

ORDINANCE NO. 2015- 68

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY FLORIDA CREATING THE ST. JOHNS COUNTY ANIMAL CODE; MAKING FINDINGS OF FACT; PROVIDING SCOPE; PROVIDING THAT REFERENCE TO OTHER STATUTES OR ORDINANCES MEANS AS THE SAME MAY BE AMENDED FROM TIME TO TIME; PROVIDING DEFINITIONS; SETTING FORTH AUTHORITY OF ANIMAL CONTROL OFFICERS; PROVIDING PENALTIES; PROVIDING FOR APPEALS; PROVIDING FOR THE MAINTENANCE OF ANIMAL SHELTERS BY THE COUNTY; PROVIDING FOR THE ADOPTION OF ANIMALS BY MEMBERS OF THE PUBLIC; PROVIDING FOR THE VACCINATION OF ANIMALS; REFERRING TO THE LAND DEVELOPMENT CODE FOR LIMITATIONS ON ANIMAL OWNERSHIP; PROHIBITING ANIMALS FROM RUNNING AT LARGE; REGULATING THE TETHERING OF ANIMALS; PROVIDING FOR PUBLIC NUISANCE ANIMALS; PROVIDING FOR FERAL CAT COLONIES; DEFINING AND PROHIBITING ANIMAL MISTREATMENT, ABANDONMENT, AND NEGLECT; DEFINING AND PROHIBITING ANIMAL CRUELTY; ESTABLISHING LIABILITY FOR DAMAGE BY ANIMALS; PROVIDING PROCEDURES FOR THE IMPOUNDMENT OF ANIMALS; PROVIDING FOR THE DESIGNATION OF ANIMALS AS AGGRESSIVE; PROVIDING FOR THE DESIGNATION OF ANIMALS AS DANGEROUS; PROVIDING FOR ATTACKS BY ANIMALS RESULTING IN SEVERE INJURY OR DEATH; PROVIDING HEARING PROCEDURES FOR THE DESIGNATION OF DANGEROUS ANIMALS; PROVIDING FOR QUARANTINE; PROVIDING FOR INCIDENTS INVOLVING PACKS OF DOGS; PROHIBITING THE REFUSAL TO SURRENDER A DEAD ANIMAL UPON LAWFUL DEMAND; PROHIBITING INTERFERENCE WITH THE ENFORCEMENT OF THIS ORDINANCE; PROVIDING FOR FINES AND FEES COLLECTED PURSUANT TO THIS ORDINANCE; PROVIDING FOR CONFLICTS OF LAW; PERMITTING CIVIL

ACTION TO ENFORCE ORDINANCE; PROVIDING FOR VENUE; REPEALING ST. JOHNS COUNTY ORDINANCE NO. 2012-34; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY:

ST. JOHNS COUNTY ANIMAL CODE

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Section 1. Short Title.

This ordinance shall be known as the St. Johns County Animal Code.

Section 2. Findings of Fact.

The Board of County Commissioners makes the following findings of fact in support of this ordinance:

A. Section 125.01, Florida Statutes, authorizes the Board of County Commissioners to perform acts, not inconsistent with law, that are in the common interest of the people of the County.

B. Chapters 767 and 828, Florida Statutes, authorize counties to enact ordinances that regulate animal ownership in the interest of the public's health, welfare, and well-being.

C. It is in the interest of the public health, welfare, and well-being to enact laws that promote humane and responsible animal ownership.

Section 3. Scope.

This ordinance shall apply within the unincorporated areas of St. Johns County and within any municipality that has an interlocal agreement with the County for the provision of animal control services.

Section 4. Reference to Statutes or Ordinances.

Unless explicitly stated otherwise, any reference in this ordinance to state statutes or other county ordinances shall mean as that statute or ordinance may be amended from time to time.

Section 5. Definitions.

A. Definitions contained in Article XII of the St. Johns County Land Development Code are incorporated into this ordinance by reference.

B. *Abandon* means to forsake entirely, neglect, or refuse to provide or perform the legal obligations for care and support of an animal.

C. *Animal* means any live dumb creature.

D. *Animal control officer* means:

1. Any person employed, contracted with, or appointed by the County for the purpose of investigating civil infractions relating to animals under this ordinance; or
2. Any law enforcement officer as defined in Section 943.10, Florida Statutes.

E. *Animal shelter* means a County facility, or a facility designated by the Division, operating for the purpose of caring for animals held pursuant to this ordinance or state law.

F. *At large* means that an animal is off the property of its owner or possessor and is not under the owner or possessor's direct control. This definition shall not include any animal used in the aid of a law enforcement officer, as defined in Section 843.19(1), Florida Statutes.

G. *Baiting* means to attack with violence, provoke, or harass an animal for the purpose of training the animal for fights with or among other animals or for causing the animal to engage in such fights.

H. *Beach* means a shore of a body of water covered by sand, gravel, or larger rock fragments.

I. *Board* means the Board of County Commissioners of St. Johns County, Florida.

J. *Breeder* means any person or business that fosters 2 or more litters within a calendar year.

K. *Caregiver* means a homeowner's association, condominium association, municipality, or special district that has submitted a plan for management and care of a feral cat colony pursuant to Section 16 of this ordinance.

L. *Citation, or notice of violation*, means a written notice of violation issued to a person by an animal control officer or law enforcement officer when the officer has probable cause to believe that the person identified on the citation has committed a civil infraction in violation of this ordinance.

M. *Collar* means a device that encircles the neck, or other appropriate body part, of an animal.

N. *County* means St. Johns County, Florida.

O. *County health officer* means the St. Johns County Public Health Department Director, or the director's designee.

P. *Cruelty* means any act, omission, or neglect by means of which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue when there is reasonable remedy or relief. This term shall not include acts done in the interest of medical science.

Q. *Department head* means the St. Johns County Fire Rescue Chief.

R. *Direct control* means immediate and continuous physical control of an animal by means of a restraint of sufficient strength to restrain the animal, such as a leash, cord, or chain, such restraint not exceeding 12 feet in overall length.

S. *Discretion* means the exercise of professional expertise and judgment in the performance of an animal control officer's professional duty.

T. *Division* means the St. Johns County Division of Animal Control, or any other agency authorized by the County to enforce the provisions of this ordinance and any state statutes relating to animals.

U. *Division Director* means the St. Johns County Director of Animal Control.

V. *Domestic animal* means any animal that has been domesticated so as to live and breed in a tame condition.

W. *Fee* means any charge for services or licenses pursuant to this ordinance as set by resolution of the Board.

X. *Feral* means that an animal is either born wild or has reverted to the wild and is unsocialized, untamed, or unable to be approached or handled.

Y. *Feral cat colony* means a group of one or more feral cats that meets the requirements of Section 16 of this ordinance.

