

CITY OF SPRINGFIELD  
BAY COUNTY, FLORIDA  
ORDINANCE NO.: 449

AN ORDINANCE OF THE CITY OF SPRINGFIELD AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRINGFIELD (ORDINANCE 410, AS AMENDED), CODIFYING AMONG OTHER ORDINANCES OF THE CITY ORDINANCE 298, AS AMENDED, ORDINANCE 341, AS AMENDED AND ORDINANCE 398, AS AMENDED; AMENDING CERTAIN PROVISIONS OF CHAPTER 14 OF THE CODE OF ORDINANCES, AS AMENDED, RELATING TO ANIMALS; REPEALING ALL CODES, ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. That the index to Chapter 14 of the City of Springfield Municipal Code entitled "Animals", is hereby amended to read as follows:

CHAPTER 14

ANIMALS

ARTICLE I. IN GENERAL

- Sec. 14-1. Definitions.
- Sec. 14-2. Penalties.
- Sec. 14-3. Duty to Surrender Violating Animals, Right of Entry.
- Sec. 14-4. Nuisances.
- Sec. 14-5. Confinement of Dangerous Animals.
- Sec. 14-6. Cruelty to Animals; Injuring Animals, Etc.
- Sec. 14-7. Animal Care, Protection Generally.
- Sec. 14-8. Keeping of livestock or fowl.
- Sec. 14-9. Running at large.
- Sec. 14-10. Rabies Outbreaks.
- Sec. 14-11. Animal Bites and Quarantine.
- Sec. 14-12. Removal of Dead Animals.
- Sec. 14-13. Dead Animals Suspected of Having Rabies.
- Sec. 14-14. Presence in Food Establishments.
- Sec. 14-15. Keeping of Wild Animals.
- Sec. 14-16. Performing Animal Exhibitions.
- Sec. 14-17. Animal Waste.
- Sec. 14-18. Conditions of Commercial Establishments; License.

Sec. 14-19 - 14-40 Reserved.

#### ARTICLE II. IMPOUNDMENT REDEMPTION, ETC.

Sec. 14-41. Generally.  
Sec. 14-42. Use of Firearms  
Sec. 14-43. Animal Shelter Generally.  
Sec. 14-44. Removal from Shelter.  
Sec. 14-45. Adoption of Animals.  
Sec. 14-46. Impoundment Fees.  
Sec. 14-47. Injured Animals.  
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Sec. 14-49. Disposition of Animals with Infectious and Contagious Diseases.  
Sec. 14-50 - 14-66. Reserved.

#### ARTICLE III. DOGS AND CATS

Division 1. Generally  
Sec. 14-67. Rabies Vaccination.  
Sec. 14-68. Restraint.  
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Sec. 14-70. Liability of Dog Owner for Damages.  
Division 2. DANGEROUS DOGS  
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Sec. 14-72. Registration.  
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Sec. 14-74. Exemptions.  
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Sec. 14-76. Interference Prohibited.  
Sec. 14-77. Immunity form prosecution.  
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#### ARTICLE IV. DANGEROUS ANIMALS

Sec. 14-86. Definition.  
Sec. 14-87. Permits.  
Sec. 14-88. Prohibited in Residence Area.  
Sec. 14-89. Exhibition in Specific Locations Prohibited.

#### ARTICLE V. MISCELLANEOUS PROVISIONS

Sec. 14-90. Enforcement by Interlocal Agreement.  
Sec. 14-91. Delegation of Responsibility.  
Sec. 14-92. Designation of Special Magistrates.  
Sec. 14-93. Contest Construction.  
Sec. 14-94. Intent of Ordinance.

Sec. 14-95. State Statutes.  
Sec. 14-96. Ordinance Amendments.

Section 2. That Chapter 14 of the City of Springfield Municipal Code, is hereby amended to read as follows:

CHAPTER 14  
ANIMALS

ARTICLE I. IN GENERAL

Sec. 14-1. *Definitions.*

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

**Adult animal** shall mean any animal over the age of four months.

**Animal control officer (ACO)** shall mean any person designated by the city or employed by the Animal Control Division of Bay County who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this chapter. An animal control officer is not authorized to bear arms or make arrests. In the animal control officer's absence, the code enforcement officer or his designee shall have the same rights and responsibilities as said animal control officer.

**Animal shelter** shall mean any facility operated by or on behalf of Bay County, or other governmental agency, for the impounding or caring for animals held under the authority of this chapter or state law.

**Animals** shall include every living dumb creature.

**At large** shall mean any animal not limited by fence, building, enclosure, or leash to any particular place within the limits of the owner's premises; or fence, unrestrained, and not under the direct control of any person in the immediate vicinity of the owner's premises.

**Auction** shall mean any place or facility where animals are regularly bought, sold, or traded.

**Circus** shall mean a commercial variety show featuring animal acts for public entertainment.

**Commercial animal establishment** shall mean any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition or kennel.

**Control** shall mean the regulation of the possession, ownership, care and custody of animals.

**Dangerous Animal** means and includes any mammal, 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 it is not kept or maintained in a safe manner or in secure quarters; or any domestic mammal, 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.

