

**ORDINANCE NO. L-80**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; REPEALING CHAPTER 4, ANIMALS AND FOWL, ARTICLES I, II, AND III; CREATING AND ESTABLISHING A NEW CHAPTER 4, **ANIMALS AND FOWL**; ARTICLE I (GENERAL) TO INCLUDE DEFINITIONS AND PROHIBITIONS; ARTICLE II (ANIMAL CONTROL) TO INCLUDE PUBLIC NUISANCE, ANIMAL CARE, RABIES CONTROL, LIMITATION ON NUMBER OF CATS AND DOGS, AND OTHER REGULATIONS; ARTICLE III (REGISTRATION) TO INCLUDE PET REGISTRATION AND BREEDER REGISTRATION REQUIREMENTS; ARTICLE IV (IMPOUNDMENT) TO INCLUDE IMPOUNDMENT PROCEDURES; AND ARTICLE V (ENFORCEMENT) BY ESTABLISHING CIVIL INFRACTION PENALTIES, ENFORCEMENT PROCEDURES, AND APPEALS PROCESS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the city of Fort Pierce desires to improve the standard of care for animals and reduce the public expense resulting from the impoundment of stray and unwanted domestic pets; and,

**WHEREAS**, on April 3, 2007, St. Lucie County Board of County Commissioners adopted Ordinance 07-010, enacting pet and breeder registration requirements intended to reduce stray animal populations, in part, by providing for a differential registration fee that is discounted for spayed and neutered pets; and,

**WHEREAS**, the American Veterinarian Medical Association has found that differential license fees for sterilized animals serve as incentive for responsible pet ownership; and,

**WHEREAS**, the Florida Statutes Chapter 828, sets forth standardized regulations concerning animal cruelty, sales, and animal enterprise protection, including the establishment of criminal penalties for certain violations and specifically authorizes local government to enforce these laws and enact ordinances relating to animal control and cruelty that are enforceable as civil infractions; and,

**WHEREAS**, the City of Fort Pierce has found it necessary to completely restructure and refine existing animal control regulations found in the code of ordinances, *Chapter 4 – Animal and Fowl* in order to meet the aforementioned goals and provide clear regulation toward the protection of animals.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AS FOLLOWS:**

**SECTION 1.** *Chapter 4 – Animals and Fowl Articles I, II, and III of the Code of Ordinances* is hereby repealed.

**~~Chapter 4 ANIMALS AND FOWL~~**

~~Art. I. In General, §§ 4-1–4-25  
Art. II. Licensing, §§ 4-26–4-38  
Art. III. Animal Control, §§ 4-39–4-60~~

~~ARTICLE I. IN GENERAL~~

~~Sec. 4-1. Running at large.~~

~~It shall be unlawful for any person to permit any cattle, horses, sheep, chickens, ducks, goats, turkeys, dogs, cats, or any other domestic, exotic or wild animals or fowl to run at large in the city except as otherwise provided by law or ordinance.~~

~~Sec. 4-2. Impounding; generally.~~

~~Any animal or fowl found running at large in violation of the provisions of this chapter may be impounded by the police or animal control officers of the city and disposed of in accordance with the provisions of this chapter.~~

~~Sec. 4-3. Sale or disposal.~~

~~Any impounded animal or fowl shall be turned over to the humane society or authorized animal shelter. Animals or fowl whose ownership can be determined shall be returned to the owner, if known, and whenever practicable, upon payment of impoundment fees and other proper charges. Disposition of all unclaimed animals or fowl shall be made as further provided in section 4-42.~~

~~Sec. 4-4. Prohibited animals.~~

~~It shall be unlawful for any person to keep cattle, calves, horses, mules, donkeys, goats, live chickens, ducks, geese, pigs, hogs, bees, roosters or other grazing animals in any incorporated area of the city except by special exception permit which may be granted by the chief of police, or his designee, to allow exotic animals or unique animals if said animals do not create a nuisance, health hazard or danger, and if said animals are not being raised for public consumption. A denial of a special exception permit may be appealed to the city manager.~~

~~Sec. 4-5. Impoundment fees.~~

~~The penalties, fees and costs of impounding any animal or fowl found running at large in the city may be set by ordinance, the amounts of which may be revised from time to time by the city commission. Impoundment fees paid to the city shall be in addition to all penalties, fees, and costs charged by the humane society or authorized animal shelter.~~

~~Sec. 4-6. Trapping prohibited.~~

~~The use of box traps, food hold traps, snares, or any other device to capture any animal or fowl within the city shall be prohibited except for use by authorized animal control officers, state agencies, wildlife officers or their contractors to capture or control nuisance animals. This section shall not be interpreted to apply to the use of traps or devices to eradicate mice, rats, rodents, or other vermin.~~

~~Sec. 4-7. Hunting prohibited.~~

~~It shall be unlawful for any person to hunt any animal or fowl within the city.~~

~~Sees 4-8 - 4-25. Reserved.~~

## **ARTICLE II. LICENSING**

### **Sec. 4-26. Licensing required.**

Any person owning, keeping, harboring or having custody of any dog or cat over six (6) months of age within the city must obtain a license in accordance with the following provisions:

(1) Written application for licenses, which shall be made to the city clerk's office, shall include the name and address of the application, description of the animal, the appropriate fee, rabies certificate issued by a licensed veterinarian or antirabies clinic and a certificate stating whether such animal has been spayed or neutered.

(2) Application for license must be made within thirty (30) days after obtaining a dog or cat over six (6) months of age, except that this requirement will not apply to a nonresident keeping a dog or cat within the city for no longer than thirty (30) days.

(3) License fees shall not be required for seeing eye dogs, any dog trained to assist the handicapped, or governmental police dog. However, the owner is still required to obtain a license.

(4) Upon acceptance of the license application and fee, the city clerk's office shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.

(5) No person may use a license for any dog or cat other than the dog or cat for which it was issued.

(6) Dogs and cats must wear identification tags or collars at all times except when the animal is being shown in competition.

(7) The city clerk's office shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

(8) The licensing period shall begin with the date the license is issued for an animal or reissued, and shall run for one year.