Z. *Hoarder* means a person whose behavior is characterized by the following, as reasonably determined by an officer:

1. Failure to provide minimum standards of sanitation, space, nutrition, or veterinary care for animals;
2. Inability to recognize the effects of this failure on the welfare of animals, human members of the household, and the environment;
3. Obsessive attempts to accumulate or maintain a collection of animals in the face of progressively deteriorating conditions; and

4. Denial or minimization of problems and living conditions for people and animals.

AA. *Humane agency* means any non-profit organization that rescues animals as part of its mission and that has filed documentation of its non-profit status with the Division.

BB. *License* means a County animal license issued pursuant to this ordinance.

CC. *Livestock* means grazing animals, such as cattle, horses, sheep, swine, goats, other hoofed animals, ostriches, emus, and rheas which are raised for private use or commercial purposes.

DD. *Minor injury* means any injury of less severity than a severe injury, including nips and superficial wounds.

EE. *Officer* means any animal control officer, any law enforcement officer as defined in Section 943.10, Florida Statutes, any code enforcement officer, or any County health officer.

FF. *Owner* means any person or legal entity that possesses, harbors, keeps, or otherwise has control or custody of an animal. If an animal is owned by a minor as defined by statute, the minor's parent or legal guardian is deemed to be the owner of the animal. For the purposes of this ordinance, any person who has an animal under his or her direct control is deemed to be the owner of the animal, regardless of whether that person has legal ownership of the animal.

GG. *Physical restraint* means that an animal is:

1. Under its owner's direct control;
2. Inside a commercial animal carrier; or
3. Restrained in a manner that physically prevents the animal from straying or running at large on property other than that of its owner or possessor.

HH. *Proper shelter* means any structure with a roof, 3 closed sides, and a solid bottom that protects an animal from the elements, including sun, wind, and rain. A barrel shall not be considered proper shelter for the purposes of this ordinance.

II. *Severe injury* means any physical injury that results in a broken bone, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

JJ. *Special Magistrate* means a person designated by the County Administrator to conduct a hearing on a dangerous animal designation.

KK. *Stray animal* means any animal that is not feral or wild and that has wandered from its owner's property or whose ownership is unknown by the Division.

LL. *Tether* means:

1. To fasten, chain, tie, or restrain an animal to a stationary object, or to cause an animal to be so fastened, chained, tied, or restrained; or
2. Any chain, cable and trolley, rope, or other device used to fasten, chain, tie, or restrain an animal to a stationary object.

MM. *Unprovoked* means that a victim, whether person or animal, was acting peacefully and lawfully and was attacked, bitten, or chased in a menacing fashion by an animal.

NN. *Veterinarian* means any person who is licensed to engage in the practice of veterinary medicine in Florida under the authority of Chapter 474, Florida Statutes.

Section 6. Authority of Animal Control.

A. County animal control officers are authorized to enter public or private property to investigate civil infractions relating to animals under this ordinance and to issue notices or citations as provided in this ordinance.

B. County animal control officers are authorized to exercise discretion in determining whether to issue a citation or impound an animal pursuant to this ordinance. Animal control officers may consider the following factors in making such a determination:

1. The officer's knowledge of previous incidents involving an animal or an owner;
2. Evidence obtained during the course of the officer's investigation, including witness statements;
3. Whether the animal poses a danger to the health, safety, or welfare of the public; or
4. The health, safety, or welfare of the animal.

C. The Division is authorized to engage the services of a licensed veterinarian to treat any animal impounded pursuant to this ordinance. If the Division engages the services of a licensed veterinarian to treat an animal pursuant to this

subsection, the owner or possessor of the animal shall reimburse the County for any expenses incurred by the County in connection with the animal's treatment.

D. The Division Director, or the Division Director's designee, is authorized to create policies for the purpose of carrying out the provisions of this ordinance.

Section 7. Penalties.

A. Unless otherwise stated, violations of this ordinance shall include fines as follows:

1. First violation: \$75.00
2. Second violation: \$150.00
3. Third violation: \$250.00
4. Fourth violation and every violation thereafter: \$500.00

In addition to the fines set forth above, a person who is issued a citation for a violation of this ordinance shall pay any filing fees or court costs assessed in connection with the citation.

B. The following violations shall require a mandatory appearance in County Court, as provided in Section 828.27, Florida Statutes:

1. Any violation resulting in the issuance of a fourth citation to a person, and every violation thereafter;
2. Any violation involving the unprovoked biting, attacking, or wounding of a human or domestic animal; and
3. The second violation of Sections 17 or 18 of this ordinance and every violation of Sections 17 or 18 thereafter.

Persons issued a citation for a violation that requires a mandatory court appearance shall not have the option of paying a fine instead of appearing in court.

C. Notwithstanding any other provision of this ordinance, the fine for violating Section 17 of this ordinance shall range from \$250 to \$5000 depending on the nature of the offense. Any person who violates the provisions of Section 17 of this ordinance may be enjoined from owning any animal for a period not to exceed 3 years. Violation of Section 17 of this ordinance may also lead to criminal prosecution under Section 828.12, Florida Statutes.

D. Notwithstanding any other provision of this ordinance, the fine for the failure or refusal to surrender an animal that is the subject of an aggressive or dangerous animal investigation, the failure to register or renew registration for an animal that has been designated aggressive or dangerous, or the unauthorized transfer of an animal that is the subject of an aggressive or dangerous animal investigation shall be \$500.

E. When an officer has probable cause to believe that a violation of this ordinance has occurred, the officer may issue a citation to the owner in accordance with the requirements of Section 828.27, Florida Statutes. If the violation requires a mandatory court appearance pursuant to this section, the citation shall clearly inform the person named on the citation of the mandatory court appearance.

F. Any person who willfully refuses to sign and accept a citation issued by an officer for a violation to be heard in County Court is guilty of a second degree misdemeanor, punishable as provided in Section 775.082 or 775.083, Florida Statutes.

G. Payment of a fine issued by a citation shall be an admission that the violation occurred and shall apply cumulatively.

H. Unless otherwise specified in this ordinance or in Florida Statutes, a violation of this ordinance is a civil infraction.

I. The standard of review for non-criminal violations of this ordinance shall be competent and substantial evidence.

J. In lieu of issuing a citation or notice of violation, an officer has the discretion to issue a written warning for any correctable violation of this ordinance. In exercising this discretion, the officer shall consider the factors set forth in Section 6.B of this ordinance. The written warning shall require the person named in the written warning to produce proof that the violation has been corrected within a time period to be specified in the notice. If a person who is issued a written warning under this subsection does not provide proof that the violation has been corrected within the time specified in the warning, the person shall either pay the appropriate civil penalty within an additional 10 days or appear in county court on the date and time specified in the written warning. An officer may not issue a warning under this subsection if a violation results in a minor or severe injury to a person or a severe injury to a domestic animal.

K. In lieu of or in addition to a fine and court appearance, the Division or the county court judge may require the owner or possessor of an animal to meet certain remedial conditions to prevent further violations of this ordinance and to ensure the safety and welfare of the animal and the public. The required remedial measures shall be indicated on the citation or court order. Proof of compliance with the remedial measures shall rest with the animal's owner or possessor.

