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Chapter 5 - ANIMALS AND FOWL

ARTICLE II. - ANIMAL CONTROL

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**Sec. 5-21. - Enactment and authority.**

In accordance with and pursuant to the authority of Chapters 125 and 828, Florida Statutes, the board of county commissioners hereby establishes regulations in the interest of public health, safety and welfare to provide protection for, and to regulate and control domestic animals in the county. The powers and authority granted under this article shall be supplemental to those already provided for in state statutes concerning local animal control, the regulation of dangerous animals, cruelty to animals, and the sale or transfer of dogs and cats.

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(Ord. No. 92-25, § 1, 11-3-92)

**Sec. 5-22. - Definitions.**

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

*Animal* shall be held to include every living dumb creature.

*Animal control agency* means the county or municipal government or an authorized agent.

*Animal control officer* means person(s) designated as a law enforcement officer by the state, a county or municipal government, or a humane society organized under the laws of the state, and who is qualified to perform such duties pursuant to the laws of the state.

*Animal shelter* means that public or private non-profit facility operated by an animal control agency or a humane society for the purpose of impounding or caring for animals held under the authority of this article or state statute.

*Bad dog* or *bad cat* means any dog or cat which has bitten or attempted to bite or attack a human or another animal without provocation.

*Citation* means a written notice issued to a person by an officer with probable cause to believe that the person has committed a civil infraction in violation of this article.

*Cruelty* means any act of neglect, torture or torment that causes unjustifiable pain or suffering of an animal.

*Custodian* means any person or agent designated by the owner of an animal to provide care, shelter, protection, refuge or food and otherwise control the animal's actions.

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

*Farm animal* means cattle, swine, horses, mules, poultry, ostriches, goats and sheep.

*Harbor* means to perform any of the acts of providing care, shelter, or food in such a manner as to control the animal's actions; or to reasonably show that the animal returns regularly to a person's home or premises for shelter and/or food. An animal shall be deemed to be harbored if it is fed or sheltered for ten consecutive days or more.

*Owner* means any natural person, firm, association or corporation who owns, keeps, harbors or controls an animal, and the knowledge and acts of agents and employees of corporations in regard to animals transported, owned, employed by or in the custody of a corporation shall be held to be the knowledge and acts of such corporation.

*Potential rabies carrier* means any wild animal commonly recognized to be a carrier of rabies, including but not limited to, raccoons, foxes, bobcats, skunks, and bats.

*Spay* or *neuter* means to surgically render a cat or dog permanently and completely incapable of breeding or reproduction.

(Ord. No. 92-25, § 2, 11-3-92; Ord. No. 93-51, § 1, 11-30-93)

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**Sec. 5-23. - Animal control officer.**

- (a) The animal control officer shall have full and complete authority in the enforcement of this article and may pick up or apprehend any animal under any circumstance which constitutes a violation of this article or state statute and impound the animal in the animal shelter.
- (b) The animal control officer may enter public or unfenced private property within the county to carry out the enforcement of this article or state statute.
- (c) The animal control officer may enter fenced private property, exclusive of buildings, when the animal being sought was at large immediately prior to the animal control agency or officer 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.
- (d) The animal control officer may enter fenced private property for the purpose of enforcing the provisions of Section 828.073, Florida Statutes, concerning the removal of neglected or mistreated animals.
- (e) The animal control officer may carry and utilize a humane chemical capture device to subdue and tranquilize an animal.
- (f) The animal control officer may issue citations and/or notices to appear in the county court for violations of this article when reasonable and probable cause exists that a violation has occurred.

(Ord. No. 92-25, § 3, 11-3-92)

**Sec. 5-24. - Interference with animal control officer.**

- (a) It shall be unlawful and a civil infraction for any person to hinder, obstruct or otherwise interfere with an officer while discharging his duties under this article; or to take or attempt to take any animal from any vehicle used by the officer to transport animals; or to take or attempt to take any animal from the animal shelter without proper authority; or to knowingly interfere with any animal trap set by an officer or persons obtaining said traps from the animal control agency. The fine for a violation of this subsection shall be \$100.00.
- (b) Any person who tears down, burns, defaces, destroys or otherwise damages any animal control vehicle, animal shelter or enclosure thereof, shall be guilty of a misdemeanor of the second degree, punishable by up to 60 days imprisonment in the county jail and/or a fine of up to \$500.00.

