

## ORDINANCE NUMBER 2008-04

### AN ORDINANCE OF THE TOWN OF GREENWOOD, FLORIDA, ESTABLISHING ANIMAL CONTROL, SETTING FINES AND FEES RELATED TO VIOLATIONS, REPEALING INCONSISTENT PRIOR ORDINANCE PROVISIONS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, The Town of Greenwood has undertaken to establish this Animal Ordinance to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals residing within the Town. Animal ownership is encouraged and welcomed within the Town; however, strong emphasis is placed on responsible ownership of animals. Animal owners are encouraged to respect the rights of their fellow citizens and also those of their animals. Primary responsibility is placed upon animal owners to properly maintain, train and secure their animals so as to prevent them from causing injuries or creating nuisances.

**NOW THEREFORE**, be it ordained and enacted:

**Section 1.1 TITLE.** This ordinance shall be known as, and may be cited as, the Town of Greenwood Animal Control Ordinance.

**Section 1.2 DEFINITIONS.** Definitions. As used in this ordinance, the following terms shall mean:

- a. *Animal* means any non-plant living creature other than a human being.
- b. *Code Enforcement Officer* means the code enforcement officer as defined and established in Ordinance 2008-2
- c. *Animal Control Officer* means any person who is authorized to investigate code and ordinance violations pursuant to Ordinance 2008-02. The Code Enforcement Officer, or designee, pursuant to Ordinance 2008-02 is authorized to investigate violations of this Ordinance relating to animal control, on public and private property, and to issue citations as provided in this Ordinance and Ordinance 2008-02. The term shall also include an Animal Control Officer as defined by the Animal Control Code of Jackson County, Florida, performing within the Town of Greenwood pursuant to contract between the Town of Greenwood and Jackson County for animal control services.
- d. *At large* means any animal, other than a cat, not under the control, custody, charge, or possession of the owner, keeper, or other responsible person by leash, cord, chain, secure fence, or other means of confinement or restraint. An animal participating in an organized exhibition, field trial, competition, or legal sport, or training for such events, shall not be deemed at large.
- e. *Certificate* means a rabies vaccination certificate issued by a veterinarian or other person or institution deemed qualified to certify a current vaccination to the animal in writing.
- f. *Citation* means a written notice, issued to a person by an officer, in conformity with the provisions of Ordinance 2008-02 that the officer has probable cause to believe that the person committed a violation of this ordinance.
- g. *Commercial kennel* means a kennel which offers or provides services for remuneration, including but not limited to, boarding, care and grooming, breeding, stud services, or sale of offspring of adult dogs, cats or other domesticated animals.

- h. *Control* means the regulation of the possession, care, ownership, and custody of animals.
- i. *Cruelty* means any act of neglect, torture, or torment that causes unjustifiable pain and suffering of an animal.
- j. *Dangerous animal* or *Vicious animal* means any animal which without provocation has attacked, bitten or injured a human being or another animal, or which has a known propensity to attack or bite human beings or other animals.
- k. *Insecurely fenced property* means property that an animal can enter upon or leave by going over, under, or through an existing fence.
- l. *Keeper* means any person, firm, corporation, partnership, or association having possession, custody, or control of an animal.
- m. *Veterinarian* means any person who is licensed to engage in the practice of veterinary medicine in Florida, under the authority of F.S. ch. 474.
- n. *Nuisance* means:
  - (1) Disturbing the peace and quiet of any person by habitually barking, howling, crying, screaming, or making other bothersome noises between, but not limited to, the hours of 8:00 p.m. and 8:00 a.m.
  - (2) Disturbing the peace or causing injury or threat of injury to any person or property by habitual or repeated destruction, desecration or soiling of public or private property, chasing of persons, cars, other vehicles, or other animals, running at large, or other similar conduct or behavior.
  - (3) The keeping of any animal, which causes or emits unreasonable or offensive odor which can be detected off the premises of the owner or keeper, or the place where any animal is kept in such a manner as to cause a breeding place for flies, lice, fleas, or other vermin, or a breeding place for any diseases.
- o. *Ordinance* means any ordinance enacted by the Town Council, for the control of or cruelty to animals within the contiguous boundaries of the Town the violation of which is a civil infraction.
- p. *Owner* means any person, firm, corporation, partnership, or association owning or harboring an animal, or any person who feeds or shelters an animal or who permits an animal to remain on his property.
- q. *Tag* means a rabies vaccination tag issued pursuant to this Ordinance.

