

This instrument prepared by:
Betsy J. Driggers
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 10-33

Entitled

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA TO REVISE CHAPTER 14, ANIMALS, BY AMENDING ARTICLE I, SECTION 14-1, DEFINITIONS, SECTION 14-10, VIOLATIONS & PENALTY, AND SECTION 14-12, CONFINEMENT OF CATS OR DOGS IN HEAT (ESTRUS); BY AMENDING ARTICLE III TO ADD SECTION 14-65 ENTITLED PROTECTION OF METER READERS FROM VICIOUS DOGS, SECTION 14-66 ENTITLED DOG FIGHTING, AND SECTIONS 14-67 THROUGH 14-69 PERTAINING TO DANGEROUS DOGS; BY AMENDING ARTICLE IV, SECTION 14-92 ENTITLED RIGHT OF ENTRY, AND SECTION 14-98 ENTITLED REDEMPTION BY PERSON OTHER THAN OWNER; BY AMENDING ARTICLE V, SECTION 14-121, QUARANTINE OF SUSPECTED RABID ANIMAL (BITE CASES); AND BY AMENDING APPENDIX A, FEE SCHEDULE, FOR CHAPTER 14; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Whereas, the Palatka City Commission finds that, in order to reflect the current Florida Statutes regarding animals, animal cruelty and violations of Code, the Palatka Municipal Code should be amended to add certain terminology, definitions and provisions that are designed to protect the health, welfare and quality of life of both citizens and animals alike.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA:

SECTION 1. That Article 1, §14-1 of the Municipal Code shall be amended to include the following terms and definitions:

Dog fighting; exhibition of fighting means the fighting between or among dogs caused, promoted, encouraged or incited by any person for amusement or gain.

SECTION 2. That §14-10 of the Municipal Code is hereby amended to read:

Sec. 14-10 Violations; penalty.

(a) The provisions of F.S.*828.27 are hereby adopted by reference.

(b) Any violation of this chapter is a civil infraction with a maximum civil penalty not to exceed \$500.00. Fines and service costs for citations issued for violations of the animal control ordinance shall be those established as the Putnam County Court Uniform Fine Schedule.

(c) Citations as defined in F.S.*828.27(1f) may be issued by an officer who has probable cause to believe that a person has committed an act in violation of this chapter.

(d) Any person cited with a violation under this ordinance may pay the civil penalty within 30 days of the date of receiving the citation. If a person fails to pay the civil penalty within 30 days of receipt of the citation, the clerk's office shall issue a notice to appear before the Special Magistrate. An additional one time amount of \$15.00 shall be assessed as a late fee for each penalty paid after the initial 30 day period in accordance with the fees approved by the city commission.

(e) The citation may be contested in accordance with F.S.*828.27

(f) Failure to pay the civil penalty shall result in the recording of a lien in the amount of the civil penalty, late fee and recording fees.

SECTION 3. That §14-12 of the Municipal Code is hereby amended to read:

Sec. 14-12. Confinement of Cats or Dogs in Heat (Estrus).

It is unlawful for any owner or keeper to permit a female dog or cat in heat (estrus) to be upon the streets or in any public place. The owner or keeper of a female dog or cat in heat shall confine the animal so as to make it inaccessible to any male dog or cat except for controlled and intentional breeding purposes within such confinement. Confinement solely by 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.

If an animal found in violation of the above section is impounded, there shall be \$65.00 redemption fee* charged to the owner or custodian (see Appendix A - Fee Schedule).

* - If owner of said animal agrees to have the animal spayed, this fee will be applied to the cost of such spaying.

SECTION 4. That the following sections shall be added to the Municipal Code, Chapter 14, Article III, Dogs:

Sec 14-65 Protection of meter readers from vicious dogs.

Persons keeping vicious dogs on their property inside a fenced area shall be required to keep such dogs safely penned or tied while city officials such as meter readers are on such property to read meters or conduct other lawful inspections. If such persons fail to keep the premises safe for meter inspections, after reasonable notice, they shall be required to change the location of their service

entrances and meters to an easily accessible and safe place on their property. Should such persons fail to comply with this section, their utility service shall be discontinued.

Sec. 14-66 Dog fighting.

