

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

ORDINANCE NUMBER 2011-\_\_

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA AMENDING VOLUME 1, CHAPTER 10, ARTICLE I, SECTIONS 10-3, 10-5, 10-7, 10-11, 10-12, 10-16, 10-23 AND 10-24 OF THE ESCAMBIA COUNTY CODE OF ORDINANCES RELATING TO ANIMAL CONTROL; AMENDING SECTION 10-3 DEFINITIONS; AMENDING SECTION 10-5 TO EXPAND OFFICER AUTHORITY; AMENDING SECTION 10-7 TO REVISE GROUNDS FOR ISSUANCE OF CITATIONS; AMENDING SECTION 10-11 TO MODIFY PROHIBITED ANIMAL NUISANCES; AMENDING SECTION 10-12 TO CLARIFY REQUIREMENTS OF DIRECT CONTROL; AMENDING SECTION 10-16 TO QUALIFY TETHER RESTRICTIONS; AMENDING SECTION 10-23 TO ALTER PENALTIES RELATED TO DANGEROUS OR VICIOUS ANIMALS; AMENDING SECTION 10-24 TO REVISE REQUIREMENTS FOR FORMAL COMPLAINTS; PROVIDING FOR JURISDICTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Chapter 125, Florida Statutes, the County is authorized to establish regulations in the interest of the public health, safety and welfare to regulate land use planning and development in the County; and

**WHEREAS**, the Board of County Commissioners finds that the County's ordinances relating to animal control require amendment to better ensure the health, safety and welfare of the public by providing protection for, regulation and control of animals in the County ; and

**WHEREAS**, the Board of County Commissioners further finds that the proposed amendments modifying the provisions pertaining to animal control serve an important public purpose.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:**

**Section 1.** That Volume 1, Chapter 10, Article I, Sections 10-3, 10-5, 10-7, 10-11, 10-12, 10-16, 10-23 and 10-24 of the Escambia County Code of Ordinances are hereby amended to read as follows:

**Sec. 10-3. Definitions.**

The following words, terms and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

*Animal* means every living dumb creature.

1        *Animal control authority* means an entity acting alone or in concert with other  
2 local governmental units and authorized by them to enforce the animal control laws of  
3 the city, county, or state. In those areas not served by an animal control authority, the  
4 sheriff shall carry out the duties of the animal control authority under this chapter.

5        *Animal control officer* means any person duly employed or appointed who is  
6 authorized to investigate, on public or private property, and to issue citations as  
7 provided in this chapter. An animal control officer is not authorized to bear arms or  
8 make arrests.

9        *Animal enclosure* means any pet store, pet shop, animal shelter, kennel, animal  
10 rescue organization facility, sty, barnyard, impoundment area or other area where  
11 animals are housed and kept, whether for retail, breeding purposes or as household  
12 pets.

13        *Animal Rescue Organization* means a humane society or other nonprofit  
14 organization that is: dedicated to the protection of animals; duly registered with the  
15 Florida Department of State and the Florida Department of Agriculture and Consumer  
16 Services; and properly organized as a charitable organization under § 501(c)(3) of the  
17 Internal Revenue Code.

18        *Animal shelter* means the offices of the animal control officer where an  
19 impoundment area for animals is provided.

20        *Barnyard animals* means all animals of the equine, bovine or swine class and  
21 includes goats, sheep, mules, horses, hogs or cattle and domesticated poultry.

22        *County commissioners* means the board of county commissioners of the  
23 county.

24        *Cruelty* means any omission, or act of neglect, torture or torment that causes  
25 unjustifiable pain or suffering of an animal.

26        ~~*Dangerous or vicious animal* means any animal which shall bite or in any~~  
27 ~~manner attack or attempt to attack or kill any person or domestic animal, shall be~~  
28 ~~deemed a dangerous and vicious animal, except that no animal shall be deemed~~  
29 ~~dangerous or vicious if any person or domestic animal is unlawfully upon the owner's or~~  
30 ~~keeper's premises. Any dog that has been used primarily or in part for the purpose of~~  
31 ~~dog fighting, or is a dog trained for dog fighting shall be deemed as a dangerous or~~  
32 ~~vicious animal. that according to the records of the appropriate authority:~~

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

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

37        ~~(c) Has been used primarily or in part for the purpose of dog fighting or is~~  
38 ~~a dog trained for dog fighting; or~~

39        (dc) Has, when unprovoked, chased or approached a person upon the  
40 streets, sidewalks, or any public grounds in a menacing fashion or  
41 apparent attitude of attack, provided that such actions are attested to in a  
42 sworn statement by one or more persons and dutifully investigated by the  
43 appropriate authority.