**Section 2. AUTHORITIES OF CODE ENFORCEMENT OFFICER AS TO ANIMAL CONTROL.**

- a. The Code Enforcement Officer of the Town of Greenwood (to include the Animal Control Officer of Jackson County) may enter upon public property and unfenced or insecurely fenced private property, except residential buildings, to administer and enforce the provisions of this article.
- b. The Code Enforcement Officer shall investigate complaints of alleged violations of this Ordinance and shall issue citations of written notice requiring that violations cease or be corrected.
- c. The Code Enforcement officer may seize and take possession of, or cause to be seized or taken possession of, by a qualified animal control officer:
  - (1) Any stray animal;
  - (2) Any animal at large;
  - (3) Any animal constituting a nuisance;
  - (4) Any dangerous or vicious animal not properly secured, confined, or restrained by the owner or keeper of the animal;
  - (5) Any female dog or cat in heat not properly confined by the owner or keeper of

- the dog or cat;
- (6) Any dog or cat not wearing a vaccination tag;
  - (7) Any animal carrying or believed to be carrying rabies;
  - (8) Any sick or injured animal for which the owner or keeper cannot be identified;
  - (9) Any animal otherwise in violation of this Ordinance.
- d. Any animal seized pursuant to this section may be impounded.
  - e. The Code Enforcement Officer may declare an animal to be a dangerous animal or a vicious animal and shall order the owner or keeper of such animal to secure, confine or restrain the animal as required by this ordinance.

### **Section 3. CONFINEMENT AND QUARANTINE OF ANIMALS.**

- a. Upon complaint, the Code Enforcement Officer shall investigate whether an animal is dangerous or vicious. If the officer declares the animal to be dangerous or vicious, he shall provide written notice to the owner or keeper of the animal. The written notice shall state all the known facts and shall order the owner or keeper to chain the animal securely to the owner's or keeper's property or to confine the animal in another reasonable manner specified by the officer. The owner or keeper shall immediately comply with the officer's written order.
- b. The owner or keeper of a female dog or cat in heat (estrus) shall confine such a dog or cat so as to make it inaccessible to any male dog or cat, except for controlled and intentional breeding purposes. Confinement by a leash, chain, or other similar restraint, or within a fence, open kennel, open cage, or run, may be, but shall not be presumed to be, in compliance with this section.
- c. When an animal has bitten or is believed to have bitten a human being or another animal, or is suspected of carrying rabies, the animal shall be quarantined for a reasonable period of time, as determined by the Code Enforcement Officer, but in no case, no less than ten days. At the discretion of the officer the animal may be quarantined in a Town approved pound or subpound, at any approved facility, or at the owner or keeper's property under the supervision of the Code Enforcement Officer.

### **Section 4. SEIZURE OF ANIMALS.**

- a. A property owner or tenant may seize in a humane manner any animal at large on his property in violation of this ordinance. Where such seizure is made the property owner or tenant shall immediately deliver the animal to an animal control officer.
- b. Any person who seizes an animal pursuant to this section shall exercise utmost care to treat the animal humanely and to avoid cruelty, injury, sickness, hunger, or other ailment or affliction in both seizure and delivery of the animal. Any person unable to comply with this section shall not seize any animal.

### **Section 5. IMPOUNDMENT OF ANIMALS.**

- a. Pursuant to agreement between the Town of Greenwood and Jackson County, if any is in effect at the time, an animal requiring impoundment shall be impounded by Jackson County pursuant to Jackson County code. If such an agreement is not in effect at the time, an animal requiring impoundment may be impounded at any authorized facility within the State of Florida and all procedures and fees of that facility shall apply.

