

ORDINANCE NO. 295

AN ORDINANCE PROVIDING ANIMAL CONTROL; PROVIDING DEFINITIONS; REQUIRING RABIES VACCINATION; PROHIBITING CRUELTY TO ANIMALS; AND ANIMALS ON PROPERTIES OF OTHERS; DEFINING NUISANCES; REGULATING THE KEEPING OF WILD ANIMALS AND VIOLENT ANIMALS; PROHIBITING ANIMALS AT LARGE; PROVIDING FOR CARE OF INJURED ANIMALS; ALLOWING IMPOUNDMENT OF CERTAIN ANIMALS; PROVIDING FOR CIVIL AND CRIMINAL VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR IMPOUNDMENT FEES; ADOPTION AND REDEMPTION OF ANIMALS; AND ANIMAL SHELTER; REPEALING ORDINANCES, 11A, 20, 54, 64, 77, 107, 109, 135, 143, AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD, IN BAY COUNTY, FLORIDA:

SECTION 1. SHORT TITLE. This Ordinance shall be known as and may be referred to as the "City of Springfield Animal Control Ordinance."

SECTION 2. DEFINITIONS. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) "ADULT" means an animal that has reached five (5) months of age.
- (b) "ANIMAL" means any living, dumb creature including but not limited to fur bearing, feather bearing, scales.
- (c) "ANIMAL SHELTER" means any facility provided by the City either directly or by contract, for the impounded or caring for animals held under the authority of State law or this Ordinance.
- (d) "AT LARGE" means any animal not under "direct control" or "restraint".
- (e) "CITATION" means a written notice issued to a person by an officer with probable cause to believe that the person has committed a civil infraction in violation of this ordinance.
- (f) "CITY" means City of Springfield in Bay County, Florida, acting by and through its Board of City Commissioners.
- (g) "CRUELTY" means any act defined as cruelty by State law and any act of neglect, torture or torment that causes unjustifiable pain or suffering to an animal.
- (h) "DIRECT CONTROL" means either (i) immediate, continuous physical control of an animal by means of a leash, cord or chain, or (ii) aural or oral control if the animal is specially trained to respond to aural or oral commands and the controlling person is at all times clearly and fully within unobstructed sight and hearing of the animal.
- (i) "HEALTH DEPARTMENT" means the Bay County Public Health Unit, a unit of the State of Florida, Department of Health and Rehabilitative Services.

(j) "OWNER" means any person owning, keeping, harboring or otherwise responsible for the charge, care, custody or control of any animal. An animal shall be deemed to be harbored if fed or sheltered for seven (7) consecutive days or more.

(k) "PET" means any animal kept for pleasure rather than utility.

(l) "RABIES VACCINATION" means the vaccination of an animal with an antirabies vaccine approved by the United States Department of Agriculture and administered by a veterinarian.

(m) "RESTRAINT" means securing an animal by a leash, cord, chain, fence, building or other enclosure so that such animal does not leave the property of its owner.

(n) "VETERINARY HOSPITALS" means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

(o) "VICIOUS ANIMAL" means any animal which has bitten or attempted to bite or attack any person or another animal without provocation, or which is known, or should be known, to have a propensity to bite or attack persons or other animals.

(p) "WILD ANIMAL" means any animal, reptile or fowl which is not naturally tame but is of a wild nature or disposition and which, because of its size, ferocious nature or other characteristics would constitute a danger to human life or property if not kept or maintained in a safe manner or in secure quarters or any domestic animal, reptile or fowl which, because of its size or ferocious propensity or other characteristic, would constitute a danger to human life or property if not kept or maintained in a safe manner or in secure quarters.

