

ORDINANCE NO. 76-5

AN ORDINANCE AMENDING ORDINANCE NO. 74-34, REGULATING AND LICENSING THE KEEPING OF DOGS. PROVIDING FOR THE TAKING UP AND IMPOUNDMENT OF DOGS AND OTHER ANIMALS. QUARANTINING AND DESTRUCTION OF DOGS IN CERTAIN CASES AND MAKING VIOLATIONS A MISDEMEANOR PUNISHABLE BY FINE NOT EXCEEDING \$250.00 AND ESTABLISHING AN ANIMAL CONTROL AUTHORITY TO ENFORCE PROVISIONS OF THIS ORDINANCE.

WHEREAS, pursuant to the authority of §125.66(3), Florida Statutes the Board of Commission of Nassau County, Florida, by the vote required in said section did enact this ordinance; and

WHEREAS, because immediate steps were necessary to implement the amended ordinance because of a rabies outbreak which outbreak has caused this to be an emergency situation, and

WHEREAS, the amendments were deemed necessary by the said Board of Commissioners to strengthen the original ordinance and the same were necessary for the health and welfare of the citizens of Nassau County, Florida,

NOW THEREFORE, the Ordinance has been amended to require license applications to be submitted to the Animal Control Authority rather than to the County Tax Collector; allowing the yearly license fee to be established by the Board of Commissioners by resolution rather than establishing a set fee; changing the yearly license beginning date to July 1 of each year from April 15th of each year; deleting requirement that owners name, address and phone number appear on license tag; changing period of impoundment from 15 days to a period of not less than 7 days; deleting reference to other animals as it relates to license fee; and eliminating exceptions to license requirement for hunting and sport dogs.

BE IT ORDAINED by the Board of County Commissioners of Nassau County:

Section 1. DEFINITIONS:

As used in this ordinance the following terms mean:

OWNER: Any person, group of persons, or corporation owning, keeping or harboring a dog or dogs.

KENNEL: Any person, group of persons, or corporations engaged in the commercial business of breeding, buying, selling or boarding dogs.

AT LARGE: Any dog shall be deemed to be at large when he is off the property of his owner and not under control of a competent person unless he is a hunting dog under the control of this owner. However, a hunting dog shall not be considered to be at large when he is found to be within an area designated as a hunting area.

RESTRAINT: A dog is under restraint within the meaning of this ordinance if he is controlled by a leash, at "heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper, or a hunting dog under the control of his owner. However, a hunting dog shall not be considered to be at large when he is found to be within an area designated as a hunting area.

SPAYED FEMALE: Any bitch which has been operated upon to prevent conception.

ANIMAL SHELTER: Any premises designated by action of the County for the purpose of impounding and caring for all animals found running at large in violation of this ordinance.

DESIGNATED HUNTING AREA: A designated hunting area shall be any area outside of a municipality, a recorded subdivision, or an unrecorded subdivision.

ANIMAL CONTROL AUTHORITY: The provisions of this ordinance shall be enforced by the Animal Control Authority. The Animal Control Authority shall consist of at least seven members appointed by the County. Two County Commissioners, the Sheriff, the Health Officer of the County, and three citizens at large.

ANIMAL WARDEN: The person or persons employed by the County or Animal Control Authority as its enforcement officer(s).

EXPOSED TO RABIES: A dog has been exposed to rabies within the meaning of this ordinance if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.

Section 2. ENFORCEMENT:

The provisions of this ordinance shall be enforced by the Warden or Animal Control Authority of the County of Nassau upon complaints by citizens.

Section 3. LICENSING

(a) No person shall own, keep or harbor any dog within the County unless such dog is licensed as herein provided. Written application for such license shall be made to the Animal Control Authority or such agents of the Animal Control Authority as shall be designated by the Animal Control Authority and shall state the name and address of the owner and the name, breed, color, age and sex of the dog, as well as proof of inoculation against rabies if the animal is old enough to receive said shots. The license fee shall be paid at the time of making application, a numbered receipt given to the applicant, and a numbered metallic tag shall be issued to the owner.

(b) The yearly license fee shall be established by the Board of Commissioners of Nassau County, Florida by resolution from time to time.

(c) Every person, group of persons, or corporation, engaged in the commercial business of buying, selling, breeding, or boarding, and who owns, harbors, or keeps, five or more dogs in a kennel, shall

pay an annual license fee of \$50.00, provided, however, that any persons operating such kennel may elect to license individual dogs as provided in subsection (b) of Section 3 of this ordinance.

(d) All dog licenses and kennel licenses shall be issued for one year beginning with the 1st day of July. Applications for licenses may be made prior to and for 45 days after the start of the licensing year without penalty, but when application is made after 45 days of the licensing year have elapsed, the applicant shall be assessed a penalty of 50 percent of the license fee which amount shall be added and collected with the regular license fee. Provided, if the dog or kennel did not become subject to licensing until after the start of the licensing year, then no penalty shall be assessed.