- b. The Code Enforcement Officer may retain the services of a licensed veterinarian to treat any sick or injured animals, or any animal believed to be carrying rabies, retained by the Town or by the County on the Town's behalf. When the owner or keeper of such animal is identified, such owner or keeper shall be liable for payment of the veterinarian expenses or reimbursement of the Town's expenses in treating the animal.
- c. The Town Council may adjust impound fees from time to time by Resolution.
- d. An owner or keeper shall not be entitled to release of an impounded animal until:
  - (1) The owner of an impounded animal which is not vaccinated or does not have a current tag, makes arrangements for vaccination and obtaining a tag; and
  - (2) The owner or keeper of the animal pays all fees and expenses and obtains vaccinations and tags for the animal impounded; and
  - (3) The owner or keeper executes a sworn statement of ownership, and releases the Town from any forthcoming liability or responsibility with regard to the animal impounded.
  - (4) If a dangerous or vicious animal is impounded, a court of competent jurisdiction enters an order releasing the animal pending final determination of the Town or the Town makes a final determination that the owner has satisfied all conditions of this ordinance and Ordinance 2008-02 and has made adequate arrangements to protect the public safety.

#### **Section 6. DISPOSITION OF ANIMALS.**

- a. When a court of competent jurisdiction adjudges an animal to constitute a nuisance under this ordinance, or any other law, the animal control officer may seize the animal and the Town may sell, destroy, or otherwise dispose of the animal.
- b. The Town may transfer ownership or custody to a humane agency, sell, destroy, or dispose of any animal impounded pursuant to this article where:
  - (1) No owner exists;
  - (2) An owner cannot be identified;
  - (3) An identified owner cannot reasonably be notified;
  - (4) An owner is notified, but by his statements, actions, or failure to act, indicates an intent to abandon the animal;
  - (5) An owner, after notice, does not claim the animal within five working days;
  - (6) The Code Enforcement Officer shall make every reasonable effort to identify and notify the owner or keeper of an animal impounded pursuant to this ordinance. Where such efforts fail, the owner or keeper shall not be entitled to compensation for loss of the animal.

#### **Section 7. DISPOSAL OF DEAD ANIMALS.**

- a. When an animal dies, the owner or keeper of the animal shall dispose of the remains immediately.
- b. When the Code Enforcement Officer discovers a dead animal on private property, he shall, after identification of the owner or keeper of the dead animal, provide written notice to the owner or keeper of the dead animal to

immediately dispose of the animal. If the owner or keeper of the dead animal does not comply within 24 hours after receipt of the written notice, the Town shall cause the remains to be disposed of and shall bill the owner or keeper, as applicable for the cost of such disposal.

#### **Section 8. RABIES VACCINATIONS OF DOGS AND CATS.**

- a. The owner or keeper of a dog or cat in the Town shall cause such dog or cat to be vaccinated against rabies each year by a licensed veterinarian. Evidence of rabies vaccination shall consist of a certificate signed by the licensed veterinarian administering the vaccination and identifying the dog or cat.
- b. Rabies vaccination is excused only if a dog or cat is under the age of four months, or if a licensed veterinarian certifies in writing that rabies vaccination would be injurious to the health of the dog or cat. In the latter case the dog or cat shall be confined in an enclosed building or a kennel at all times until a licensed veterinarian can safely vaccinate the dog or cat.
- c. The owner or keeper of a dog or cat which is vaccinated against rabies shall obtain a tag for such dog or cat each year. The tag shall be attached to the collar of the dog or cat and shall be worn at all times except when a licensed veterinarian orders in writing the collar and tag be removed from a dog or cat for health reasons, in which case the dog or cat shall be confined in an enclosed building or a kennel at all times until a licensed veterinarian permits the collar and tag to be placed on the dog or cat.
- d. Any person bringing a dog or cat into the Town, with the intent to reside permanently or temporarily for a period of six months, shall comply with this section within 30 days after arrival to the Town.

