

Sec. 6-19. - Definitions.

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

Aggressive animal means any animal that according to the county records or the records of any other governmental agency has:

- (1) When unprovoked, severely injured or killed a domestic animal while off the owner's property;
- (2) Been used primarily or in part for the purpose of dog fighting or is a dog trained for fighting, and is determined by a neutral dog trainer or licensed veterinary behaviorist to be aggressive to other domestic animals or people;
- (3) When unprovoked, been involved in an attack that does not result severe injury or death of a person; or
- (4) In the opinion of an animal control officer or law enforcement officer, posed a threat to the safety and welfare of the community.

Animal means any living dumb creature.

Animal control officer means any person employed or appointed by the board of county commissioners who is authorized to investigate, on public or private property, civil infractions relating to animal control, animal cruelty, licensure of animals, or seizure and impoundment of animals and to issue citations as provided in this act. An animal control officer is not authorized to make arrests or to bear arms. However, such officer may carry a device to chemically subdue and tranquilize an animal; provided that such officer has successfully completed a minimum of 16 hours of training in marksmanship, equipment handling, safety and animal care, and can demonstrate proficiency in chemical immobilization of animals in accordance with guidelines prescribed in the Chemical Immobilization Operational Guide of the American Humane Association.

Animal rescue organization means a humane society, animal welfare society, society for the prevention of cruelty to animals, or other such not-for-profit corporation or other legal entity devoted to the welfare, protection, and humane treatment of dogs, cats, or other animals, that is duly registered with the Florida Department of State and the Florida Department of Agricultural and Consumer Services, as applicable, and with the appropriate authority in the jurisdiction with which the organization is headquartered.

Animal shelter means any public or private organization existing for the purpose of rescuing and sheltering animals or a person who rescues and shelters animals, either of which places animals for adoption, whether for a fee, a donation, or for free.

Bird means any animal of the aves species, regardless of sex.

Breeder means any person other than a pet seller registered pursuant to section 6-53, as provided herein, governmental entity, or nonprofit corporation which has been granted 501.C(3) status by the Internal Revenue Service, who owns, keeps, harbors, maintains, or has custody of any dog or cat which produce a total of two or more litters during a 12-month period.

Cat means any animal of the feline species, regardless of sex.

Citation means a written notice issued to a person by an officer who has probable cause to believe that the person has committed an act in violation of this article. The citation shall contain:

- (1) The date and time of issuance.
- (2) The name and address of the person.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting probable cause.
- (5) The ordinance or Code section violated.
- (6) The name and authority of the officer.
- (7) The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear in court as required pursuant to section 6-29.
- (8) The applicable civil penalty if the person elects to contest the citation.
- (9) The applicable civil penalty if the person elects not to contest the citation.
- (10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, then he shall be deemed to have waived his right to contest the citation and that, in such case, he may be held in contempt of court and/or judgment may be entered against the person for an amount up to the maximum civil penalty.
- (11) A conspicuous statement that if the person is required to appear in court as mandated by section 6-29, he does not have the option of paying the fine in lieu of appearing in court.

Control means possession, ownership, care, and custody of animals.

Controlled burial means burying at least two feet below the surface of the ground and 100 feet from any water well.

Cruelty means any act of neglect, torture, or torment that causes the unjustifiable pain or suffering of an animal.

Dangerous dog means any dog that according to the county records or the records of any other local government:

- (1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury of a human being on public or private property;
- (2) Has more than once severely injured or killed a domestic animal while off the owner's property; or
- (3) 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 division.

Dog means any animal of the canine species, regardless of sex.

Domestic animal means any equine or bovine animal, goat, sheep, swine, dog, cat, poultry, or other domesticated beast or bird.

Extreme weather for the purposes of this chapter shall include but not be limited to the following conditions:

- (1) Hurricane;
- (2) Tropical storm;
- (3) Above 85 degrees Fahrenheit with a heat index of 100 degrees heat index; or
- (4) Below 40 degrees Fahrenheit with a 35 degrees wind chill factor.