(Ord. No. 92-25, § 4, 11-3-92)

**Sec. 5-25. - Public nuisances.**

- (a) It shall be unlawful and a civil infraction for the owner or custodian of an animal to permit the following nuisances to be committed, either willfully or through failure to exercise due care or control:
  - (1) No dog or cat shall be permitted to habitually chase after or otherwise harass persons or vehicles.
  - (2) No dog or cat shall be permitted to trespass on school grounds, or other public or private property, except that this restriction does not apply to dogs utilized by law enforcement agencies in law enforcement activities or to dogs trained to assist a blind, deaf or physically handicapped person when in the company of that person.

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- (3) No dog or cat shall be permitted to run at large off of the premises of its owner or custodian and upon public property, or upon other private property without the permission of the owner or occupant of such private property.
- (4) No dog or cat shall be permitted to destroy or damage private or public real or personal property of another, or cause serious annoyance to a neighboring premises by interfering with the reasonable use and enjoyment of the property.
- (5) No dog or cat shall be permitted to bark, bay, cry, whine or howl or make any other 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 or cat committed a noise nuisance. It shall be sufficient to demonstrate that the noise emanated from the premises.
- (6) No dog or cat shall be permitted upon the public beaches of the county, unless specifically authorized by a sign clearly posted by the county.
- (b) It shall be unlawful and a civil infraction for the owner or custodian of an animal to fail to immediately remove and dispose of that animal's waste upon any public or private property when the owner or custodian of the animal could reasonably be expected to be aware of the nuisance or has received notice of the existence of the nuisance.
- (c) It shall be unlawful and a civil infraction for any person to provide care, shelter, protection, refuge, or food to a chicken or chickens except in those zoning districts where the same are specifically authorized pursuant to the county land development code.
- (d) It shall be unlawful and a civil infraction for any person to own, possess, sell, harbor, or transfer to another individual, any potential rabies carrier, as defined in this article, or wolf/wolf hybrid, as a personal pet within the county. Owners of potential rabies carriers, wolf/wolf hybrid, obtained prior to the effective date of Ordinance No. 93-51, shall be allowed to keep, possess or harbor the animal provided they properly permitted through the respective state and federal agencies, and registered with the local animal control agency, and further, the animal(s) must not have been obtained from the wild. Owners of a potential rabies carrier animal, or wolf/wolf hybrid, which was obtained prior to the effective date of Ordinance No. 93-51, shall not replace the animal with another potential rabies carrier if it becomes lost, stolen, given away, or dies after the enactment date hereof. This prohibition of ownership of a potential rabies carrier shall not apply to properly licensed zoos, zoological parks, museums, wildlife rehabilitators, or research facilities, or to individuals which meet all state and federal requirements for licenses to keep these animals, provided the same are registered with the animal control agency. It shall be the responsibility of the owner of any potential rabies carrier animal, or wolf/wolf hybrid, to provide proof of the acquisition date and the animal's source if requested to do so by the county public health unit, the local animal control agency, or any law enforcement officer. The wolf/wolf hybrid can be vaccinated against rabies, but because of the wild nature is very unpredictable and poses a potential danger to the citizens of the county.

(Ord. No. 92-25, § 5, 11-3-92; Ord. No. 93-46, § 1, 10-12-93; 93-51, § 2, 11-30-93)

**Sec. 5-26. - Bad dog; bad cat.**

- (a) It shall be unlawful and a civil infraction for the owner or custodian of any dog or cat to permit it to bite, inflict injury upon, or otherwise attack a person or another animal without provocation. Any dog

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or cat which attacks and bites a person or another animal without provocation shall be deemed a "bad dog" or "bad cat" and the owner or custodian of such animal shall be issued a citation for violation of this section, punishable by a fine of \$100.00.

- (b) It shall be unlawful and a civil infraction for any dog or cat, when unprovoked, to approach or chase any person in an apparent attitude of attack or in a vicious or terrorizing manner. Such dog or cat shall be deemed a "bad dog" or "bad cat."

(Ord. No. 92-25, § 6, 11-3-92; Ord. No. 93-46, § 2, 10-12-93)

**Sec. 5-27. - Dangerous dogs.**

- (a) The county adopts and incorporates herein by reference Chapter 767, Sections 767.10, 767.11, 767.12, 767.13, 767.14, et seq., Florida Statutes, and any amendments thereto, concerning the designation, regulation and control of dangerous dogs.
- (b) The fee for the issuance of certificates of registration of dangerous dogs and each annual renewal thereof shall be \$100.00.
- (c) The animal control agency shall promulgate appeal procedures by which the owner of a dog classified as dangerous may appeal such classification, which procedures shall be approved by the board of county commissioners by resolution. The animal control agency shall provide written notification of the appeal procedures to the owner of a dog to be classified as dangerous, by certified mail or certified hand delivery.
- (d) The owner of a dog classified as dangerous must confine the dog in a securely fenced or enclosed area pending resolution of any appeal. If the owner fails to confine the animal, it shall be seized by the animal control agency and impounded in the animal shelter at the owner's expense pending resolution of the appeal.