~~(9) Persons who fail to obtain a license as required within the time period specified in this section, shall be subject to a delinquency fee of ten dollars (\$10.00).~~

~~(10) Licensing requirements of this section shall not apply to any dog or cat which is kept at all times, and in the ordinary course of business, on the premises of any research or veterinary medical facility, government-operated or licensed animal shelter, humane society facility, or commercial pet shop if the animals are exclusively for resale purposes, provided that said shelter, facility or shop is operating in accordance with all applicable occupational licensing and zoning ordinances.~~

~~(11) The person applying for a license must produce proof that the dog or cat has a current rabies vaccination. Such proof shall be a standard certificate, or an affidavit from a licensed veterinarian. Such form or affidavit shall give sufficient information to identify the animal vaccinated, indicate the date of vaccination, the licensed veterinarian administering the vaccination, and the rabies vaccination tag number.~~

#### **Sec. 4-27. Licensing fees.**

~~(a) A license shall be issued after payment of the following application fees:~~

~~(1) For each unneutered male dog or cat . . . \$15.00~~

~~(2) For each unspayed female dog or cat . . . 15.00~~

~~(3) For each neutered male dog or cat . . . 5.00~~

~~(4) For each spayed female dog or cat . . . 5.00~~

~~(5) Transfer license fee . . . 5.00~~

~~(6) No fee for K-9 dogs used for law enforcement.~~

~~(7) No fee for certified seeing eye dogs or hearing impaired.~~

~~A duplicate license may be obtained upon payment of a five-dollar replacement fee.~~

~~(b) Dangerous dog; certificate of registration. The following fees are prescribed for certificates of registration of dangerous dogs as defined in and provided for pursuant to Section 767.12, Florida Statutes.~~

~~(1) Initial registration . . . \$125.00~~

~~(2) Annual renewal . . . 35.00~~

~~Secs. 4-28--4-38. Reserved.~~

### **ARTICLE III. ANIMAL CONTROL**

#### **Sec. 4-39. Definitions.**

~~As used in this article, the following terms shall have the indicated meaning.~~

~~*Animal.* Any live, vertebrate creature, domestic or wild.~~

~~*Animal control officer.* Any person employed or appointed by the city 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 article.~~

~~*Animal shelter.* Any facility operated by a humane society or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this article or state law.~~

~~*At large.* Any animal which is off the premises of its owner or keeper and not under the restraint of its owner or keeper.~~

~~*Cat.* Any male, female, altered or spayed feline.~~

~~*Citation.* A written notice, issued to any person by an officer, 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 county court will hear the charge. 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 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 in court to contest the citation, they shall be deemed to have waived their 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.~~

~~*Confined.* Physically preventing an animal from leaving the premises of its owner or keeper.~~

~~*Control.* Possession, ownership, care and custody of animals.~~

~~*Controlled burial.* Burying at least two (2) feet below the surface of the ground and one hundred (100) feet from any water well.~~

~~*Cruelty.* Any act of neglect, torture or torment that causes the unjustifiable pain or suffering of an animal.~~

~~*Dangerous dog.* A dangerous dog is a dog as defined as dangerous applying the definition of Section 767.11, Florida Statutes.~~

~~*Dog.* Any canine, regardless of sex.~~

~~*Exposed to rabies.* A dog, cat or other animal that has been bitten by, or been exposed to, any animal known to have been infected with rabies.~~

~~*Impoundment.* The taking of or picking up of and confinement of an animal by an officer under the provisions of this article.~~

~~*Leash or lead.* A cord, rope, chain or similar device which holds an animal under restraint and is not more than six (6) feet in length.~~

~~*Livestock.* Horses, mules, cattle, sheep, goats, and other grazing animals.~~

~~*Officer.* Any law enforcement officer defined in Section 943.10, Florida Statutes, or any animal control officer.~~

~~*Ordinance.* Any ordinance relating to the care, custody, control of, or cruelty to animals enacted by the city, the violation of which is a civil infraction.~~

~~*Owner.* Any person, partnership or corporation owning, keeping, or harboring one or more animals including any custodian or other person in charge of an animal. An animal shall be deemed to be harbored if it is fed or sheltered for five (5) consecutive days or more.~~

~~*Public nuisance.*~~

~~(1) Any animal which:~~

~~a. Attacks passerbys or passing vehicles without provocation;~~

~~b. Attacks other animals;~~

~~c. Is repeatedly at large and not under restraint;~~

~~d. Trespasses on school grounds;~~

~~e. Damages private or public property;~~

~~f. Barks, whines, howls, or crows in an excessive, continuous or untimely fashion so as to disturb the businesses or adjacent residents; or~~

~~g. Causes an annoyance in the neighborhood by acts such as overturning garbage cans, defecating, digging holes on other than its owner's property, or such other acts as are generally regarded to create an annoyance.~~

~~(2) Any activity, such as, but not limited to, the feeding of wild animals or fowl, which:~~

~~a. Causes the fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to those in close proximity to the premises where the animals or fowl congregate; or~~

~~b. Causes a sanitary nuisance as defined in Section 386.01, Florida Statutes.~~

~~(3) The keeping of any wild animal in violation of the provisions of Chapter 372, Florida Statutes, and regulations promulgated by the Florida Game and Fresh Water Fish Commission.~~

~~*Under restraint.* Any animal confined within the premises of its owner or keeper, or under immediate, continuous physical control, secured by a leash or lead.~~

~~*Vicious animal.* Any fierce or dangerous animal that constitutes a physical threat to human beings or other animals, or any animal for which the animal control officer has documentation to establish that the animal has bitten any person or other animal on two (2) separate occasions without provocation within a period of one year.~~

#### **Sec. 4-40. Public nuisance.**

~~It shall be unlawful for any owner to permit his or her animal to become a public nuisance or for any individual to create a public nuisance as defined herein.~~

#### **Sec. 4-41. Vicious animals and dangerous dogs.**

~~(a) It shall be unlawful for any owner to keep any vicious animal as defined herein, or any dangerous dog as defined in Chapter 767.11, Florida Statutes, within the city unless it is confined within a secured building or securely fenced enclosure or unless it is securely muzzled and under restraint.~~

~~(b) The procedure for classification of dangerous dog shall be provided for in Chapter 767, Florida Statutes.~~

~~(c) The owner of a dangerous dog shall present the city with proof that they have procured liability insurance or a surety bond in the amount of no less than one hundred thousand dollars (\$100,000.00) covering any damage or injury which may be caused by such dangerous dog. Said policy shall contain a provision requiring that the city be given notice immediately by the agent issuing the policy in the event the policy is canceled, terminates, or expires. Such liability insurance shall be obtained prior to issuing a permit for the dangerous dog as provided for in this article or prior to releasing the dog from impoundment.~~

~~(d) An owner transferring ownership of any dog found to be dangerous under this article shall provide written notice to the new owner regarding the dog's classification as dangerous. An owner either, transferring ownership of, or moving the location of, a dog classified as dangerous~~

~~under this article, shall notify the city in writing regarding the new address, or the name, address, phone number of the person receiving the dog. Any person receiving a dog classified as dangerous must comply with all requirements of this article.~~

**~~Sec. 4-42. Restraint.~~**

~~(a) It shall be unlawful for any person to permit his or her pet to run at large in the city. Animals shall not be allowed outside the confines of their own homes without proper restraint by means of leash, fence area, cage/crate, or other physical means of controlling the animal.~~

~~(b) It shall be unlawful for any operator of a motor vehicle to allow an animal to ride in any unenclosed section of the vehicle without enclosing the animal in a cage that is secured to the vehicle or securing the animal with a restraint device that will not permit the animal to reach the outside perimeter of the vehicle.~~