*\*State law reference-Dangerous dogs F.S. § 767.10 et seq.*

**Direct Control** shall mean immediate, continuous physical control of a dog by means of a leash, cord or chain of such strength to restrain the dog; or in the case of hunting dogs or specifically trained dogs, which dogs immediately respond to aural or other commands, direct control shall include oral control, if the controlling person is at all times clearly and fully within unobstructed sight and hearing of the dog.

**Grooming shop** shall mean a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

**Kennel** shall mean any person engaged in the training, commercial business of breeding, buying, selling or boarding of animals, such as hunting dogs, other than a licensed veterinary hospital where a graduate-licensed veterinarian is in charge.

**Livestock** shall include and mean cattle, hogs, pigs, potbellied pigs, swine, goats, horses, mules, sheep and other domesticated barnyard animals.

**Officer** shall mean any law enforcement officer defined in F.S. § 943.10 or any other animal control officer.

**Ordinance** shall mean any ordinance enacted by the City Commission relating to the control of or cruelty to animals, the violation of which is a civil infraction.

**Owner** shall mean any person owning, keeping or harboring any animals. An animal shall be deemed to be harbored if it is fed or sheltered for seven consecutive days or more.

**Pets** shall mean any animal owned, harbored or kept for pleasure.

**Pet shop** shall mean any person that buys, sells or boards any species of animal except kennels.

**Restraint** shall mean any animal secured by a leash or lead, or under control of a responsible person and obedient to that person's commands, or within the real property limits of its owners.

**Riding school or stable** shall mean any place which has available for hire or boarding any horse, pony, donkey, mule or burro or offers riding instructions. This also includes any private property owner who boards horses on their property.

**Special Magistrate** shall be a resident(s) of the City of Springfield who possesses integrity, responsibility, and an interest in code enforcement. Appointments shall be made by the City Commission. The City Commission may appoint as many special magistrates as are deemed necessary. Appointments shall be for a term of one (1) year. Special Magistrates may be removed from office by the City Commission with or without cause. Compensation for the special magistrate, if any, shall be at the discretion of the City Commissioners.

**Sterilized animal** shall mean any neutered male or spayed female animal that has been operated on to prevent conception or reproduction.

**Veterinary hospital** shall mean any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

**Vicious animal** shall mean any animal which has bitten or attempted to bite or attack a human or a domesticated animal without provocation, or which is known or should be known to have a propensity to bite or attack persons or another animal. In instances where a dog meets both the criteria for a vicious animal and a dangerous dog, the Florida statute for dangerous dog shall apply.

**Wild animal** shall mean any live monkey (non-human primate), racoon, skunk, rabbit, fox, poisonous or non-poisonous snake, leopard, tiger, lion, lynx, rodent, arachnid, crustacean, or any

other animal which can normally be found in the wild state or which cannot ordinarily be tamed.

**Zoological Park** shall mean any facility other than a pet shop or kennel, displaying one or more species of animals.

*\*State law reference- Similar provisions, F.S. § 828.27(1)*

**Sec. 14-2 Penalties.**

**1. Civil Infractions.**

(a) In addition to and not in lieu of impounding any animal found in violation of this article, any person violating any provision of this chapter shall be punished by a fine of not more than \$500.00, as determined by the Special Magistrate of the City. If any violation continues, each day's violation shall be deemed a separate violation. If any person is found by the Special Magistrate in violation of section 5-8, his/her permit to own, keep, harbor or have custody of animals shall be deemed automatically revoked, and no new permit may be issued.

(b) The following schedule of minimum fines shall be imposed for the violation of this chapter.

(1) Any person to whom a citation for violation of this article is issued shall pay a penalty as hereinafter provided and within the time specified by the citation or otherwise appear before the Special Magistrate at the time and place designated.

(2) Minimum civil penalties involving uncontested infractions paid within the time limitation specified in the citation shall be as follows:

- a. First offense: \$50.00 plus impoundment fees, if any.
- b. Second offense: \$75.00 plus impoundment fees, if any.
- c. Third offense: \$100.00 plus impoundment fees, if any.

(3) Any person charged with an offense or infraction of this chapter, who elects to contest such charge shall, upon conviction pay such penalty as imposed by the Special Magistrate, not to exceed \$500.00 per offense, and the schedule of penalties provided in subsection (2) above shall be deemed minimum fines or penalties.

(c) Any citation issued to a person by an officer shall constitute written notice 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 Special Magistrate will hear the charges. 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 the 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 or to contest the citation.
- (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 before the Special Magistrate to contest the citation, then he shall be deemed to have waived his 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.

(d) If a person fails to pay the civil penalty or fails to appear in court to contest the citation, the court may issue an order to show cause upon the request of the council. 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.

## 2. Criminal Offenses

In addition to and not in lieu of impoundment or any civil proceeding to enforce the provisions of this chapter, all criminal violations and offenses shall be processed through the County Court of Bay County, State of Florida, pursuant to Chapter 828 Florida Statutes.

**Sec. 14-3 Duty to Surrender Violating Animals, Right of Entry.**

On demand by any law enforcement officer or other person designated by law enforcement, no person shall refuse to give up or surrender any animal that may be the subject of lawful impoundment, and any such officer or other person may enter upon private property or premises to effect such capture and impoundment, or to enforce any provision of this section.