44        *Direct control* means immediate, continuous physical control of an animal at all  
45 times such as by means of a fence, leash, cord, or chain of such strength to restrain the  
46 same. In the case of specifically trained or hunting animals which immediately respond

1 to such commands, direct control shall also include aural and/or oral control, if the  
2 controlling person is at all times clearly and fully within unobstructed sight and hearing  
3 of the animal.

4 Harbor(ing) means to provide care, shelter, protection, refuge, and/or  
5 nourishment to an animal.

6 *Hobby breeder* means any person who owns or breeds purebred dogs or  
7 pedigreed cats primarily for personal recreational use. Personal recreational use may  
8 include participation in recognized conformation shows, hunting, field or obedience  
9 trials, racing, specialized hunting, working or water trials, and may include improving the  
10 physical soundness, temperament, and conformation of a given breed to standard or for  
11 the purpose of guarding or protecting the owner's property.

12 *Impounding officer* means the county administrator or his designee.

13 *Livestock* means all domestic animals kept for use on a farm or raised for sale  
14 and profit.

15 *Livestock officer* means the sheriff or his designee.

16 *Owner* means any person, firm, corporation or organization possessing,  
17 harboring, keeping, or having control or custody of an animal or, if the animal is owned  
18 by a person under the age of 18, that person's parent or guardian.

19 *Pet shop* means any place or premises at which the primary purpose is the  
20 keeping of pet animals, exclusive of those animals regulated and controlled by the state  
21 fresh water fish and game commission, for retail or wholesale purchase.

22 *Proper enclosure of a dangerous dog* means while on the owner's property, a  
23 dangerous dog is securely confined indoors or in a securely enclosed and locked pen or  
24 structure, suitable to prevent the entry of young children and designed to prevent the  
25 animal from escaping together with visible signage warning persons of the presence of a  
26 "bad dog." Such pen or structure shall have secure sides and a secure top to prevent  
27 the dog from escaping over, under, or through the structure, and shall also provide  
28 protection from the elements.

29 *Public road* means any streets, sidewalk, alley, highway, or other way open to  
30 travel by the public including rights-of-way, bridges and tunnels.

31 *Residential area* means any area in the county where two or more dwellings or  
32 houses are within 50 feet or less of each other.

33 Severe injury means any physical injury that results in broken bones, multiple  
34 bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

35 *Shelter* means provision of and unlimited access to a three-dimensional  
36 structure having a roof, walls and a floor, which is dry, sanitary, clean and weatherproof  
37 and made of durable material. At a minimum the structure must be:

- 38 (1) Sufficient in size to allow the animal to stand up, turn around, lie down  
39 and stretch comfortably;
- 40 (2) Designed to protect the animal from the adverse effects of the  
41 elements and provide access to shade from direct sunlight and regress  
42 from exposure to inclement weather conditions;
- 43 (3) Free of standing water, accumulated waste and debris;
- 44 (4) Provide adequate ventilation; and

1 (5) Provide a solid surface flooring area, resting platform, pad, mat, or  
2 similar provision of adequate size for the animal to lie upon in a  
3 comfortable manner.

4 *Stable* means those premises at which horses or equines are kept commercially  
5 for boarding, riding, breeding, training, or resale purposes.

6 *Sterilization* means dogs and cats rendered permanently incapable of  
7 reproduction by surgical alteration, implantation of a device, or other physical means, or  
8 permanently incapable of reproduction because of physiological sterility, but only where  
9 the neutered or spayed condition has been certified by a veterinarian licensed in any  
10 state.

