

**CITY OF SPRINGFIELD
ORDINANCE NO. 398**

AN ORDINANCE PROVIDING ANIMAL CONTROL; PROVIDING DEFINITIONS; REQUIRING RABIES VACCINATION; WILL BE DUE AND REPAYABLE PROHIBITING CRUELTY TO ANIMALS, AND ANIMALS ON PROPERTIES OF OTHERS, DEFINING NUISANCES, REGULATING THE KEEPING OF WILD ANIMALS AND VICIOUS 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, AMENDING ORDINANCE 341 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:

Abandon shall mean to forsake an animal entirely or to neglect or refuse to provide the legal obligation or care of an animal for care by its owner.

Adult means an animal that has reached four (4) months of age.

Animal means any living, dumb creature including but not limited to fur bearing, feather bearing, scales.

Animal Control Officer means any person who is employed or appointed by the City Commissioners and working within the Animal Control Division who is authorized to investigate, on public and private property, ordinance violations, civil infractions or state law violations relating to animal control or cruelty and to issue citations as provided by state law and this ordinance.

Animal Shelter means any facility provided by the City, either directly or by contract, for the

impoundment or caring for animals held under the authority of State law or this ordinance.

At Large means any animal not under "direct control" or "restraint".

Cat means Domestic Felis Catus.

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.

City means City of Springfield, in Bay County, Florida, acting by and through its Board of City Commissioners.

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.

Direct Control means either immediate, continuous physical control of an animal by means of a leash, cord or chain, or 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. Animals trained to aid disabled or handicapped persons and governmental police dogs are deemed to be under direct control while being used for the purposes for which they are trained.

Health Department means the Bay County Public Health Unit, a unit of the State of Florida, Department of Health and Rehabilitative Services.

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.

Pet means any animal kept for pleasure rather than utility.

Rabies Vaccination means the vaccination of an animal with an anti-rabies vaccine approved by the United States Department of Agriculture and administered by a veterinarian.

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.

Shelter shall mean an enclosure with at least three sides, a top and bottom to protect the animal from the elements of the weather.

Veterinary Hospitals means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

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.

Wild Animal means any animal, or 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, cat or ferret four (4) months of age or older shall cause such dog, cat or ferret 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's, cat's or ferret's health. In such cases, the dog, cat or other animal shall be restrained until the dog, cat or other animal 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, cat or other animal shall show proof of current vaccination of such dog, cat or other animal 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, cats and any other domesticated animal must wear rabies vaccination tags at all times when off the premises of their owners unless:

1. Any animal that 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, cat or other animal 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 City's agent for animal control or 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 said animal to be destroyed.

Animal Control Standards

Section 5. Cruelty To Animals Prohibited

(A) The following are hereby declared to be acts of cruelty:

(1) Injure, beat, torture, mutilate or cause torment to any animal, or otherwise cause unjustifiable pain or suffering to any animal;

(2) Neglect or fail to provide food or other nourishment and to provide fresh water daily, shelter (as defined on section 2), exercise, ventilation, or veterinary care to any animal within his/hers possession;

(3) Abandon (as defined on section 2) any animal; if animal has been abandon the Humane Society shall hold the animal in attempt to locate an owner for ten (10) days (includes day of entry) if no owner is found in such time, the animal will be put up for adoption or disposed of a needed in a humane manner.

(4) Run down with a vehicle any animal. Any person who kills or injures an animal while driving a vehicle shall stop and render assistance as is practical, shall make a reasonable effort to locate and identify himself to the owner or to any person having custody of the animal, and shall report the accident immediately to the Humane Society or police department of the city.

(5) Train for and/or promote, allow, encourage or oversee the participation in fighting dogs, fowl, or other animals.

(6) Animals left inside vehicles, and backs of pick-up trucks. No owner shall leave an animal unattended if temperature is above 75 in a vehicle without sufficient shade, ventilation and water.

ACTS OF CRUELTY TO ANIMALS SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ORDINANCE AND FLORIDA STATUES.

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. Animal owners who have their animals with them at a park shall not allow said animal to deposit feces in the park and any feces produced by any animal in any park shall immediately be cleaned up by the animal's owner and properly disposed of.

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 another animal except for intentional breeding purposes, and the willful failure to do so shall constitute a violation of the Ordinance.

Section 8. Animals At Large Prohibited.

(a) No owner or other person having custody or control of any animal shall willfully allow 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 manner that it has access to public property or the property of another without the consent of the property owner.

(d) Pursuant to law, any animal control officer may enter public, fenced or unfenced property within the city to carry out the duties imposed by this chapter.

Section 9. Nuisances.

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

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

1. Molests passerby 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 noises 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, or other vermin or disease.
10. Unreasonably interferes with a person's use and enjoyment of his property.

(c) Any violation of this section shall be a civil infraction.

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 for a fee, without having obtained prior written permission from the City and the required USDA permit.

(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. No wild animal as described in Section 2, of this Ordinance "of a wild nature or disposition and which, because of it's size, ferocious nature or other characteristics would constitute a danger to human life or property " or danger to other domestic animals shall be kept in the City under any circumstances. Properly licensed commercial establishments and businesses (such as, but not necessarily limited to pet shops and permanent or temporary exhibitions) with proper facilities for such animals are exempt from this section.

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.