#### **Section 9. VIOLATIONS.**

- a. It is a violation of this ordinance for any person to interfere with the Code Enforcement Officer or an Animal Control Officer in the administration or enforcement of this ordinance.
- b. It is a violation of this ordinance for any person to refuse to surrender an animal upon lawful demand by the Code Enforcement Officer or an animal control officer.
- c. It is a violation of any person to attempt to take an animal from the custody of the animal control officer or any pound or subpound or other property used for enforcement of this ordinance without permission from the Town.
- d. It is a violation of this ordinance for the owner or keeper of a dog or cat to refuse to show the certificate, tag, or other document required by or issued pursuant to this ordinance, upon lawful demand by the Code Enforcement Officer or an animal control officer, provided that the officer may allow the owner or keeper 72 hours to produce the requested certificate.
- e. It is a violation of this ordinance for any person to possess or use a stolen, counterfeit or forged certificate, tag, or other document required by or issued pursuant to this article.
- f. It is a violation of this ordinance for the owner or keeper of an animal declared to be dangerous or vicious, to fail to secure, confine, or restrain the animal as ordered by the code enforcement officer or animal control officer pursuant to this ordinance.

- g. It is a violation of this ordinance for an owner or keeper of a female dog or cat in heat (estrus) to fail to confine the dog or cat as required by this article.
- h. It is a violation of this ordinance for the owner or keeper of an animal which has bitten or is believed to have bitten a human being or other animal, or is suspected of carrying rabies, to fail to quarantine the animal as required by the code enforcement officer or an animal control officer pursuant to this ordinance.
- i. It is a violation of this ordinance for any property owner or tenant to subject an animal to cruelty, injury, sickness, hunger, or other ailment or affliction, either intentionally or negligently, in seizure or delivery of the animal pursuant to this ordinance.
- j. It is a violation of this ordinance for the owner or keeper of an animal which has died, or the owner of private property upon which an animal has died, to fail to dispose of the remains of the animal as ordered by the code enforcement officer or an animal control officer pursuant to this ordinance.
- k. It is a violation of this ordinance for the owner or keeper of a dog or cat to refuse or fail to have the dog or cat vaccinated against rabies each year as required by this ordinance.
- l. It is a violation of this ordinance for an owner or keeper of a dog or cat which is vaccinated against rabies to refuse or fail to obtain a tag for the dog or cat each year.
- m. It is a violation of this ordinance for any person to remove the collar and tag from a dog or cat which is vaccinated against rabies, except as otherwise provided for in this ordinance.
- n. It is a violation of this ordinance for any person to entice or lure an animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease an animal which is held or controlled by its owner or keeper or which is on the property of its owner or keeper.
- o. It is a violation of this ordinance for the owner or keeper of an animal to permit, either willfully or negligently, the animal to be at large.
- p. It is a violation of this ordinance for the owner or keeper of an animal to permit, either willfully or negligently, the animal to constitute a nuisance.
- q. It is a violation of this ordinance for the owner or keeper of a dog or cat to permit, either willfully or negligently, the dog or cat to defecate upon:
  - (1) Any public property, other than in areas designated for such purpose; or
  - (2) Any private property without permission of the property owner.

**Section 10. PROCEEDINGS ON VIOLATIONS.**

- a. The procedures stated in Ordinance 2008-02 for Code or Ordinance Violations shall apply to violations of this ordinance.

**Section 11. CONFLICTING ORDINANCES REPEALED.**

- a. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 12. SEVERABILITY.**

- a. If any word, phrase, sentence, part, section, subsection, or other portion of this law or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

**Section 13. EFFECTIVE DATE.**

- a. This Ordinance is effective upon adoption.

Adopted at a duly advertised public hearing at which a quorum was present and a majority voted in favor, this 8<sup>th</sup> day of July, 2008.

ATTEST:

**TOWN COUNCIL OF THE**

TOWN OF GREENWOOD, FLORIDA

Suzanne M. Nesmith  
SUZANNE M. NESMITH, Town Clerk

Charles Sanders, Mayor  
CHARLES SANDERS, Mayor