11 *Tether* means to restrain an animal by tying the animal to any stationary object  
12 or structure, including, but not limited to, a house, tree, fence, post, garage or shed, by  
13 any means, including, but not limited to, a chain, rope, cord, leash or pulley/running line,  
14 but shall NOT include the use of a leash when walking an animal.

15 *Unaltered animal* means a dog or cat which has not been neutered, spayed or is  
16 otherwise not sterilized.

17 *Unprovoked* means that the victim who has been conducting himself or herself  
18 peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by  
19 a dog.

20 *Wild animal* means any living member of the kingdom Animalia, including those  
21 born or raised in captivity, except the following:

- 22 (1) The species *Homo sapiens* (human beings).
- 23 (2) The species *Canis familiaris* (domestic dogs, including hybrids with  
24 wolves, coyotes, or jackals).
- 25 (3) The species *Felis catus* (domestic cats, excluding hybrids with  
26 ocelots or margays).
- 27 (4) The species *Equus caballus* (domestic horses).
- 28 (5) The species *Equus asinus* (asses/donkeys).
- 29 (6) The species *Bos taurus* (cattle).
- 30 (7) The subspecies *Ovis ammon aries* (sheep).
- 31 (8) The species *Capra hircus* (goats).
- 32 (9) The subspecies *Sus scrofa domestica* (swine).
- 33 (10) Domesticated races of the species *Gallus gallus* or *Meleagris*  
34 *gallopavo* (poultry).
- 35 (11) Domesticated races of the species *Mesocricetus auratus* (golden  
36 hamsters).
- 37 (12) Domesticated races of the subspecies *Cavia aperea procellus*  
38 (guinea pigs).
- 39 (13) Domesticated races of rats or mice (white or albino, trained,  
40 laboratory-reared).
- 41 (14) Domesticated races of the species *Oryctolagus cuniculus* (rabbits).
- 42 (15) All captive-bred members of the species of the families *Psittacidae*  
43 (parrots, parakeets), *Anatidae* (ducks), *Fringillidae* (finches), and  
44 *Columbidae* (doves and pigeons).
- 45 (16) All captive-bred members of the species *Serinius canaria* of the  
46 class *Aves* (canaries).

- 1 (17) Domesticated races of the species *Carassius auratus* (goldfish).  
2 (18) Captive-bred members of the superorder Teleostei of the class  
3 Osteichthyes (common aquarium fish).  
4

5 **Section 10-5. Impounding Officer**

6 **(a)** The impounding officer and county animal control officers shall have full and  
7 complete authority in the enforcement of this chapter and may pick up, catch, or procure  
8 any animal under any circumstance which is a violation of this chapter and cause the  
9 animal to be impounded in the animal shelter. An animal shall be subject to pick up and  
10 impounding, if the animal is cruelly treated, unlicensed, roaming at large, or stray, or  
11 any animal infected with rabies or believed to be so infected; infected with any other  
12 contagious or infectious disease, or believed to be so infected, or has been classified as  
13 a dangerous or vicious animal.

14 **(b)** Animal control officers may carry a device to chemically subdue and tranquilize an  
15 animal provided that such officer has successfully completed a minimum of 16 hours of  
16 training. This training will be in accordance with guidelines prescribed in the Chemical  
17 Immobilization Operational Guide of the American Humane Association. This training  
18 may be done locally by experienced personnel.

19 **(c)** The animal control officer shall have authority and be required to impound all  
20 unlicensed animals, except for animals ~~confined or fenced in on the owner's premises or~~  
21 under direct control while participating in an organized match, show, trial, or undergoing  
22 obedience training. The animal control officer shall also be required to pick up and make  
23 humane disposition of any diseased or injured animal in the county. If an owner refuses  
24 entrance to his premises to an animal control officer attempting to enforce this chapter,  
25 such officer shall contact the sheriff's office and proceed on the owner's premises in the  
26 company of the sheriff or his deputy with such legal authority as is necessary to lawfully  
27 enter the owner's premises for the purpose of enforcing this chapter. The animal control  
28 officers are hereby authorized to issue citations and notices to appear for the violation of  
29 this chapter when based upon personal investigation and the officer has reasonable and  
30 probable grounds to believe that a violation has occurred.  
31