(e) In the event that a metallic license tag issued for a dog shall be lost, the owner may obtain a duplicate tag upon the payment of \$1.00.

(f) If there is a change in ownership of a dog or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee of \$1.00 to cover the cost of the dog tag.

(g) No person shall use for any dog a license receipt, or license tag issued for another dog.

Section 4. TAG and COLLAR:

(a) Upon complying with the provisions of Section 3 of this ordinance, there shall be issued to the owner a numbered metallic tag, stamped with the number, \_\_\_\_\_ and the year for which issued. The shape or design of such tag shall be changed from year to year.

(b) Every owner is required to see that the tag is securely fastened to the dog's chain, collar, or harness which must be worn by the dog at all times unless the dog, accompanied by owner, is engaged in hunting or other sport where a collar might endanger the dog's safety.

Section 5. RESTRAINT:

The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large, off the premises or property of the owner, unless under the control of a competent person. However a hunting dog shall not be considered to be at large when he is found to be within an area designated as a hunting area.

Section 6. IMPOUNDMENT:

(a) Unlicensed dog or dogs without tags found running at large shall be taken up by the Animal Warden or agents of the Animal Control Authority and impounded in the shelter designated as the County Animal Shelter, and there confined in a humane manner for a period of not less than 7 days, and may thereafter be disposed of in a humane manner if not claimed by their owners. Dogs not claimed by their owners before the expiration of 7 days shall become the property of the Animal Control Authority and may be disposed of at the discretion of the said authority, except as hereinafter provided in the cases of certain dogs. All licensed dogs with tags shall be returned to their owners where possible and all owners shall be called by telephone if the phone number is on the tag or contacted by mail.

(b) The Animal Warden or Animal Control Authority may transfer title of all animals held by it at its animal shelter to the Humane Society after the legal detention period has expired and the animal has not been claimed by its owner.

(c) When dogs are found running at large for three consecutive times over a period of one year and their ownership is known to the Animal Warden or agents of the Animal Control Authority, such dogs need not be impounded, but the agent may, at his discretion, cite the owners of such dogs to appear in Court to answer to charges of violation of this ordinance.

(d) Immediately upon impounding dogs, or other animals, the Animal Warden or agents of the Animal Control Authority shall make every

possible effort to notify the owners of such dogs, or other animals so impounded, and inform such owners of the conditions whereby they may regain custody of such animals.

(e) Animals other than dogs shall be impounded when found running at large within the county limits and disposed of in accordance with law.

Section 7. REDEMPTION OF IMPOUNDED ANIMALS.

(a) The owner shall be entitled to resume possession of any impounded dog, except as hereinafter provided in the cases of certain dogs, upon compliance with the license provisions in Section 3 of this ordinance and the payment of impoundment fees set forth herein.

(b) Any other animal impounded under the provisions of this ordinance may be reclaimed by the owner upon the payment of impoundment fees set forth herein.

(c) Any animal impounded under the provisions of this ordinance and not reclaimed by its owner within 7 days, may be humanely destroyed by the Animal Warden or Animal Control Authority, have its title transferred to the Humane Society as provided for in Section 6 (b), or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this ordinance and such other regulations as shall be fixed by the County of Nassau or Animal Control Authority. Provided, if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with.

(d) The owner of an animal impounded and not redeemed within the required holding period, shall be responsible for legal fees incurred whether or not claimed.

Section 8. IMPOUNDMENT FEES:

Any animal impounded hereunder may be reclaimed as herein provided upon payment by the owner to the Animal Warden or Animal Control Authority of the sum of \$5.00 for each dog, and the additional sum of \$2.00 for each day such dog is kept after the expiration of a three day period.

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All fees set forth herein shall be collected by the Animal Warden for the County of Nassau or Animal Control Authority.

Section 9. CONFINEMENT OF CERTAIN DOGS AND OTHER ANIMALS:

(a) The owner shall contain within a building or secure enclosure, every fierce, dangerous, or vicious dog, and not take such dog out of such building, or secure enclosure unless such dog is securely muzzled.

(b) Every female dog in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel, in such manner that such female dog cannot come in contact with another animal, except for intentional breeding purposes.

(c) Any animal described in the foregoing sub-sections of Section 9 of this ordinance, found at large, shall be impounded by the Animal Warden or Animal Control Authority and may not be redeemed by owners, unless such redemption be authorized by any Court having jurisdiction.

(d) When in the judgment of a licensed veterinarian and the Animal Warden or Animal Control Authority or its agents, an animal should be destroyed for humane reasons, such animal may not be redeemed.