(Ord. No. 92-25, § 7, 11-3-92)

**Sec. 5-28. - Restraint and confinement to property.**

- (a) *Restraint on owner's or custodian's property.* Owners and custodians of dogs and cats will exercise diligence and reasonable care to prevent their animal(s) from leaving their premises. In urban areas of the county, restraint exists when the animal is:
- (1) Enclosed within a house, building, fence, pen or other enclosure where the animal cannot climb, dig, jump or otherwise escape. Such enclosure must be securely fastened any time the animal is left unattended.
  - (2) On a leash held by a competent person.
  - (3) Off leash but under voice control and obedient to that person's commands and that person is present with the animal at all times.
- (b) *Restraint in agricultural and rural low-density areas.* In agricultural and rural low-density areas of the county, restraint shall be considered to exist when the animal is:
- (1) Within the real property limits of the owner or custodian.
  - (2) Under the control of a responsible person and obedient to that person's commands to the extent that the animal will not trespass property of others or molest other people or animals.

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- (c) *Restraint while off owner's or custodian's property.* Owners and custodians of dogs and cats will exercise diligence and reasonable care to keep their animal(s) under restraint while off the owner's or custodian's premises. The only acceptable methods of restraint are:
- (1) Inside a vehicle, parked or in motion.
  - (2) Confined within a secure enclosure with permission of the occupant of the property where the animal is temporarily located.
  - (3) On a leash held by a competent person.
  - (4) Under the control of a responsible person and obedient to that person's commands to the extent that the animal will not trespass property of others.
  - (5) In a securely fastened cage or animal carrier with adequate ventilation and room for the animal.
- (d) Dogs or cats shall not be chained, tied, fastened or otherwise tethered to dog houses, trees, fences or other stationary objects as a means of confinement to property.

(Ord. No. 92-25, § 8, 11-3-92)

**Sec. 5-29. - 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.

(Ord. No. 92-25, § 9, 11-3-92)

**Sec. 5-30. - Sale or giveaway of certain animals.**

- (a) It shall be unlawful for any person to sell, offer for sale, or give away in the county baby chickens, ducklings or other fowl under four weeks of age, or rabbits under eight weeks of age, to be used as pets, toys or retail premiums; or to give away or offer any animal as a prize, toy or merchandising premium. This section shall not be construed to apply to any animal or fowl to be used or raised for agricultural purposes by persons with proper facilities to care for them or for poultry or livestock exhibitions.
- (b) It shall be unlawful for the owner or manager of any business or store to allow any person(s) to sell or give away any animal in front of that business or store.
- (c) It shall be unlawful for any person(s) to give away, sell, or offer for sale any animal in front of any business, store, or on the side of any public road or on other public property in the county.
- (d) Nothing in this section shall prevent any pet shop, feed store or other business establishment licensed in the county to sell live animals from displaying animals for sale outside the store premises as part of a sale promotion.
- (e) Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor of the second degree, punishable by up to 60 days imprisonment in the county jail and/or a fine of up to \$500.00.

(Ord. No. 92-25, § 10, 11-3-92)

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**Sec. 5-31. - Harboring stray animals.**

It shall be a violation of this section for any person to harbor a stray animal except under the following circumstances:

- (1) Persons who harbor any stray dog or cat shall be required to notify the animal control agency of the presence of the stray dog or cat, including a description of the animal, and information that will assist the animal control agency and/or animal owners in locating missing pets. The animal control agency may request the surrender of a stray animal within ten days in the event an owner is identified; or
- (2) Accepted state registered non-profit organizations who request to harbor stray cats or dogs on private property with a documented and accepted spay/neuter/release program, if approved by the Panhandle Animal Welfare Society or the board of county commissioners and with the written consent of the owner of the private property. An application shall be made available from the Panhandle Animal Welfare Society's office indicating the review standards for requests to harbor animals. Should an organization not receive the approval of the Panhandle Animal Welfare Society, the state registered non-profit organization may provide the same information to the board of county commissioners during a regularly scheduled meeting, during scheduled presentations, and request the board of county commissioners to approve their spay/neuter/release program. The determination of the board of county commissioners shall be final. The approval of any spay/neuter/release program may be withdrawn by the Panhandle Animal Welfare Society or the board of county commissioners at any time upon a showing that the organization is failing to fulfill the requirements of the program, or upon a showing that the program is adverse to the public health, safety or welfare.

