

ORDINANCE NO. 16-015

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING CHAPTER 4 – ANIMALS**; ARTICLE I – GENERAL; TO ESTABLISH REQUIREMENTS REGARDING THE CARE AND TREATMENT OF ANIMALS, SPECIFICALLY REGULATING THE TETHERING AND KEEPING DOGS OUTDOORS BY AMENDING SEC. 4-1 – DEFINITIONS, SEC. 4-2 – PROHIBITED ANIMALS; AMENDING ARTICLE II – ANIMAL CONTROL; SEC. 4-20 – PUBLIC NUISANCE; SEC. 4-22 – RESTRAINT OF ANIMALS, GENERALLY; SEC. 4-24 – ANIMAL ABUSE, CRUELTY OR NEGLECT; 4-26 ANIMAL CARE; SEC. 4-27 – RABIES VACCINATION REQUIRED; DELETING SEC. 4-28 – RABIES, TAGS REQUIRED, AND RESERVING; AMENDING SEC. 4-31 – CLASSIFICATION OF DANGEROUS DOGS; AMENDING ARTICLE III – REGISTRATION; SEC. 4-52 REGISTRATION PROCESS AND FEES; AMENDING ARTICLE IV IMPOUNDMENT; SEC. 4-74 – IMPOUNDMENT, ORDER TO PROVIDE CARE, AND DISPOSITION; MISTREATED OR NEGLECTED ANIMALS; CREATING ARTICLE V – ENFORCEMENT, SEC. 4-88 - DUTIES AND POWERS; IMMUNITY FROM PROSECUTION; CREATING 4-89 – INTERFERENCE WITH ANIMAL CONTROL OFFICER PROHIBITED; AMENDING SEC. 4-90 – ENFORCEMENT; AND REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 4 of the Code of Ordinances of the City of Fort Pierce, Florida provides for the regulation and control of animals within the city limits; and

WHEREAS, in recognition that the keeping of dogs outdoors without proper shelter, food or water and in extreme weather conditions constitutes animal cruelty and neglect; and

WHEREAS, the keeping of dogs on tethers without supervision and under certain conditions can cause severe injury or death to the dog; and

WHEREAS, it has been shown that dogs suffering from cruelty and neglect often become aggressive, posing a threat to the health and safety of the local community; and

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida:

SECTION 1. Chapter 4 of the Code of Ordinances of the City of Fort Pierce, Florida, is hereby amended so that the same shall read hereinafter as follows:

CHAPTER 4. - ANIMALS ~~AND FOWL~~

ARTICLE I. - GENERAL

Sec. 4-1. - Definitions.

As used in this chapter, the following terms shall have the indicated meaning.

Animal. ~~Any live, vertebrate creature, domestic or wild~~ Any living dumb creature.

Animal control officer. Any person employed or appointed by the city who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty, licensure of animals, or seizure and impoundment of animals and to issue citations as provided in this article.

Animal shelter. Any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

At large. Any animal which is off the premises of its owner or keeper and not under the restraint of its owner or keeper.

Attack. An event whereby an unprovoked animal lunges at, runs after or otherwise chases or approaches a person or other animal and such event either occurs in a threatening or menacing manner or causes some type of injury.

Bird or Fowl. Any member of the avian species, regardless of sex.

Bite. An actual puncture or tear of the skin inflicted by the teeth of an animal.

Breeder. Any person who owns, keeps, harbors, maintains, or has custody of dogs or cats that produce any litter or offspring that are offered for sale, or that produce a combined total of two or more litters during a twelve month period.

Cat. Any feline, regardless of sex.

Citation. A written notice, issued to any person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance and that the county court will hear the charge. Pursuant to F.S. § 828.27, 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 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.
- (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, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

Confined. Physically preventing an animal from leaving the premises of its owner or keeper.

Control. ~~The Possession~~, ownership, care and custody of animals.

Controlled burial. Burying at least two (2) feet below the surface of the ground and one hundred (100) feet from any water well.

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

Dangerous dog. ~~A dangerous dog is a dog as defined as dangerous applying the definition of F.S. § 767.11.~~ Any dog that according to the records of the appropriate authority:

- (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.** Any animal of the canine species, regardless of sex.

Domestic animal. Dogs, cats, or other animals that are kept primarily as pets for pleasure rather than utility and that do not require a special permit by the Florida Fish and Wildlife Conservation Commission and that primarily live within or about the confines of the owner's homes and enclosures, including dog houses, runs, and yards adjacent thereto.

Exposed to rabies. A person, dog, cat or other animal that has been bitten by, or been exposed to, any animal known to have been infected with rabies.

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.

Feral. Any dog or cat exiting in a wild or untamed state, or any dog or cat that has returned to an untamed state from domestication.

~~Fowl or bird. Any member of the avian species, including waterfowl and landfowl, regardless of sex.~~ Harbor. The act of keeping and caring for an animal or providing premises to which the animal returns for food, shelter, or care for five consecutive days. This shall not include those circumstances wherein an individual temporarily captures or holds a stray animal and immediately returns the animal to its owner or an animal control officer.

Hunt or hunting. To follow, search, or pursue any animal or the use of structures or tree stands for the purpose of capturing or killing either for food or in sport, or the use of any animal or hunting falcon for this purpose.

Impoundment. The taking of or picking up of and confinement of an animal by an officer under the provisions of this article.

Leash or lead. A cord, rope, chain or similar device which holds an animal under restraint and is not more than six (6) feet in length.