In determining whether extreme weather conditions exist, an animal control officer shall consider extenuating circumstances such as shaded areas and availability of water.

Guard dog means any type of dog used for the purpose of defending, patrolling or protecting property or life at any nonresidential establishment or which resides on the nonresidential property. The term "guard dog" shall exclude any stock dogs used primarily for handling and controlling livestock or farm animals.

Guard dog service means any person, business, or corporation that trains, sells, rents, or leases guard dogs for the purpose of defending, patrolling, or protecting property or life at any nonresidential establishment in the unincorporated areas of St. Lucie County.

Leash or lead means a cord, rope, chain, or similar device which holds an animal under restraint and is not more than six feet in length.

Livestock means horses, mules, cattle, sheep, goats, swine, and other grazing animals.

Officer means any law enforcement officer defined in F.S. § 943.10, or any animal control officer.

Owner means any person, firm, partnership, corporation, organization, or two or more persons having a joint or common interest, or any other association, owning, keeping, possessing, harboring or having control or custody of one or more animals, including any custodian or person's parent or guardian. An animal shall be deemed to be harbored if it is fed or sheltered for five consecutive days or more. There shall be a rebuttable presumption that the person's name appearing on the animal's registration or radio frequency identification device (RFID), commonly known as a microchip, is the owner. This definition of the term "owner" shall not be considered as sole grounds for establishing legal ownership of an animal for purposes beyond the terms of the Code of Ordinances and Compiled Laws or the county land development code.

Pet seller means any person or entity, other than a registered breeder pursuant to section 6-53, governmental entity, or nonprofit corporation which has been granted 501.C(3) status by the Internal Revenue Service, who offers for sale one or more dogs or cats.

Public nuisance means:

- (1) Any animal which:
 - a. Attacks passersby or passing vehicles without provocation.
 - b. Attacks any other animal.
 - c. Is repeatedly at large and not under restraint.
 - d. Damages private or public property.

- e. Repetitively barks, whines, howls, chirps, caws, or whistles for a period of five minutes or more so as to disturb adjacent residents, except the following:
 - 1. Animals located on property zoned AG-1, AG-2.5, AG-5, AR-1 with agricultural classification pursuant to F.S. § 193.461, or PUD where livestock is permitted;
 - 2. Animals located on property on which livestock is permitted as a nonconforming use; or
 - 3. Birds and livestock located on property zoned AR-1.
 - f. Causes an annoyance in the neighborhood by acts such as overturning garbage cans, defecating, digging holes on other than its owner's property, or such other acts as are generally regarded to create an annoyance.
- (2) Any activity, such as, but not limited to, the feeding of wild animals or fowl which:
- a. Causes the fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to those in close proximity to the premises where the animals or fowl congregate; or
 - b. Causes a sanitary nuisance as defined in F.S. § 386.01.

Nothing in this definition shall be interpreted to contravene the provisions of the Florida Right to Farm Act, F.S. § 823.14.

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

Tethering means a rope, chain, or similar restraint for holding an animal in place, allowing a short radius in which it can move.

Under restraint means any animal secured by a leash or lead.

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

Vicious animal means any fierce or dangerous animal that constitutes a physical threat to human beings or other animals, or any animal for which the animal control officer has documentation to establish that the animal has bitten any person or other animal on two separate occasions without provocation within a period of one year.

(Code 1982, § 1-4-16; Ord. No. 87-27, pt. A, 8-25-1987; Ord. No. 94-04, pt. A, 9-6-1994; Ord. No. 03-10, pt. A, 2-4-2003; Ord. No. 03-19, pt. A, 8-19-2003; Ord. No. 07-010, pt. B, 4-3-2007; Ord. No. 09-014, pt. B, 6-16-2009; Ord. No. 13-040, pt. A, 10-15-2013; Ord. No. 15-12, pt. A, 9-15-2015)

Sec. 6-26. - Animal care.