(Ord. No. 92-25, § 11, 11-3-92; Ord. No. 01-24, § 1, 8-7-01)

**Sec. 5-32. - Shelter; protection from the weather; humane care.**

- (a) It shall be unlawful and a civil infraction for any person owning or responsible for confining or impounding any animal to fail to provide the animal with proper shelter, protection from the weather or humanely clean conditions as prescribed in this section. In the case of farm animals, nothing in this section may be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the county.
  - (1) Indoor standards. Minimum indoor standards of shelter shall be as follows:
    - a. The ambient temperature shall be compatible with the health of the animal.
    - b. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animal at all times.
  - (2) Outdoor standards. Minimum outdoor standards of shelter shall be:
    - a. When sunlight is likely to cause heat exhaustion of an animal housed outdoors, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.
    - b. Shelter from inclement weather shall be as follows:
      1. An artificial shelter providing relief from the elements and appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
      2. If a dog or cat is confined outdoors or in an unheated enclosure, a shelter of suitable size with a floor above ground and waterproof roof shall be provided to

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accommodate the dog or cat and protect it from the weather and, in particular, from severe cold. It shall be made of durable material with a solid floor raised above the ground and with the entrance covered by a flexible windproof material or a self-closing swinging door. The structure shall be provided with a sufficient quantity of suitable bedding consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.

3. In lieu of the requirements of subsections (1) and (2), a dog or cat kept on a farm may be provided with access to a barn or outbuilding with sufficient loose hay or bedding to protect against cold and dampness.
- (3) Space standards. Minimum space requirements for both indoor and outdoor enclosures shall include:
- a. The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.
  - b. Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of overcrowding, debility, stress or abnormal behavior patterns.
- (b) It shall be unlawful and a civil infraction to fail to provide an animal with wholesome exercise and a sufficient quantity of good and wholesome food and water adequate to nutritional requirements of the species, or to fail to provide veterinary care when required to prevent suffering.
- (c) It shall be unlawful and a civil infraction to confine any animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health. The animal control officer may remove any animal so confined, after a reasonable attempt to locate the owner of the animal has failed, and may use the amount of force reasonably necessary to remove the animal. The animal control officer will leave a written notice in a prominent place indicating that the animal has been impounded and where it may be claimed by the owner. Violation of this subsection shall be punishable by a fine of \$50.00.
- (d) It shall be unlawful and a civil infraction for any person keeping or harboring animals to fail to keep the premises where such animals are kept free from offensive odors to the extent that such odors are disturbing to a person residing within reasonable proximity of the premises. It shall be unlawful to allow premises where animals are kept to become unclean and a threat to the public health by failing diligently and systematically to remove all animal waste from the premises. It shall be unlawful to allow animals or premises where animals are kept to become infested with ticks, fleas or other vermin, by failing to diligently and systematically apply accepted methods of insect and parasite control.

(Ord. No. 92-25, § 12, 11-3-92)

**Sec. 5-33. - Impoundment and redemption of animals.**

- (a) The animal control officer may apprehend any animal found being cruelly treated and/or doing or subject to any of the acts defined herein as violations. After impoundment, the animal control agency shall determine whether the animal is licensed or otherwise identifiable, and make reasonable effort to notify the owner either by mail or telephone that the animal has been impounded and under what conditions it may be redeemed. The animal shall remain impounded in the animal shelter for not less than five working days, unless claimed by its owner, after which disposition may be made as herein provided.



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- (b) An impounded animal eligible to be released may be redeemed by its owner upon proof of ownership and after payment of all applicable fines, impound fees and reasonable boarding fees. The animal control agency may waive the first impound fee if an animal is redeemed by its owner the same day it is impounded.
- (c) An impounded animal that is not redeemed within the periods provided may be offered for adoption pursuant to the requirements of Section 823.15, Florida Statutes, or humanely euthanized at the discretion of the animal control agency. No dog or cat shall be released by the animal control agency or from an animal shelter for any purposes except redemption by the owner or adoption for the limited purpose of harboring a household pet.
- (d) The owner of an impounded animal shall be responsible for and shall pay the following impound fees:
  - a. First impound .....\$20.00
  - b. Second impound of the same animal .....30.00
  - c. Third impound of the same animal, or the third time an animal is impounded belonging to the same owner .....50.00
  - d. Fourth impound requires a mandatory court appearance.