(b) Classification of a dog as dangerous shall be in accordance with State Statute 767.12. If sufficient cause has been determined by the investigating authority, the City Council or its appointed representatives at owners request may convene a hearing to determine if the animal is to be classified as dangerous. If the animal is determined dangerous then all requirements for appeal and maintaining a dangerous animal in State Statute 767.112 shall apply.

(c) Any animal that has been declared "Dangerous" or "Vicious" shall be impounded if:

1. The animal is loose or unconfined.
2. The animal has bitten a human being or attacked another animal.
3. The animal is permitted to be outside a proper enclosure unless the animal is muzzled and restrained by a substantial chain or leash and under control of a competent person.

(d) Any person who violates any provision of this section is guilty of a non-criminal infraction, punishable by a fine not exceeding \$500.00.

Section 12. Injured Animals.

(a) The Animal Control Officers 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 (\$35.00). If veterinary care would be futile, the animal shall be immediately disposed of in a humane manner. If the animal is reclaimed by the owner, such owner shall reimburse the Animal Control Officers 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 more than three (3) animals, over three (3) months old, on any property in the City of Springfield is declared to be a nuisance. The keeping of four (4) animals shall require the animals be kept inside the residence or in a pen having a minimum size of thirty (30) square feet per animal, 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 sufficient height to prevent the escape of the animals.

Note: The keeping of **more than** four (4) animals is prohibited by Springfield Code, Chapter 4, Article 1, Section 4-11. It prohibits the operation of a kennel or other animal shelters in the City. Kennels or other animal shelters are defined as "keeping of animals for commercial purposes". The presence of more than four animals on any property in the City shall constitute prima facie evidence of keeping said animals for commercial purposes.

(b) Licensed pet shops and licensed businesses which have animals on exhibition and properly comply with humane treatment of animals are hereby exempted from this section.

(c) The keeping of one or more horses in the City of Springfield is declared to be a nuisance unless such horse or mules are kept in pastures with fences of sufficient height and strength to prevent their escape, having an 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 Officer, 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 has deemed 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 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 Animal Shelter or Animal Control 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 a civil infraction in violation of this Ordinance may either:

1. Issue a verbal or written warning of violation to the owner of the animal. Such warning is 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 be abated within seventy-two (72) hours.
2. Any other penalty allowed by State Law.

(b) Any person violating any provision of this Ordinance shall be punishable by a fine of not less than \$25.00 nor more than \$500.00. In addition, the violator shall pay surcharge to the City in the amount of \$2.00 on each civil penalty herein imposed, the proceeds to be use to pay the cost of animal control officers training course. If any violation be continuing , each day's violation shall be deemed a separate violation.

1. The following schedule of fines shall be imposed for the violation of this Ordinance.

(a) Any person to whom a citation for violation of this Ordinance is issued shall pay the fine within thirty (30) days of the date issued or appear in the county court at the time and location designated in the citation.

2. Civil penalties involving uncontested infractions shall be as follows:

- (a) First offense: \$ 25.00
- (b) Second offense \$ 50.00
- (c) Third offense and

thereafter \$100.00

3. Any person charged with an offense or infraction of the Ordinance, who elects to contest such charge shall, upon conviction, pay such penalty as imposed by the court, and the schedule of penalties provided in subsection (b) (2) above shall be deemed minimum fines or penalties.

(c) Any person cited for a civil infraction under this Ordinance may post a bond. Any person who willfully refuses to post a bond or accept the citation issued by an officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. 775.02, 775.03 or 775.084.

(d) A person cited for this Ordinance may be required to appear in county court for certain aggravated violations of a local ordinance resulting in the unprovoked biting, attacking, or wounding of a domestic animal; violations resulting in the destruction or loss of personal property; second or subsequent violations of local animal cruelty laws; or violations resulting in the issuance of a third or subsequent citation to a person. The governing body of the City of Springfield shall maintain records to prove the number of citations issued to the person. Persons required to appear in court do not have the option of paying the fines instead of appearing in court.

(e) If any person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required by the above subsection, the court may issue an order to show cause upon the request of the City. This order shall require such persons to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court.

Miscellaneous

Section 16. 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 17. Adoption And Redemption Of Animals.

If an animal has been confiscated for being in violation of this Ordinance, the owner will have ten (10) days to correct the problem. If in such case the owner does not comply the animal will become the Humane Society's property. Any animal remaining at the animal shelter over three (3) working days shall become the property of the animal shelter and shall be disposed of in accordance with the policies of the operator of the animal shelter.

Section 18. 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. See exhibit A - fee schedule.

Section 19.

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section 20.

This Ordinance shall take effect upon passage.


PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Springfield, Bay County, Florida on the 4th day of January, 2000.

CITY OF SPRINGFIELD



ROBERT WALKER, Mayor

ATTEST:



JOYCE H. MAYNOR
City Clerk

First Reading: December 6, 1999
Published Date: December 17, 1999
Second Reading: January 4, 2000
Ordinance No.: 398

Exhibit A, Fee Schedule

The fee schedule used by the Society is:

Adoption Fees
Fees set by the Humane Society

Impound Fees

1st impound	\$25.00
2nd impound	\$50.00
3rd impound	\$75.00
Bite case impound	\$25.00
Daily board fee	\$05.00
Rabies vaccine fee	\$07.00