~~(c) It shall be unlawful for an owner or keeper of a vicious animal or dangerous dog to take or to allow the animal to be taken outside their premises without proper restraint and without a muzzle as required under this article.~~

**~~Sec. 4-43. Impoundment of unrestrained animals.~~**

~~(a) Any animal not under restraint, or found running at large in the city, whether or not such animal is wearing a current city tag or identification collar, may be taken by or at the direction of an officer and impounded in the humane society, or other animal shelter, and there confined in a humane manner. Female animals in heat shall at all times be confined in a building or secure enclosure in such a manner that such female animal cannot come into contact with another animal except for planned breeding. Female animals in heat may be impounded regardless of whether the animals are under restraint if they are off the owner's private property and not properly confined as provided herein. If, by a license tag or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment, notify the owner by telephone or mail. An owner reclaiming an impounded animal shall pay the city a fee of fifty-three dollars (\$53.00). Any animal not reclaimed by its owner within five (5) working days shall become the property of the local government authority, humane society, or animal shelter, and shall be placed for adoption or euthanized unless held for a period of five (5) days. Nuisance animals as defined herein may be impounded at the direction of any law enforcement or animal control officer. In lieu of impounding an animal under this section, an officer may issue to the known owner of such animal a citation.~~

~~(b) In addition to any fees due from the owner for reclaiming an animal impounded under this ordinance the owner of the reclaimed animal shall be required to submit the following:~~

~~(1) Proof that the animal has a current rabies vaccination;~~

~~(2) Proof that the owner has a license for the animal as required by this article.~~

~~(c) An owner not having proof of the animal's current rabies vaccination shall pay an additional twenty-five dollars (\$25.00) prior to the animal's release from impoundment which shall be refunded to the owner upon submission of written proof that the animal has received a current rabies vaccination. Such proof shall be submitted as provided for in section 4-26. No dangerous dog, vicious animal, or animal that has been involved in an unprovoked bite or attack on a person or domestic animal shall be placed for adoption in the event that the owner does not redeem the animal.~~

**~~Sec. 4-44. Animal care.~~**

~~(a) It shall be a violation of this article for any person to impound or confine any animal in any place without sufficient food and water on a daily basis; to keep any animal in any enclosure without providing sufficient exercise; to fail to provide shelter from the weather, clean quarters, medical attention for sickly, diseased, or injured animals; abandon any animal; beat, cruelly ill-treat, or overwork, or otherwise abuse an animal; or to fail to inoculate the animal against rabies as required by this article.~~

~~(b) It shall be unlawful for any person to expose any known poisonous substance, whether mixed with food or not, so that it may be consumed by any animal.~~

~~(c) It shall be unlawful for any person injuring any dog, cat, or other animal by any means, including a motor vehicle, to fail to notify the owner of the animal, if known, the police department, or the animal control officer. Any person who, as an operator of a motor vehicle, strikes a dog, cat or domestic animal shall stop at once and render such assistance as may be possible.~~

~~(d) It shall be unlawful for any person to tease or molest an animal.~~

~~(e) The owner of any animal shall be responsible for the removal of any excreta deposited by his or her animal on public walks, recreation areas, or private property, including the property of the owner.~~

~~(f) All domestic animals put to death shall be done so pursuant to Sections 828.05, 828.055, and 828.058, Florida Statutes.~~

~~(g) All dead animals shall be disposed of by means of cremation, controlled burial, as defined herein, or disposal to rendering companies. It shall be unlawful for any person or persons to dispose of dead animals by use of garbage collection containers.~~

~~(h) It shall be unlawful for an owner or operator of a motor vehicle to place or confine an animal or allow it to be placed or confined within an unattended motor vehicle without sufficient ventilation or under conditions for such a period of time as may be reasonably expected to endanger the health or well being of such animal due to heat, lack of water, or such other circumstances as may be reasonably expected to cause suffering, disability, or death of an animal.~~

~~(i) The owner or keeper of any animal shall be responsible for the removal of any excreta deposited by the animal on public walks, recreation areas, or the property of others.~~

**Sec. 4-45. Public areas.**

~~It shall be unlawful for any person to bring any animal, except seeing eye dogs, any dog trained to assist the handicapped, or governmental police dog, upon the beaches or parks owned by the city, whether or not the animal is under restraint, or in restaurants, grocery stores, or other establishments selling groceries or staple goods.~~

**Sec. 4-46. Animal quarantine.**

~~(a) When an animal has bitten some person and/or is otherwise suspected of being rabid by any law enforcement or animal control officer, it shall, upon written notice, be quarantined. During quarantine, the animal shall be kept securely confined and kept from contact with any other animal. The owner may arrange for the quarantine of the animal in an approved veterinary hospital, humane society, or animal shelter. Should the owner fail to comply with such quarantine, the officer shall immediately impound such dog or cat and quarantine it at the expense of the owner. Such quarantined dogs and cats shall be kept quarantined until released by the director of public health.~~

~~(b) Any animal, which aggressively bites, wounds, attacks, or kills any person shall be impounded and placed in quarantine for ten (10) days. The owner shall be given written notice of their right to request a hearing. This ten-day period shall allow the owner to apply to a court of competent jurisdiction for remedies that may be available. The owner shall be responsible for the payment of all boarding costs and fees that are required to keep the animal.~~

**Sec. 4-47. Reporting dog and cat bites.**

~~(a) In the event any person is bitten by a dog or cat within the limits of the city, such person, or the owner of such dog or cat when he has knowledge of the incident, shall report such incident to the police department or animal control officer within twenty-four (24) hours.~~

~~(b) Every physician or other practitioner shall report to the city or the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.~~

~~(c) Every licensed veterinarian shall report to the city or animal control officer his diagnosis of any animal observed by him as a rabies suspect.~~

**Sec. 4-48. Enforcement and penalties.**

~~(a) Any officer who has probable cause to believe that any person has committed an act in violation of this article, or any other ordinance relating to the care, custody, control of, or cruelty to animals, may issue a citation to that person. The determination that a violation has occurred may be the result of the officer's own investigation or as the result of a complaint by an aggrieved person.~~

~~(b) Any person who willfully refuses to sign and accept a citation issued by an officer is declared to be guilty of a criminal offense and misdemeanor within the meaning of Section 775.08, Florida Statutes, and punishable as provided by law.~~

~~(c) It shall be a violation of this article for any person to knowingly hinder, resist, or oppose any officer or employee of the city in the performance of their duties under this article or to knowingly interfere with any animal trap set by such officers or employees or to molest or release any animal caught therein.~~

~~(d) Any violation of this article, or any other ordinance of the city relating to the care, custody, control, or cruelty to animals, constitutes a civil infraction and may be punishable by a civil penalty not to exceed five hundred dollars (\$500.00). Penalties for violation of specific sections of this article or any ordinances relating to animal control or cruelty may be established by the city commission. If the person who has committed the violation does not contest the citation, a civil penalty of less than the maximum allowed will be assessed. Any citation may be contested in county court pursuant to Section 828.27, Florida Statutes.~~

