

ORDINANCE NO. 130

AN ORDINANCE RELATING TO ANIMALS, REQUIRING INNOCULATION FOR RABIES, PROVIDING FOR A LICENSE TAX, PROVIDING FOR APPOINTMENT, DUTIES AND COMPENSATION OF PERSONNEL INVOLVED IN ANIMAL CONTROL, PROVIDING PROCEDURES FOR PUBLIC EMERGENCY, PROHIBITING CERTAIN ACTS CONSTITUTING A NUISANCE, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING PENALTY FOR VIOLATION THEREOF, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Mexico Beach, Florida has determined that it is necessary for the protection and preservation of the peace, safety, health and property of the town and its inhabitants, that this ordinance be enacted, therefore

BE IT ORDAINED BY THE PEOPLE OF THE TOWN OF MEXICO BEACH, FLORIDA:

Section 1. Definitions:

A. "Owner": Any person, firm, corporation, association, or any combination of the foregoing owning, harboring, keeping or controlling an animal or animals within the Town.

B. "Beach": That portion of the Gulf Beaches within the Town of Mexico Beach lying seaward of the mean high water line and which, for the purpose of this Ordinance, is presumed to be that soft, sandy beach area lying seaward of the most seaward dune line or the most seaward primary vegetation line.

Section 2. From and after the effective date of this Ordinance no Owner or other person having charge, care, custody or control of any dog, cat or other animal shall cause, permit or allow such animal or animals into or upon any beach, which causing, permitting or allowing is hereby made unlawful.

Section 3. No owner or other person having charge, care, custody or control of any dog shall allow, or permit any dog to run at large or roam at will over and through the beaches, streets, alleys, parks and other tracts of land within the corporate limits of Mexico Beach. All dogs must be kept on a leash not to exceed 10 feet, or in a fenced yard or otherwise confined.

Section 4. Rabies Innoculation. It shall be unlawful to keep within the town any dog unless the owner or keeper shall have obtained from a veterinarian authorized by law to practice in the State of Florida, a certificate showing that such dog has received treatment to render it immune to rabies.

Section 5. License. Any person owning or keeping any dog within the town shall pay to the town an annual license tax of \$5.00 for each dog. The offspring of any female dog owned or kept for breeding purposes shall be exempt from license tax until it has been weaned from its mother. The annual license tax on dogs shall become due one year from date of issuance. Upon receipt of the license tax required hereunder and upon furnishing of due proof of current inoculation for rabies, the Town Clerk shall issue a metal license tag, to be furnished by the town, bearing a serial number and the year for which the tax has been paid. Such license tag shall be attached to a substantial collar, to be provided by the owner or keeper of the dog, and shall not be transferrable or applicable to any other than the dog for which it was originally issued. Any dog found within the town without a current license tag, running at large, shall be impounded as provided herein, and the owner or keeper thereof may be punished as provided herein.

Section 6. Animal Control. The Town Council may appoint one or more persons who shall, under the supervision of the Chief of Police, assist the Chief of Police in the enforcement of the provisions of all ordinances and regulations of the Town of Mexico Beach concerning animals and said person or persons shall have the authority, under the supervision of the

Chief of Police to seize and impound any animal which he has reasonable grounds to believe is subject to impoundment under the provisions of this ordinance or any other ordinance or regulation of the Town of Mexico Beach. The person or persons so appointed shall be compensated in accordance with Section 7(1) of this ordinance.

Section 7. Impoundment. Whenever any animal shall be impounded under the provisions of this ordinance, the Chief of Police shall make an effort to locate the owner thereof. If the owner cannot be found, the Town Clerk shall post a notice for five (5) days at the door of the Town Hall, describing the animal and requiring the owner to reclaim the same. In order to reclaim any impounded animal the owner or keeper thereof shall be required to pay the impounding charges, together with an additional fee to be determined by the Town Council to defray costs incurred by the Town of Mexico Beach pursuant to said impoundment.

(1) For each animal apprehended in violation of this ordinance a fee of Five (5) Dollars will be paid to the duly authorized person appointed for this duty.

(2) For each day that said apprehended animal is detained in the animal shelter (pound) a subsistence fee of Two (2) Dollars will be paid to the shelter (pound).

(3) A fee of Five (5) Dollars will be paid to the shelter (pound) for each animal exterminated in accordance with existing statutes.

(4) To retrieve an animal that has been impounded, the owner will be required to pay all fees that were necessary to impound the animal plus fees for immunization and tag if not previously purchased and registered.

(5) Copy of this ordinance to be furnished to the City of Port St. Joe, Florida.

Section 8. Public Emergency. When it shall be made to appear that danger to the inhabitants of the Town from mad, infected, diseased or rabid dogs or other animals is imminent, the Chief of Police, or another town official or employee designated by him or the Town Council shall immediately report to the Mayor who may, thereupon issue a proclamation requiring that any person owning or having possession of any dog or other animal shall confine such animal securely upon his own premises during the period of the emergency. Notice of such proclamation shall be published by every means reasonable or expedient, including hand bills, newspapers and radio. The Chief of Police and other officials acting under his supervision, shall be authorized to either impound or destroy without notice to the owner any dog or other animal reasonably believed to be infected, diseased or rabid and found running at large in violation of such proclamation. Whenever any animal has been slain, that is either suspected of having rabies or been exposed to another animal known to have or suspected of having rabies, the head of the slain animal shall be immediately delivered to the Health Department for inspection or testing.

Section 9. This ordinance shall not apply to any dog or dogs trained to aid disabled or handicapped persons, when such dog or dogs are actually being used to assist such persons.

Section 10. Nuisance.

A. Any dog or other animal within the city limits, regardless of whether confined or not confined, which shall be barking, biting or howling or in any other way or manner disturb the quiet of any person or persons whomsoever, or which may conduct himself on private premises as to cause harm thereto or annoyance to the owner thereof, or any dog or other animal with a communicable or contagious disease, if untreated or not responding to treatment, or any dog or dogs, or any other animal confined or not confined, which cause an unreasonable or offensive odor which can be detected off the premises of the owner or keeper, or any dog or dogs, or any other animal, confined or not confined, kept in such a manner as to cause a breeding place for flies, lice or other vermin, or a breeding place for any disease, is hereby declared to be a nuisance.

B. Such nuisance may be abated in the following manner: Any citizen of the town may make a complaint to the Police Department setting forth their reasons and basis for maintaining that such a nuisance exists whereupon the Police Department shall investigate such a complaint, and if being satisfied that such a nuisance does in fact exist, the Police Department shall give notice to the owner or keeper of such dog or dogs or other animals and the owner and/or keeper of such dog or dogs or other animals shall within three (3) days cause such nuisance to cease by causing such dog or dogs or other animals to be destroyed or removed or by causing such dog or dogs or other animals to be treated or confined or by causing such pen or enclosure in which the animal or dogs or other animal is confined to be put in a sanitary and healthful condition, or by causing any other necessary thing to be done so that such nuisance shall no longer exist.

Section 11. Any person, firm or corporation violating the provisions of this ordinance shall, upon conviction, be punished as provided by law.

Section 12. All ordinances and parts of ordinances in conflict herewith are repealed.

Section 13. Separability Clause. Should any section or provision of this ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 14. This ordinance shall take effect as provided by law.

INTRODUCED at a regular meeting of the Town Council on the 9th day of November, 1982, and ADOPTED by the Town Council on the 14th day of December, 1982.

TOWN OF MEXICO BEACH, FLORIDA

*M. L. (Bob) Hale*

Mayor-Councilman

ATTEST:

Patricia L. Hutchinson  
Town Clerk