32 **Sec. 10-7. Citations.**

33 **(a) *Format.*** A citation and notice to appear shall be in the form prescribed by the  
34 board of county commissioners and when issued, shall constitute notice that an officer  
35 has probable cause to believe an infraction of this chapter has been committed and that  
36 the cause will be heard in the county court in and for the county. Exclusive jurisdiction  
37 and authority shall be in the county court to dispose of or make adjudication based upon  
38 a citation once it has been issued. A citation shall include the following:

- 39 (1) The date and time of issuance.  
40 (2) The name and address of the person.  
41 (3) The date and time the civil infraction was committed.  
42 (4) The facts constituting probable cause.  
43 (5) The ordinance violated.  
44 (6) The name and authority of the officer.  
45 (7) The procedure for the person to follow in order to pay the civil penalty, to contest  
46 the citation, or to appear in court as required by subsection (c) of this section.

1 (8) The applicable civil penalty if the person elects to contest the citation.  
2 (9) The applicable civil penalty if the person elects not to contest the citation.  
3 (10) A conspicuous statement that if the person fails to pay the civil penalty within the  
4 time allowed, or fails to appear in court to contest the citation, then he shall be deemed  
5 to have waived his right to contest the citation and that in such case, judgment may be  
6 entered against the person for an amount up to the maximum civil penalty.  
7 (11) A conspicuous statement that if the person is required to appear in court as  
8 mandated by subsection (c) of this section, he does not have the option of paying a fine  
9 in lieu of appearing in court.  
10 (b) *Issuance*. For violation of any of the provisions of ~~sections 10-8, 10-9 and 10-11~~  
11 this Chapter, the animal control officer shall have the discretion to either issue a warning  
12 with no civil penalty, issue a citation for a fine in the amount specified in the animal  
13 control fee resolution as approved by the board of county commissioners, or a notice to  
14 appear in court as required by this section. Any person cited for violation of this chapter  
15 under this section shall be deemed to be charged with a civil infraction and cited to  
16 appear in court. Any person cited for an infraction under this chapter shall sign and  
17 accept a citation acknowledging receipt of the citation and indicating a promise to  
18 appear in county court if such person wishes to contest the charge, or if mandated to  
19 appear in court as required by this subsection (c) of this section.  
20 (c) *Mandatory court appearance*. Court appearance shall be mandatory for violations  
21 of this chapter involving the unprovoked biting, attacking or wounding of a domestic  
22 animal or human being; the destruction or loss of personal property; second or  
23 subsequent violations of animal cruelty laws; and/or violations resulting in the issuance  
24 of a third or subsequent citation to a person or persons within the same household. In  
25 the event mandatory court appearance is required, the citation must clearly inform the  
26 person of such mandatory appearance, and records shall be maintained by animal  
27 control regarding such cases. Persons required to appear in court do not have the  
28 option of paying the fine instead of appearing in court.  
29 (d) *Payment of civil penalty*. Any person cited with a violation of this section may pay  
30 the civil penalty within ten days of the date of receiving the citation. If the person cited  
31 follows the above procedure, he shall be deemed to have admitted the civil infraction  
32 and to have waived his right to a trial on the issue of commission of the violation.  
33 (1) If a person fails to pay the civil penalty within ten days of receipt of the citation, the  
34 clerk of the court shall issue a notice to appear. An additional amount shall be assessed  
35 as a late fee for each penalty paid after the initial ten-day period in accordance with the  
36 fee resolution as established by the board of county commissioners.  
37 (2) If a person fails to pay the civil penalty, fails to appear in court to contest the  
38 citation, or fails to appear in court as required by subsection (c) of this section, the court  
39 may issue an order to show cause upon the request of the governing body of the county  
40 or municipality. This order shall require such persons to appear before the court to  
41 explain why actions on the citation have not been taken. If any person who is issued  
42 such order fails to appear in response to the court's directive, that person shall be held  
43 in contempt of court.  
44 (e) *Liability for penalty*. In the event an animal is impounded for violation of this  
45 chapter and the owner of the animal abandons the animal to the animal control  
46 department, permanent custody of the animal shall be relinquished to the animal control

1 authority for appropriate disposition and the owner shall remain liable for the civil  
2 penalties and any other actions imposed for violation of this chapter.