Livestock. Horses, mules, donkeys, cattle, calves, sheep, goats, pigs, hogs or any other grazing animal.

Microchip. A small chip implanted under an animal's skin that transmits an identification number to an electronic scanner, which provides pet ownership data through cross reference to microchip registry.

Officer. Any law enforcement officer defined in, F.S. § 943.10, or any animal control officer employed by the city.

Ordinance. Any ordinance relating to the care, custody, control of or cruelty to animals enacted by the city, the violation of which is a civil infraction.

Owner. Any person, partnership, ~~or corporation~~ or entity possessing, owning, keeping, caring for, or harboring one or more animals including any custodian or other person in charge of an animal.

Proper enclosure of a dangerous dog. While on the owner's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements.

Public nuisance.

- (1) Any animal which:
 - a. Attacks passersby or passing vehicles without provocation;
 - b. Attacks other animals;
 - c. Is repeatedly at large and not under restraint;
 - d. Trespasses on school grounds;
 - e. Damages private or public property;
 - f. Repetitively barks, whines, howls, chirps, caws, or whistles for a period of five (5) minutes or more so as to disturb adjacent residents; or
 - g. 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.
- (3) The keeping of any wild animal in violation of the provisions of F.S. Ch. 372 and regulations promulgated by the Florida Game and Fresh Water Fish Commission.

~~Shelter. The provision of and access to a three-dimensional structure that has a roof, walls surrounding all sides with exception of a point of entry. The structure must:~~

- ~~(1) Protect the animal from adverse effects of environmental conditions to ensure the animal's good health and comfort by being weatherproof and providing sufficient ventilation and shade.~~
- ~~(2) Provide sufficient room to allow the sheltered animal(s) to stand up, turn around, and lie down comfortably;~~
- ~~(3) Remain free of standing water and excrement;~~
- ~~(4) Be structurally sound and free of hazards that may injure an animal, and;~~
- ~~(5) Wire, grid or slat floors that permit the animal's feet to pass through openings, or sag under the animal's weight, or that otherwise do not protect the animal's feet or toes from injury are prohibited, except structures for birds where perches are provided.~~

~~All of the foregoing minimum standards by which a structure can qualify as shelter and failure of a structure to meet any one or more of the standards set forth in this definition shall result in the structure failing to qualify as shelter.~~Quarantine. A strict confinement, isolation and observation imposed on animal(s) suspected of having rabies or any other infectious zoonotic disease, or premises or other defined geographic areas, to prevent the spread of disease or pests.

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

Sterilized. Rendered permanently incapable of reproduction.

Tease. To intentionally disturb, provoke, interfere with, or annoy any animal.

Tether. To tie or otherwise attach an animal to a stake, pole, tree, or other stationary object without providing direct control and supervision of the animal.

Under restraint. Any animal confined within the premises of its owner or keeper, or under immediate, continuous physical control, secured by a leash or lead.

Unprovoked. The victim what has been conducting himself or herself peacefully and lawfully has been bitten or changed in a menacing fashion or attacked by an animal.

Unsterilized. Any non-spayed or non-neutered animal.

Vicious animal. 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 (2) separate occasions without provocation within a period of one year.

Sec. 4-2. - Prohibited animals.

- (a) Except as permitted by applicable city zoning regulations, it shall be unlawful for any person to keep or harbor livestock; fowl, not including domesticated caged or perched birds kept indoors as pets, such as parrots, cockatoos, macaws, parakeets, cockatiels, and finches; animals that require a special permit by the Florida Fish and Wildlife Conservation Commission or bees in any incorporated area of the city except by special exception permit which may be granted by the chief of police or his designee~~Animal Control Division to allow exotic animals or unique animals if said animals do not create a nuisance, health hazard or danger, and if said animals are not being raised for public consumption. A denial of a special exception permit may be appealed to the city manager.~~
- (b) A violation of this section shall constitute a class A civil infraction, punishable as provided within this chapter.

Sec. 4-3. - Trapping prohibited.

- (a) The use of box traps, food-hold traps, snares, or any other device to capture any animal or fowl within the city shall be prohibited except for use by authorized animal control officers, state agencies, wildlife officers or their contractors to capture or control nuisance animals. This section shall not be interpreted to apply to the use of traps or devices to eradicate mice, rats, rodents, or other vermin.
- (b) A violation of this section shall constitute a class C civil infraction, punishable as provided within this chapter.

ARTICLE II. - ANIMAL CONTROL

Sec. 4-20. - Public nuisance.

- (a) It shall be unlawful for any owner to permit his or her animal to become a public nuisance or for any individual to create a public nuisance as defined herein.
- (b) The owner or keeper of any animal shall immediately remove any excreta deposited by the animal on public walks, recreation areas, or the property of others.
- (b)c) A violation of this section shall constitute a class A civil infraction, punishable as provided within this chapter.

Sec. 4-21. - Running at large.

- (a) It shall be unlawful for any person to permit any cattle, horses, sheep, chickens, ducks, goats, turkeys, dogs, cats, or any other domestic, exotic or wild animals or fowl to run at large in the city except as otherwise provided by law or ordinance.
- (b) A violation of this section shall constitute a class A civil infraction, punishable as provided within this chapter.

Sec. 4-22. - Restraint of animals; generally.