**Sec. 14-4. Nuisances**

(a) Any animal which shall by barking, biting or howling or in any other way or manner disturb the quiet of any person as more fully described below; any animal with a communicable or contagious disease that is untreated or that does not respond to treatment; any animal which causes or emits unreasonable or offensive odor which can be detected off the premises of the owner or keeper; or the place where the animal is kept in such manner as to cause a breeding place for flies, lice, fleas, or other vermin, or a breeding place for any disease is here by declared to be a nuisance.

(b) No person shall own, possess or harbor an animal or bird that howls, barks, meows, squawks or makes other sounds that:

(1) Create a noise disturbance across a residential real property;

(2) Are frequent or continued duration for ten or more consecutive minutes; or

(3) Are intermittent for a period of 30 or more minutes, providing however, that an animal shall not be deemed to be acting in violation of this section if, at the time of the making of any noise a person is trespassing or threatening to trespass upon the property in or upon which the animal is situated.

(c) A public nuisance shall further mean any animal which:

(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.



(d) Within the municipal boundary it shall be unlawful for any person to maintain, keep, possess or harbor more than four adult dogs or four adult cats in any one residential location or other location, and a violation thereof shall constitute prima facie evidence of creating and maintaining a nuisance.

However the provisions of this section shall not apply to kennels and pet shops as defined in section 14-1, or to veterinary establishments or zoological parks duly and properly licensed for such purposes within properly designated land use/zoned areas of the City.

**Sec. 14-5. Confinement of Dangerous Animals.**

Every dangerous animal shall be confined by the owner within a building or a secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner. The owner shall post and keep posted in a conspicuous place on the premises where the dangerous animal is kept a sign with the words "Dangerous Animal " written thereon in prominent letters and displayed on all boundaries of the property.

**Sec. 14-6. Cruelty to Animals; Injuring Animals, Etc.**

No person shall willfully perform an act of cruelty to animals, which acts shall be deemed to include the following:

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

(b) Neglect or fail to provide food or other nourishment and water, shelter, exercise, ventilation or veterinary care to any animal within his possession.

(c) Abandon any animal.

(d) Run down with a vehicle any animal. Any person who kills or injures a domestic animal while driving a vehicle shall stop at the scene of the accident and render such 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 Animal Control Division or proper law enforcement agency.

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

Acts of cruelty to animals shall be subject to the penalties

provided in 14-2 of this chapter.

*State law reference- Cruelty to animals. F.S. § 828.12.*

**Sec. 14-7. Animal Care, Protection Generally.**

(a) No owner shall fail to provide his animal with sufficient food, water and proper shelter. The owner shall provide his animal with exercise, proper ventilation and veterinary care, when needed to prevent suffering.

(b) No person shall beat, ill treat, torment, overload or otherwise abuse an animal or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.

(c) No person shall abandon a dog or cat and permit it to permanently roam free.

(d) No person except a licensed veterinarian shall crop a dog's ears or tail.

(e) Chickens or ducklings younger than eight weeks of age shall not be sold in quantities of less than 25 to a single purchaser.

(f) No person shall give away any live animal, fish, reptile or bird as a prize for, or as an inducement to enter any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement for the attraction of customers.

(g) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately stop and render such assistance as may be possible and report the injury or death to the animal's owner. If the owner cannot be ascertained or located, the vehicular operator shall at once report the accident to the Animal Control Division or local law enforcement agency.

(h) No person shall expose any known poisonous substance, including anti-freeze, whether mixed with food or not, in a manner which would permit consumption thereof by any animal, provided that it shall not be unlawful for a person to expose rat poison on his own property.

(i) Viable turtle eggs and live turtles with a carapace length of less than four inches shall not be sold, held for sale or offered for any other type of commercial or public distribution.

\* State law references-Cruelty to animals, F.S. §828.12; fighting or baiting animals, F.S. § 828.122; exposing poison, F.S. §828.08.

**Sec. 14-8. Keeping livestock or fowl.**

(a) The term "livestock" as used in this section shall mean cattle, hogs, goats, horses, mules, sheep and other domesticated barnyard animals. The term "fowl" as used in this section shall mean chickens, geese, ducks, turkeys, and other domesticated barnyard fowl.

(b) No person shall keep any livestock within the City limits except that a permit may be issued for a zoological park, stable, kennel, circus or other performing animal exhibition with the approval of the City Clerk or his designee.

(c) It shall be unlawful to keep any fowl within the City limits without first obtaining the written permission of the owners or occupants of all property abutting the premises on which such fowl are to be kept and without further obtaining the written permission of the City Clerk or his designee.

(d) Any livestock or fowl kept within the City limits without the permission or permit required by subsection (b) or (c) shall be subject to impoundment.

(e) In the event that anyone shall procure permission to keep fowl within the City limits or shall otherwise obtain a permit for the keeping of other animals, such fowl or animals shall be kept in a pen, yard or place which shall comply with sanitary conditions required by the State Department of Health, or the County Health Unit.