3 (f) *Refusal to sign or accept citation.* Any person refusing to sign and accept a citation  
4 shall be in violation of this chapter, and shall be punished as provided for in section 10-  
5 23.

6  
7 **Sec. 10-11. Animal Control.**

8 (a) *Generally.* Animals are prohibited from roaming freely on any public or private  
9 property without the consent of the owner or lessee among the public within the county  
10 unless such animal is specifically excepted as further set out in this section.

11 (b) *Public places.* Animals are prohibited from public places in the county such as  
12 airports, hotels, restaurants, theaters, public conveyances, grocery stores, or other  
13 establishments serving food, beverages or staple foods, and at public gatherings such  
14 as outdoor festivals, fairs, etc. Animals so found, whether roaming or on direct control  
15 by the owner, may be impounded.

16 (1) It shall be unlawful for the owner of an animal to allow his animal in public places of  
17 the county such as school grounds, school bus stops, public parks, beaches, and  
18 playgrounds.

19 (2) It shall be unlawful for the owner of an animal to allow his animal, whether roaming  
20 at large or on a leash or otherwise under his control, on public bathing beaches or  
21 recreational areas on that portion of Santa Rosa Island owned by and under the  
22 jurisdiction of the county or the Santa Rosa Island Authority, or on that portion of any  
23 beach, public or private, lying seaward of the coastal construction setback line for land  
24 southward of the right-of-way of State Road 292 or lying seaward of the line of  
25 vegetation for land northward of the right-of-way for State Road 292 on the portion of  
26 the county known as Perdido Key which is bordered to the west by the Alabama state  
27 line, to the south by the waters of the Gulf of Mexico, to the east by the property of the  
28 U.S. Government, and to the north by the waters of the Intracoastal Waterway.

29 (3) Provided, however, no animal owner shall be prohibited from permitting his animal  
30 within 50 feet of a building which the animal owner owns or leases.

31 (c) *Exceptions.* These restrictions relating to public places, schools, parks, beaches  
32 and recreational areas shall not apply to:

33 (1) Animals utilized by law enforcement agencies, while engaged in law enforcement  
34 activity.

35 (2) Animals trained to assist the blind or hearing impaired, provided such animal is in  
36 the company of such person.

37 (3) The showing and training of dogs and the use of animals in educational  
38 presentations in appropriate locations of auditoriums, schools, parks, parking lots,  
39 armories, theaters, and similar public or privately owned areas.

40 (4) The transportation of animals by airlines at the airport in the county.

41 (5) Special events as authorized by a vote of the majority of the board of county  
42 commissioners with any conditions set forth by the board as reasonable under the  
43 circumstances.

44 (d) *Female animals in season.* The owner of any female animal in heat shall keep  
45 such animal confined in a building or secure enclosure, veterinary hospital, or boarding  
46 kennel in such a manner that such female animal cannot come in contact with another

1 animal, except for intentional breeding purposes. An owner who does not keep the  
2 female animal confined while in season shall be guilty of a civil infraction and punished  
3 as provided in section 10-23. This section shall not apply to female animals entered in  
4 organized shows.

5 (e) *Animal nuisances prohibited.* Any animal or animals ~~that habitually or continuously~~  
6 ~~bark, howl, or otherwise disturb the peace and quiet of the inhabitants of the county or~~  
7 ~~are permitted to cause damage to personal property or defecate upon the property of~~  
8 ~~others or are kept or maintained in such a manner as to disturb by noxious or offensive~~  
9 ~~odors or otherwise endanger the health and welfare of the inhabitants of the county~~  
10 which shall do any of the following are declared to be an animal nuisance.

11 (1) Molests passersby or passing vehicles.

12 (2) Attacks other animals.

13 (3) Trespasses on school grounds.

14 (4) Is repeatedly at large.

15 (5) Damages private or public property.

16 (6) Defecates or urinates upon the property of others.

17 (7) Repetitively barks, whines, howls or otherwise produces any noise in  
18 an excessive, continuous or untimely fashion for a period of five (5)  
19 minutes or more.