- (a) Animals shall not be allowed outside the confines of their own homes without proper restraint by means of leash, fenced area, electronic barrier, cage/crate, or other physical means of controlling the animal. except as provided in this section.
 - (1) Dogs, cats and small domestic animals shall not be kept outside in crates, whether metal, wood, plastic or other material.
 - (2) 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:
 - (a) Is weatherproof and made of durable materials so as to provides adequate protection from the sun, wind and rain;
 - (b) Provides a solid floor. Wire, grid or slat floors of structures that permit the animal's feet to pass through openings, or sag under the animal's weight, or that otherwise do not protect the animal's feet or toes from injury are prohibited;
 - (c) Provides a solid roof;
 - (d) Contains clean and dry bedding material;
 - (e) Elevated a minimum of six inches from the ground and be free standing of water;
 - (f) 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
 - (g) Provides ingress and egress for the animal to enter and exit the shelter at all times.
 - (h) Be kept in a clean and sanitary condition free from accumulated waste and debris.
 - (3) Any animal left unattended in an outdoor fenced enclosure shall be provided a minimum open space, excluding the shelter(s) within the enclosure, based upon the dog's size as set forth below:
 - (a) Twenty pounds or less (small): Thirty-two square feet.
 - (b) Twenty-one pounds to Fifty pounds (medium): Sixty square feet.
 - (c) Over Fifty pounds (large): Eighty square feet.
 - (d) An additional Sixteen square feet is required for each additional dog.
 - (4) Sufficient food and water shall be provided at all times daily, including weekend and holidays.
 - (5) No animal shall be tethered unless all of the following provisions are met:
 - (a) The animal must be in view of the person responsible for the animal at all times while tethered.

- (b) Animals younger than six months old, older than seven years, or ill shall not be tethered.
- (c) 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.
- (d) 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.
- (e) Prong, choke or chain collars are prohibited in the use of tethering animal.
- (f) Area which the animal may reach while tethered shall be free of entanglements.
- (g) The length and location of the tether must not allow the animal to reach a fence or neighboring property.
- (h) Collar weight shall be appropriate for the animal as determined by a reasonable person.
- (i) A trolley system is permitted.
- (j) An animal may not be tethered in extreme weather, including but not limited to hurricanes, tropical storms or tornados.
- (k) The animal shall have access to a water, shade and a dry and raised area at all times.
- (6) 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.
- (7) Dogs on residentially zoned property shall not be maintained outdoors during periods of extreme weather.
- (b) It shall be unlawful for any operator of a motor vehicle to allow an animal to ride in any unenclosed section of the vehicle without enclosing the animal in a cage that is secured to the vehicle or securing the animal with a restraint device that will not permit the animal to reach the outside perimeter of the vehicle.
- (c) A violation of this section shall constitute a class A civil infraction, punishable as provided within this chapter.

Sec. 4-23. - Public areas.

- (a) It shall be unlawful for any person to bring any animal, except seeing eye dogs, any dog trained to assist the handicapped, or governmental police dog, upon the beaches or parks owned by the city, except as may be provided in chapter 12 of the Fort Pierce City Code, whether or not the animal is under restraint, or in restaurants, grocery stores, or other establishments selling groceries or staple goods. Except that this prohibition shall not apply to outdoor portions of food service establishments when specifically authorized in section 4-23(b).
- (b) As provided by F.S. § 509.233, there is hereby established a local exemption procedure to certain provisions of the Food and Drug Administration Food Code, as currently adopted by the Florida Division of Hotels and Restaurants, to allow patrons' dogs within certain designated outdoor portions of public food service establishments. This exemption shall only apply to those public food service establishments that have received a permit and to those certain designated outdoor portions as identified on the approve permit application.

 - (1) Permit requirements. In order to protect the health, safety, and general welfare of the public, participating public food service establishments shall annually apply for and receive a permit from the City of Fort Pierce before allowing patrons' dogs on their premises. Application for the permit shall be made to the city's planning office and shall be reviewed and approved by both the planning department and the code compliance manager. Applications shall include, along with any other such information deemed reasonably necessary by the city in order to implement and enforce the provisions of this part, the following information:

 - a. The name, location, and mailing address of the public food service establishment.
 - b. The name, mailing address and telephone contact information of the permit applicant.
 - c. A diagram and description of the outdoor dining area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the

entryways and exits to the designated area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the city. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

- d. If any portion of the outdoor dining area includes city rights-of-way, an approved sidewalk café permit must be obtained in conjunction with the application.
 - e. A description of the days of the week and hours of operation which patrons' dogs will be permitted in the designated outdoor dining area.
 - f. A copy of a valid business tax receipt issued by the City of Fort Pierce.
 - g. The annual permit fee for establishing or maintaining a dog friendly outdoor dining area and related inspection fees shall be established by the city commission by resolution. The permit fee shall cover the processing of all paperwork including one on-site inspection to confirm compliance with the regulations outlined in this section. Inspection fees shall be charged for any additional inspections required to complete the processing for the application.
- (2) Reporting. In accordance with F.S. § 509.233(6), the City of Fort Pierce shall prohibit the division of hotels and restaurants and the local department of health with a copy of all approved applications and permits issued on a quarterly basis.
- (3) Regulations and limitations. In order to protect the health, safety, and general welfare of the public, and pursuant to F.S. § 509.233, the following regulations and limitations shall apply to establishments which obtain such a permit:
- a. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs. Employees shall be prohibited from touching, petting, or otherwise handling dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.
 - b. Patrons in the designated outdoor dining area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor dining area.
 - c. Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
 - d. patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
 - e. Dogs shall not be allowed on chairs, tables, or other furnishings.
 - f. All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.
 - g. Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor dining area.
 - h. A sign or signs reminding employees of the applicable rules shall be posted on the premises in a manner and place as determined by the city.
 - i. A sign or signs reminding patrons of the applicable rules shall be posted on the premises in a manner and place as determined by the city.
 - j. A sign or signs shall be posted in a manner and place as determined by the city that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs.
 - k. Dogs shall not be permitted to travel through indoor or non-designated outdoor portions of the public food service establishment, and ingress and egress to designated outdoor dining area of the public food service establishment must not require entrance into or passage through any indoor area of the public food service establishment.
- (4) Expiration of permit.
- a. A permit issued pursuant to this section shall not be transferred to a subsequent owner or upon the sale of other form of transfer of a public food service

establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to re-apply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

b. Permits shall expire September 30 of each year. There shall be a late fee established by the city commission by resolution for failure to renew the permit within five (5) days of expiration.

