

Ordinance No. 388

AN ORDINANCE RELATING TO ANIMALS, DEFINITIONS, ANIMAL CONTROL PERSONNEL, INTERFERENCE OR RESISTING OR HINDERING ANIMAL CONTROL PERSONNEL, VANDALIZING ANIMAL SHELTERS, CRUELTY TO ANIMALS, PROHIBITING CERTAIN ANIMALS, REQUIRING REGISTRATION AND TAGGING OF DOGS OR CATS, PROVIDING FOR A REGISTRATION FEE, REQUIRING INNOCULATION FOR RABIES, PROVIDING FOR IMPOUNDMENT OF UNREGISTERED DOGS OR CATS, PROHIBITING DOGS OR CATS RUNNING AT LARGE, REQUIRING LEASHING OF DOGS OR CATS, PROVIDING FOR DAMAGEING OF PROPERTY BY DOGS OR CATS, PROVIDING FOR DISTURBANCE OF THE PEACE BY DOGS, PROHIBITING UNRESTRAINED ANIMALS IN OPEN VEHICLES, AUTHORIZING CIVIL CITATIONS, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING PENALTY FOR VIOLATION THEREOF, AND PROVIDING AN EFFECTIVE DATE.

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

BE IT ORDAINED BY THE PEOPLE OF THE CITY 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 city.
- B. "Beach": That portion of the Gulf Beaches within the City 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 vegetation line.
- C. "Dog": shall mean all members of the canine family including pet foxes, wolves, etc.
- D. "Cat": shall mean all domestic felines
- E. "Vaccination against rabies": shall mean the proper administration of anti-rabies inoculation or vaccination by a veterinarian licensed by the state board of veterinary medicine.

Section 2: Animal Control Personnel

- (1) Animal control personnel shall enforce the provisions of this ordinance. Animal control personnel are police officer(s) and code enforcement officer(s) of the city.
- (2) The animal control personnel shall have full and complete authority in the enforcement of this ordinance and may pick up or apprehend any animal under any circumstance which constitutes a violation of this ordinance or Florida Statutes and impound such animal.
- (3) The animal control personnel may enter public or unfenced private property within the city to carry out the enforcement of this ordinance or Florida Statute.
- (4) The animal control personnel may enter the fenced private property, exclusive of buildings, when the animal being sought was at large immediately prior to the animal control agency or personnel receiving a sworn complaint regarding a violation, but subsequently the animal returned to its owner's or custodian's fenced private property; provided, however, that an attempt to contact the owner or custodian, if known, was unsuccessful.
- (5) The animal control personnel may enter the fenced private property for the purpose of enforcing the provisions of Section 828.073, Florida Statutes, concerning the removal of neglected or mistreated animals.
- (6) The animal control personnel may carry and utilize a humane chemical capture device to subdue and tranquilize an animal; provided, however, they are certified and or trained to use such device.
- (7) The animal control personnel may issue citations and or notices to appear in the County Court for violations of this ordinance when reasonable and probable cause exists that a violation has occurred.

Section 3: No person shall interfere with, resist, or hinder any animal control personnel in the performance of any duty required by the provisions of this chapter. Violation of Section 3 shall constitute a misdemeanor and shall be punishable by imprisonment of a period not to exceed sixty (60) days or a fine not to exceed \$500.00 or both.

Section 4: No person shall break open or assist in the breaking open of any fences, gates, fastenings, or enclosure of the animal shelter or impounding vehicles and no unauthorized person shall remove or let loose any animal from the shelter or impounding vehicles. . Violation of Section 4 shall constitute a misdemeanor and shall be punishable by imprisonment of a period not to exceed sixty (60) days or a fine not to exceed \$500.00 or both.

Section 5: Cruelty to animals

- (1) It shall be unlawful for any person to overload, overdrive, torture, torment, or deprive of necessary sustenance, food or drink, or unnecessarily or cruelly beat, mutilate, or kill any animal or cause or permit either of such offenses to be committed.
- (2) It shall be unlawful for any person to willfully and maliciously steal, kill, wound, or injure any animal which is the property of another or willfully and maliciously administer poison to any animal or expose any poisonous substance with the intent that the same shall be taken and swallowed by any animal which is the property of another.
- (3) It shall be unlawful for any person to willfully and maliciously mistreat or abandon any animal within the limits of the city.
- (4) Violation of Section 5 shall constitute a misdemeanor and shall be punishable by imprisonment of a period not to exceed sixty (60) days or a fine not to exceed \$500.00 or both.

Section 6: It shall be unlawful for any person to keep or maintain horses, mules, cows, cattle, chickens, poultry, or goats in the city, except for special events, as approved by the city administrator.

Section 7: If an animal is off of the property of its owner or of the property of the person who has custody of the animal and the animal attacks and injures any person or other animal, the owner or person in custody of the animal shall be guilty of a misdemeanor and shall be punishable by imprisonment of a period not to exceed sixty (60) days or a fine not to exceed \$500.00 or both.