- (a) Consistent with Fl. Statute 828.122 any person who knowingly commits any of the following acts commits a felony of the third degree, punishable as provided in s. 775.082, s.775.083, or s.775.084.
- (b) No person shall own, possess, keep, or train any dog with the intent that such dog shall be engaged in an exhibition of fighting.
- (c) No person shall build, make, maintain, or keep a pit or other structure on premises owned or occupied by him for the purpose of an exhibition of fighting, or allow such a pit or structure to be built, made, maintained, or kept on such premises.
- (d) No person shall match, promote, encourage, instigate, hold, participate in, or advertise any exhibition of fighting.
- (e) No person shall charge admission to or invite others to attend, or assist in, referee, or be a willing spectator of any exhibition of fighting.
- (f) No person shall make bets or wagers upon the progress or outcome of any exhibition of fighting.
- (g) It shall be the duty of all law enforcement officers of the City within their boundaries, to enforce the provisions of this section, to make arrest for violations hereof, to assist in the prosecution of persons charged with such violations, and to investigate violations of this section.

Sec. 14-67 Registration of Dangerous Dog.

NOTE: When a dog has been classified as Dangerous, Florida Statute 767.12, Requirements for Care and Control of the Dog, are effective immediately. The dangerous dog shall remain in the custody of Animal Control for up to 14 days to allow the owner time to demonstrate compliance with requirements (a) (1), (2), (3) and (4) of this Section. Failure to comply within 14 days of classification constitutes forfeiture of ownership of said dangerous dog.

- (a) Within 14 days after a dog has been classified as dangerous by the animal control authority, the owner of the dog must obtain a certificate of registration for the dog from the animal control division. The certificate shall be renewed annually. Certificates of registration and renewals thereof shall be issued only to persons who are at least 18 years of age and who present to the animal control division sufficient evidence of:

- (1) A current certificate of rabies vaccination for the dog;
 - (2) A proper enclosure to confine a dangerous dog and the posting of the on the property.
 - (3) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation; and
 - (4) Payment of all fees prior to the release of the animal from the shelter.
- (b) The annual fee for the certificate of registration as required by this section is \$250.00 (see Appendix A, Fee Schedule).
- (c) The owner of a dangerous dog shall immediately notify the animal control division when a dog that has been classified as dangerous:
- (1) Is loose or unconfined;
 - (2) Has bitten a human being or attacked another animal;
 - (3) Is sold, given away, or dies; or is moved to another address.
- (d) In accordance to Fl. Statute 767.12 prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control division. The new owner must comply with all of the requirements of Florida Statutes and this division, even if the animal is moved from one local jurisdiction to another within the state. The animal control officer must be notified by the owner of a dog classified as dangerous that the dog is in his jurisdiction.

Sec. 14-68 Dangerous Dogs: Proper Enclosure, Transport, Restraints.

- (a) It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within his sight and only members of his immediate household or persons 18 years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.
- (b) Violation of the "Dangerous Dog" statute and ordinance shall include a fine of at least \$200.00 per violation.

Sec. 14-69 Sterilization Requirement of Dangerous Dogs.

Any animal classified as a Dangerous Dog shall not be used for breeding. Dangerous Dogs shall be spayed or neutered by a licensed veterinarian within thirty (30) days of such classification unless:

- (a) A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or
- (b) A licensed veterinarian certifies in writing that spaying or neutering the animal would be seriously injurious to the animal's health, provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be spayed or neutered immediately after the health condition has been corrected.

Any person who violates any provision of this Section is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500.00.

SECTION 5. That Article IV, Section 14-92, Right of Entry, shall be amended to read as follows:

Sec. 14-92 Right of entry.

- (a) Pursuant to F.S. 828.27,828.073, and 125.01, the animal control officer shall have the authority to enter public or unfenced private property within the City to carry out the duties imposed by this article.
- (b) Pursuant to F.S. 828.27,828.073, and 125.01, the animal control officer shall have the authority to enter fenced private property, exclusive of building, when:
 - (1) The owner or keeper of an animal which has bitten or otherwise exposed a human or domestic or captive wild animal to rabies refuses to surrender such animal for rabies quarantine.
 - (2) The animal being sought was at large immediately prior to the division of animal control receiving a complaint that the animal was at large chasing people or domestic animals or was causing the destruction or loss of personal property, but subsequently returned to its owner's fenced private property, provided, however, that the animal has the capability to leave the fenced property by climbing, jumping, or crawling under the fence and provided that an attempt to contact the owner, if known, was unsuccessful.
 - (3) The division of animal control is taking possession of any animal found neglected or cruelly treated pursuant to F.S. 828.27,828.073 and 125.01.
 - (4) Pursuant to F.S. 767.12 and 125.01, the division of animal control is taking possession of any animal initially determined as dangerous or aggressive.