(5) Complaints and reporting. In accordance with F.S. § 509.233(6), the City of Fort Pierce shall accept and document complaints related to this program and shall report quarterly to the division of hotels and restaurants and the local department of health all such complaints and the city's enforcement response to such complaints.

(c) A violation of this section shall constitute a class A civil infraction, punishable as provided within section 4-90 of this chapter.

Sec. 4-24. - Animal abuse, cruelty, or neglect.

(a) It shall be unlawful for any person to abandon, beat, treat with cruelty, overwork, or otherwise abuse any animal.

(b) It shall be unlawful for any person keeping an animal to fail to provide for that animal:

(1) Clean, sanitary and humane conditions; ~~kennels~~, runs, shelters, and living areas shall be kept clean of animal excrement;

(2) Sufficient quantities of food and fresh water daily; food must be free from contamination and water placed in a container that cannot be tipped over or spilled;

(3) Proper air ventilation and circulation;

(4) Sufficient shelter as defined in this chapter; and,

(5) Medical attention and/or necessary veterinary care when it is sick, diseased or injured.

~~(e) Animals maintained on a tether must be in an area free of objects that may cause entanglements. All tethers must be a minimum of ten (10) feet in length. Choke type or prong type collars shall be used only while the animal is under the handler's direct control.~~

~~(dc)~~ It shall be unlawful for an owner or operator of a motor vehicle to place or confine an animal or allow it to be placed or confined within an unattended motor vehicle without sufficient ventilation or under conditions for such a period of time as may be reasonably expected to endanger the health or well being of such animal due to heat, lack of water, or such other circumstances as may be reasonably expected to cause suffering, disability, or death of an animal.

~~(ed)~~ 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 any animal.

~~(fe)~~ A violation of this section shall constitute a class C civil infraction, punishable as provided within this chapter.

Sec. 4-25. - Animal injury; unlawful killing.

(a) It shall be unlawful for any person injuring any dog, cat, or other domestic animal by any means, including a motor vehicle, to fail to notify the owner of the animal, if known, the police department, or the animal control officer. Any person who, as an operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible.

(b) All domestic animals put to death shall be done so pursuant to F.S. Ch. 828.

(c) A violation of this section shall constitute a class B civil infraction, punishable as provided within this chapter.

Sec. 4-26. - Animal care.

(a) It shall be unlawful for any person to tease or molest an animal.

(b) 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 or persons to dispose of dead animals by use of garbage collection containers.

~~(c) The owner or keeper of any animal shall immediately remove any excreta deposited by the animal on public walks, recreation areas, or the property of others.~~ ~~(dc)~~ Female animals in heat (estrus) shall at all times be kept under restraint or confined within a

building or secure enclosure in such a manner that such female animal cannot come into contact with male animal of like species except for planned breeding.

(ed) A violation of this section shall constitute a class A civil infraction, punishable as provided within this chapter.

Sec. 4-27. - Rabies vaccination required.

(a) The owner or custodian of every dog, cat, and ferret, four months of age and older must obtain and maintain current and valid vaccination against rabies for these animals by a licensed veterinarian, and maintain a certificate of current and valid vaccination, in accordance with F.S. § 828.30.

(b) A dog, cat or ferret shall not be required to be vaccinated against rabies if a licensed veterinarian has examined the animal and has certified in writing that at such time vaccination would endanger the animal's health because of its age, infirmity, disability, illness or other medical considerations. Such exempt animal shall be vaccinated against rabies as soon as its health permits.

(ec) A violation of this section shall constitute a class B civil infraction, punishable as provided within this chapter.

Sec. 4-28. - Rabies tags required RESERVED.

~~(a) Dogs and cats must wear current and valid rabies tags, issued by a licensed veterinarian vaccinating an animal pursuant to this article, securely affixed to a collar or harness at all times except when the animal is being shown in competition. The requirement to wear a rabies tag shall not apply to government owned law enforcement service dogs.~~

~~(b) A violation of this section shall constitute a class A civil infraction, punishable as provided within this chapter.~~

Sec. 4-29. - Rabies control, reporting dog and cat bites, investigations.

(a) In the event any person is bitten by a dog or cat within the limits of the city, such person, or the owner of such dog or cat when he has knowledge of the incident, shall report such incident to a police or animal control officer within twenty-four (24) hours.

(b) Every physician or other practitioner shall report to a police or animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as is necessary for rabies control.

(c) Every licensed veterinarian shall report to the city or animal control officer his diagnosis of any animal observed by him as a rabies suspect.

(d) Animal control officers shall investigate bite cases and initiate action to quarantine involved animals or take other enforcement when necessary to protect public health.

Sec. 4-30. - Limitation on the number of cats and dogs.

(a) It shall be unlawful to own, harbor, or keep more than five (5) domestic animals, four (4) months or older.