(Ord. No. 92-25, § 13, 11-3-92)

**Sec. 5-34. - Unwanted animals.**

It shall be unlawful and a civil infraction for any person to abandon an unwanted animal. Unwanted animals shall be relinquished to the animal control agency. Said animals will become the property of the animal control agency and shall only be released for adoption or humanely euthanized in accordance with this article.

(Ord. No. 92-25, § 14, 11-3-92)

**Sec. 5-35. - Reporting injury to animals by motor vehicles.**

Any operator of a motor vehicle that has injured an animal shall immediately notify the owner, if known, the animal control agency, or the county sheriff, and advise as to the location of the injured animal. Failure to notify one of said authorities shall constitute a civil infraction.

(Ord. No. 92-25, § 15, 11-3-92)

**Sec. 5-36. - Animal bites; rabies control; quarantine.**

- (a) It shall be the duty of any person bitten by an animal, or the owner or harbinger of an animal if he has knowledge that the animal has bitten any person, and any medical person/facility which treats a person bitten by an animal, to report the incident to the county health department for supervised quarantine prescribed by state regulations. The place of quarantine for stray and/or owned animals shall be as prescribed by the county health department and, if the animal is owned, shall be at the owner's expense. Animals may be reclaimed by the owner when released from quarantine by the county health department.
- (b) The animal control agency shall cooperate with the county health department in the impoundment, apprehension and/or quarantine of animals pursuant to a written agreement between the two agencies.

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- (c) After investigation of an animal-bite case by the animal control agency, if it is determined by the investigating officer that the bite was unprovoked, the owner of said animal shall be deemed guilty of a civil infraction and issued a citation pursuant to subsection [5-26\(a\)](#).

(Ord. No. 92-25, § 16, 11-3-92)

**Sec. 5-37. - Rabies vaccination required for dogs and cats.**

- (a) Every owner maintaining a dog or cat over the age of three months shall have such dog or cat vaccinated against rabies by a licensed veterinarian either annually with a one-year vaccine or every three years with a three-year vaccine approved for use in the United States. Evidence of vaccination shall consist of a rabies tag and a certificate signed by the veterinarian administering the vaccine and containing pertinent data for identification of the animal. The rabies tag shall be securely affixed to a collar or harness and worn by the dog or cat at all times when off the premises of the owner or custodian, except as otherwise specified.
- (b) A rabies tag may be removed from a dog or cat participating in an organized exhibition, trial or show, or undergoing training, providing the dog or cat is under the direct control of an owner or custodian.

(Ord. No. 92-25, § 17, 11-3-92)

**Sec. 5-38. - Identification when off-premises.**

All persons owning and/or harboring dogs and/or cats in the county shall be required to provide a form of current identification which can readily be traced and which will readily identify the owner or custodian of a dog and/or cat when off the premises of the owner or custodian. Acceptable forms of identification include, but are not limited to, a collar with ownership information affixed thereto, such as a current rabies tag, microchip, and/or personal identification tag or a clearly visible, traceable tattoo. Failure to provide such identification shall constitute a violation.

(Ord. No. 08-04, § 1, 2-5-08)

**Editor's note—**

Ord. No. 08-04, adopted February 5, 2008, amended [§ 5-38](#) in its entirety to read as herein set out.

Former [§ 5-38](#) pertained to required, per household dog/cat licenses and derived from section 18 of Ord. No. 95-25, adopted November 3, 1992.

**Sec. 5-39. - Performing animal exhibitions.**

- (a) No person shall conduct, sponsor or participate in a performing animal exhibition, display, circus or rodeo in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.
- (b) All equipment on performing animals shall fit properly and be in good working condition.

(Ord. No. 92-25, § 19, 11-3-92)

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**Sec. 5-40. - Enforcement of violations.**