**Sec. 14-9. Running at large.**

(a) *Livestock or fowl.* It shall be unlawful for any cattle, horses, mules, donkeys, hogs, pigs, potbellied pigs, swine, goats, sheep, chickens, guinea chickens, ducks or geese to run at large, and all such animals found running at large shall be subject to impoundment.

(b) *Dogs or cats.* It shall be unlawful for any dogs or cats to run at large off the owner's premises, and all such animals found running at large shall be subject to impoundment.

**Sec. 14-10. Rabies Outbreaks.**

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

(b) Whenever quarantine has been declared, no person shall permit any animal capable of contracting or transmitting rabies that is under his control to be or run at large. Any animal at large during a quarantine shall be impounded by a law enforcement officer provided, however, if at such time the capture and impounding of such animal cannot be effected safely, the law enforcement officer may slay such animal. Whenever quarantine is in effect, no animal capable of contracting or transmitting rabies may be transported into or out of the county without the written permission of law enforcement.

**Sec. 14-11. Animal Bites and Quarantine.**

(a) It shall be the duty of any person bitten or scratched by an animal, or the owner of the animal if he has knowledge that his animal has bitten or scratched any person, to report the incident to the county health officer for supervised quarantine. The quarantine of stray animals shall be at the animal shelter. Quarantine of the owned animal may be at an approved facility other than the animal shelter and shall be at the owner's expense.

(b) After the investigation of any animal bite case, and it is determined by the investigating officer that the bite was unprovoked, the owner of such animal shall be issued a citation levying a fine of not less than \$100.00.

**Sec. 14-12. Removal of Dead Animals.**

No person shall allow any dead or disabled dog, horse or other animal belonging to him or in his charge, to lie upon any street, alley, road or other public grounds, or private property of others.

**Sec. 14-13. Dead Animals Suspected of Having Rabies.**

Whenever any animal has been slain that is suffering from rabies, or is suspected of having rabies, or has been exposed to another animal known to have, or suspected of having rabies, the head of slain animal shall be immediately delivered to the health department for their inspection. If the occurrence is not during the normal operation of the health department, an animal control officer shall receive the animal or the head of the animal and preserve the same until such time as it may be delivered to the health department.

**Sec. 14-14. Presence in Food Establishments**

Except as otherwise authorized by law, it shall be unlawful

for any owner or custodian of any animal to permit such animal to enter the premises of any business engaged in the preparation, sale or storage of food for human consumption.

*\* State law reference- Animals assisting blind persons, disabled persons, etc. to be allowed in places of public accommodation, F.R.S. 413.08 (1).*

#### **Sec. 14-15. Keeping of Wild Animals**

(a) No Person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not apply to zoological parks, performing animal exhibits or circuses.

(b) If the requirements of Article IV of this chapter are met and a permit from Florida Game and Fresh Water Fish Commission is obtained, animals other than those listed in (c) below may be kept as pets.

(c) Raccoons, foxes, bats, skunks and bobcats will not be allowed to be kept as pets within the City limits.

#### **Sec. 14-16 Performing Animal Exhibitions**

(a) No performing animal exhibition, spectacle, display, act, event or circus shall be permitted in which animals are included or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause or is likely to cause physical injury or suffering.

(b) All equipment used on a performing animal shall fit properly and be in good working condition.

#### **Sec. 14-17 Animal Waste.**

The owner of every animal shall be responsible for the removal of any excreta deposited by his animals on public walks, roadways, right of ways, recreational areas or private property of others.

#### **Sec. 14-18. Conditions of Commercial Establishments; License**

(a) All commercial animal establishments housing animals within the city for any purpose shall be subject to the provisions of this section and all applicable zoning and land use regulations.

(b) The Animal Control Division may revoke any license or permit for failure of the person having the permit or license to comply with the provisions of this chapter or any law governing the protection and keeping of animals.

(c) Any person whose permit or license is revoked shall, within ten (10) days thereafter, humanely dispose of all animals owned, kept or harbored.

(d) Before any permit or license is issued to a commercial animal establishment, the City shall have the animal control officer inspect the premises where the animals are kept to ensure compliance with the provisions of this section. After the license or permit is granted to a commercial animal establishment, the animal control officer shall inspect the premises of the commercial establishment from time to time to ensure continuing compliance with the provisions of this chapter. Should the proprietor of the commercial animal establishment refuse permission to the animal control officer to inspect the premises, the City shall immediately revoke the license or permit of the commercial animal establishment.

(e) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.

**Secs. 14-19 - 14-40 Reserved.**

## **ARTICLE II, IMPOUNDMENT REDEMPTION, ETC.**

### **Sec. 14-41. Generally.**

(a) All animal control officers shall have the authority to pick up, catch confine any animal in violation of this chapter.

(b) No person shall: refuse to surrender an animal upon lawful demand by the animal control 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 the animal control officer has deemed to be in violation of this chapter; take or attempt to take any animal from an animal control officer or from any vehicle used by him 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. No person shall tamper or damage traps nor remove animals from traps.

(c) Pursuant to law, any animal control officer may enter public or unfenced private property within the county, except residential buildings, to carry out the duties imposed by this chapter.