Section 8: Registration and tagging required.

- (a) No dogs or cat shall be kept in the city unless properly registered and tagged as provided in this section.
- (b) No person shall be allowed to keep any dog or cat over four (4) months of age in the city unless the person shall first register the animal at the City Hall in Mexico Beach and purchase a permanent nontransferable identification tag for each animal in the following sums:
 - (1) Five dollar (\$5.00) fee for dogs or cats which have been spayed or neutered.
 - (2) Fifteen dollar (\$15.00) fee for dogs or cats which have not been spayed or neutered (upon proof of spaying or neutering of an animal, the city will rebate ten dollars (\$10.00) of the fee).
 - (3) Tags lost or stolen can be re-registered at City Hall for one dollar (\$1.00). Registration tags shall be bought at City Hall immediately upon acquisition of an animal.

Section 9: Rabies vaccination required for dogs and cats

Every owner maintaining a dog or cat over four (4) months of age shall have such dog or cat vaccinated against rabies by a licensed veterinarian annually with a one-year vaccine approved for use in the United States. Rabies vaccination shall be updated every twelve (12) months for all animals over four (4) months of age. Both tags, the city registration and the rabies tag, shall be on the animal at all times when the animal is off the owner's property.

Section 10: Impoundment for unregistered dogs

Any unregistered dog found in the city shall be picked up by the city or designated authorized agent of the city and placed in a shelter for a period of not less than three (3) days nor more than seven (7) days, except the animal be released sooner upon identification and compliance with the registration requirement contained herein, and upon the payment of a twenty dollar (\$20.00) fee plus an additional seven dollars (\$7.00) per day for the redemption of said animal. The registration fee for unregistered dogs that have been picked up shall be double the fee in effect on the date the dog is picked up.

- (1) All dogs impounded shall be kept at the animal shelter located at the city yard on N. 22nd Street for a period not to exceed seven (7) days.
- (2) If the impoundment of a dog exceeds seven (7) days, the dog shall be turned over to the Bay County Humane Society located in Panama City, FL. The owner(s) of any dog impounded and transferred to the Bay County Humane Society shall be responsible for the fees within this section and any and all fees imposed by the Bay County Humane Society.

Section 11: Impoundment for unregistered cats

Any unregistered cat found in the city shall be picked up by the city or designated authorized agent of the city and placed in a shelter for a period of not less than three (3) days nor more than seven (7) days, except the animal be released sooner upon identification and compliance with the registration requirement contained herein, and upon the payment of a ten dollar (\$10.00) fee plus an additional seven dollars (\$7.00) per day for the redemption of said animal. The registration fee for unregistered cats that have been picked up shall be double the fee in effect on the date the cat is picked up.

- (1) All cats impounded shall be kept at the animal shelter located at the city yard on N. 22nd Street for a period not to exceed seven (7) days.

- (2) If the impoundment of a cat exceeds seven (7) days, the dog shall be turned over to the Bay County Humane Society located in Panama City, FL. The owner(s) of any cat impounded and transferred to the Bay County Humane Society shall be responsible for the fees within this section and any and all fees imposed by the Bay County Humane Society.

Section 12: Running at Large

It shall be unlawful for the owner of any dog or cat to permit or allow the dog or cat to commit a nuisance or to be found running at large on any public streets, parks, playgrounds, alleys, beaches, or vacant lots in the city and such dog or cat shall be picked up by the city or the designated authorized agent of the city and placed in a shelter for a period of not less three (3) days nor more than seven (7) days, except the animal be released sooner upon identification and compliance with the registration requirement contained herein, and upon the payment of a twenty dollar (\$20.00) fee for dogs and a ten dollar (\$10.00) fee for cats plus an additional seven dollars (\$7.00) per day for the redemption of said animal. The registration fee for unregistered dogs that have been picked up shall be double the fee in effect on the date the dog is picked up.

- (1) All dogs impounded shall be kept at the animal shelter located at the city yard on N. 22nd Street for a period not to exceed seven (7) days.
- (2) If the impoundment of a dog exceeds seven (7) days, the dog shall be turned over to the Bay County Humane Society located in Panama City, FL. The owner(s) of any dog impounded and transferred to the Bay County Humane Society shall be responsible for the fees within this section and any and all fees imposed by the Bay County Humane Society.

Section 13: Leashing

- (1) No dog shall be allowed off the property of its owner unless the dog is fastened to a suitable leash of dependable strength. Such leash must be attached to a fixed object or specifically held by a person capable of controlling the animal.
- (2) No dog shall be permitted to habitually chase after or otherwise harass a person or vehicle.

Section 14: Damaging Property

- (1) It shall be unlawful for any person who shall own or be in control or in charge of any dog or cat, to allow or permit the dog or cat to

wander or stray upon the property of another and damage the property.

