

ORDINANCE NO. 97- 18

AN ORDINANCE AMENDING ORDINANCE NO. 74-34, AND ITS AMENDMENTS, SPECIFICALLY TO DELETE THE ANIMAL CONTROL AUTHORITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, has found it necessary to amend the Animal Control ordinance to provide for the Animal Control Authority to be advisory in nature; and

NOW, THEREFORE, BE IT ORDAINED this 28th day of July, 1997, by the Board of County Commissioners of Nassau County, Florida, that Ordinance No. 74-34, as amended, shall be further amended as follows:

SECTION 1. Definitions.

~~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 (7) members appointed by the county. One (1) county commissioner, the Sheriff, the health officer of the county, and four (4) citizens at large.~~

~~Animal warden: The person or persons employed by the county or animal control authority as its enforcement officer(s).~~

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,~~ County Commission 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.

SECTION 6. Impoundment.

(a) *When lawful period of confinement.* Unlicensed dog or dogs without tag 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 seven (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 seven (7) days shall become the property of the ~~animal control authority,~~ county and may be disposed of at the discretion of the said ~~authority~~ county, 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) *Transfer to humane society.* 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) *Repeated violations.* When dogs are found running at large for three (3) 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) *Notification of owner.* 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.

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 6-42 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 seven (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 6-45(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 persons 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 twenty five dollars (\$25.00) for a first offense, seventy-five dollars (\$75.00) for a second offense, and for a third offense the matter shall be submitted to the code enforcement ~~board~~ officer for action for each animal, and the additional sum of ten dollars (\$10.00) for each day such animal has been kept at the animal control authority. All fees set forth

herein shall be collected by the animal warden for the County of Nassau ~~or animal control authority~~. Hunting dogs shall be excluded from this provision.

SECTION 9. Confinement of certain dogs and other animals.

(c) Any animal described in the foregoing subsections of section 6-48, 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) *Quarantine.* 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 ten (10) 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) *Owner to bear costs.* 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 6-47, and upon compliance of licensing provisions set forth in Section 6-42.

(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, and dies while under such observation, the animal warden ~~or 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) *Area quarantine.* 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 thirty (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, three (3) months of age or 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 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 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 officer and the animal warden ~~or animal control authority~~.

(e) *Animals infected with rabies.* 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 thirty (30) days quarantine by the owner in the same manner as other animals are quarantined.

(f) *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.

(g) *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 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) *Surrender of carcass.* The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal warden ~~or the animal control authority~~.

(i) *Disposition of infected animal.* The animal warden ~~or animal control authority~~ shall direct the disposition of any animal found to be infected with rabies.

(j) *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 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 with the county for not longer than thirty (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 or the license for such dog.

In communities where there is no humane organization to enforce the state anticruelty 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 with authorities.

No person shall interfere with, hinder or molest any agent of the ~~animal control authority~~ county 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, impounding 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.

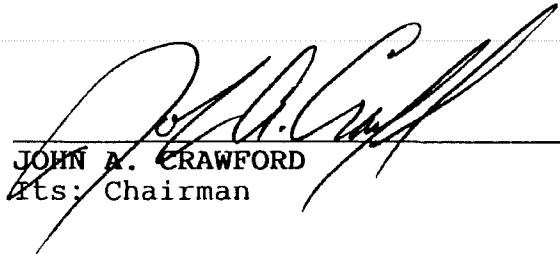
(c) It shall be the duty of the animal warden ~~or animal control authority~~ to keep, or cause to be kept, accurate and detailed records of all monies belonging to the County of Nassau, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the 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 second degree, 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.

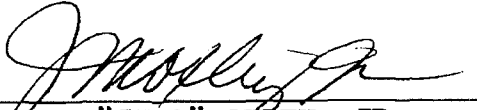
This ordinance shall be effective upon its being filed with the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA




JOHN A. CRAWFORD  
Its: Chairman

ATTEST:



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

Approved as to form by the  
Nassau County Attorney:

  
MICHAEL S. MULLIN