(d) A property owner or tenant may restrain in a humane manner any animal on his property in violation of this chapter. When such restraint is made, the property owner or tenant shall immediately notify the Animal Control Division. Until the animal control officer arrives, the property owner or tenant shall use all reasonable effort to treat the animal humanely and shall exercise due care to ensure the animals safety and well being. The animal control officer may impound any animal restrained by a property owner or tenant, as described above, and shall dispose of the animal pursuant to this chapter.

(e) All animals which are impounded and are not suffering from or suspect to have an infectious or contagious disease shall be held for the owner's redemption for not less than three consecutive days; however, the animal will be available for adoption by the general public on the fourth and fifth days. However, notwithstanding the foregoing, if after 24 hours of observation, animal control believes the animal to be feral or wild, then animal control has the option to euthanize the animal at that time. In instances when the owner of an impounded animal can be determined, the animal control facility shall make a reasonable attempt to contact the owner before disposition of the animal.

(f) Any animal not claimed or adopted at the end of the fifth consecutive day, or after the quarantine period for animals impounded pursuant to section 14-11, or any animal finally determined to be a vicious animal as set forth herein, shall become property of the county and shall be disposed of in a humane manner.

#### **Sec. 14-42. Use of Firearms.**

Whenever an animal which may be subject of impoundment by law enforcement cannot be reasonably captured, or where such capture and impoundment cannot be effected safely, any law enforcement officer or any other person designated by a law enforcement officer may use firearms to stop or slay such animal; such use of firearms shall not subject such persons to prosecution for violation of any ordinance relating to the discharge of firearms within the city.

#### **Sec. 14-43. Animal Shelter Generally.**

The City may contract with a duly authorized and licensed independent contractor or other public entity to keep and maintain a facility to be known as the animal shelter for the purpose of independently maintaining and keeping dogs, cats and other animals that may be impounded.

**Sec. 14-44. Removal from Shelter.**

No person shall remove any animal from the animal shelter unless all applicable requirements of this chapter are complied with.

**Sec. 14-45. Adoption of Animals.**

(a) The following provisions shall govern the adoption of animals that have been placed in the animal shelter:

- (1) Only animals observed and believed by animal control to be adoptable shall be placed for adoption.
- (2) Adoption papers may be signed by only persons over 18 years of age.
- (3) Animals shall not be given in adoption for experimental purposes.
- (4) Any person adopting the animal shall sign an agreement to care for the animal in a manner acceptable by the county.
- (5) The owner or person adopting or reclaiming the animal shall pay the required fees indicated below before the release of the animal:
  - a. Any required license fee.
  - b. If the animal is required to be vaccinated against rabies and had not been so vaccinated, a reasonable fee for such vaccination. A numbered receipt and a duplicate shall be given upon payment of the fees, and any veterinarian may honor the duplicate or veterinarian's copy of the receipt for a rabies inoculation.
  - c. Any required impound fees, boarding fees and/or adoption fees.

(b) A dog or cat claimed by the owner shall not be required to be neutered or spayed before its release to the owner. However, such action shall be encouraged.



(c) The county may demand and reclaim for any good and reasonable cause and at any time, any animal that has been released for adoption from the shelter, and no person shall refuse to surrender any such animal on demand by any law enforcement officer.

(d) The provisions of subsection (a) of this section shall not apply to livestock or fowl. Authority to impound livestock is controlled by Florida Statute Chapter 588.

**Sec. 14-46. Impoundment Fees.**

The owner or keeper of an impounded animal shall be responsible for and shall pay the following impoundment fees:

(1) Impoundment fees:

- a. For the First Impoundment: \$25.00;
- b. For the second impoundment of the same animal or the second animal belonging to the same owner: \$50.00;
- c. For the third or any subsequent impoundment of the same animal or the third or subsequent time an animal is impounded that belongs to the same owner: \$75.00

(2) Animals in estrus: Impoundment fees charged to the owners or keepers of animals in estrus, not confined in a secure enclosure shall be as set forth above.

**Sec. 14-47. Injured Animals.**

The Animal Control Division shall have the responsibility for picking up injured dogs and cats for which there is no known owner or where an owner cannot be readily contacted. If required, the injured dog or cat 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 \$75.00. If veterinary care would be futile the dog or cat shall be immediately disposed of in a humane manner. In addition to the cost incurred for the first aid, veterinary care and boarding fees, the owner shall be assessed the appropriate impoundment, rabies, licensing and other approved fees of the dog or cat in question is found to be in violation of this chapter.

**Sec. 14-48. Voluntary Impoundment.**

(a) Any dog or cat delivered to the animal shelter by a resident of the city served by the Animal Control Division shall be impounded if proper ownership of the animal cannot be determined. Such a dog or cat shall be impounded for five consecutive days at a boarding fee of \$5.00 per day. Upon delivering a stray dog or cat to the animal shelter, a citizen must sign a statement that the dog or cat was found in the area serviced by the Animal Control Division and that to the best of his knowledge there is no known owner. A person reclaiming such a dog or cat brought for impoundment by a private citizen shall be assessed the appropriate impoundment fee and boarding fee, and if the animal is not currently licensed (when required) and vaccinated, the claimant shall have 72 hours to produce proof of rabies vaccination.