L. If multiple animals are involved in a violation of this ordinance, each animal shall constitute a separate violation.

M. Each day that a violation of this ordinance continues shall constitute a separate violation.

Section 8. Appeals.

A. Except as otherwise provided in this section, an appeal of a violation of this ordinance may be filed in circuit court within 30 days of the county court making a finding that a violation of the ordinance occurred and issuing an order requiring payment of a fine pursuant to Section 7 of this ordinance.

B. An appeal of any final agency action under this ordinance may be filed in circuit court within 30 days of the final agency action.

C. A violation of Section 21 of this ordinance may be appealed to the department head within 5 days of the designation of an animal as aggressive, excluding weekends and legal holidays. The notice of appeal shall be made in writing and may include any information that the owner believes is relevant as to whether the animal should be deemed aggressive. The department head shall issue a decision with respect to the aggressive designation within 5 days of receiving the notice of appeal, excluding weekends and legal holidays and shall notify the owner in writing after a decision has been reached. If the department head is absent or unavailable at the time an appeal is made, the appeal may be decided by the person designated to perform the department head's duties in the event of the department head's absence or unavailability. Notwithstanding the foregoing, neither the Division director, nor any person under the direction of the Division director, may decide an appeal made pursuant to this subsection. The standard of review for the review of the Division's designation of an animal as aggressive shall be whether the decision was arbitrary or capricious. The department head's decision may be appealed by writ of certiorari to the circuit court under the Florida Rules of Appellate Procedure. The circuit court's review shall be *de novo* and shall be limited to the administrative record.

E. A dangerous animal classification issued in a final order by a Special Magistrate may be appealed by writ of certiorari to County Court within 10 business days after receipt of the final order. The review shall be *de novo* and shall be limited to the administrative record. An owner who files an appeal pursuant to this subsection shall confine the animal in a securely fenced or enclosed area pending resolution of the appeal.

F. If an owner files an appeal pursuant to this ordinance, and the County is the prevailing party, the owner shall be liable to the County for any costs expended by the County in connection with the appeal, including reasonable attorney's fees.

G. If an owner files an appeal pursuant to this ordinance, and the animal is in the Division's custody, the owner shall pay a deposit equivalent to boarding costs for 10 days. Any unused portion of the deposit shall be returned to the owner at the conclusion

of the appeal. The owner shall pay any costs exceeding the amount of the deposit prior to the Division releasing the animal to the owner.

H. The Florida Rules of Appellate Procedure shall apply to any appeal of a violation of this ordinance filed in circuit or county court.

Section 9. Maintenance of Animal Shelters.

The County shall operate and maintain animal shelters or holding facilities at locations selected by the Board in order to care for animals held pursuant to this ordinance or state law.

Section 10. Adoption of Animals

A. The Division may adopt animals to any person that it deems to be a responsible and suitable owner. Any person who adopts an animal from the Division shall agree to comply with all provisions of this ordinance as a condition of being permitted to adopt an animal.

B. The Division has sole discretion to accept or refuse a potential adopter. The Division may refuse to adopt an animal to a potential adopter for either of the following reasons:

1. The potential adopter has previous violations of this ordinance or any other county's animal control ordinance; or
2. The Division, for any reason, determines that it would not be in the best interests of the animal's health, welfare, or well-being to allow the potential adopter to adopt the animal.

C. No animal in the custody of the Division shall be adopted until:

1. The adopter signs an agreement to have the animal sterilized and vaccinated for rabies within the time specified in the agreement; and
2. The adoption fee is paid in full.

D. It shall be a violation of this ordinance for any person to refuse or fail to sterilize an animal adopted from the Division. If an adopter fails to sterilize an animal adopted from the Division within the time specified in the adoption agreement, the Division shall immediately confiscate the animal, and the animal shall become the property of the County to be humanely euthanized or placed for adoption at the Division's discretion.

Section 11. Vaccination of Animals

A. All dogs, cats, and ferrets 4 months of age or older must be vaccinated by a licensed veterinarian against rabies with a vaccine that is licensed by the United States Department of Agriculture for use in those species. The owner of every dog, cat, and ferret shall have the animal revaccinated 12 months after the initial vaccination. Thereafter, the interval between vaccinations shall conform to the vaccine manufacturer's directions. The cost of vaccination must be borne by the animal's owner. Evidence of circulating rabies virus neutralizing antibodies shall not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations.

B. A dog, cat, or ferret is exempt from vaccination against rabies if a licensed veterinarian has examined the animal and has certified in writing that at the time vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. An exempt animal must be vaccinated against rabies as soon as its health permits.

C. Upon vaccination against rabies, the veterinarian shall provide the animal's owner and the Division with a rabies vaccination certificate in a form approved by the Division. The certificate shall contain all information required by the National Association of State Public Health Veterinarians Rabies Certificate. The veterinarian who administers the rabies vaccine to an animal as required under this section may affix his or her signature stamp in lieu of an actual signature.

D. Each ferret vaccinated according to this section must be quarantined, when necessary, according to rules of the Department of Health.

E. The failure or refusal of an owner to have a dog, cat, or ferret vaccinated against rabies is a violation of this ordinance and of Section 828.30, Florida Statutes.

F. The Division has the discretion to vaccinate any dog, cat, or ferret impounded by the County at the owner's expense and to require payment for such vaccination before releasing the animal to the owner if the Division reasonable believes that the animal will not be vaccinated within a reasonable time period and:

1. The animal is on quarantine or has been determined to be a dangerous animal;
2. The owner has previously received a warning with respect to rabies vaccinations; or
3. The County has a rabies alert or quarantine in effect.

Section 12. Animal Ownership Limitations.

The number and type of animals which may be owned or possessed on any particular property within the County shall be governed by the provisions of the Land Development Code.

Section 13. Leash or other Restraint.

A. The owner of an animal shall ensure that the animal does not run at large or stray onto public property, including any public street, sidewalk, beach, or right-of-way.

B. The owner of an animal shall ensure that the animal does not run at large or stray onto the private property of another without permission from the property owner.

C. Any animal that is off the property of its owner shall be leashed or otherwise restrained in a manner suitable for the breed and type of animal such that it is under the direct control of the owner or possessor. This provision shall not apply to a dog in a dog park.

D. This section shall not apply to dogs used by state, county, or municipal law enforcement officers in the exercise of their duties.

E. The Division shall micro-chip any animal that is impounded for violation of this section at the owner's expense.

F. The Division may require an owner with 3 or more violations of this section to install electronic fencing or other physical restraints, such as fences, zip lines, or corrals, in order to prevent further violations of this section.

G. No civil penalty shall be assessed for dogs lost and impounded under the provisions of this ordinance during the course of legal hunting or training for hunting, provided that:

1. The dog is redeemed within 5 working days of impoundment;
2. The owner had a valid hunting license at the time of impoundment and the dog was impounded from an authorized hunting area during an authorized hunting season;
3. All fees for impoundment, keep, and notification are paid before the dog is released;
4. The dog has a current rabies vaccination; and
5. The dog is wearing correct owner identification, including the owner's name, address, and telephone number or is wearing a tracking collar or device.