(b) This section shall not pertain to breeders that are registered and in compliance with the requirements this chapter. Nor shall it apply to the ownership, care, custody or maintenance, in the ordinary course of business, of any animal by a research or veterinary medical facility, government operated or authorized animal shelter, humane society facility, boarding facility, or commercial pet shop, provided that said shelter, facility, or shop is operating in accordance with all applicable occupational licensing and zoning ordinances.

(c) A violation of this section shall constitute a class B civil infraction, punishable as provided within this chapter.

Sec. 4-31. - Classification of dangerous dogs; requirements.

~~(a) The procedure for classification of dangerous dog shall be as provided for in F.S. Ch. 767. The provisions of F.S. §§ 767.10 through 767.14, and all subsequent amendments regulating dangerous dogs, and defined in F.S. § 767.11(1), are adopted by reference and incorporated herein.~~

(b) The owner of a dangerous dog shall present the city with proof that they have procured liability insurance or a surety bond in the amount of no less than one hundred thousand dollars (\$100,000.00) covering any damage or injury which may be caused by such dangerous dog. Said policy shall contain a provision requiring that the city be given notice

immediately by the agent issuing the policy in the event the policy is canceled, terminates, or expires. Such liability insurance shall be obtained prior to issuing a certificate of registration for the dangerous dog as provided for in this chapter or prior to releasing the dog from impoundment, and shall be maintained so long as the dangerous dog resides within the city.

- (c) An owner transferring ownership of any dog found to be dangerous under this article shall provide written notice to the new owner regarding the dog's classification as dangerous. An owner either, transferring ownership of, or moving the location of, a dog classified as dangerous under this article shall notify the city in writing regarding the new address, or the name, address, phone number of the person receiving the dog. Any person receiving a dog classified as dangerous must comply with all requirements of this chapter.
- (d) A violation of this section shall constitute a class C civil infraction, punishable as provided within this chapter.

Sec. 4-32. - Restraint and confinement of vicious animals or dangerous dogs.

- (a) It shall be unlawful for any owner to keep any vicious animal or dangerous dog, as defined herein, within the city unless it is confined within a secured building or securely fenced enclosure or to allow the animal to be taken outside this confinement without being under restraint and sufficiently muzzled to prevent biting.
- (b) A violation of this section shall constitute a class C civil infraction, punishable as provided within this chapter.

Secs. 4-33—4-49. - Reserved.

ARTICLE III. - REGISTRATION

Sec. 4-50. - Registration required.

- (a) Except as otherwise provided herein, it shall be unlawful for any person to own, keep, harbor, maintain, or have custody of any dog or cat four (4) months or older, within the city, unless such dog or cat is registered in accordance with the provisions of this article.
- (b) Registrations or identification tags shall not be transferred from one animal to another, nor from one owner to another.
- (c) A violation of this section shall constitute a class B civil infraction, punishable as provided within this chapter, except that a violation of the section pertaining to the failure to register a dangerous dog constitutes a class C civil infraction, punishable as provided within this chapter.

Sec. 4-51. - Registration tags required.

- (a) Dogs and cats must wear valid registration tags, issued pursuant to this article, securely affixed to a collar or harness at all times except when the animal is being shown in competition.
- (b) A violation of this section shall constitute a class A civil infraction, punishable as provided within this chapter.

Sec. 4-52. - Registration process and fees.

- (a) The ~~city clerk~~Animal Control Division will administer the registration program and is authorized to adopt rules and procedures necessary to fulfill this responsibility.
- (b) Owners or custodians of dogs and cats requiring registration pursuant to this article, shall register and obtain tags as follows:
 - (1) Within thirty (30) days of acquiring the dog or cat; or
 - (2) Within thirty (30) days after the owner or custodian takes residence in the incorporated areas of Fort Pierce, whichever occurs later.
 - (3) Upon transfer of a previously registered animal to a new owner or custodian, the owner or custodian shall have a period of thirty (30) days within which to comply with the requirements of this article. Except that upon the transfer of a dangerous or vicious dog, as provided in this chapter, the owner or custodian shall have a period of seven (7) days to comply.
- (c) Registrations must be purchased from the ~~city clerk~~Animal Control Division, participating veterinarians, animal shelter, or other agents as approved by the ~~city clerk~~City, except that

- only the ~~city clerk~~ Animal Control Division shall process the registration of vicious or dangerous dogs.
- (1) Applications for registration must include a proof of current and valid rabies vaccination as provided within this chapter, and applications for registration of sterilized dogs or cats must include a sterilization certificate issued by a licensed veterinarian. No registration will be issued without such certifications.
 - (2) Applications for the registration of vicious animals or dangerous dogs must include certificate of liability insurance as required within this chapter. Any registration issued pursuant to the presentation of this certificate, shall immediately become invalid upon an owners failure to maintain such liability insurance. No registration will be issued without such certificate.
 - (3) Fees, applications, and certification information will be forwarded to the city clerk by selling agents as required by administrative rule.
- (d) The registration certificate and tag shall be valid for one year from the date of issuance.
- (e) The registration provisions of this article shall not apply to:
- (1) Any owner or custodian who is a nonresident or temporary resident, as defined herein, provided that the owner's animal has been vaccinated for rabies and this vaccination remains valid for the duration of the anticipated stay within the incorporated areas of the city and that a valid rabies tag is worn as required by this chapter. A "temporary resident" as used herein shall be defined to mean a person who intends to reside within the city for a total period of less than six (6) months during any twelve-month period.
 - (2) The ownership, care, custody or maintenance, in the ordinary course of business, of any animal by a research or veterinary medical facility, animal shelter, boarding facility, or commercial pet shop, provided that said shelter, facility, or shop is operating in accordance with all applicable occupational licensing, code, and zoning ordinances.
 - (3) Government-owned law enforcement service dogs.
- (f) Fees for registrations shall be charged as follows:
- (1) Annual fee for each sterilized cat or dog:\$ 10.00
 - (2) Annual fee for each nonsterilized cat or dog:75.00
 - (3) Replacement tags5.00
 - (4) Non-sterilized cats and dogs that are registered with a veterinarian's certification that the animal's age or health prevents sterilization shall pay the same fee for sterilized cats and dogs.
 - (5) Fees shall be waived for any service dog or cat that is specially trained and actively engaged in service to assist the handicapped; however, these animals must be registered and comply with requirements to wear tags.
- (g) Fees for the registration of dangerous dogs as required within this chapter shall be one hundred dollars (\$100.00), which is in addition to the applicable standard registration fee as provided herein.
- (h) Proceeds from the registration program shall first be used for program administration; and then, remaining proceeds may be used for education and to support free or reduced cost pet spay and neuter programs

