION 20. STERILIZATION

No unclaimed adult dog or cat shall be released for adoption without being sterilized. No pups or kittens shall be released for adoption without the written agreement signed by the adopter guaranteeing sterilization by a specified date. A deposit of \$100.00 for each pup or kitten must be paid at the time of adoption and will be repaid upon presentation of proof of sterilization.

SECTION 21. ENFORCEMENT

The civil and criminal provisions of this ordinance shall be enforced by those persons or agencies designated by the county. It shall be a violation of this ordinance to interfere with an Animal Control Officer in the performance of his/her duties.

SECTION 22. RECORDS

- (A) It shall be the duty of Animal Control to keep, or cause to be kept, accurate and detailed records of the licensing, impounding and disposition of all Animals coming into its custody.
- (B) It shall be the duty of Animal Control to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him/her, and his/her investigation of same. In addition, such Animal bite wounds should be reported to the county Health Department.
- (C) It shall be the duty of Animal Control to keep, or cause to be kept, accurate and detailed records of all monies belonging to Nassau County. Such records shall be open to inspection at reasonable times by persons responsible for similar records of Nassau County. An audit of the records of Animal Control shall be performed in the same manner as other county records are audited.

SECTION 23. ADOPTION OF DOGS AND CATS

(A) Procedures

- (1) The Board of County Commissioners shall adopt, by separate Resolution, fees and procedures for the adoption of dogs and cats from the Animal Care and Control Department. Said fees and procedures shall be reviewed periodically by the Board of County Commissioners. The fees shall include an amount deemed adequate to assure the spay/neutering for the puppies and kittens.
- (3) The Board of County Commissioners shall provide an adoption contract to all persons wishing to adopt any dog or cat from Animal Care and Control Department,

pursuant to the provisions of Florida Statute Section 823.15.

(4) The adoption contract shall provide:

- (a) The county shall give to the adopter title, possession, and control of the dog(s) or cat(s) for so long as the adopter(s) complies with the terms of the contract.
- (b) The county would retain the right to regain title, possession, and control of the adopted Animal(s) until a veterinarian certifies that the required vaccinations and surgical sterilization has been completed. The county shall pick-up Animal(s) if this certification is not received. All Animals three (3) months or older must have a rabies vaccination. An Animal vaccinated at three (3) months of age must be re-vaccinated at one (1) year of age. Animals vaccinated at four (4) months of age or older must be re-vaccinated one (1) year from that date.
- (c) The contract shall provide a provision for the exchange for Animals in poor health or those that die of natural causes within a certain period of time. These Animals shall be examined by a veterinarian within five (5) days of death.
- (d) The contract shall also provide a specific time limit within which the dog(s) or cat(s) shall be taken to a veterinarian for examination, vaccinations, and sterilization and vaccination.
- (e) The contract may also have other specific provisions and conditions, as approved by the Board of County Commissioners.
- (B) Reclaiming of an Animal The provisions as to spay/neutering shall not apply to Animal Owners who are reclaiming a lost Animal and can provide the Animal Control Officer or his designee with sufficient information to indicate ownership of the Animal.
- (C) If an Owner surrenders a previously adopted Animal, then that Owner will not be permitted to re-adopt unless the Animal was sick, etc.

SECTION 24. PENALTIES

Per Florida Statute Section 828.27, a violation of any provision of this Ordinance by any person will be considered a civil infraction with a maximum civil penalty not to exceed \$500.00.

A civil penalty of less than the maximum civil penalty may be issued if the person who has committed the civil infraction does not contest the citation.

Any person who willfully refuses to sign and accept a citation issued by an officer is guilty of a misdemeanor of the second degree punishable as provided in Florida Statute Sections 775.082 or 775.083.

SECTION 25. CONFLICTING ORDINANCES

All other ordinances of the County of Nassau that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 26. SEVERABILITY CLAUSE

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

SECTION 27. EFFECTIVE DATE

This Ordinance shall become effective ninety (90) days after being filed in the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS NASSAU COUNTY, FLORIDA

Its: Chairman

ATTEST:

J.M. "CHIP" OXLEY, JR. Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

MICHAEL S. MULLIN

Form 1A

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