20 (8) Has a communicable or contagious disease that is untreated or does  
21 not respond to treatment.

22 (9) Causes or emits an offensive odor which can be detected off the  
23 property of its owner.

24 (10) Is kept in a manner which causes a breeding place for flies, lice,  
25 fleas or other vermin or disease.

26 (11) Unreasonably interferes with a person's use and enjoyment of his  
27 property.

28  
29 Any person who keeps, harbors, or maintains an animal nuisance as defined  
30 above, shall be guilty of a civil infraction and punishable as provided in section 10-23.

31  
32 **Sec. 10-12. Direct control.**

33 Except as otherwise provided in this section, It shall be a violation of this chapter for any  
34 animal to roam freely on any public or private property without the consent of the owner  
35 or lessee be off the premises of its owner or person responsible for the animal, without it  
36 being under the direct control of its owner, person responsible therefor, or other person.  
37 All animals, when not on the premises of the dog's owner or on the premises of another  
38 who consents thereto, shall be and remain under the direct control of a person  
39 competent to control such dog at all times or, otherwise, shall be considered unlicensed  
40 animals and private nuisances and may be seized, restrained, impounded, and  
41 disposed of as provided by this chapter for any unlicensed animal.

42 (b) Direct control shall apply only to the areas of the county which are designated by  
43 resolution of the board of county commissioners. The board of county commissioners is  
44 authorized to adopt by resolution areas designated as "direct control" pursuant to the  
45 procedures provided in this section. Any "direct control" resolutions existing as of the



1 date of this chapter shall remain in full force and effect and shall not require  
2 reaffirmation by the board of county commissioners.

3 (c) Resolutions adding certain areas to or deleting certain areas from the "direct  
4 control" area may be adopted on the board of county commissioners' own motion, or  
5 may be adopted after receipt of a petition from residents of an area requesting that such  
6 area be added to or deleted from the "direct control" area. Any such petition shall be  
7 verified and shall be signed by at least 65 percent of the residents of the area which is  
8 to be added to or deleted from the "direct control" areas. Locations of residences or  
9 persons signing such petitions shall be distributed fairly about the area which is to be  
10 added to or deleted from the "direct control" area.

11 (1) Upon receipt of petitions a public meeting shall be advertised and held at  
12 petitioner's expense. Further, such petitioner shall mail a copy of the notice of public  
13 meeting to each owner of property within the area which is to be added to or deleted  
14 from the "direct control" area and will certify that such notices were mailed at least ten  
15 days prior to the date of the public meeting.

16 (2) Before adoption of any such additional resolution adding areas to or deleting areas  
17 from the "direct control" area, the board of county commissioners shall hold a duly  
18 advertised public hearing. Such resolutions, after adoption by the board of county  
19 commissioners, shall become effective upon being filed with the clerk of the board of  
20 county commissioners.

21 (d) Notwithstanding subsections (b) and (c) of this section, and notwithstanding any  
22 resolution adopted by the board of county commissioners designating or deleting certain  
23 areas as direct control areas, all dangerous dogs classified/registered in accordance  
24 with the provisions of section 10-14 shall be under the direct control of the owner at all  
25 times. Such dogs shall not be permitted outside the proper and secure enclosure area  
26 on the owner's property unless the dog is muzzled and restrained by a substantial chain  
27 or leash and under the control of a competent and responsible person.

### 28 29 **Sec. 10-16. Cruelty to animals.**

30 (a) It shall be unlawful for any owner or person to be cruel to an animal by cruelly  
31 beating, torturing, mutilating, ~~clearly~~ failing to provide food, drink or shelter, ventilation,  
32 exercise, necessary veterinary care or to abandon animals.

33 (b) It shall be unlawful for any owner or person in possession of an animal or who has  
34 charge or custody of an animal to suffer injury or malnutrition or to abandon any animal  
35 in a street, road, or public place without providing for the care, sustenance, protection  
36 and shelter of such animal, or to impound or confine any animal in a place or enclosure  
37 without supplying such animal with a sufficient quantity of good and wholesome food  
38 and water and air, during such period of confinement, or to abandon any animal that is  
39 maimed, sick, infirmed, or diseased. In addition, the provisions of F.S. § 828.13 are  
40 hereby adopted and such prohibitions as contained therein are incorporated by  
41 reference.