### VACCINATION

#### SECTION 3. RABIES VACCINATION.

- (a) Once every twelve (12) months, every owner of a dog or cat five (5) months of age or older shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian with a U.S. Government approved rabies vaccine. Vaccination is excused only if a licensed veterinarian certifies in writing that the vaccination would be injurious to the dog or cat's health. In such case, the dog or cat shall be restrained until the dog or cat can be safely vaccinated.
- (b) Proof of vaccination shall consist of a rabies vaccination tag and certificate signed by the veterinarian administering the vaccination.
- (c) Every owner of a dog or cat shall show proof of current vaccination of such dog or cat within seventy-two (72) hours of request for such information by a Law Enforcement Officer.
- (d) No person shall keep any animal as a pet or for breeding purposes which is susceptible to rabies and which cannot be effectively vaccinated against rabies including, but not necessarily limited to skunks, raccoons, foxes, and bats.
- (e) Dogs and cats must wear Rabies vaccination tags at all times when off the premises of their owners unless:

1. The dog or cat is participating in any organized exhibition or field trial, or training for these events, or engaged in a legal sport under competent supervision;

2. A licensed veterinarian directs the removal of the tag in writing for health reasons. In such event, the dog or cat shall be restrained until the veterinarian permits the tag to be placed on the dog or cat.

#### SECTION 4. RABIES OUTBREAKS.

(a) Whenever there is a rabies outbreak, the Health Department may declare an immediate quarantine for such period as necessary.

(b) Whenever a quarantine has been declared, no person shall permit any animal capable of contracting or transmitting rabies which is under his control to be or run at large. Any such animal at large during a quarantine shall be impounded by the Springfield Police Department; provided, however, that if the capture and impounding of such animal cannot be affected safely, the Chief of Police may cause such animal to be destroyed.

#### ANIMAL CONTROL STANDARDS

##### SECTION 5. CRUELTY TO ANIMALS PROHIBITED.

(a) No person shall willfully subject an animal to cruelty. Any person who kills or injures an animal while driving a vehicle shall stop at the scene of the accident and render such assistance as practicable and shall make a reasonable effort to locate and identify himself to the owner of the animal, and shall report the accident immediately to the Springfield Police Department or any other Law Enforcement officer.

##### SECTION 6. ANIMALS IN PARKS.

(a) No owner or other person having custody or control of an animal shall willfully allow such animal into or upon any public park unless under direct control.

##### SECTION 7. FEMALE ANIMALS IN HEAT.

(a) Every owner of any female animal in heat shall restrain her so that she cannot come into contact with another animal except for intentional breeding purposes and the willful failure to do shall constitute a violation of this Ordinance.

##### SECTION 8. ANIMALS AT LARGE PROHIBITED.

(a) No owner or other person having custody or control of any animal shall at all times keep such animal to be at large in the city.

(b) Every owner or other person having custody or control of any animal shall at all times keep such animal under restraint or direct control while in the city.

(c) It shall be a violation of this ordinance for the owner of any animal to tie, chain or otherwise tether an animal in such a manner that it has access to public property or the property of another without the consent of the property owner.

##### SECTION 9. NUISANCES.

(a) The keeping, herding or feeding of hogs, swine, cows, goats or other grazing animals (not to include horses) in pens or otherwise in the City of Springfield is hereby declared to be a nuisance.

(b) The keeping and or maintaining of more than thirty (30) live fowl (chickens, ducks, etc.) in the City of Springfield is hereby declared to be a nuisance.

(c) Any animal which shall do any of the following shall be and is hereby declared to be a nuisance:

1. Harasses passersby or passing vehicles;
2. Attacks other animals;

3. Trespasses on School grounds;

4. Is repeatedly at large;

5. Damages private or public property;

6. Barks, whines, howls, crows, moos, bleats, etc., or otherwise produces any noise in an excessive, continuous, or untimely fashion.

7. Has a communicable or contagious disease that is untreated or does not respond to treatment.

8. Causes or emits an offensive odor which can be detected off the property of its owner.

9. Is kept in a manner which causes a breeding place for flies, lice, fleas, other vermin or disease.

10. Unreasonably interferes with a person's use and enjoyment of his property.

(d) Any nuisance under this Section may be abated in the following manner:

Upon receipt of a complaint from any citizen of the City, the Chief of Police shall have such complaint investigated, and if being satisfied that such nuisance does in fact exist, the Chief of Police or other Law Enforcement Officer shall give notice to the owner of such animal, and the owner of such animal shall within ten (10) days cause such nuisance to cease and the willful failure to do so shall constitute a violation of this Ordinance.