(b) Any resident of the city that is served by the Animal Control Division desiring to give up ownership of a dog or cat shall transfer ownership of the dog or cat to the County.

**Sec. 14-49. Disposition of Animals with Infectious and Contagious Diseases.**

Any animal impounded by an animal control officer shall be kept for five consecutive days at a boarding rate of \$5.00 per day, including the first day of impoundment. However, impounded animals which are suffering from or suspected of having an infectious or contagious disease may be disposed of in a humane manner before the five-consecutive-day period expires.

**Sec. 14-50 - 14-66. Reserved.**

**ARTICLE III. DOGS AND CATS**

**Division 1. Generally.**

**Sec. 14-67 Rabies Vaccination.**

(a) All dogs, cats, ferrets 4 months of age shall be vaccinated against rabies by a licensed veterinarian with the U.S. Government approved rabies vaccine. A second vaccination shall be given one year after the initial vaccination. This vaccination will be recognized for its "duration of immunity" - either one or three years. 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 confined to an enclosed building or kennel 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. The certificate and the rabies vaccination tag shall be displayed about the dog's neck at all times. The wearing of a rabies vaccination tag by a cat shall be left to the discretion of the animal's owner. No other tag shall be valid. A rabies vaccination tag and certificate issued for one dog or cat shall not be valid for any other dog or cat.

(c) It is unlawful for any person to remove the rabies vaccination tag of any currently vaccinated dog unless:

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

(2) A licensed veterinarian direct the removal of the tag in writing for health reasons. In such event, the dog shall be confined until the veterinarian permits the tag to be placed on the dog.

(d) It is unlawful for the owner of a dog or cat to refuse to show proof of current vaccination of such dog or cat within 72 hours of request for such information by an animal control officer.

#### **Sec. 14-68. Restraint.**

(a) No owner of any dog shall allow their animal to run or remain at large on any public street, road, alley, park or other public place, or beach (except that a dog may be on the foregoing so long as the dog is under the direct and immediate control of the owner); nor shall the owner permit their animal to run or remain at large upon any private property, whether under direct control or not, without the consent of the owner of such private property. This section shall not apply to any dog trained to aid disabled or handicapped persons when such dog is actually being used for this purpose, or to any parks in which animals are specifically authorized by the City.

(b) The owner of any female dog or cat in estrus shall keep such dog or cat in a building or a secured kennel in a manner to prevent the female dog or cat coming into contact with a male dog or cat, except for intentional breeding purposes.

(c) This section shall not apply to:

- (1) Any dog actually engaged in a legal sport.
- (2) Any dog or cat being showed or trained.
- (3) Dog guides or services dogs specially trained to assist deaf persons, totally or partially disabled persons.
- (4) Government Police Dogs.

Sec. 14-69. Reserved

**Sec. 14-70 Liability of Dog Owner for Damages.**

The owner of any dog shall be responsible for all injuries to the person or property of another, regardless if the injury or damage occurs on his or her own property, committed by such dog within the city and shall be liable in damages to such other person for all such injuries.

**DIVISION 2. DANGEROUS DOGS**

**Sec. 14-71. Classification.**

The division shall be know as the "City of Springfield Dangerous Dog Ordinance."

(a) F.S. § 767.10 through 767.16. 1997, inclusive are hereby incorporated herein.

The following procedures are hereby established in accordance with F.S. §767.12;

(1) The Animal Control Division shall promptly investigate incidents reported within 30 days of the occurrence involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, including any animal control officer or code enforcement officer, desiring to have a dog classified as dangerous. Any physician, hospital, emergency treatment center, or law enforcement officer encountering evidence of an animal attack shall promptly notify the Animal Control Division of such attack. Any animal that is the subject of a dangerous dog investigation, that is not impounded with the Animal Control Division, shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification. The address of where the animal resided shall be provided to the

Animal Control Division. No dog that is subject of a dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog classification. In the event the dog is to be destroyed, the dog shall not be relocated or ownership transferred.

(2) A dog shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared as dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack of assault.

(3) After the investigation, the Animal Control Division shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall afford the owner an opportunity for a hearing prior to making a final determination. The Animal Control Division shall provide written notification of the sufficient cause finding, to the owner, by registered mail, certified hand delivery, or service in conformance with the provisions of F.S. Ch. 48 relating to service of process, with a copy to the Special Magistrate as agent for the City. The owner may file a written request with the Special Magistrate for a hearing within seven calendar days from the date of receipt of the notification of the sufficient cause finding, and if requested, the hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than five days after the request from the owner. The hearing shall be conducted before the Special Magistrate.

(4) If the owner or keeper cannot appear at any hearing scheduled by the Special Magistrate, he or she shall contact the Animal Control Division no later than 24 hours prior to the hearing, requesting a continuance to the next available date. If the owner or keeper fails to appear at the rescheduled classification hearing, the owner or keeper of such animal shall be deemed to have waived his or her right to appear at such hearing. In such case the Special Magistrate shall proceed with the hearing and shall notify the owner or keeper in writing of the findings of the Special Magistrate.