42 (c) It shall be unlawful for any person who shall have knowledge that an animal was  
43 struck by a vehicle under the person's control, to fail to render first aid to such animal by  
44 taking it to a veterinarian or by notifying either the owner, the animal control division, or  
45 the police or the sheriff.

1 (d) It shall be unlawful for any person to transport any dog or other animal in a motor  
2 vehicle on any public street, when such animal is not fully enclosed within the vehicle or  
3 confined in a container, cage or like enclosure, or temporarily secured in a manner that  
4 will prevent the animal from falling or jumping from the vehicle.

5 (e) It shall be unlawful for any owner or person in possession of an animal and who  
6 confines the animal outdoors on private property to tie, chain or otherwise tether an  
7 animal that is under the age of six months.

8 (f) It shall be unlawful for any owner or person in possession of an animal and who  
9 confines the animal outdoors on private property to tie, chain or otherwise tether an  
10 animal that is over the age of six months except when the following conditions are met:

11 (1) The animal is tethered in a location on the property within the visual range of  
12 the primary structure ~~responsible party or the responsible party is located~~  
13 ~~outdoors with the animal;~~

14 (2) The tether shall:

15 a. Be a minimum of ~~six~~ ten feet in length or at least five times the length  
16 of the animal ~~when measured from the tip of the animal's nose to~~  
17 ~~the base of the tail, whichever is longer;~~

18 b. Terminate at both ends with a swivel; and

19 c. Not weigh more than 1/16 of the animal's weight;

20 (3) An overhead pulley/running line shall:

21 a. Be at least 15 feet in length; and

22 b. No less than ~~seven~~ five (5) feet above the ground;

23 (4) The tether must be fastened to a properly fitting body harness or buckle-type  
24 collar made of nylon or leather;

25 (5) The tether shall be free from entanglement or other obstructions at all time;

26 (6) The animal shall have access to potable water, ~~food~~, shelter and dry ground  
27 at all times;

28 (7) An animal shall not be tethered while sick, injured or in distress;

29 (8) An animal shall not be tethered outside during a period of extreme weather,  
30 including but not limited to, ~~extreme heat, extreme cold, thunderstorms,~~  
31 ~~tornadoes, tropical storms, or hurricanes;~~ and

32 (9) Multiple animals must be tethered separately.

33 (g) Any person cruel to an animal as provided in this section shall be in violation of this  
34 chapter and punished as provided in section 10-23.

35  
36 **Sec. 10-23. Penalties.**

37 (a) A violation of this chapter is a civil infraction, except as provided for in subsection  
38 (f) and subsections (g)(1), (2) and (3) of this section. Each violation shall constitute a  
39 separate offense.

40 (b) The maximum civil penalty for a civil infraction shall not exceed \$500.00.

41 (c) By resolution, the board of county commissioners, shall establish the amount of any  
42 civil penalty for a civil infraction. Such resolution may be amended from time to time and  
43 is incorporated by reference and made a part hereof. In addition to each civil penalty,  
44 there is hereby imposed a surcharge of \$5.00 for violations involving animal control or  
45 animal cruelty. The proceeds shall be placed in a separate fund and used to pay the

1 costs of the 40-hour minimum standards training course required for county animal  
2 control officers as provided in F.S. § 828.27(4)(b).

3 (d) Any person paying a penalty pursuant to a civil infraction violation of this chapter  
4 shall be deemed to have admitted the violation. In no event shall a penalty amount,  
5 when a person admits without contesting the violation, exceed the limits specified in the  
6 animal control fee resolution as approved by the board of county commissioners.

7 (e) An individual who contests the violation and after trial is found in violation of the  
8 provisions of this chapter, except as provided below, shall be guilty of a civil infraction  
9 and punished by a fine of not less than \$50.00 and not more than \$500.00.

10 (f) Any person who willfully refuses to accept and sign a citation or notice to appear  
11 shall be in violation of this chapter and shall be guilty of a misdemeanor of the second  
12 degree, punishable as provided in F.S. § 775.082 or F.S. § 775.083 (F.S. § 828.27(4)).