SECTION 10. KEEPING OF WILD ANIMALS.

(a) No person shall willfully keep or permit to be kept on his property any wild animal for display or for exhibition purposes, whether gratuitously or for a fee, without having obtained prior written permission from the City.

(b) No person shall willfully keep or permit to be kept any wild animal as a pet without a permit or other approval from the State.

SECTION 11. VICIOUS ANIMALS.

(a) Every owner of a vicious animal shall restrain such animal in a manner so as to prevent injury to another animal, any person, or the property of another person and the willful failure to do so shall constitute a violation of this Ordinance. This Section shall not apply to animals defending an owner's property or governmental police dogs being used for law enforcement purposes.

## SECTION 12. INJURED ANIMALS.

(a) The Springfield Police Department shall have the responsibility for picking up injured animals within the incorporated areas of the City for which there is no known owner or where an owner cannot be readily contacted. If required, the injured animal will be taken to the nearest open veterinary hospital or to a facility which can provide immediate first aid. The veterinary care shall not exceed thirty-five dollars (\$35). If veterinary care would be futile, the animal shall be immediately disposed of in a humane manner. If the animal is reclaimed by its owner, such owner shall reimburse the Springfield Police Department for all costs incurred relative to the injured animal including first aid and veterinary care.

## SECTION 13. PEN REQUIREMENTS.

(a) The keeping or maintaining of four (4) dogs, over three months old, on the premises of any person in the City of Springfield is declared to be a nuisance unless said dogs are maintained and usually kept in a dog pen having a minimum size of thirty (30) square feet per dog, concrete floor having a ridge around the edge and adequately sloped to a central drain with the drain being piped and connected to the city sewer system or if sewer is not available, to a septic tank of at least two hundred (200) gallons capacity, with a minimum of twenty-five (25) feet of drain field and with running water piped to the edge of the concrete floor and said concrete floor being enclosed by a wall or fence having a sufficient height to prevent the escape of the animals.

NOTE: More than four (4) dogs are not allowed by Springfield ordinance prohibiting the operation of a kennel in the city.

(b) The keeping of one or more horses in the City of Springfield is declared to be a nuisance unless such horses or mules are kept in pastures with fences of sufficient height and strength to prevent their escape, having a area of not less than two (2) acres for each animal and no part of any such pasture shall be located nearer than one hundred (100) feet of any dwelling house.

## ENFORCEMENT

### SECTION 14. IMPOUNDMENT.

(a) All animal control officers or City Police Officers, shall have the authority to pick up, catch, impound or otherwise confine any animal found in violation of this Ordinance.

(b) No person shall willfully refuse to surrender an animal upon lawful demand by an Animal Control Officer or a Police Officer, or interfere with any animal control officer while lawfully apprehending an animal or anyone who may be assisting in such apprehension, or hold, hide, or conceal any animal which an Animal Control Officer or Police Officer to be in violation of this Ordinance, or take or attempt to take an animal from an Animal Control Officer or from any vehicle used to transport animals in the performance of his duties, or take or attempt to take any animal from an animal control shelter without proper authority.

(c) Any person may restrain in a humane manner any animal found in violation of this Ordinance. When such restraint is made, such person shall immediately notify the Chief of Police or any Police Officer. Such person shall treat the animal humanely and shall exercise due care to provide for the animal's safety and well-being. The Springfield Police Department may impound any animal so restrained and process the animal pursuant to this Ordinance.

## SECTION 15. CIVIL VIOLATIONS.

(a) In addition to or in lieu of impounding an animal found in violation of this Ordinance, a Police Officer who has probable cause to believe that a person has committed an act in violation of this Ordinance may either:

1. Issue a warning notice of violation to the owner of the animal, such notice to state the date and time of issuance, the name and address of the person accused, the nature of the offense, a description of the animal involved and a demand that the offense abated within seventy-two (72) hours; or
2. Issue a citation to the owner of the animal, such citation to include the time and date of issuance, the name and address of the person accused, the date of the violation, the description of the violation, the section and number of this Ordinance violated, the name of the issuing officer, the time and date of appearance in County Court and the signature of the person accused.