(5) Once a dog is classified as dangerous dog, the Special Magistrate shall provide written notification to the owner by registered mail, certified hand delivery or service, and the owner may file a written request for a hearing in the proper court of competent jurisdiction to appeal the classification and must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal.

**Sec. 14-72. Registration.**

(a) Within 14 days after a dog has been classified as dangerous by the Special Magistrate or a dangerous dog classification is upheld by the review court on appeal, the owner of the dog must obtain a certificate of registration for the dog from the Animal Control Division. The certificate shall be renewed annually. Certificates of registration and renewals thereof shall be issued only to persons who are at least 18 years of age and who present to the Animal Control Division sufficient evidence of:

(1) A current certificate of rabies vaccination for the dog;

(2) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property;

(3) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.

(4) Payment of all fees prior to the release of the animal from the shelter.

(b) An annual fee for the issuance of certificates of registration required by the section may be established by resolution of the City Commission. In the absence of resolution establishing another fee, the fee shall be \$50.00

(c) The owner of a dangerous dog shall immediately notify the Animal Control Division when a dog that has been classified as dangerous:

(1) Is loose or unconfined;

(2) Has bitten a human being or attacked another animal;

(3) Is sold, given away, or dies; or is moved to another address.

(d) Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the Animal Control Division. The new owner must comply with all of the requirements of Florida Statutes and this division, even if the animal is moved from one local jurisdiction to another within the state. The animal control officer must be notified by the owner of a dog classified as dangerous that the dog is in his jurisdiction.

**Sec. 14-73. Unlawful acts.**

It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within his sight and only members of his immediate household or persons 18 years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle. Violations of the "Dangerous Dog" statute and ordinance shall include a fine of at least \$200.00 per violation.

**Sec. 14-74. Exemptions.**

(a) Any dog that is owned, or the service of which is employed, by a law enforcement agency, or any dog that is used as a service dog for blind, hearing impaired, or disabled persons, and that bites another animal or human is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination that was administered by a licensed veterinarian:

(b) Hunting dogs are exempt from the provisions of this division when engaged in any legal hunt or training procedure. Dogs engaged in training or participating in legal sports such as obedience trials, conformation shows, field trials, hunting/fishing trials, and herding trials are exempt from the provisions of this act when engaged in such legal activities. However, such dogs at all other times shall be subject to other Florida Statutes and applicable ordinances. Dogs that have been classified as dangerous shall not be used for hunting purposes.

(c) This division does not apply to dogs used by law enforcement officials of law enforcement work.

**Sec. 14-75. Vicious animals.**

(a) A vicious animal is hereby declared to be a public nuisance and it shall be unlawful for any person to own, keep, harbor or maintain any vicious animal.

(b) Any animal control officer, law enforcement officer, or code enforcement officer may impound a vicious animal.

(c) Once a vicious animal is impounded pursuant to this

section, the owner may file a petition for the return of custody of the animal to the Special Magistrate within seven days of the date of impoundment or else the animal shall be retained by the Animal Control Division and disposed of pursuant to section 14-41. In the event that owner requests a hearing for a determination that the animal is not a vicious animal and for a return of the animal, the Animal Control Division shall retain custody of the animal and dispose of said animal pursuant to section 14-41 upon a final determination by the special magistrate that the animal is a vicious animal. Should the Special Magistrate find the animal not to be a vicious animal, the animal shall be returned to the owner with no boarding charges.

**Sec. 14-76. Interference prohibited.**

It shall be unlawful for any person to interfere with, hinder or refuse to allow the removal of an animal by any animal control officer, law enforcement officer or code enforcement officer.

**Sec. 14-77. Immunity from prosecution.**

Any animal control officer, law enforcement officer or code enforcement officer is immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property or injury to animals while in the discharge of duties imposed by this division.

**Sec. 14-78 - 14-85. Reserved**

**ARTICLE IV DANGEROUS ANIMALS**

**Sec. 14-86. Definition.**

*Dangerous Animal* means and includes any mammal, 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 it is not kept or maintained in a safe manner or in secure quarters; or any domestic mammal, 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.

\* State law reference-Dangerous dogs, F.S. § 767.10 et seq.

**Sec. 14-87. Permits**



(a) It shall be unlawful for any person to keep or maintain within the city any dangerous animal unless a special dangerous animal permit is first obtained from Animal Control Division.

(b) The Animal Control Division shall issue a special permit for the keeping or maintenance of a dangerous animal if it finds:

(1) That the animal is at all times kept or maintained in a safe manner and that it is at all times confined securely so that the keeping of the animal will not constitute a danger to human life or property of others.

(2) That adequate safeguards are made to prevent unauthorized access to such animal by members of the public.

(3) That the health and well being of the animal is not in any way endangered by the manner of keeping or confinement.

(4) That the keeping of the animal does not constitute a nuisance and will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood.

(5) That the keeping of such animal will not create or cause offensive odors or constitute a danger to public health.

(6) That the quarters in which such animal is kept or confined are adequately lighted and ventilated and are so constructed that they may be kept in a clean and sanitary condition.