Sec. 4-53. - Breeder registration required.

- (a) It shall be unlawful for any person to operate as a cat or dog breeder unless such person has been currently registered as a breeder in accordance with the provisions of this article.
- (b) A violation of this section shall constitute a class C civil infraction, punishable as provided within this chapter.

Sec. 4-54. - Breeder registration process, fees, and revocation.

- (a) All breeders of cats or dogs operating within the city, shall obtain a breeder registration certificate from the city clerk on or before October 1 of each year.
- (b) A breeder registration certificate will not be issued unless the applicant demonstrates compliance with all applicable building, zoning, and business tax codes and ordinances. A breeder registration certificate shall be immediately revoked for failure to maintain compliance with such codes and ordinances.

- (c) The annual fee for breeder registrations shall be one hundred dollars (\$100.00).
- (d) The breeder registration number shall be included in all advertisements for sale of any animals offered for sale or breeding by the breeder.
- (e) The breeder registration certificate shall be nontransferable.
- (f) The breeder's registration certificate shall be immediately revoked upon any conviction for an offense involving cruelty, neglect, or abuse of animals. Breeders convicted of such offenses shall be ineligible for issuance of a registration certificate.
- (g) There shall be no more than one registered breeder per residentially zoned property.
- (h) Proceeds from breeder registration program shall first be used for program administration; and then, remaining proceeds may be used for education and to support free or reduced cost pet spay / neuter programs.

Secs. 4-55—4-69. - Reserved.

ARTICLE IV. - IMPOUNDMENT

Sec. 4-70. - Impounding; authority.

Police and animal control officers are authorized to impound any animal or fowl as provided by this chapter or state law.

Sec. 4-71. - Impoundment; requirement to check for identification.

Upon taking custody of any dog or cat, officers shall inspect the animal for a registration tag and scan the animal for the presence of a microchip in an attempt to gain ownership information required for the completion of duties as described herein. Such inspection and scanning shall be completed prior to any impoundment at an animal shelter.

Sec. 4-72. - Impoundment and disposition; not under restraint, at large, and nuisance animals.

- (a) Any animal or fowl not under restraint, found running at large in the city, or determined to be a nuisance animal, may be taken by or at the direction of an officer and impounded in the animal shelter, and there confined in a humane manner.
- (b) Female animals in heat may be impounded when not kept under restraint or confined within a building or secure enclosure as provided in this chapter.
- (c) When the owner is known and able to take immediate custody of an animal, and the animal is not a danger to public safety or a nuisance animal, officers should return the animal directly to the owner to avoid impoundment and animal shelter fees. However, this shall not prevent officers from taking enforcement action for any violations of this chapter.
- (d) When the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment provide the owner with written notice of such action. If the owner cannot be contacted, but their address is known, the animal control officers will post written notice of the impoundment at this address.
- (e) Upon impoundment, the officer will provide written notice to the animal shelter indicating that the animal is being impounded without a hold pursuant to this section. When known, this notice will include the name, address, and telephone number of the animal's owner.
- (f) Any animal not reclaimed by its owner within five (5) working days shall become the property of the local government authority or animal shelter, and shall be placed for adoption or euthanized. There shall be no requirement to hold a feral or wild animal impounded under this section prior to disposition.

Sec. 4-73. - Impoundment, quarantine, and disposition; animal bites cases and rabies infection.

- (a) When an animal has bitten or aggressively attacked a person or another animal, or is otherwise suspected of being rabid, the animal shall be quarantined for a period of 10 days.
- (b) When the owner of the animal is unknown, there is reason to suspect the animal of being rabid, or when the investigating officer otherwise determines the need for immediate impoundment and secure quarantine:
 - (1) Upon impoundment, the officer will provide written notice to the animal shelter indicating that the animal is being impounded with a hold for ten days pursuant to this

section. When known, this notice will include the name, address, and telephone number of the animal's owner.