- (a) It shall be a violation of this article for any person to impound or confine any animal in any place without sufficient fresh food and water at all times daily, including weekends and holidays; to keep any animal in any enclosure without providing sufficient daily exercise; to fail to provide shelter from the weather, and clean quarters as further provided herein; medical attention for sickly, diseased, or injured animals; or to fail to inoculate the animal against rabies as required by this article. However this section shall not require the provision of shelter from the weather and clean quarters for livestock in open pasture. Dogs, cats, and small domestic animals shall not be

kept outside in crates, whether metal, wood, plastic or other materials. Dogs, cats and small domestic animals may be kept outside in a fenced enclosure if the enclosure contains a shelter which meets the following requirements:

- (1) Provides adequate protection from the cold and heat;
 - (2) Provides protection from the direct effect of the sun, wind and rain;
 - (3) Provides a solid roof and a wind and rain break;
 - (4) Contains clean and dry bedding material;
 - (5) Elevated a minimum of six inches from the ground;
 - (6) Provides sufficient space for each animal to comfortably stand up, sit down, lie down and turn around in the shelter. If the shelter is used for more than one animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down, and turn around simultaneously; and
 - (7) Provides ingress and egress for the animal to enter and exit the shelter at all times.
- (b) It shall be unlawful for any person to expose any known poisonous substance, whether mixed with food or not, so that it may be consumed by a dog or cat or livestock.
- (c) It shall be unlawful for any person injuring any dog, cat, or livestock, by any means, to fail to notify the owner of the animal, the animal control officer, or to report the incident to the county "911" system.
- (d) It shall be unlawful for any person to tease or molest an animal.
- (e) It shall be unlawful for any operator of a motor vehicle to allow an animal to ride in any unenclosed section of that vehicle without enclosing the animal in a cage that is secured to the vehicle or securing the animal with a restraining device that will not permit the animal to reach the outside perimeter of the vehicle.
- (f) The owner of any animal shall be responsible for the removal of any excreta deposited by his animal on public walks, recreation areas, or the property of others.
- (g) All domestic animals put to death shall be done so pursuant to F.S. §§ 828.05, 828.055, 828.058, and 828.065.
- (h) All dead animals shall be disposed of by means of cremation, controlled burial, as defined herein, or disposal to rendering companies. It shall be unlawful for any person to dispose of dead animals by use of garbage collection and/or sanitary landfill except, upon notification of the landfill supervisor, arrangements may be made for controlled burial at the sanitary landfill.
- (i) Except for a nonprofit or charitable organization:
- (1) Which qualifies under Section 501(c) or (d) of the Internal Revenue Code of 1986; and
 - (2) Whose organizational documents, including bylaws, illustrate that the organization's purpose is to promote or educate the public regarding:
 - a. The importance of animals to human existence;
 - b. Better care of and for animals; and/or
 - c. The ability of humans and animals to better coexist;
- it shall be unlawful for any owner to offer an animal as a prize in response to participation in any game, contest, raffle, drawing of chance or any other similar event.

Notwithstanding the foregoing, the county administrator shall have the authority to grant a variance from this provision to any nonprofit or charitable organization that has not formally qualified for nonprofit status under Internal Revenue Code Section 501(c) or (d), but whose organizational documents, including bylaws, exhibit the same or similar attributes of such type of organization and operates for the purposes enumerated above.