~~(e) Any person cited for a non-criminal violation of this article, must comply with section 2-259 for disposition of the citation. Person charged with criminal violations, shall be prosecuted in county court according to the law.~~

- ~~(f) Unless otherwise provided in the chapter, or section 2-260, the reduced civil penalty for all non-criminal infractions shall be as specified in section 2-260 for a Class I offense.~~  
~~(g) Civil penalties imposed pursuant to this article shall be independent of and in addition to any fees arising under section 4-5.~~  
~~(h) In addition to any civil penalties imposed pursuant to this article there shall be imposed and collected a surcharge of two dollars (\$2.00). The proceeds from such surcharge shall be used to pay the cost of the forty-hour minimum standing training course for animal control officers.~~  
~~(i) A second and subsequent violation of this article shall be a misdemeanor and punished as provided by law if there are physical injuries to a person or damage to property.~~

**~~Sec. 4-49. Rabies vaccination receipt and tags.~~**

- ~~(a) Upon inoculation of any animal for rabies the veterinarian vaccinating such animal shall issue a receipt or certificate under his signature to the person causing the animal to be vaccinated. The receipt or certificate shall contain all information required under Section 828.30, Florida Statutes.~~  
~~(b) The numbered rabies vaccination tag issued shall be worn by the animal at all times attached to a harness or collar. No tag shall be worn except by the particular animal for which such tag was issued upon inoculation.~~  
~~(c) The receipt or certificate herein required shall be made in duplicate and the duplicate copy retained by the veterinarian for a period of three (3) years from the date of issuance.~~

~~Secs. 4-50--4-60. Reserved.~~

**SECTION 2.** Chapter 4 – Animals and Fowl, Articles I through IV, is hereby created and established, and shall read hereinafter as follows:

**CHAPTER 4. ANIMALS AND FOWL**

- Art. I. In General, §§ 4-1--4-19  
Art. II. Animal Control, §§ 4-20--4-49  
Art. III. Registration, §§ 4-50--4-69  
Art. IIV. Impoundment, §§ 4-70--4-89  
Art. III. Enforcement, §§ 4-90--4-99

**ARTICLE I. GENERAL**

**Sec. 4-1. Definitions.**

As used in this chapter, the following terms shall have the indicated meaning.

*Animal.* Any live, vertebrate creature, domestic or wild.

*Animal control officer.* Any person employed or appointed by the city 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 article.

*Animal shelter.* Any facility operated by a humane society or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

*At large.* Any animal which is off the premises of its owner or keeper and not under the restraint of its owner or keeper.

*Breeder.* Any person who owns, keeps, harbors, maintains, or has custody of dogs or cats that produce any litter or offspring that are offered for sale, or that produce a combined total of two or more litters during a twelve month period.

*Cat.* Any feline, regardless of sex.

*Citation.* A written notice, issued to any person by an officer, 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 county court will hear the charge. Pursuant to Florida Statute, Section 828.27, 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 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, to contest the citation, or to appear in court.
- (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 in court to contest the citation, the person shall be deemed to have waived his or her 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.

Confined. Physically preventing an animal from leaving the premises of its owner or keeper.

Control. Possession, ownership, care and custody of animals.

Controlled burial. Burying at least two (2) feet below the surface of the ground and one hundred (100) feet from any water well.

Cruelty. Any act of neglect, torture or torment that causes the unjustifiable pain or suffering of an animal.

Dangerous dog. A dangerous dog is a dog as defined as dangerous applying the definition of Florida Statutes, Section 767.11.

Dog. Any canine, regardless of sex.

Domestic animal. Dogs, cats, or other animals that are kept primarily as pets for pleasure rather than utility and that primarily live within or about the confines of the owner's homes and enclosures, including dog houses, runs, and yards adjacent thereto.

Exposed to rabies. A dog, cat or other animal that has been bitten by, or been exposed to, any animal known to have been infected with rabies.

Fowl or Bird. Any member of the avian species, including waterfowl and landfowl, regardless of sex.

Harbor. The act of keeping and caring for an animal or providing premises to which the animal returns for food, shelter, or care. This shall not include those circumstances wherein an individual temporarily captures or holds a stray animal and immediately returns the animal to its owner or an animal control officer.

Impoundment. The taking of or picking up of and confinement of an animal by an officer under the provisions of this article.

Leash or lead. A cord, rope, chain or similar device which holds an animal under restraint and is not more than six (6) feet in length.

Livestock. Horses, mules, donkeys, cattle, calves, sheep, goats, pigs, hogs or any other grazing animal.

Microchip. A small chip implanted under an animal's skin that transmits an identification number to an electronic scanner, which provides pet ownership data through cross reference to microchip registry.

Officer. Any law enforcement officer defined in, Florida Statutes, Section 943.10, or any animal control officer employed by the city.

Ordinance. Any ordinance relating to the care, custody, control of or cruelty to animals enacted by the city, the violation of which is a civil infraction.

Owner. Any person, partnership or corporation owning, keeping, caring for, or harboring one or more animals including any custodian or other person in charge of an animal.

Public nuisance:

- (1) Any animal which:

- a. Attacks passersby or passing vehicles without provocation;
- b. Attacks other animals;
- c. Is repeatedly at large and not under restraint;
- d. Trespasses on school grounds;
- e. Damages private or public property;
- f. Repetitively barks, whines, howls, chirps, caws, or whistles for a period of five (5) minutes or more so as to disturb adjacent residents; or
- g. Causes an annoyance in the neighborhood by acts such as overturning garbage cans, defecating, digging holes on other than its owner's property, or such other acts as are generally regarded to create an annoyance.

(2) Any activity, such as, but not limited to, the feeding of wild animals or fowl, which:

a. Causes the fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to those in close proximity to the premises where the animals or fowl congregate; or

b. Causes a sanitary nuisance as defined in Section 386.01, Florida Statutes.

(3) The keeping of any wild animal in violation of the provisions of Chapter 372, Florida Statutes, and regulations promulgated by the Florida Game and Fresh Water Fish Commission.

Shelter. The provision of and access to a three dimensional structure that has a roof, walls surrounding all sides with exception of a point of entry. The structure must:

- (1) Protect the animal from adverse effects of environmental conditions to ensure the animal's good health and comfort by being weatherproof and providing sufficient ventilation and shade.
- (2) Provide sufficient room to allow the sheltered animal(s) to stand up, turn around, and lie down comfortably;
- (3) Remain free of standing water and excrement;
- (4) Be structurally sound and free of hazards that may injure an animal, and;
- (5) Wire, grid or slat floors that permit the animal's feet to pass through openings, or sag under the animal's weight, or that otherwise do not protect the animal's feet or toes from injury are prohibited, except structures for birds where perches are provided.