- (2) If the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment provide the owner with written notice of such action. If the owner cannot be contacted and their address is known, the animal control officers will post written notice of the impoundment at this address.
 - (3) When known, the owner shall be given written notice of their right to request a hearing. This ten-day period shall allow the owner to apply to a court of competent jurisdiction for remedies that may be available.
 - (4) The owner shall be responsible for the payment of all boarding costs and fees that are required to keep the animal.
- (c) When the owner is known and capable of securely quarantining the animal, as determined by the investigating officer and no suspicion of rabies infection exists:
- (1) A written notice for quarantine shall be issued and direct the owner to keep the animal securely confined and kept from contact with any other animal.
 - (2) The owner may arrange, at their own expense, for the quarantine of the animal in a veterinary hospital, animal shelter, or at another secure site approved by the investigating animal control officer.
 - (3) Should the owner fail to comply with a notice for quarantine, the officer shall immediately impound the animal and quarantine it at an animal shelter, as provided herein.
- (d) Animal control officers shall notify the St. Lucie County Health Department upon any positive indication of a rabies infection in an animal.

Sec. 4-74. - Impoundment, order to provide care, and disposition; mistreated or neglected animals.

- (a) Any police or animal control officer may remove from its present custody and impound, or issue an order to provide care to its owner, any animal found neglected, or cruelly treated pursuant to and in accordance with F.S. § 828.073.
- (b) Animals taken into custody pursuant to this section shall be impounded in the animal shelter, and there confined in a humane manner until a court order is issued or other disposition is taken in accordance to F.S. § 828.073, or until a veterinarian determines euthanasia is necessary pursuant to F. s. §§ 828.012 or 828.122.
- (c) Upon impoundment, the officer will provide written notice to the animal shelter indicating that the animal is to be held pursuant to this section. When known, this notice will include the name, address, and telephone number of the animal's owner.
- (d) When an animal is impounded or an order to provide care is issued pursuant to this section, an animal control officer shall, within ~~two~~ ten (210) business days, petition the county court for a hearing to determine custody and disposition of the animal in accordance with F.S. § 828.073.
- (e) When an animal control officer petitions the county court as provided in this section, then that animal control officer shall have written notice served to the owner or public notice published, at least ~~five~~ three (53) days prior to the court hearing, and in accordance with F.S. § 828.073.

Sec. 4-75. - Impoundment and disposition; animal fighting and baiting.

- (a) Upon a court finding probable cause for a violation of F.S. § 828.122, involving animal fighting or baiting, in application for a search or arrest warrant, or on the arraignment of any person so charged, the investigating officer shall petition the court to issue an order for seizure of any animals or equipment used in committing the violation in accordance with the same law.
- (b) Animals taken into custody pursuant to this section shall be impounded in the animal shelter, and there confined in a humane manner until a court order is issued or other disposition is taken in accordance to F.S. § 828.073, or until a veterinarian determines euthanasia is necessary pursuant to F.S. §§ 828.012 or 828.122.

- (c) Upon impoundment, the officer will provide written notice to the animal shelter indicating that the animal is to be held pursuant to this section. Additionally, when known, this notice will include the name, address, and telephone number of the animal's owner.

Sec. 4-76. - Release of impounded animals; requirements and fees.

- (a) An animal shelter shall not release an animal impounded under this chapter to an owner until the following conditions have been met:
- (1) The owner has paid all fees and costs that would otherwise be charged to the city by the animal shelter.
 - (2) The owner has paid an impoundment fee of fifty dollars (\$50.00), in addition to any other cost charged by the animal shelter.
 - (3) The owner of any dog or cat provides, or acquires through the animal shelter, proof of current and valid rabies vaccination and proof of registration as required within this chapter, except that owners residing outside the city shall not be required to comply with registration provisions within this chapter.
- (b) The animal shelter shall collect all fees required prior to the release of any animal, provide a receipt for same to the owner upon payment, and transmit the collected fees to the city in a manner provided by administrative rule.

Sec. 4-77. - Adoption of animals from city funded agencies.

- (a) No dangerous dog, vicious animal, or animal that has been involved in an unprovoked bite or attack on a person shall be placed for adoption in the event that the owner does not reclaim the animal.
- (b) A humane society, shelter, or other agency funded in any part by the city shall not release a dog or cat for adoption, unless the dog or cat has been sterilized by a licensed veterinarian, or before securing a written agreement for sterilization as provided within F.S. § 823.15.
- (c) A humane society, shelter, or other agency funded in any part by the city shall not release a dog or cat for adoption, unless that dog or cat has been implanted with a microchip as defined by this chapter and sufficient information to locate the adopter is provided to the entity maintaining such data for the microchip manufacturer.
- (d) A humane society, shelter, or other agency funded in any part by the city shall not release a dog or cat for adoption, unless that dog or cat has been vaccinated for rabies as required by this chapter and registered and all tags and certificates as required herein have been issued to the owner, except that dogs and cats adopted by owners living outside the city shall not be required to comply with registration requirements.

Secs. 4-78—4-8987. - Reserved.

ARTICLE V. - ENFORCEMENT

Sec. 4-88. – Duties and powers; immunity from prosecution

- (a) It shall be the duty of the animal control officer to enforce all city ordinances pertaining to animal regulation; to respond to complaints concerning animals running at large, cruelty to animals, injured animals, and animals creating a nuisance; to apprehend dangerous and vicious animals; to issue notice of violation to owners of animals in violation of the city ordinances; to issue citations to owners of animals in violation of city ordinances; to work closely with other city departments in regards to animal regulation; and to perform such other duties and functions as the Animal Control Supervisor and the City Manager may deem necessary in the furtherance of animal regulation in the city.
- (b) For the purpose of discharging the duties imposed by subsection (a) above, where an animal control officer has reasonable grounds to believe that a threat of imminent danger to the health, life or welfare of an animal based on objective observable fact, the animal control officer is empowered to enter upon any private property, not including any dwelling house or structure or fences enclosure, and to demand that the animal or, if applicable, the license tag of the animal, be exhibited to the officer. The officer is empowered to enter upon private property, including fenced enclosures, but not a dwelling house or structure, for the purpose of apprehending a rabies suspect animal, animals in need of immediate medical attention including cruelly treated animals, and vicious animals not properly controlled by the owner. Refusal by any property owner to allow the officer to enter upon such person's property as authorized by this section shall constitute a violation. The animal control officer shall be immune from prosecution, civil or criminal, for reasonable good faith trespass upon real property as authorized by this section.