- (a) Unless otherwise specified herein, a violation of this article constitutes a civil infraction which may result in a maximum civil penalty not to exceed \$500.00 if contested, or less than the maximum if the person who has committed the civil infraction does not contest the action.
- (b) An animal control officer shall have the discretion for a first violation to issue either a warning citation with no civil penalty, or a citation for a civil penalty and/or a mandatory court appearance as designated in [section 5-41](#)
- (c) Any person cited for an infraction under this article shall sign and accept a citation acknowledging receipt of the citation and indicating a promise to appear in county court if such person wishes to contest the charges, or if a mandatory court appearance is required. Any person who willfully refuses to sign and accept a citation issued by an officer is guilty of a misdemeanor of the second degree, punishable by a fine of up to \$500.00 and/or 60 days imprisonment in the county jail.
- (d) Any person cited for a violation of this article may pay the civil penalty within ten days of the date of receiving the citation. If the person cited pays the civil penalty, he shall be deemed to have admitted the infraction.
- (e) Any person cited for a violation of this article may elect to appear in county court on the date and time specified in the citation to contest the citation.
- (f) If a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required by subsection [5-41\(c\)](#), the court may issue an order to show cause requiring such persons to appear before the court to explain why action on the citation has not been taken. Any person failing to appear in response to the court's directive may be held in contempt of court.
- (g) In the event an animal is impounded for violation of this article and the owner of the animal abandons the animal to the animal control agency, the owner remains liable for all fees and penalties imposed.
- (h) Any person issued a citation for a first violation of [section 5-37](#), "Rabies vaccination required for dogs and cats," or section [5-38](#), "Per household dog and/or cat license required" may have the citation dismissed upon presentation to the animal control agency of a valid, current rabies vaccination and/or household animal license.

(Ord. No. 92-25, § 20, 11-3-92)

**Sec. 5-41. - Penalties.**

- (a) Unless otherwise specified, any person cited for an infraction under this article shall pay a civil penalty to the animal control agency in an amount as follows:
  - (1) \$20.00 for the first offense.
  - (2) \$50.00 for the second offense.
  - (3) \$100.00 for the third offense.
  - (4) \$300.00 and mandatory court appearance for the fourth and any subsequent offense.
- (b) Additional penalty for animals not spayed or neutered. The owner of an animal impounded for a second time and found in violation of this article shall be assessed an additional fine of \$100.00 if the animal has not been spayed or neutered. The owner of such animal shall have the option of paying the additional one hundred-dollar-fine or, in the alternative, shall have the animal spayed or neutered by a licensed veterinarian within ten days of the violation. If the owner elects to have the animal spayed or neutered, the owner shall present proof upon payment of the fine. The animal control

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agency upon acceptance of proof of spaying or neutering shall deduct the \$100.00 additional fine from the total fine amount.

- (c) A mandatory court appearance is required for aggravated violations of this article as follows:
- (1) The second and subsequent occurrence of unprovoked biting, attacking or wounding of a human or a domestic animal by the same animal or by an animal owned by the same person.
  - (2) The second and subsequent violations involving the destruction or loss of personal property committed by the same animal, or by an animal owned by the same person.
  - (3) The second and subsequent violations of animal cruelty laws by a person.
  - (4) The issuance of a fourth or subsequent citation to a person for any violation of this article.
- (d) Persons required to appear in court pursuant to this section do not have the option of paying a fine instead of appearing in court.

(Ord. No. 92-25, § 21, 11-3-92; Ord. No. 93-46, § 3, 10-12-93)

**Sec. 5-42. - Use of revenue.**

All revenue derived from the fines, penalties and license fees collected under this article shall be used exclusively to recover or offset the costs of enforcement and administration of the animal control program and this article.

(Ord. No. 92-25, § 22, 11-3-92)

**Sec. 5-43. - Fine or penalty distribution.**

Fines or penalties collected pursuant to this article by the clerk of circuit court shall be remitted to the board of county commissioners for deposit in the animal control fund and used to support the costs of the animal control program.

(Ord. No. 92-25, § 23, 11-3-92)

**Sec. 5-44. - Records.**

The animal control agency shall keep detailed and accurate records of licensing, impoundment, and disposition of all animals coming into its custody; of all bite cases, complaints and investigations of violations; and of all monies collected pursuant to this article. These records shall be open to inspection at reasonable times by persons responsible for such inspections for the county.

(Ord. No. 92-25, § 24, 11-3-92)

**Secs. 5-45—5-70. - Reserved.**

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FOOTNOTE(S):

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**Editor's note**— Ord. No. 92-25, §§ 1—24, adopted Nov. 3, 1992, repealed former Art. I, §§ 5-1—5-14, which pertained to general provisions, Art. II, §§ 5-31—5-39, which pertained to registration and licensing of cats and dogs, and Art. III, §§ 5-51—5-56, which pertained to impoundment. Arts. I—III derived from Ord. No. 89-14, §§ 1—3, 6—18, adopted April 25, 1989. At the editor's discretion and for purposes of clarity, the new provisions have been codified as Art. II. ([Back](#))