H. This section shall not apply to any cat that is part of a feral cat colony approved pursuant to Section 16 of this ordinance.

I. Any person having custody or control of an animal that violates this section shall be liable regardless of knowledge, intent, or culpability.

Section 14. Tethering

In order to protect the public safety and welfare, an animal may be restrained by tethering only under the following conditions:

A. The tether must be constructed of material sufficient to restrain the animal but may not place the animal in danger of injury or death. Welded metal link chain with links larger than 2.5 millimeters in thickness may not be used to tether an animal regardless of the length or weight of the chain. Logging chains and vehicle tow chains may not be used to tether an animal. The addition of weight to an animal's collar, harness, chain, or tether is prohibited.

B. The tether shall be of a length and weight to allow an animal to move at least 10 feet in all directions from the point of tethering. The tether must have an operative swivel attached to a collar or harness and may not be attached to a stationary object at a height higher than the animal's neck in standing position.

C. The tether shall be attached to a properly fitted buckle-style collar or buckle-style harness sufficient to restrain the animal. The tether may not be attached to a slip or prong collar.

D. The animal must have access to proper shelter for protection from the weather, extreme temperatures, and direct sunlight.

E. The animal must have access to sufficient wholesome food and potable water.

F. The tethered animal must be at least 1 year of age and may not be sick or injured.

G. The animal may not be tethered outside without access to proper shelter during extreme weather conditions, including extreme heat or near-freezing temperatures, thunderstorms, tornado watches or warnings, or tropical storm or hurricane watches or warnings.

H. No tether may extend any closer than 5 feet from the perimeter fence or lot line.

I. Tethering an animal in violation of the provisions of this section shall be a violation of this ordinance. When a violation of this section occurs, an officer may take reasonable measures to remove the animal from the tether and impound the animal.

J. Upon enactment of this ordinance, officers shall provide a warning to all first-time tethering violators and allow 5 working days to correct the violation before any civil citation is issued. Notwithstanding the foregoing, nothing shall prevent an officer from citing an owner for violation of any other provision of this ordinance, including other prohibited acts of cruelty or neglect.

Section 15. Public Nuisance.

A. The owner or possessor of an animal shall exercise sufficient care and control of his or her animal to prevent it from becoming a public nuisance. If an animal is deemed to be a public nuisance pursuant to this section, the owner or possessor shall be in violation of this ordinance, regardless of knowledge, intent, or culpability.

B. Before issuing a citation under this section, an officer investigating a public nuisance complaint shall obtain 2 or more affidavits from witnesses in different households attesting to the facts establishing a violation.

C. An animal is a public nuisance when it engages in any of the following behaviors on 4 or more occasions:

1. Running at large;
2. Chasing or molesting vehicles;
3. Chasing or molesting passers-by;
4. Spreading trash or garbage on premises other than those of its owner or possessor;
5. Excreting feces on property not belonging to its owner or possessor when the owner or possessor fails to remove the waste; or
6. Causing frequent, habitual, or long continued noise in violation of St. Johns County Ordinance No. 2011-35, except where the animal was intentionally provoked to make such noise by any person.

Section 16. Feral Cats

For a period of 12 months following the effective date of this ordinance, the following pilot program regarding feral cats will apply:

A. St. Johns County recognizes the need for innovation in addressing the issues presented by feral, free-roaming cats. To that end, the County recognizes that properly managed colonies of such cats may be part of the solution to the continuing euthanasia of cats and establishes requirements for the management of such colonies.

B. All feral cat colonies shall be maintained on the private property of the caregiver. If a caregiver wishes to maintain a feral cat colony on the property of another landowner, the caregiver shall obtain the landowner's written permission.

C. All cats that are part of a feral cat colony shall be sterilized, vaccinated with all vaccines required by law, and ear-tipped for easy identification in accordance with standards provided by the Division.

D. Any caregiver providing care for a feral cat colony shall provide certain necessities on an ongoing basis, including, but not limited to, proper nutrition and medical care as needed.

E. Food shall be provided in the proper quantity for the number of cats being managed and is to be supplied no less than once per day. Food shall be maintained in proper feeding containers.

F. Sufficient water for the number of cats being managed shall be provided. Water shall be clean, potable, and free from debris and algae.

G. If shelter is provided, it shall be unobtrusive, safe, and of the proper size for the cats.

H. Except as provided in subsection I, if an animal control officer catches a cat in the field that has been ear-tipped, the cat shall be released back into the field.

I. The Division may seize and remove all or part of any colony for the following reasons:

1. Public health and public safety concerns;
2. Creation of a public nuisance as defined in Section 14 of this ordinance; or
3. Failure of the caregiver to comply with the approved plan for management and care of the colony.

J. The ability of a caregiver to maintain a feral cat colony under this section shall be subject to the provisions of the Land Development Code regarding the number and type of animals which may be owned or possessed on any particular property. Nothing in this section shall dispense with the requirement of a property owner to obtain

a special use permit in order to maintain a feral cat colony if such permit is required by the Land Development Code for that property.

Section 17. Animal Mistreatment, Abandonment, and Neglect.

A. It shall be a violation of this ordinance to mistreat, abandon, or neglect an animal. For the purposes of this ordinance, any of the following shall be considered mistreatment, neglect, or abandonment:

1. Failure to provide any of the following to an animal:
 - a. Sufficient potable water;
 - b. Sufficient wholesome food;
 - c. Proper shelter;
 - d. Sufficient exercise;
 - e. Wholesome exchange of air; or
 - f. Such veterinary care as is needed to prevent unnecessary pain or suffering.
2. Keeping an animal in an enclosure that does not allow the animal to move freely with full extension of its limbs, including the ability to stand fully upright, except that this subsection shall not prohibit the use of a temporary enclosure that does not allow the animal to move freely under the following conditions:
 - a. When cleaning the animal's enclosure;
 - b. While feeding the animal; or
 - c. While the animal is in transport.
3. Placing or confining an animal in an unattended vehicle, or allowing an animal to be so placed and confined, without sufficient ventilation or under conditions that might reasonably be expected to endanger the health or well-being of the animal due to heat, lack of water, or other circumstances that could reasonably be expected to cause suffering, disability, or death;
4. Caging or confining an animal without sufficient potable water, space, and wholesome food within its reach;

5. Abandoning an animal on public or private property, or leaving an animal at a former residence when relocating to a new residence, without providing for the animal's care;
6. Forsaking entirely and leaving to die any animal that is maimed, sick, diseased, or infirm; or
7. Tethering an animal, except as provided in Section 14 of this ordinance.
8. Transporting an animal outside of the passenger compartment of a vehicle unless the animal is in an animal transport cage.

B. If the Division determines that an animal is mistreated, abandoned, or neglected, the Division may either:

1. Impound the animal; or
2. Order the owner of the animal to provide certain care to the animal at the owner's expense without removal of the animal from its present location.

In addition, the Division shall file a petition in county court seeking relief in compliance with the requirements of Section 828.073, Florida Statutes.