All of the foregoing minimum standards by which a structure can qualify as shelter and failure of a structure to meet any one or more of the standards set forth in this definition shall result in the structure failing to qualify as shelter.

Sterilized. Rendered permanently incapable of reproduction.

Tether. To tie or otherwise attach an animal to a stake, pole, tree, or other stationary object without providing direct control and supervision of the animal.

Under restraint. Any animal confined within the premises of its owner or keeper, or under immediate, continuous physical control, secured by a leash or lead.

Vicious animal. Any fierce or dangerous animal that constitutes a physical threat to human beings or other animals, or any animal for which the animal control officer has documentation to establish that the animal has bitten any person or other animal on two (2) separate occasions without provocation within a period of one year.

#### **Sec. 4-2. Prohibited animals.**

(a) Except as permitted by applicable city zoning regulations, it shall be unlawful for any person to keep or harbor livestock; fowl, not including domesticated caged or perched birds kept indoors as pets, such as parrots, cockatoos, macaws, parakeets, cockatiels, and finches; or bees in any incorporated area of the city except by special exception permit which may be granted by the chief of police, or his designee, to allow exotic animals or unique animals if said animals do not create a nuisance, health hazard or danger, and if said animals are not being raised for public consumption. A denial of a special exception permit may be appealed to the city manager.

(b) A violation of this section shall constitute a Class A civil infraction, punishable as provided within this chapter.

**Sec. 4-3. Trapping prohibited.**

(a) The use of box traps, food hold traps, snares, or any other device to capture any animal or fowl within the city shall be prohibited except for use by authorized animal control officers, state agencies, wildlife officers or their contractors to capture or control nuisance animals. This section shall not be interpreted to apply to the use of traps or devices to eradicate mice, rats, rodents, or other vermin.

(b) A violation of this section shall constitute a Class C civil infraction, punishable as provided within this chapter.

**Sec. 4-4. Hunting prohibited.**

(a) It shall be unlawful for any person to hunt any animal or fowl within the city.

(b) A violation of this section shall constitute a Class C civil infraction, punishable as provided within this chapter.

**Sec. 4-5 through 4-19. Reserved**

**ARTICLE II – ANIMAL CONTROL**

**Sec. 4-20. Public nuisance.**

(a) It shall be unlawful for any owner to permit his or her animal to become a public nuisance or for any individual to create a public nuisance as defined herein.

(b) A violation of this section shall constitute a Class A civil infraction, punishable as provided within this chapter.

**Sec. 4-21. Running at large.**

(a) It shall be unlawful for any person to permit any cattle, horses, sheep, chickens, ducks, goats, turkeys, dogs, cats, or any other domestic, exotic or wild animals or fowl to run at large in the city except as otherwise provided by law or ordinance.

(b) A violation of this section shall constitute a Class A civil infraction, punishable as provided within this chapter.

**Sec. 4-22. Restraint of animals; generally.**

(a) Animals shall not be allowed outside the confines of their own homes without proper restraint by means of leash, fenced area, electronic barrier, cage/crate, or other physical means of controlling the animal.

(b) It shall be unlawful for any operator of a motor vehicle to allow an animal to ride in any unenclosed section of the vehicle without enclosing the animal in a cage that is secured to the vehicle or securing the animal with a restraint device that will not permit the animal to reach the outside perimeter of the vehicle.

(c) A violation of this section shall constitute a Class A civil infraction, punishable as provided within this chapter.

**Sec. 4-23. Public areas.**

(a) It shall be unlawful for any person to bring any animal, except seeing eye dogs, any dog trained to assist the handicapped, or governmental police dog, upon the beaches or parks owned by the city, whether or not the animal is under restraint, or in restaurants, grocery stores, or other establishments selling groceries or staple goods. Except that this prohibition shall not apply to outdoor portions of food service establishments, when specifically authorized as provided by Florida Statutes, Section 509.233.

(b) A violation of this section shall constitute a Class A civil infraction, punishable as provided within this chapter.

**Sec. 4-24. Animal abuse, cruelty, or neglect.**

(a) It shall be unlawful for any person to abandon, beat, treat with cruelty, overwork, or otherwise abuse any animal.

(b) It shall be unlawful for any person keeping an animal to fail to provide for that animal:

(1) Clean, sanitary and humane conditions; kennels, runs, shelters, and living areas shall be kept clean of animal excrement;

(2) Sufficient quantities of food and fresh water daily; food must be free from contamination and water placed in a container that cannot be tipped over or spilled;

(3) Proper air ventilation and circulation;

(4) Sufficient shelter as defined in this chapter; and,

(5) Medical attention and/or necessary veterinary care when it is sick, diseased or injured.

(c) Animals maintained on a tether must be in an area free of objects that may cause entanglements. All tethers must be a minimum of ten (10) feet in length. Choke type or prong type collars shall be used only while the animal is under the handler's direct control.

(d) It shall be unlawful for an owner or operator of a motor vehicle to place or confine an animal or allow it to be placed or confined within an unattended motor vehicle without sufficient ventilation or under conditions for such a period of time as may be reasonably expected to endanger the health or well being of such animal due to heat, lack of water, or such other circumstances as may be reasonably expected to cause suffering, disability, or death of an animal.

(e) It shall be unlawful for any person to expose any known poisonous substance, whether mixed with food or not, so that it may be consumed by any animal.

(f) A violation of this section shall constitute a Class C civil infraction, punishable as provided within this chapter.

**Section 4-25. Animal injury; unlawful killing.**

(a) It shall be unlawful for any person injuring any dog, cat, or other domestic animal by any means, including a motor vehicle, to fail to notify the owner of the animal, if known, the police department, or the animal control officer. Any person who, as an operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible.

(b) All domestic animals put to death shall be done so pursuant to Florida Statutes, Chapter 828.

(c) A violation of this section shall constitute a Class B civil infraction, punishable as provided within this chapter.

**Sec. 4-26. Animal care.**

(a) It shall be unlawful for any person to tease or molest an animal.

(b) All dead animals shall be disposed of by means of cremation, controlled burial, as defined herein, or disposal to rendering companies. It shall be unlawful for any person or persons to dispose of dead animals by use of garbage collection containers.

(c) The owner or keeper of any animal shall immediately remove any excreta deposited by the animal on public walks, recreation areas, or the property of others.

(d) Female animals in heat (estrus) shall at all times be kept under restraint or confined within a building or secure enclosure in such a manner that such female animal cannot come into contact with male animal of like species except for planned breeding.

(e) A violation of this section shall constitute a Class A civil infraction, punishable as provided within this chapter.

**Sec. 4-27. Rabies vaccination required.**

(a) The owner or custodian of every dog, cat, and ferret, four months of age and older must obtain and maintain current and valid vaccination against rabies for these animals by a licensed

veterinarian, and maintain a certificate of current and valid vaccination, in accordance with Florida Statute 828.30.