- (2) If any dog or cat shall wander or stray upon the property of any person within the corporate limits of the city and shall cause damage thereon, proof of the damage and the identity of the dog or cat shall be sufficient to convict the person owning or having charge of or control of the dog or cat violating the terms and provisions of this section.
- (3) It shall be a violation for any owner of a dog or cat to allow such dog or cat to defecate on any property within the city other than the owner's private property without immediately removing such defecation with some sort of material, utensil, or suitable container and depositing the defecation in a trash container. When walking a dog or cat on any property within the city, other than the owner's property, the owner of that dog or cat shall carry some sort of material, utensil, or suitable container with which to dispose the defecation.

Section 15: Disturbing the peace

- (1) It shall be unlawful for any person, whether owner, or anyone having charge, custody or control thereof, shall permit a dog to bark, bay, cry, whine or howl or make any noise continuously and/or incessantly in an excessive, habitual or untimely fashion for such a duration that it annoys or disturbs a reasonable person of normal sensitivities residing in or occupying premises in close proximity to the premises on which the animal is located. However, a dog will not be deemed a "barking dog" if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property where the dog is situated or for any other legitimate cause which teased or provoked the dog. In the case of multiple animals at one location, it shall not be necessary to single out which specific dog committed a noise nuisance. It shall be sufficient to demonstrate that the noise emanated from the premises.

Section 16: Unrestrained animals in open vehicles

It shall be unlawful and a civil infraction to transport on any public street any dog or other animal in a vehicle that is not fully enclosed unless the animal is confined in a cage or container or temporarily securely tethered by a device that will not permit the animal to fall or jump from the vehicle.

Section 17: No owner or other person having, charge, care, custody, or control of any dog shall allow or permit any dog, cat, or any animal shall cause, permit or allow such animal(s) into or upon any beach, which causing, permitting or allowing is hereby made unlawful.

Section 18: Citations authorized; penalties provided

- (1) The city animal control personnel or designee, as approved by the Chief of Police shall have the authority to issue citations to those whose pets are found to be in violation of this ordinance:
- (2) Violations of this article shall be punishable by fines as follows:
 - (a) First offense: Uncontested citations;(The current offense is a "first" offense if there have been no other citations in the preceding thirty-six (36) months) Twenty-five dollars (\$25.00); if not paid within fourteen (14) days, fine goes to fifty dollars (\$50.00); if not paid within thirty (30) days a court hearing is required. Fines, penalties, and administrative fees shall be set as the court may deem appropriate, but shall not exceed the maximum civil penalty of five hundred dollars (\$500.00 per) violation.
 - (b) Second offense: Uncontested citations;(The current offense is a "second" offense if there has been only one (1) previous citation within the preceding thirty-six (36) months); Fifty dollars (\$50.00); if not paid within (14) days, fine goes to one hundred dollars (\$100.00); if not paid within thirty (30) days a court hearing is required. Fines, penalties, and administrative fees shall be set as the court may deem appropriate, but shall not exceed the maximum civil penalty of five hundred dollars (\$500.00 per) violation.
 - (c) Third and subsequent offenses: (The current offense is a third or subsequent offense if there have been two (2) or more previous citations within the preceding thirty-six (36) months); a court hearing is required. Fines, penalties, and administrative fees shall be set as the court may deem appropriate, but shall not exceed the maximum civil penalty of five hundred dollars (\$500.00 per) violation.
 - (d) Anyone cited with a violation of this ordinance who pays the required fines and then goes thirty-six (36) months with no offenses shall return to the status of having no prior offenses for the purpose of this section.

- (3) A five dollar (\$5.00) surcharge shall be assessed and collected upon each civil penalty imposed for violation of an ordinance relating to animal control or cruelty as authorized by F.S. 828.27. The proceeds from such surcharge shall be used only to assist in paying for the costs of training for animal control personnel in accordance with the requirements of F.S. 827.27. Said civil penalty shall be paid to the City of Mexico Beach.
- (4) The animal control personnel shall have the authority to cite the owner or any person having custody of an animal for violation of this article when and only when: (1) the animal control personnel has received from an adult witness a sworn affidavit attesting to the animal having committed a violation pursuant to this ordinance; or (2) the animal control personnel duly authorized to enforce the provisions under this ordinance, has witnessed the commission of a violation of this ordinance.

Section 19: Any person, firm, or corporation violating the provisions of this ordinance shall, upon conviction, be punished as provided by law.

Section 20: All ordinances and parts of ordinances in conflict herewith are repealed.

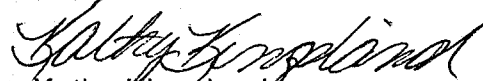
Section 21: Separability Clause

- (1) 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 22: This ordinance shall take effect as provided by law.

Introduced at a regular meeting of the City Council on the 9th day of January 2001, and adopted by the City Council on the 13th day of February 2001.

City of Mexico Beach, Florida


Kathy Kingsland
Mayor

Attest:



Sheri Martin, City Clerk

Approved as to Form & Legality:



Attorney