C. The prohibition in subsection A.8 above against transporting an animal outside the passenger compartment of a vehicle shall not apply to agricultural working dogs within 5 miles of the owner's agricultural operation, provided that the vehicle is travelling no faster than 20 miles per hour.

Section 18. Cruelty to Animals.

A. It shall be a violation of this ordinance to commit any act of animal cruelty. For the purposes of this ordinance, any of the following shall be considered animal cruelty:

1. Unnecessarily overloading, overdriving, or tormenting any animal;
2. Intentionally committing any act which results in the death of an animal, except when such act occurs in the context of a legal hunt or when such act constitutes the performance of euthanasia as permitted under Florida law;
3. Intentionally inflicting excessive and repeated unnecessary pain or suffering on an animal;

4. Intentionally committing any act which results in the mutilation of an animal;
5. Hoarding animals; or
6. Any violation of Section 812.122, Florida Statutes.

B. A person who commits multiple acts of animal cruelty may be charged with a separate offense for each act. A person who commits acts of animal cruelty against multiple animals may be charged with a separate offense for each animal such cruelty was inflicted upon.

C. The provisions of this section shall not apply to decisions made or services rendered by a veterinarian licensed to practice in the state of Florida.

Section 19. Damage by Animals.

A. It shall be a violation of this ordinance for the owner of an animal to allow the animal to damage real or personal property belonging to any other person or legal entity, whether through active or passive control of the animal or the lack thereof.

B. The owner of an animal that damages real or personal property in violation of this section shall be strictly liable for all damages caused by the animal, as provided in Chapter 767, Florida Statutes. It shall not be a defense to liability that the animal was leashed at the time the damage occurred or that the owner exercised utmost care to prevent the animal from causing damage. If the damage to property involves injury to a domestic animal, provocation may be asserted as a defense.

C. It shall be a violation of this ordinance for the owner of an animal to allow the animal to cause injury to a person, whether through active or passive control of the animal or the lack thereof.

D. The owner of an animal that causes injury to a person in violation of this section shall be strictly liable for all damages caused by the animal, as provided in Chapter 767, Florida Statutes. If the animal is owned by a minor, the minor's parents shall be liable parties under this ordinance. It shall not be a defense to liability that the animal was leashed at the time the injury occurred or that the owner exercised the utmost care to prevent the animal from causing injury or did not have custody of the animal at the time of the injury. It shall not be a defense under this ordinance that the animal did not intend to injure the victim or that the animal's actions were playful, mischievous, or otherwise not vicious. Provocation shall not be a defense to liability unless the victim:

1. Was threatening or attempting to commit a crime of violence upon any person; or

2. Caused the animal to experience physical pain and the injury was an immediate response to the pain.

Notwithstanding the foregoing, provocation shall not be a defense if the injury is caused to a child, regardless of whether the animal resides in the same household as the child.

Section 20. Impound.

- A. The Division may catch, seize, humanely trap, pick up, or impound:
 1. Any stray or improperly confined animal;
 2. Any animal at large;
 3. Any unvaccinated animal that is required under this ordinance to have a rabies vaccination while the County is under a rabies quarantine;
 4. Any animal that has bitten or scratched a person;
 5. Any animal that is carrying or is reasonably suspected to be carrying rabies or any other infectious or contagious disease;
 6. Any animal that is sick, injured, or otherwise in distress for which the animal's owner cannot be found after a reasonable effort;
 7. Any animal that is mistreated, abandoned, or neglected according to Section 17 of this ordinance;
 8. Any animal that is cruelly treated according to Section 18 of this ordinance;
 9. Any animal whose owner is unavailable, unwilling, or unable to care for the animal, including situations where the owner is arrested, hospitalized, or deceased;
 10. Any animal that has been classified as dangerous if the animal's owner does not comply with the requirements of this ordinance with respect to dangerous animals;
 11. Any other animal authorized to be impounded under this ordinance; or
 12. Any animal that is otherwise in violation of this ordinance.

B. The Division shall charge a fee, which shall be set by resolution of the Board, for costs incurred in connection with the impounding, boarding, and feeding of an animal impounded under this ordinance.

C. It shall be a violation of this ordinance to refuse to surrender an animal that is authorized to be impounded under this ordinance or to hold, hide, or conceal an animal in order to avoid lawful impoundment pursuant to this ordinance.

D. The Division shall keep animals impounded under this ordinance as provided in this subsection. All times provided in this subsection shall exclude weekends and legal holidays.

1. Feral animals: At Division's reasonable discretion unless the impounded animal is part of a feral cat colony being maintained pursuant to Section 16 of this ordinance;
2. Stray or abandoned animals over 6 months old or feral cats being maintained in a feral cat colony pursuant to Section 16 of this ordinance: No less than 3 days;
3. Stray or abandoned animals younger than 6 months that have no microchip or other owner identification: No less than 2 days;
4. Animals impounded pursuant to a violation of Section 17 of this ordinance: No less than 7 days from the date that the county court orders the release of the animal;
5. Animals impounded pursuant to any other violation of this ordinance: No less than 10 days from the date notice is left at the property from which the animal is impounded;
6. Animals impounded in connection with an aggressive or dangerous animal investigation: No less than 10 days from the conclusion of the investigation; and
7. Animals impounded for any other reason permitted under this ordinance: No less than 10 days from the date notice is left at the property from which the animal is impounded or otherwise provided to the owner.

E. When the Division impounds an animal, it shall make reasonable efforts to identify and notify the animal's owner. The owner may redeem the animal after complying with the requirements of subsection H below. Any animal that is impounded under this ordinance and is not redeemed by its owner as provided in this section, or any animal that is voluntarily turned over to the Division's custody by its owner, shall become the property of the County. The Division shall, in its sole discretion, either

humanely euthanize the animal or place it in the custody of a person deemed to be a responsible owner pursuant to the provisions of Section 10 of this ordinance.

F. The Division may retain one or more licensed veterinarians to sterilize any impounded animal, treat any sick or injured impounded animal, vaccinate any impounded animal for rabies, or perform any other service for which a licensed veterinarian might be required. In the event costs are incurred for veterinary services in connection with an impounded animal, the animal's owner shall be liable for all costs incurred. Nothing in this section shall create any obligation on the part of the Division to provide veterinary services to an animal that has been impounded, nor shall it create any liability on the part of the County for any act or omission in connection with the provision of such services or the lack thereof.

G. Any animal impounded pursuant to this ordinance may be released by the Division free of charge to a humane agency, an agency or organization that trains animals to assist handicapped or disabled persons, or a governmental law enforcement agency. Any agency that receives an animal pursuant to this subsection shall agree to have the animal sterilized and vaccinated for rabies at its own cost as a condition of its receipt of the animal.