(b) A violation of this section shall constitute a Class B civil infraction, punishable as provided within this chapter.

**Sec. 4-28. Rabies tags required.**

(a) Dogs and cats must wear current and valid rabies tags, issued by a licensed veterinarian vaccinating an animal pursuant to this article, securely affixed to a collar or harness at all times except when the animal is being shown in competition. The requirement to wear a rabies tag shall not apply to government owned law enforcement service dogs.

(b) A violation of this section shall constitute a Class A civil infraction, punishable as provided within this chapter.

**Sec. 4-29. Rabies control, reporting dog and cat bites, investigations.**

(a) In the event any person is bitten by a dog or cat within the limits of the city, such person, or the owner of such dog or cat when he has knowledge of the incident, shall report such incident to a police or animal control officer within twenty-four (24) hours.

(b) Every physician or other practitioner shall report to a police or animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as is necessary for rabies control.

(c) Every licensed veterinarian shall report to the city or animal control officer his diagnosis of any animal observed by him as a rabies suspect.

(d) Animal control officers shall investigate bite cases and initiate action to quarantine involved animals or take other enforcement when necessary to protect public health.

**Sec. 4-30 - Limitation on the number of cats and dogs.**

(a) It shall be unlawful to own, harbor, or keep more than five (5) domestic animals, four months or older.

(b) This section shall not pertain to breeders that are registered and in compliance with the requirements this chapter. Nor shall it apply to the ownership, care, custody or maintenance, in the ordinary course of business, of any animal by a research or veterinary medical facility, government operated or authorized animal shelter, humane society facility, boarding facility, or commercial pet shop, provided that said shelter, facility, or shop is operating in accordance with all applicable occupational licensing and zoning ordinances.

(c) A violation of this section shall constitute a Class B civil infraction, punishable as provided within this chapter.

**Sec. 4-31. Classification of dangerous dogs; requirements.**

(a) The procedure for classification of dangerous dog shall be as provided for in Chapter 767, Florida Statutes.

(b) The owner of a dangerous dog shall present the city with proof that they have procured liability insurance or a surety bond in the amount of no less than one hundred thousand dollars (\$100,000.00) covering any damage or injury which may be caused by such dangerous dog. Said policy shall contain a provision requiring that the city be given notice immediately by the agent issuing the policy in the event the policy is canceled, terminates, or expires. Such liability insurance shall be obtained prior to issuing a certificate of registration for the dangerous dog as provided for in this chapter or prior to releasing the dog from impoundment, and shall be maintained so long as the dangerous dog resides within the city.

(c) An owner transferring ownership of any dog found to be dangerous under this article shall provide written notice to the new owner regarding the dog's classification as dangerous. An owner either, transferring ownership of, or moving the location of, a dog classified as dangerous under this article, shall notify the city in writing regarding the new address, or the name, address, phone number of the person receiving the dog. Any person receiving a dog classified as dangerous must comply with all requirements of this chapter.

(d) A violation of this section shall constitute a Class C civil infraction, punishable as provided within this chapter.

**Sec. 4-32. Restraint and confinement of vicious animals or dangerous dogs.**

(a) It shall be unlawful for any owner to keep any vicious animal or dangerous dog, as defined herein, within the city unless it is confined within a secured building or securely fenced enclosure or to allow the animal to be taken outside this confinement without being under restraint and sufficiently muzzled to prevent biting.

(b) A violation of this section shall constitute a Class C civil infraction, punishable as provided within this chapter.

**Sec. 4-33 through 4-49. Reserved**

**ARTICLE III – REGISTRATION**

**Sec. 4-50. Registration required.**

(a) Except as otherwise provided herein, it shall be unlawful for any person to own, keep, harbor, maintain, or have custody of any dog or cat four (4) months or older, within the city, unless such dog or cat is registered in accordance with the provisions of this article.

(b) Registrations or identification tags shall not be transferred from one animal to another, nor from one owner to another.

(c) A violation of this section shall constitute a Class B civil infraction, punishable as provided within this chapter, except that a violation of the section pertaining to the failure to register a dangerous dog constitutes a Class C civil infraction, punishable as provided within this chapter.

**Sec. 4-51. Registration tags required.**

(a) Dogs and cats must wear valid registration tags, issued pursuant to this article, securely affixed to a collar or harness at all times except when the animal is being shown in competition.

(b) A violation of this section shall constitute a Class A civil infraction, punishable as provided within this chapter.

**Sec. 4-52. Registration process and fees.**

(a) The City Clerk will administer the registration program and is authorized to adopt rules and procedures necessary to fulfill this responsibility.

(b) Owners or custodians of dogs and cats requiring registration pursuant to this article, shall register and obtain tags as follows:

(1) Within thirty (30) days of acquiring the dog or cat; or

(2) Within thirty (30) days after the owner or custodian takes residence in the incorporated areas of Fort Pierce, whichever occurs later.

(3) Upon transfer of a previously registered animal to a new owner or custodian, the owner or custodian shall have a period of thirty (30) days within which to comply with the requirements of this article. Except that upon the transfer of a dangerous or vicious dog, as provided in this chapter, the owner or custodian shall have a period of seven (7) days to comply.

(c) Registrations must be purchased from the City Clerk, participating veterinarians, animal shelter, or other agents as approved by the City Clerk, except that only the City Clerk shall process the registration of vicious or dangerous dogs.

(1) Applications for registration must include a proof of current and valid rabies vaccination as provided within this chapter, and applications for registration of sterilized dogs or cats must include a sterilization certificate issued by a licensed veterinarian. No registration will be issued without such certifications.

(2) Applications for the registration of vicious animals or dangerous dogs must include certificate of liability insurance as required within this chapter. Any registration issued pursuant to the presentation of this certificate, shall immediately become invalid upon an

owners failure to maintain such liability insurance. No registration will be issued without such certificate.

(3) Fees, applications, and certification information will be forwarded to the City Clerk by selling agents as required by administrative rule.

(d) The registration certificate and tag shall be valid for one year from the date of issuance.

(e) The registration provisions of this article shall not apply to:

(1) Any owner or custodian who is a nonresident or temporary resident, as defined herein, provided that the owner's animal has been vaccinated for rabies and this vaccination remains valid for the duration of the anticipated stay within the incorporated areas of the city and that a valid rabies tag is worn as required by this chapter. A "temporary resident" as used herein shall be defined to mean a person who intends to reside within the city for a total period of less than six (6) months during any twelve-month period.

(2) The ownership, care, custody or maintenance, in the ordinary course of business, of any animal by a research or veterinary medical facility, animal shelter, boarding facility, or commercial pet shop, provided that said shelter, facility, or shop is operating in accordance with all applicable occupational licensing, code, and zoning ordinances.

(3) Government owned law enforcement service dogs.