- (j) No animal shall be tethered unless all of the following provisions are met:
- (1) Animals younger than six months old, older than seven years, or ill shall not be tethered.
 - (2) The length and weight of the tether shall be appropriate for the animal breed and shall be a minimum of ten feet long or four times the length of the animal (measured from tip of nose to base of tail), whichever is greater.
 - (3) The tether must have swivels at both ends of the rope, chain or similar restraint for holding an animal in place, allowing a short radius in which it can move about and not become tangled.
 - (4) Prong, choke or chain collars are prohibited in the use of tethering animal.
 - (5) Area which the animal may reach while tethered shall be free of entanglements.
 - (6) The length and location of the tether must not allow the animal to reach a fence or neighboring property.
 - (7) Collar weight shall be appropriate for the animal as determined by a reasonable person.
 - (8) The animal must be in view of the person responsible for the animal at all times while tethered.
 - (9) A trolley system is permitted.
 - (10) An animal may not be tethered in extreme weather, including but not limited to hurricanes, tropical storms or tornados.
 - (11) The animal shall have access to a dry and raised area at all times.
- (k) Any dog left unattended in an outdoor enclosure shall be provided a minimum of open space, excluding the shelter(s) within the enclosure, based upon the dog's size as set forth below:
- (1) Twenty pounds or less (small): Thirty-two square feet.
 - (2) Twenty-one to 50 pounds (medium): Sixty square feet.
 - (3) Over 50 pounds (large): Eighty square feet.

An additional 16 square feet shall be required for each additional dog kept in the same enclosed area. Each dog shall be provided sufficient shelter within the enclosed area as set forth above in subsection 6-26(a). Any enclosed area where a dog is confined shall be kept free of objects that may injure the dog and shall be cleaned regularly to remove feces. Dogs on residentially zoned property shall not be maintained outdoors during periods of extreme weather. This subsection shall not apply to dogs on property zoned AG-1, AG-2.5 or AG-5.

- (l) The transportation of animals in vehicles shall be subject to the following requirements:
- (1) No person shall transport or carry any dog or other animal in a motor vehicle unless the animal is safely enclosed within the vehicle.
 - (2) If a person's only means to transport an animal is in an unenclosed or partially enclosed vehicle, including but not limited to convertibles, pick-up trucks, and flatbed trucks, the person shall confine the animal in a container, cage, or with a harness with double tethering that is of proper and adequate size to prevent the animal from falling from or jumping from

the motor vehicle. With the exception of trailers used to transport hooved livestock, the flooring of the vehicle shall be covered in a type of material that prevents the animal's feet from burning.

- (3) If a container or cage is used, it must be securely fastened so as to prevent the container or cage from moving in the motor vehicle.
- (4) The animal must be provided fresh water and food as deemed appropriate by a responsible person.
- (5) No person shall carry or cause to be carried in or upon any vehicle or otherwise, any domestic animal having its feet or legs tied together or in any other cruel or inhumane manner or without providing suitable and humane facilities including racks, crates or cages in which such animal may stand up or lie down during transportation.
- (6) The following shall be exempt from the provisions of this subsection:
 - a. Transporting livestock animals on property zoned AG-1, AG-2.5, AG-5, or AR-1 with agricultural classification pursuant to F.S. § 193.461, or PUD where livestock is permitted.
 - b. Transporting livestock on property on which livestock is permitted as a nonconforming use
- (m) A person driving or in charge of a motor vehicle shall not permit an animal to remain unattended in a vehicle when the motor vehicle is out of the person's sight and under circumstances which endanger the health, safety or welfare of the animal.
- (n) Pursuant to F.S. § 828.073, an animal control officer may take custody of an animal found neglected or cruelly treated by removing the animal from its present location, or order the owner of the animal to provide certain care to the animal at the owner's expense without removal of the animal from its present location. In the event an animal control officer takes an animal into custody or issues a care order to the animal owner pursuant to this section, the county shall file a petition seeking relief under F.S. § 828.073, in the county court in and for St. Lucie County within ten days after the animal is seized or the order to provide care is issued.

(Code 1982, § 1-4-23; Ord. No. 87-27, pt. A, 8-25-1987; Ord. No. 94-04, pt. A, 9-6-1994; Ord. No. 95-27, pt. A, 8-15-1995; Ord. No. 15-12, pt. C, 9-15-2015)