(b) Any person cited for an infraction under this Section may:

1. Post a bond, which shall be equal in amount to the applicable civil penalty hereinafter set forth; or
2. Sign and accept the citation indicating a promise to appear in County Court as indicated in the citation.

(c) Any person who willfully refuses to post bond or accept and sign the citation shall be in violation of applicable State

law and this Ordinance and shall be punished by a fine not to exceed \$500 or by imprisonment in the County detention facilities not to exceed sixty (60) days or by both such fine and imprisonment.

(d) Any person cited hereunder may:

1. Pay the applicable civil penalty within ten (10) days of the date of receiving the citation, or
2. If he has posted bond, forfeit bond by not appearing in County Court at the designated time and location.

(e) If the person cited follows either of the above procedures, he shall be deemed to have admitted the infraction and to have waived the right to a hearing on the issue of commission of the infraction. Any person electing to appear or who is required so to appear shall be deemed to have waived his right to the civil penalty set forth in Section 15(f) of this Ordinance and shall be subject to the civil penalty set forth in Section 15(g) of this Ordinance.

(f) The civil penalty required for the disposition of an infraction pursuant hereto if the person elects not to protest the citation shall be:

1. First Infraction \$25.00
2. Second Infraction \$35.00
3. Thereafter \$50.00

(g) The civil penalty required for the disposition of an infraction pursuant hereto if the person elects to contest the citation shall be an amount determined by a County Judge not to exceed \$500.00.

SECTION 16. CRIMINAL VIOLATIONS.

(a) Violation of this Ordinance is a misdemeanor and shall be prosecuted in the name of the State in a Court having jurisdiction of misdemeanors by the prosecuting attorney thereof, and upon conviction shall be punished by a fine not to exceed \$500 or by imprisonment in the county detention facilities not to exceed sixty (60) days or both such fine and imprisonment. If any violation be continuing, each day's violation shall be deemed a separate violation. An animal control officer is not authorized to make arrests for criminal violations of this Ordinance.

MISCELLANEOUS

SECTION 17. ANIMAL SHELTER.

The City, either directly or by contract, shall provide an animal shelter for the purpose of maintaining and keeping animals that may be impounded pursuant to this Ordinance.

SECTION 18. ADOPTION AND REDEMPTION OF ANIMALS.

Any animal remaining at the animal shelter over five (5) working days shall become the property of the animal shelter and shall be disposed of in accord with the policies of the operator of the animal shelter.

SECTION 19. IMPOUNDMENT FEES.

The owner or keeper of an impounded animal shall be responsible for and pay such impoundment fees as may be from time to time imposed by resolution of the Springfield City Commissioners and applicable state statutes.

SECTION 20. Ordinance No. 11-A is hereby repealed.

SECTION 21. Ordinance No. 20 is hereby repealed.

SECTION 22. Ordinance No. 54 is hereby repealed.

SECTION 23. Ordinance No. 64 is hereby repealed.

SECTION 24. Ordinance No. 99 is hereby repealed.

SECTION 25. Ordinance No. 107 is hereby repealed.

SECTION 26. Ordinance No. 109 is hereby repealed.

SECTION 27. Ordinance No. 135 is hereby repealed.

SECTION 28. Ordinance No. 143 is hereby repealed.

SECTION 29. This ordinance shall take effect as provided by law.

PASSED IN REGULAR SESSION THIS 4 DAY OF JUNE 1990.

ATTEST:

*J. C. Schaefer*  
CITY CLERK

*Lyndon L. Miller*  
CITY CLERK

EXAMINED AND APPROVED BY ME THIS 4 DAY OF JUNE 1990.

*Lyndon L. Miller*  
CITY CLERK