(f) Fees for registrations shall be charged as follows:

(1) Annual fee for each sterilized cat or dog: \$10

(2) Annual fee for each non-sterilized cat or dog: \$75

(3) Replacement Tags \$5

(4) Non-sterilized cats and dogs that are registered with a veterinarian's certification that the animal's age or health prevents sterilization shall pay the same fee for sterilized cats and dogs.

(5) Fees shall be waived for any service dog or cat that is specially trained and actively engaged in service to assist the handicapped; however, these animals must be registered and comply with requirements to wear tags.

(g) Fees for the registration of dangerous dogs as required within this chapter shall be \$100, which is in addition to the applicable standard registration fee as provided herein.

(h) Proceeds from the registration program shall first be used for program administration; and then, remaining proceeds may be used for education and to support free or reduced cost pet spay and neuter programs

**Sec. 4-53. Breeder registration required.**

(a) It shall be unlawful for any person to operate as a cat or dog breeder unless such person has been currently registered as a breeder in accordance with the provisions of this article.

(b) A violation of this section shall constitute a Class C civil infraction, punishable as provided within this chapter.

**Sec. 4-54. Breeder registration process, fees, and revocation.**

(a) All breeders of cats or dogs operating within the city, shall obtain a breeder registration certificate from the City Clerk on or before October 1 of each year.

(b) A breeder registration certificate will not be issued unless the applicant demonstrates compliance with all applicable building, zoning, and business tax codes and ordinances. A breeder registration certificate shall be immediately revoked for failure to maintain compliance with such codes and ordinances.

(c) The annual fee for breeder registrations shall be \$100.

(d) The breeder registration number shall be included in all advertisements for sale of any animals offered for sale or breeding by the breeder.

(e) The breeder registration certificate shall be non-transferable.

(f) The breeder's registration certificate shall be immediately revoked upon any conviction for an offense involving cruelty, neglect, or abuse of animals. Breeders convicted of such offenses shall be ineligible for issuance of a registration certificate.

(g) There shall be no more than one registered breeder per residentially zoned property.

(h) Proceeds from breeder registration program shall first be used for program administration; and then, remaining proceeds may be used for education and to support free or reduced cost pet spay / neuter programs.

**Sec. 4-55 through 4-69. Reserved**

**ARTICLE IV – IMPOUNDMENT**

**Sec. 4-70. Impounding; authority.**

Police and animal control officers are authorized to impound any animal or fowl as provided by this chapter or state law.

**Sec. 4-71. Impoundment; requirement to check for identification.**

Upon taking custody of any dog or cat, officers shall inspect the animal for a registration tag and scan the animal for the presence of a microchip in an attempt to gain ownership information required for the completion of duties as described herein. Such inspection and scanning shall be completed prior to any impoundment at an animal shelter.

**Sec. 4-72. Impoundment and disposition; not under restraint, at large, and nuisance animals.**

(a) Any animal or fowl not under restraint, found running at large in the city, or determined to be a nuisance animal, may be taken by or at the direction of an officer and impounded in the animal shelter, and there confined in a humane manner.

(b) Female animals in heat may be impounded when not kept under restraint or confined within a building or secure enclosure as provided in this chapter.

(c) When the owner is known and able to take immediate custody of an animal, and the animal is not a danger to public safety or a nuisance animal, officers should return the animal directly to the owner to avoid impoundment and animal shelter fees. However, this shall not prevent officers from taking enforcement action for any violations of this chapter.

(d) When the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment provide the owner with written notice of such action. If the owner cannot be contacted, but their address is known, the animal control officers will post written notice of the impoundment at this address.

(e) Upon impoundment, the officer will provide written notice to the animal shelter indicating that the animal is being impounded without a hold pursuant to this section. When known, this notice will include the name, address, and telephone number of the animal's owner.

(f) Any animal not reclaimed by its owner within five (5) working days shall become the property of the local government authority or animal shelter, and shall be placed for adoption or euthanized. There shall be no requirement to hold a feral or wild animal impounded under this section prior to disposition.

**Sec. 4-73. Impoundment, quarantine, and disposition; animal bites cases and rabies infection.**

(a) When an animal has bitten or aggressively attacked a person or another animal, or is otherwise suspected of being rabid, the animal shall be quarantined for a period of 10 days.

(b) When the owner of the animal is unknown, there is reason to suspect the animal of being rabid, or when the investigating officer otherwise determines the need for immediate impoundment and secure quarantine:

(1) Upon impoundment, the officer will provide written notice to the animal shelter indicating that the animal is being impounded with a hold for ten days pursuant to this section. When known, this notice will include the name, address, and telephone number of the animal's owner.

(2) If the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment provide the owner with written notice of such action. If the owner cannot be contacted and their address is known, the animal control officers will post written notice of the impoundment at this address.

(3) When known, the owner shall be given written notice of their right to request a hearing. This ten-day period shall allow the owner to apply to a court of competent jurisdiction for remedies that may be available.

(4) The owner shall be responsible for the payment of all boarding costs and fees that are required to keep the animal.

(c) When the owner is known and capable of securely quarantining the animal, as determined by the investigating officer and no suspicion of rabies infection exists:

(1) A written notice for quarantine shall be issued and direct the owner to keep the animal securely confined and kept from contact with any other animal.

(2) The owner may arrange, at their own expense, for the quarantine of the animal in a veterinary hospital, animal shelter, or at another secure site approved by the investigating animal control officer.

(3) Should the owner fail to comply with a notice for quarantine, the officer shall immediately impound the animal and quarantine it at an animal shelter, as provided herein.

(d) Animal control officers shall notify the St. Lucie County Health Department upon any positive indication of a rabies infection in an animal.

**Sec. 4-74. Impoundment, order to provide care, and disposition; mistreated or neglected animals.**

(a) Any police or animal control officer may remove from its present custody and impound, or issue an order to provide care to its owner, any animal found neglected, or cruelly treated pursuant to and in accordance with Florida Statute 828.073.

(b) Animals taken into custody pursuant to this section shall be impounded in the animal shelter, and there confined in a humane manner until a court order is issued or other disposition is taken in accordance to Florida Statute 828.073, or until a veterinarian determines euthanasia is necessary pursuant to Florida Statutes 828.012 or 828.122.

(c) Upon impoundment, the officer will provide written notice to the animal shelter indicating that the animal is to be held pursuant to this section. When known, this notice will include the name, address, and telephone number of the animal's owner.

(d) When an animal is impounded or an order to provide care is issued pursuant to this section, an animal control officer shall, within two business days, petition the county court for a hearing to determine custody and disposition of the animal in accordance with Florida Statute 828.073.

(e) When an animal control officer petitions the county court as provided in this section, then that animal control officer shall have written notice served to the owner or public notice published, at least 5 days prior to the court hearing, and in accordance with Florida Statute 828.073.