(7) That the applicant for such special permit has proven his ability to respond in damages to and including the amount of \$100,000.00 for bodily injury or death of any person or for damages to property owned by any other person, which may result from the ownership, keeping or maintenance of such animal. Proof of liability to respond in damages may be given by filing with the Health Officer a Certificate of Insurance at the time of the application, reflecting such coverage for the permit period prohibiting cancellation of the insurance without ten days' written notice being first given to the Health Officer. Proof of ability to respond in damages shall be required for any renewal of the permit.

(8) That the location for which the permit is requested or keeping of the dangerous animal conforms to the provisions of the city code.

(9) That no person lives or resides within 100 feet of the quarters in which the animals are kept.

(c) The Animal Control Division investigating any applicant for a permit, or in the enforcement of this section, is

authorized to consult with and seek the advice of the Society for the Prevention of Cruelty to Animals, the animal control department of the City or any other individual agency or organization which may be able to provide information and advice concerning the keeping of dangerous animals.

(d) Prior to the annual renewal of any special permit issued pursuant to this section and at such intervals, as the officer may deem appropriate, the Animal Control Division shall inspect the premises subject to such permit to determine whether the person to whom it has been issued is continuing to comply with all of the conditions set forth in this article. If the Animal Control Division determines during any inspection that any of the conditions hereof are being violated, he shall refuse to renew any special permit or revoke the special permit if the violation is not corrected within a reasonable period of time as he might direct. A fee of \$10.00 shall be charged for each inspection.

(e) In no event shall a permit be issued for the keeping of more than two dangerous animals at a single location. The provisions of this subsection shall not apply to licensed pet shops, menageries, zoological gardens, circus, bona fide licensed veterinary hospitals for treatment of such animals or medical institutions maintained for the purpose of instruction of study of such animals.

(f) No permit shall be issued for the keeping of dangerous animals unless all provisions of this article are complied with and a fee of \$25.00 paid to the Animal Control Division.

**Sec. 14-88. Prohibited in Residence Areas.**

It shall be unlawful for any person to keep or maintain any dangerous animal in the city where residential uses are permitted.

**Sec. 14-89. Exhibition in Specific Locations Prohibited.**

Within the City limits it shall be unlawful to keep or exhibit a wild animal (other than birds or fowl) at a roadside stand or market located along a public street or highway of or in the City, a shopping plaza, a gasoline station, a shopping mall, or a part of the premises thereof.

**ARTICLE V MISCELLANEOUS PROVISIONS**

**Sec. 14-90 Enforcement by Interlocal Agreement.**

The City shall have the right to contract with Bay County, Florida, for the enforcement of this Ordinance by Interlocal agreement, or alternatively, with any private entity for the like purposes.

**Sec. 14-91. Delegation of responsibility**

The City of Springfield does hereby delegate the responsibility of this Ordinance to Bay County, Florida, subject to the terms of the Interlocal Agreement.

**Sec. 14-92. Designation of Special Magistrates**

The City shall designate and appoint a Special Magistrate or continue to utilize its hearing officer/special magistrate for the enforcement of this Ordinance and pursuant to the provisions of Chapter 162, Florida Statutes.

**Sec. 14-93. Contest Construction.**

Should the services of this agreement revert to the City of Springfield, the term "Bay County" shall refer to the City of Springfield, where the context so requires, or if this agreement is enforced through the services of a private entity, the name of the private entity shall be substituted in the place of Bay County, if the context so requires.

**Sec. 14-94. Intent of Ordinance.**

This Ordinance is substantially similar to an ordinance adopted by the Board of County Commissioners of Bay County, Florida, who will have the responsibility of enforcing this Ordinance, together with their own ordinance. It is the intent of this ordinance and the county's ordinance to be consistent in format, context and construction, and both should be construed to achieve that result, except where the ordinance of the County could not permit such construction.

**Sec. 14-95. State Statutes.**

The provisions of Chapter 828 and Section 823.15, Florida Statutes, as may be amended or superseded, are by reference made a part hereof. In the event of any conflict between the provisions of this Ordinance and the Florida Statutes adopted by reference, the Florida Statutes shall prevail.

**Sec. 14-96. Ordinance Amendments.**

This ordinance may be amended from time to time by Resolution.

Section 3. All Codes, Ordinances and/or Resolutions or parts of Codes, Ordinances and/or Resolutions in conflict herewith be and same are hereby repealed to the extent of the conflict.

Section 4. If any section, subsection, sentence, clause, phrase of this Ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses or phrases under application shall not be affected thereby.

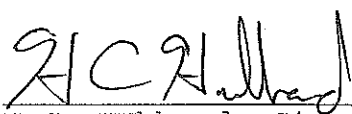
Section 5. This Ordinance shall become effective immediately upon its passage.

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the City Commission of the City of Springfield, Florida this 1<sup>st</sup> day of May, 2006.

CITY OF SPRINGFIELD, FLORIDA

By   
Robert E. Walker, Mayor

**ATTEST:**

  
H.C. HUBBARD, City Clerk

First Reading: April 3, 2006  
Date Published: April 6, 2006  
Second Reading: May 1, 2006