13 (g) Any person who owns a dog which aggressively attacks or injures or attempts to  
14 attack or injure a person or another animal shall be in violation of this chapter, and the  
15 citation issued to such person shall not permit payment of a civil penalty in lieu of court  
16 appearance and the owner shall be prosecuted as follows:

17 (1) If a dog that ~~The owner of a dog which~~ has not been previously declared  
18 dangerous under the provisions of section 10-14 ~~and which aggressively attacks~~  
19 ~~and causes severe injury to or death of any person and the owner had prior~~  
20 ~~knowledge of the dog's dangerous propensities, yet demonstrated a reckless~~  
21 ~~disregard for such propensities under the circumstances, or domestic animal~~  
22 ~~without provocation, upon conviction, the owner~~ shall be guilty of a second  
23 degree misdemeanor punishable as provided in F.S. § 775.082 or F.S. §  
24 775.083.

25 (2) If a dog that ~~The owner of a dog which~~ has previously been declared  
26 dangerous in accordance with section 10-14 ~~and which aggressively attacks or~~  
27 ~~bites a person or a domestic animal without provocation, upon conviction, the~~  
28 ~~owner~~ shall be guilty of a first degree misdemeanor punishable as provided in  
29 F.S. § 775.082 or F.S. § 775.083.

30 (3) If a dog that ~~The owner of a dog which~~ has been previously been declared  
31 dangerous in accordance with section 10-14, ~~which aggressively attacks or bites~~  
32 ~~and causes severe injury to or the death of any person, upon conviction, the~~  
33 ~~owner~~ shall be guilty of a third degree felony, punishable as provided in F.S. §  
34 775.082, F.S. § 775.083 or F.S. § 775.084.

35  
36 **Sec. 10-24. Complaints for violations.**

37 (a) An individual may present a formal complaint to animal control officers in the  
38 form of an "affidavit of complaint," signed by one resident of the county, or in the case of  
39 noise complaints, two or more residents of the county, where each complainant resides  
40 in a separate dwelling in the vicinity of the claimed violation, and when such affidavit  
41 has been made under oath before an individual authorized by law to take  
42 acknowledgements or in the presence of two attesting witnesses. Such affidavit must  
43 set forth the nature of and the date of the act claimed to violate this chapter.

44 (b) Upon receipt of a proper affidavit, the animal control officer shall investigate the  
45 complaint to determine whether a violation of this chapter has been committed. In the  
46 event the act complained of constitutes a violation of this chapter, the officer shall

1 enforce this chapter pursuant to the provisions of section 10-23 and as otherwise  
2 provided in this chapter.

3  
4 **Section 2. Operative in Unincorporated Areas.**

5 This Ordinance shall apply to and be enforced in all unincorporated areas of the  
6 County.

7  
8 **Section 3. Severability.**

9 If any section, sentence, clause or phrase of this Ordinance is held to be invalid  
10 or unconstitutional by any Court of competent jurisdiction, then said holding shall in no  
11 way affect the validity of the remaining portions of this Ordinance.

12  
13 **Section 4. Inclusion in the Code.**

14 It is the intention of the Board of County Commissioners that the provisions of  
15 this ordinance shall become and be made a part of the Escambia County Code; and  
16 that the sections of this Ordinance may be renumbered or relettered and the word  
17 "ordinance" may be changed to "section", "article", or such other appropriate word or  
18 phrase in order to accomplish such intentions.

19  
20 **Section 5. Effective Date.**

21 This Ordinance shall become effective upon filing with the Department of State.

22 DONE AND ENACTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011.

23  
24 **BOARD OF COUNTY COMMISSIONERS**  
25 **ESCAMBIA COUNTY, FLORIDA**

26  
27  
28 **BY: \_\_\_\_\_**  
29 **Kevin W. White, Chairman**

30  
31 **ATTEST: ERNIE LEE MAGAHA**  
32 **Clerk to the Circuit Court**

33  
34  
35 **BY: \_\_\_\_\_**  
36 **Deputy Clerk**

37  
38 **(SEAL)**

39  
40 **Enacted:**  
41 **Filed with Department of State:**  
42 **Effective:**