Section 10. RABIES CONTROL:

(a) Every animal which bites a person shall be promptly reported to the Animal Warden or Animal Control Authority, and shall thereupon be securely quarantined at the direction of the Animal Warden or Animal Control Authority for a period of 15 days, and shall not be released from such quarantine except by written permission of the Animal Warden or Animal Control Authority. At the discretion of the Animal Warden or Animal Control Authority, such quarantine may be on the premises of the owner, at the shelter designated as the County Animal Shelter, or at the owner's option and expense in a veterinary hospital of his choice. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated as the County Animal Shelter.

(b) Upon demand made by the Animal Warden or Animal Control Authority, the owner shall forthwith 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 set forth in Section 8 of this ordinance, and upon compliance of licensing provisions set forth in Section 3 of this ordinance.

(c) When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the Animal Warden or

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Animal Control Authority 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) When a laboratory report, either preliminary or final, gives a positive diagnosis of rabies, the Health Officer for the County of Nassau or the Animal Control Authority may declare a certain area quarantined for a period of 30 days, and upon the invoking of such quarantine, no animal shall be permitted to be at large except on a leash and accompanied by a responsible person during such period of quarantine. During such quarantine no animal may be taken or shipped from the county without written permission of the Animal Warden or Animal Control Authority. During this quarantine period and as long afterward as he decides it is necessary to prevent the spread of rabies, the local county health officer shall require all dogs, 3 months of age and older, shall 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 antirabies vaccine to be used and the recognized duration of immunity for each shall be established by the local health officer. All vaccinated dogs shall be restricted (leashing or confinement on enclosed premises) for 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 temporary emergency canine rabies vaccination clinics strategically located throughout the area of health jurisdiction.

No dog which has been impounded by reason of its owner, is allowed to be adopted by the Animal Shelter during the period of rabies emergency quarantine, except by special authorization of the Public Health Official and the Animal Warden or Animal Control Authority.

(e) During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed, or at the owner's expense and option, shall be treated for rabies infection by a licensed veterinarian, or held under 30 days quarantine by the owner in the same manner as other animals are quarantined.

(f) 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 months.

(g) No person shall kill, or cause to be killed, any rabid animal; any animal suspected of having been exposed to rabies, or any animal biting 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 the Animal Warden or Animal Control.

(h) The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Animal Warden, or Animal Control Authority.

(i) The Animal Warden or Animal Control Authority shall direct the disposition of any animal found to be infected with rabies.

(j) No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand

is made thereof by the Animal Warden or Animal Control Authority.

Section 11. REPORTS OF BITE CASE:

It shall be the duty of every physician, or other practitioner to report to the Animal Warden or Animal Control Authority 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 12. RESPONSIBILITIES OF VETERINARIANS:

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

Section 13. EXEMPTIONS

(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 dog belonging to a nonresident of the County and kept within the County for not longer than 30 days, provided all such dogs shall at all times while in the County be kept within a building, enclosure or vehicle, or be under restraint by the owner.

Section 14. INVESTIGATION

For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, any agent of the Animal Warden or Animal Control Authority or any police officer, shall obtain a court order or owner's permission before entering upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog of the license for such dog.

In communities where there is no humane organization to enforce the state anti-cruelty laws, it is further provided that any agent of the Animal Warden or Animal Control Authority 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 opinion, it requires humane treatment.

Section 15. INTERFERENCE:

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

Section 16. RECORDS:

(a) It shall be the duty of the Animal Warden or Animal Control Authority to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody.

(b) It shall be the duty of the Animal Warden or Animal Control Authority to keep, or cause to be kept, accurate and detailed records of all bite cases reported to it, and its investigation of same.

(c) It shall be the duty of the Animal Warden or Animal Control Authority to keep, or cause to be kept, accurate and detailed records of all monies belonging to the County of Nassau, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the County of Nassau and shall be audited by the County of Nassau annually in the same manner as other County records are audited.

Section 17. PENALTY:

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor of the third degree as provided by Chapter 775.081, Florida Statutes, and upon conviction thereof shall be punished in accordance with Chapter 775.082, Florida Statutes, relating to punishment for misdemeanors. If such violation be continued, each day's violation shall be a separate offense.

Section 18. REPEALS:

The ordinances relating to the keeping, licensing, restraining and quarantining of dogs, passed and approved, December 9, 1974, and any others are hereby repealed. All other ordinances in conflict herewith are repealed to the extent of such conflict.

Section 19. SEVERABILITY:

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

PASSED AND APPROVED this 13th day of May, 1976.

BOARD OF COUNTY COMMISSIONERS  
OF NASSAU COUNTY, FLORIDA

*John F. Armstrong*  
John F. Armstrong, Chairman

ATTEST:

*D. O. Oxley*  
D. O. Oxley, Ex Officio Clerk