**Sec. 4-75 . Impoundment and disposition; animal fighting and baiting.**

(a) Upon a court finding probable cause for a violation of Florida Statute 828.122, involving animal fighting or baiting, in application for a search or arrest warrant, or on the arraignment of any person so charged, the investigating officer shall petition the court to issue an order for seizure of any animals or equipment used in committing the violation in accordance with the same law.

(b) Animals taken into custody pursuant to this section shall be impounded in the animal shelter, and there confined in a humane manner until a court order is issued or other disposition is taken in accordance to Florida Statute 828.073, or until a veterinarian determines euthanasia is necessary pursuant to Florida Statutes 828.012 or 828.122.

(c) Upon impoundment, the officer will provide written notice to the animal shelter indicating that the animal is to be held pursuant to this section. Additionally, when known, this notice will include the name, address, and telephone number of the animal's owner.

**Sec. 4-76. Release of impounded animals; requirements and fees.**

(a) An animal shelter shall not release an animal impounded under this chapter to an owner until the following conditions have been met:

(1) The owner has paid all fees and costs that would otherwise be charged to the city by the animal shelter.

(2) The owner has paid an impoundment fee of \$50, in addition to any other cost charged by the animal shelter.

(3) The owner of any dog or cat provides, or acquires through the animal shelter, proof of current and valid rabies vaccination and proof of registration as required within this chapter, except that owners residing outside the City of Fort Pierce shall not be required to comply with registration provisions within this chapter.

(b) The animal shelter shall collect all fees required prior to the release of any animal, provide a receipt for same to the owner upon payment, and transmit the collected fees to the city in a manner provided by administrative rule.

**Sec. 4-77. Adoption of animals from city funded agencies.**

(a) No dangerous dog, vicious animal, or animal that has been involved in an unprovoked bite or attack on a person shall be placed for adoption in the event that the owner does not reclaim the animal.

(b) A humane society, shelter, or other agency funded in any part by the City of Fort Pierce shall not release a dog or cat for adoption, unless the dog or cat has been sterilized by a licensed veterinarian, or before securing a written agreement for sterilization as provided within Florida Statute 823.15.

(c) A humane society, shelter, or other agency funded in any part by the City of Fort Pierce shall not release a dog or cat for adoption, unless that dog or cat has been implanted with a microchip as defined by this chapter and sufficient information to locate the adopter is provided to the entity maintaining such data for the microchip manufacturer.

(d) A humane society, shelter, or other agency funded in any part by the City of Fort Pierce shall not release a dog or cat for adoption, unless that dog or cat has been vaccinated for rabies as required by this chapter and registered and all tags and certificates as required herein have been issued to the owner, except that dogs and cats adopted by owners living outside the city shall not be required to comply with registration requirements.

**Sec. 4-78 through 4-89. Reserved**

**ARTICLE V - ENFORCEMENT**

**Sec. 4-90. Enforcement and penalties.**

(a) Any officer who has probable cause to believe that any person has committed an act in violation of this chapter, or any other ordinance relating to the care, custody, control of, or cruelty to animals, may issue a citation to that person. The determination that a violation has occurred may be the result of the officer's own investigation or as the result of a credible complaint by an aggrieved person.

(b) Unless otherwise specified, any violation of this chapter, or any other ordinance of the city relating to the care, custody, control, or cruelty to animals, constitutes a civil infraction and may be punishable by a civil penalty not to exceed five hundred dollars (\$500.00). If the person who has committed the violation does not contest the citation, a reduced civil penalty of less than the maximum allowed will be assessed as follows:

<u>Class</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
<u>A</u>	<u>\$50</u>	<u>\$100</u>	<u>Mandatory Court</u>
<u>B</u>	<u>\$100</u>	<u>\$200</u>	<u>Mandatory Court</u>
<u>C</u>	<u>\$250</u>	<u>Mandatory Court</u>	<u>Mandatory Court</u>

(c) Within thirty (30) days of the issuance of a citation for a violation of this chapter, the person cited must comply with one of the following options for disposition of the citation:

(1) Pay the reduced fine, as indicated herein, to the City of Fort Pierce in the manner provided on the citation form. A person making this election shall be deemed to have admitted the infraction and waived the right to a hearing; or,

(2) Request a hearing to contest the citation in county court, as provided by Florida Statutes, Section 828.27, by contacting the civil infraction hearing coordinator designated by the chief of police, in the manner provided on the citation form.

i. The civil infraction hearing coordinator will arrange for a hearing before the county court and cause the person contesting the citation, the citing officer, and any witnesses to be notified of the court hearing by summons.

ii. The civil infraction hearing coordinator may dismiss a citation, prior to scheduling a hearing, when the facts presented are likely to result in an acquittal by the county court.

iii. The standard of proof in the court hearing shall be a preponderance of the evidence.

iv. Contesting the citation shall be deemed a waiver of any right to pay the reduced civil penalty, and upon a finding by the court that the civil infraction was committed, the court may order the violator to correct the violation and impose a penalty up to the maximum civil penalty of five hundred dollars (\$500) plus all applicable costs of prosecution and court costs, but in no event shall any such civil penalty imposed by the court be less than the reduced civil penalty as provided in this article. The judge may provide for the civil penalty to be paid, and the violation to be corrected, within such time as the county judge determines to be appropriate. If the person found to be in violation fails to pay the civil penalty or to correct the violation within the time provided, a civil judgment shall be entered against that person in the amount adjudicated, and any other lawful sanctions may be imposed by the court.

(d) Any person that is issued a citation and fails to pay the reduced civil infraction or request a court hearing within 30 days, or any person that requests to contest a citation by scheduling a court hearing and then fails to appear at such hearing, shall be deemed to have waived the right to contest the citation and a civil judgment shall be entered against the person in an amount not to exceed the maximum civil penalty of five hundred dollars (\$500) plus all applicable cost of prosecution, plus court costs, but in no event shall any such civil penalty imposed by the court be less than the reduced civil penalty as provided in this article. However, the court shall have the discretion to continue or reschedule any hearing when it determines that doing so will further the interest of justice.

(e) Payment of any civil penalty imposed by the county court shall be made to the clerk of court, who shall forward the monies collected to the City of Fort Pierce.

(f) Civil penalties imposed pursuant to this article shall be independent of and in addition to any fees, cost, or charges arising from the impoundment or registration of animals as provided in this chapter.

(g) As provided by Florida Statute 828.27, in addition to any civil penalties imposed pursuant to this article there shall be imposed and collected a surcharge of five dollars (\$5). The proceeds from such surcharge shall be used to pay the cost of the training for animal control officers.

(h) Nothing in this chapter shall prevent officers from charging violations related to the care and control of animals as criminal offenses, when so provided by Florida Statutes.

**Sec. 4-91 through 4-99. Reserved**

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

**SECTION 4.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 5.** This Ordinance is and the same shall become effective 90 days from final passage hereof.