SECTION 6. That Article IV, Section 14-98, Redemption by person other than owner, shall be amended to read as follows:

Sec. 14-98. Redemption by person other than owner.

If the owner of any animal impounded under this article shall fail to redeem his animal within the time allowed for redemption, any other person may, upon complying with all provisions of this article, redeem the animal from the pound and be the lawful owner of the animal thereafter. If any dogs or cats which have not been sterilized are redeemed by persons other than the lawful owners thereof, then the dogs and cats shall be sterilized by a licensed veterinarian prior to release and the cost thereof paid by the person redeeming the dog or cat.

Animals not redeemed by owner or voluntarily relinquished by owner may be adopted. A fee of \$20.00 shall be charged for animals already sterilized and vaccinated. If not vaccinated, the adopting party shall be charged the cost of vaccination (see Appendix A, Fee Schedule).

SECTION 7. That Article V, Section 14-121, Quarantine of Suspected Rabid Animal shall be amended to read as follows:

Sec. 14-121. Quarantine of suspected rabid animal (Bite Cases)

Any animal which bites or scratches a person or which otherwise gives symptoms of having rabies shall be immediately reported to the county health officer and shall thereupon be securely quarantined at the direction of the health officer, for a period of ten days, and shall not be released from such quarantine except by written permission of the health officer or under his direction. At the discretion of the health officer, such quarantine may be on the premises of the owner, at the shelter designated as the city pound, or, at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at the shelter designated as the city pound.

If the animal is impounded to quarantine, a redemption fee shall be charged in addition to the per day fee for impoundment. In the case of a first offense, the redemption fee shall be \$25.00. For a second or subsequent impoundment, the fee shall be \$50.00 (see Appendix A, Fee Schedule).

SECTION 8. That Appendix A, Fee Schedule, Chapter 14, Animals, is amended to read as follows:

§ 14-12. Fees for Redemption of Impounded Cats or Dogs in Heat (Estrus) to be charged in addition to the Per Day Impoundment fees under Sec. 14-96(a). . . . \$65.00

§ 14-67. Annual Fee for Certification of Registration for a dog classified as Dangerous . . . \$250.00

§ 14-96. Impoundment and redemption fees.

- (a) Impoundment. A fee of \$10.00 shall be charged to the owner for each day, or fraction thereof, of impoundment, for feeding and caring for such animal. The city manager shall have the discretion to waive any portion or all of the impoundment fee if the animal would otherwise be destroyed.
- (b) Redemption from impoundment.
 - (1) First redemption by the owner within calendar year . . . \$25.00
 - (2) Second redemption by the owner within calendar year . . . \$45.00
 - (3) Each redemption by the owner thereafter within calendar year . . . \$65.00

§ 14-97. Deposit for redemption of unvaccinated animal \$10.00

§ 14-98. Adoption fee for impounded animal redeemed by person other than owner, when animal already sterilized and vaccinated. . . \$20.00

§ 14-121. Redemption Fees for quarantine of rabid animal (bite cases) to be charged in addition to the Per Day Impoundment fees under Sec. 14-96 (a):

- (a) Redemption from impoundment to quarantine (first offense). . . \$25.00
- (b) Redemption from impoundment to quarantine (second and subsequent offenses) . . . \$50.00

SECTION 9. That if any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section or subsection or part of this ordinance.

SECTION 10. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11. This ordinance shall take effect upon its adoption.

SECTION 12. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 9th day of December, 2010.

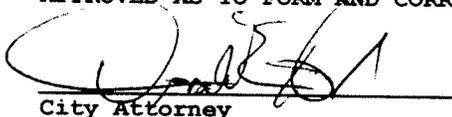
CITY OF PALATKA

BY: 
Its **MAYOR**

ATTEST:


City Clerk

APPROVED AS TO FORM AND CORRECTNESS:


City Attorney