Sec. 4-89. – Interference with animal control officer prohibited

- (a) No person may knowingly hinder, resist or oppose any animal control officer or other employee of the Division in performance of his or her duties under this chapter; knowingly interfere with any animal trap set by, or at the direction of, such animal control officer; or molest or release any animal caught in such trap, unless directed to do so by an animal control officer.

Sec. 4-90. - Enforcement and penalties.

- (a) Any officer who has probable cause to believe that any person has committed an act in violation of this chapter, or any other ordinance relating to the care, custody, control of, or cruelty to animals, may issue a citation to that person. The determination that a violation has occurred may be the result of the officer's own investigation or as the result of a credible complaint by an aggrieved person.
- (b) Unless otherwise specified, any violation of this chapter, or any other ordinance of the city relating to the care, custody, control, or cruelty to animals, constitutes a civil infraction and may be punishable by a civil penalty not to exceed five hundred dollars (\$500.00). If the person who has committed the violation does not contest the citation, a reduced civil penalty of less than the maximum allowed will be assessed as follows:

Class	First Offense	Second Offense	Third Offense
A	\$50.00	\$100.00	Mandatory Court
B	\$100.00	\$200.00	Mandatory Court
C	\$250.00	Mandatory Court	Mandatory Court

- (c) Within thirty (30) days of the issuance of a citation for a violation of this chapter, the person cited must comply with one of the following options for disposition of the citation:
- (1) Pay the reduced fine, as indicated herein, to the city in the manner provided on the citation form. A person making this election shall be deemed to have admitted the infraction and waived the right to a hearing; or,
 - (2) Request a hearing to contest the citation in county court, as provided by F.S. § 828.27, by contacting the ~~civil infraction hearing coordinator designated by the chief of police~~ St. Lucie County Clerk of Court, in the manner provided on the citation form.
 - ~~i. The civil infraction hearing coordinator will arrange for a hearing before the county court and cause the person contesting the citation, the citing officer, and any witnesses to be notified of the court hearing by summons.~~
 - ~~ii. The civil infraction hearing coordinator may dismiss a citation, prior to scheduling a hearing, when the facts presented are likely to result in an acquittal by the county court.~~
 - iii. The standard of proof in the court hearing shall be a preponderance of the evidence.
 - iiiv. Contesting the citation shall be deemed a waiver of any right to pay the reduced civil penalty, and upon a finding by the court that the civil infraction was committed, the court may order the violator to correct the violation and impose a penalty up to the maximum civil penalty of five hundred dollars (\$500.00) plus all applicable costs of prosecution and court costs, but in no event shall any such civil penalty imposed by the court be less than the reduced civil penalty as provided in this article. The judge may provide for the civil penalty to be paid, and the violation to be corrected, within such time as the county judge determines to be appropriate. If the person found to be in violation fails to pay the civil penalty or to correct the violation within the time provided, a civil judgment shall be entered against that person in the amount adjudicated, and any other lawful sanctions may be imposed by the court.
- (d) Any person that is issued a citation and fails to pay the reduced civil infraction or request a court hearing within thirty (30) days, or any person that requests to contest a citation by scheduling a court hearing and then fails to appear at such hearing, shall be deemed to have waived the right to contest the citation and a civil judgment shall be entered against the person in an amount not to exceed the maximum civil penalty of five hundred dollars

(\$500.00) plus all applicable cost of prosecution, plus court costs, but in no event shall any such civil penalty imposed by the court be less than the reduced civil penalty as provided in this article. However, the court shall have the discretion to continue or reschedule any hearing when it determines that doing so will further the interest of justice.


- (e) Payment of any civil penalty imposed by the county court shall be made to the clerk of court, who shall forward the monies collected to the city.
- (f) Civil penalties imposed pursuant to this article shall be independent of and in addition to any fees, cost, or charges arising from the impoundment or registration of animals as provided in this chapter.
- (g) As provided by F.S. § 828.27, in addition to any civil penalties imposed pursuant to this article there shall be imposed and collected a surcharge of five dollars (\$5.00). The proceeds from such surcharge shall be used to pay the cost of the training for animal control officers.
- (h) Nothing in this chapter shall prevent officers from charging violations related to the care and control of animals as criminal offenses, when so provided by Florida Statutes.
- (i) Nothing in this chapter shall prevent the Animal Control Division Supervisor from dismissing a citation if the violation is corrected or the facts presented are likely to result in an acquittal by the County Court.

Secs. 4-91—4-99. - Reserved

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 3. This Ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM
& CORRECTNESS:



James M. Messer
City Attorney

STATE OF FLORIDA)
ST. LUCIE COUNTY)^{SS}

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 16-015 was duly advertised by title only in the St. Lucie News Tribune on July 22, 2016; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on August 1, 2016; and was duly introduced, read by title only, and passed on second and final reading on August 15, 2016, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 15th day of August, 2016.

Linda Hudson,
Mayor Commissioner

Linda W. Cox,
City Clerk

(CITY SEAL)