H. No animal impounded as a result of a violation of this ordinance shall be released to its owner, or any person authorized by the owner to collect the animal, until:

1. The owner signs and accepts the citation, notice of violation, settlement conditions, or warnings issued with respect to the impounded animal;
2. The owner pays any applicable fees for the impounding, boarding, and feeding of the animal;
3. The owner reimburses the County for any expenses incurred for veterinary treatment of the animal;
4. If the animal is determined by the Division to be dangerous or aggressive, the owner complies with the conditions set forth by the Division or with any applicable settlement agreement;
5. If the animal is determined by the Division to be dangerous, the owner complies with the provisions of Section 22 of this ordinance; and
6. If the animal was impounded due to a violation of Section 17 of this ordinance, the county court orders the release of the animal, as authorized by Section 828.073, Florida Statutes.

7. If the animal is part of a feral cat colony approved by the Division pursuant to Section 16 of this ordinance, the caregiver provides microchip or tattoo identification information and proof of vaccination for the animal.

I. The Division may release an animal to a person other than the animal's owner if the person requesting release of the animal presents written authorization from the owner for release of the animal to that person and photo identification.

J. The Division shall microchip any animal impounded as a result of a violation of this ordinance at the owner's expense if the animal does not have a microchip at the time it is impounded. Nothing in this subsection shall require the Division to microchip a feral animal, any animal that is sick or injured, or any animal that is unclaimed by its owner by the end of the applicable impound period as provided in subsection D.

K. The Division shall not impound animals for research or experimentation purposes.

L. Nothing in this ordinance shall prevent the Division from performing humane euthanasia on an injured or ill animal immediately upon impound, in accordance with the provisions of Section 828.05, Florida Statutes.

M. The County, the Division, and its officers and employees shall not be liable for any injury or illness sustained by an animal during the course of its impoundment.

Section 21. Aggressive Animals.

A. An animal may be deemed aggressive if it:

1. Causes severe injury to a person or domestic animal without provocation; or
2. Causes minor injury to a person or domestic animal without provocation twice within a one year period.

B. This section shall not apply to animals used by law enforcement officials in the exercise of their duties.

C. The Division may, in its sole discretion, impound any animal that is the subject of an aggressive animal investigation. Any animal that is the subject of an aggressive animal investigation that is not impounded shall be humanely and safely confined by the owner in a proper enclosure pending the outcome of the investigation and the resolution of any hearings related to the aggressive animal classification. If the animal

is not impounded by the Division, the owner shall provide the address where the animal resides to the Division.

D. It shall be a violation of this ordinance to refuse to surrender an animal that is the subject of an aggressive animal investigation or to hold, hide, or conceal an animal in order to avoid lawful impoundment pursuant to this ordinance.

E. When the Division receives a complaint about an animal that may be aggressive pursuant to the conditions set forth in subsection A, it shall conduct an investigation into the circumstances surrounding the complaint. If the Division determines that the animal should be deemed aggressive, the Division shall require the owner of the animal to obtain a certificate of registration identifying the animal as aggressive. The Division may impose additional reasonable restrictions on the animal, including:

1. Requiring the owner of the animal to secure and maintain insurance coverage in an amount of no less than \$100,000 covering any damage or injury which may be caused by the animal in an amount to be determined by the Division.
2. Requiring the owner of the animal to send the animal to an obedience training course approved by the Division that addresses aggression toward human beings and animals and to submit documentation to the Division upon completion of the course;
3. Requiring the animal to be muzzled whenever the animal is off the owner's private property; or
4. Any other reasonable restrictions that the Division determines are necessary to prevent further violations of this ordinance.

Failure to comply with reasonable restrictions issued by the Division pursuant to this subsection shall be a violation of this ordinance.

F. The owner of an animal that has been deemed aggressive shall obtain a certificate of registration from the Division within 14 days of the date that the animal is deemed to be aggressive. The registration shall be renewed annually with the Division. Fees for the registration of an aggressive animal and the renewal of any such registration shall be adopted by resolution of the Board. In order to obtain the certificate of registration, the owner shall submit the following to the Division:

1. Proof of ownership of the animal;
2. A current certificate of rabies vaccination for the animal;

3. Proof of permanent identification of the animal, such as a tattoo or electronic implantation;
4. Proof that the property owner or management company of the property where the animal resides has been notified of the aggressive animal classification; and
5. Proof of compliance with any restrictions imposed by the Division in connection with the animal's aggressive designation.

The Division shall not issue a certificate of registration or a renewal of registration to any person under the age of 18.

E. An animal that has been deemed aggressive shall not be brought to a dog park, public park, or public beach, even if animals are otherwise allowed at the location.

F. If an animal that has previously been deemed aggressive is involved in an incident falling within any of the conditions set forth in subsection A, the animal shall be deemed to be a dangerous animal.

G. The Division's determination that an animal should be deemed aggressive may be appealed as provided in Section 8 of this ordinance.

H. An owner may apply to the Division for removal of an animal's aggressive designation if there are no further violations of this ordinance involving the animal for three years following the animal's designation as aggressive. Notwithstanding the foregoing, the removal of an animal's aggressive designation pursuant to this subsection shall not remove the presumption set forth in Section 23 of this ordinance of the owner's knowledge of the animal's dangerous propensities.

Section 22. Dangerous Animals.

- A. An animal may be deemed dangerous if the Division determines that:
1. The animal aggressively bit, attacked, endangered, or inflicted severe injury on a person on public or private property;
 2. The animal on more than one occasion severely injured or killed a domestic animal;
 3. The animal has been used for fighting or is an animal that has been trained for fighting; or
 4. Without provocation, the animal chased or approached a person in a menacing fashion or apparent display of attack upon the streets, sidewalks, or any public property, provided that such actions are

attested to in a sworn statement by one or more persons and duly investigated by the Division.

B. The Division shall investigate any reported incident involving an animal that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, including any animal control officer or law enforcement officer, desiring to have the animal classified as dangerous. If the Division is not available to be present at the scene of an incident, any complaint involving an alleged dangerous animal shall be investigated initially by the law enforcement agency that receives the complaint, and an incident report shall be forwarded to the Division no later than 72 hours after the incident. If the victim was bitten, scratched, or otherwise exposed to a zoonotic disease, the Division or investigating law enforcement agency shall file a bite report in accordance with Florida Department of Health regulations.

C. The Division may, in its sole discretion and considering public safety, impound any animal that is the subject of a dangerous animal investigation. The failure or refusal to surrender an animal that is the subject of a dangerous animal investigation shall result in a fine of \$500. Any animal that is the subject of a dangerous animal investigation that is not impounded shall be humanely and safely confined by the owner in a proper enclosure pending the outcome of the investigation and the resolution of any hearings related to the dangerous animal classification. If the animal is not impounded by the Division, the owner shall provide the address where the animal resides to the Division.

D. The owner or possessor of an animal that is the subject of a dangerous animal investigation, but that is not impounded by the Division, shall humanely and safely confine the animal in a securely fenced or enclosed area approved by the Division pending the outcome of the investigation and resolution of any hearings related to the dangerous animal classification. The owner or possessor of the animal shall provide the address where the animal resides to the Division.

E. No animal that is the subject of a dangerous animal investigation may be relocated or have its ownership transferred pending the outcome of the investigation or any hearings related to the determination of a dangerous animal classification. In the event that an animal is to be destroyed, that animal shall not be relocated or have its ownership transferred.

F. An animal shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the animal, its owner, or a family member. No animal may be declared dangerous if the animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault.

G. After investigating a reported incident, the Division shall make an initial determination as to whether there is sufficient cause to classify the animal as dangerous

and shall afford the owner an opportunity for a hearing prior to making a final determination. In making its determination, the Division shall consider all available evidence, including law enforcement officer reports, witness statements, sworn affidavits, medical reports, veterinary reports, and prior complaints or reports about the animal in question. All evidence shall be preserved for possible subsequent hearings. If the Division initially determines that the animal should be classified as dangerous, the Division shall provide a written Notice of Sufficient Cause by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process. The owner may file a written request for a hearing within 7 calendar days from the date of receipt of the notification of the sufficient cause finding, and, if requested, the hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than 5 days after receipt of the request from the owner. If the owner does not request a hearing within the time permitted, the owner's right to a hearing shall be waived, and the Division's initial determination shall become final.

H. If the Division determines that there is not sufficient cause to classify the animal as dangerous, the Division may deem the animal to be aggressive if any of the conditions set forth in Section 21.A of this ordinance are met.

I. Once an animal is classified as dangerous by the Division, or a dangerous animal classification is upheld on appeal, the owner of the animal shall obtain a certificate of registration for the animal from the Division. The certificate shall be obtained within 14 days of the issuance of the dangerous classification, or the issuance of a final order upholding the dangerous classification on appeal, and shall be renewed annually. Fees for the registration of a dangerous animal and the renewal of any such registration shall be adopted by resolution of the Board. The Division shall not issue a certificate of registration or a renewal of registration to any person under the age of 18. In order to obtain the certificate of registration, the owner shall submit the following to the Division:

1. Proof of ownership of the animal;
2. Proof of a proper enclosure of to confine the animal and the posting of a clearly visible warning sign at all entry points on the premises that informs both children and adults of the presence of a dangerous animal on the property;
3. A current certificate of rabies vaccination for the animal;
4. Proof that the animal has been spayed or neutered, except as provided in subsection K below;
5. Proof of permanent identification of the animal, such as a tattoo or electronic implantation;

6. Proof that the animal has been registered for a County-approved obedience school;
7. Proof that the property owner or management company of the property where the animal resides has been notified of the dangerous animal classification; and
8. A certificate of liability insurance or surety bond in an amount of no less than \$100,000, which covers any damage or injury that may be caused by the animal, and which contains a provision requiring the agent issuing the policy to notify the Division if the policy is cancelled, is terminated, or expires.

As a condition of registration of a dangerous animal, or renewal of any such registration, the owner shall sign a statement attesting that he or she will maintain liability insurance in an amount of no less than \$100,000 on the animal during the 12-month period for which registration is sought unless he or she ceases to own the dangerous animal prior to the expiration of the registration period.

J. For the purposes of this section, “proper enclosure” means that, while on the owner’s property, the animal is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the animal from escaping over, under, or through the structure and shall also provide protection from the elements.

K. No animal that has been classified as dangerous may be used for breeding. The owner of an animal that has been classified as dangerous shall have the animal spayed or neutered by a licensed veterinarian within 10 days of such classification unless:

1. A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or
2. A licensed veterinarian certifies in writing that spaying or neutering the animal would be seriously injurious to the animal’s health.

If it would be seriously injurious to the animal’s health to spay or neuter the animal, and the animal’s health condition is of a temporary nature, then the animal shall be spayed or neutered immediately after the health condition has been corrected.

L. The owner of an animal that has been deemed dangerous pursuant to this section shall immediately notify the Division when the animal:

1. Is loose or unconfined;

2. Has bitten a person or attacked another animal;
3. Is sold, is given away, or dies; or
4. Is moved to another address.

Prior to a dangerous animal being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the Division. The new owner shall comply with all the requirements of this ordinance, even if the animal is moved to another local jurisdiction within the state. If an animal that has been deemed dangerous pursuant to this ordinance is moved to another local jurisdiction within the state, the owner shall inform the appropriate animal control authority within that jurisdiction.

M. It is a violation of this ordinance for the owner of a dangerous animal to permit the animal to be outside a proper enclosure unless the animal 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 animal or interfere with its vision or respiration but will prevent it from biting any person or animal. The owner may exercise the animal in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the animal remains within the owner's sight and only immediate members of the household or persons 18 years of age or older are allowed in the enclosure when the animal is present. When being transported, the animal shall be safely and securely restrained within a vehicle. Upon violation of this subsection, the Division may impound the animal. The owner shall have 5 calendar days from the date of impoundment to request a hearing before the Special Magistrate, which shall be conducted in accordance with Section 24 of this ordinance. The Special Magistrate shall determine whether a violation of this subsection occurred. If the Special Magistrate determines that this subsection has been violated, the Special Magistrate shall order the destruction of the animal. Notwithstanding the foregoing, if the Special Magistrate determines that the owner of the animal did not knowingly or willfully violate this subsection, the Special Magistrate may instead specify remedial measures for the owner to take in order to prevent future violations. If the owner does not request a hearing within 5 calendar days of the date of impoundment, the animal shall be euthanized.

N. Hunting dogs are exempt from the provisions of this section when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from the provisions of this section when engaged in any legal procedures. However, such dogs at all other times in all other respects shall be subject to the provisions of this section. Dogs that have been classified as dangerous shall not be used for hunting purposes.

O. This section does not apply to dogs used by law enforcement officials for law enforcement work.

P. The requirements of this section shall apply to any animal that has been declared dangerous by another jurisdiction and whose owner brings the animal into the County with the intent to establish residency within the County. The owner of any such animal shall register the animal with the Division within 14 days of establishing residency within the County.

Section 23. Attack or Bite by a Dangerous Animal; Attack or Bite Causing Severe Injury or Death to a Person.

A. If an animal that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the dangerous animal shall be immediately confiscated by the Division, placed in quarantine, if necessary, for the proper length of time, or impounded and held for 10 days, excluding weekends and legal holidays, after the owner is given written notification, and thereafter destroyed in an expeditious and humane manner.

B. If an animal attacks and causes severe injury to or death of any person, the animal shall immediately be impounded by the Division, placed in quarantine, if necessary for the proper length of time, or held for 10 days, excluding weekends or legal holidays, after the owner is given written notification, and thereafter destroyed in an expeditious and humane manner.

C. The owner may request a hearing under Section 24 of this ordinance within 10 days, excluding weekends and legal holidays, of receiving notice that the owner's animal has been impounded pursuant to this section. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure. If the owner requests a hearing, the animal must be held and may not be destroyed while the appeal is pending.

D. If the animal that attacks or bites a person who is engaged in or attempting to engage in criminal activity at the time of the attack, the owner of the animal is not guilty of any crime specified in this section.

E. Any animal that is owned, or the service of which is employed, by a law enforcement agency, or any animal that is used as a service animal for blind, hearing impaired, or disabled persons, and that bites another animal or person is exempt from any quarantine requirement following such bite if the animal has a current rabies vaccination that was administered by a licensed veterinarian.

F. Any conflict arising from differences between this section and Florida Statutes shall be resolved in favor of Florida Statutes.

Section 24. Hearing on Dangerous Animal Designation.

A. The owner of an animal for which the Division makes an initial determination of dangerous classification may file a written request for a hearing within 7

calendar days from the date of receipt of the notification of the sufficient cause finding, and, if requested, the hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than 5 days after receipt of the request from the owner. The County Administrator shall designate a Special Magistrate to conduct the hearing. The Division shall notify the Special Magistrate that a hearing has been requested.

B. When a hearing is scheduled pursuant to this section, the Division shall notify the animal's owner, any complaining party, and any witnesses who have provided written statements in connection with the incident giving rise to the dangerous animal designation of the time and place of the hearing and, if necessary, may issue subpoenas requiring these persons to attend the hearing. The hearing shall be held in the vicinity of the County Administration Complex or the County Courthouse. The Clerk of Court shall keep minutes or digitally record the hearing. Any party may provide a court reporter at its own expense. The animal's owner shall bear any applicable costs, attorney's fees, and filing fees should the Division's initial determination of dangerous classification be upheld.

C. A request for a hearing before a Special Magistrate shall be accompanied by an administrative fee established by resolution of the Board.

D. The Division shall provide the Special Magistrate and the owner with a complete copy of the case file within a reasonable amount of time after a request for hearing is made. The Division may redact any material from the file that is permitted to be redacted pursuant to Florida's public records laws.

E. The scope of the hearing shall be limited to a determination of whether the Division properly classified the animal as dangerous. The Special Magistrate shall conduct the hearing and shall restrict the course of the hearing and the evidence presented to issues of fact and law raised in the Notice of Sufficient Cause and any pleadings filed by the animal's owner or the Division prior to the hearing. The standard of review shall be whether the Division's initial determination is supported by competent and substantial evidence. The owner shall bear the burden of establishing any factual or legal defense to the dangerous animal determination by a preponderance of the evidence.

F. The hearing shall be conducted in accordance with the procedure set forth in Section 162.07, Florida Statutes. The owner and the Division shall have the opportunity to present evidence and argument with respect to the Division's initial determination. Both parties shall have the opportunity to cross-examine any witness that presents testimony at the hearing. All testimony shall be made under oath.

G. The Special Magistrate may render an informal verbal decision at the close of the hearing. Within 5 days of the close of the hearing, excluding weekends and legal holidays, the Special Magistrate shall issue a final written decision with findings of fact and conclusions of law either affirming or overturning the Division's initial determination. The Special Magistrate shall submit copies of the written decision to the Division and the animal's owner.

H. A dangerous animal classification issued in a final order by a Special Magistrate may be appealed by writ of certiorari to County Court within 10 business days after receipt of the final order. If the animal is in the owner's custody at the time of the appeal, the owner shall confine the animal in a proper enclosure pending the outcome of the appeal.

I. Once a hearing is scheduled, the animal's owner may request a single continuance for good cause no less than 48 hours prior to the hearing. The request for continuance may be granted or denied at the discretion of the Special Magistrate. The failure to appear before the Special Magistrate may, at the Special Magistrate's discretion, result in dismissal of the hearing with prejudice, in which case the Division's initial determination shall stand, and the animal shall be classified as dangerous.

Section 25. Quarantine.

A. Any animal that is believed to have bitten a person, or otherwise caused its saliva or other bodily fluids or tissues to enter the bloodstream of a person, shall be quarantined either in the Division's custody, or at a veterinary clinic of the owner's choice. The length of the quarantine period shall be consistent with the standards set forth in the most current version of the Rabies Prevention and Control Guide released by the Florida Department of Health. The owner shall bear all costs associated with the quarantine.

B. An animal may be released to its owner prior to the expiration of the quarantine period upon payment of costs associated with the quarantine and presentation of proof that the animal has been vaccinated against rabies within the 12 months preceding the date of the bite. If an animal is released prior to the expiration of the quarantine period, the animal shall be confined in the owner's home for the remainder of the quarantine period, and the owner shall permit observation of the animal by the Division and County health officials at reasonable times during the animal's confinement.

C. An animal may be released to its owner subsequent to the expiration of the quarantine period upon payment of costs associated with the quarantine and a determination by the Division that the animal is not rabid.

Section 26. Packs of Dogs.

If a pack of dogs is involved in an incident that constitutes a violation of this ordinance, and the animal control officer cannot identify the primary dog involved, then the violation shall be imputed to the entire pack. For the purposes of this section a pack of dogs shall mean any group of 2 or more dogs.

Section 27. Surrender of Dead Animal.

It shall be a violation of this ordinance for any person to refuse or fail to surrender an animal or carcass of a dead animal upon lawful demand by an officer.

Section 28. Interference with Enforcement of Ordinance.

It shall be a violation of this ordinance to:

1. Release any animal from a trap placed by the Division;
2. Damage or remove any trap placed by the Division; or
3. Obstruct or hinder any officer's ability to enforce this ordinance.

Section 29. Fines and Fees Collected.

Except as otherwise provided by resolution of the Board, administrative fines and fees collected pursuant to this ordinance shall be deposited into a revenue account designated for the Division. Monies collected from such fines and fees shall be used to defray the costs of administration of this ordinance, including any investigative or legal expenses. The Division may waive any fee required under this ordinance upon submission by the owner of proof of indigency according to federal poverty guidelines.

Section 30. Agreements with Outside Organizations

The County Administrator, or his designee, may enter into agreements with outside organizations for the purposes of carrying out the provisions of this ordinance. Such agreements shall require the approval of the Office of the County Attorney and the County's Risk Manager. If the agreement will require an increase in the Division's budget, the agreement shall require the approval of the Board.

Section 31. Conflicts of Law.

Unless otherwise provided in this ordinance, any conflicts arising from differences between any provision in this ordinance and any provision in Florida Statutes shall be resolved in favor of whichever provision is stricter.

Section 32. Civil Action.

In addition to the penalties provided elsewhere in this ordinance, the County may bring a civil action in any court of competent jurisdiction to enforce or administer this ordinance, including seeking a temporary or permanent injunction when an owner is believed to be in violation of this ordinance. The County shall be entitled to an award of costs and reasonable attorneys' fees, including appellate fees and costs, in any action in which it is a prevailing party.

Section 33. Venue.

Venue for any legal, equitable, or administrative action arising in connection with this ordinance shall lie exclusively in St. Johns County, Florida.

Section 34. Repeal.

A. St. Johns County Ordinance No. 2012-34 is hereby repealed, except as provided below.

B. The Clerk of Court is instructed to remove Ordinance No. 2012-34 from the St. Johns County Code of Ordinances.

C. This section shall not affect the validity of any citation issued under Ordinance No. 2012-34 prior to the effective date of this ordinance.

Section 35. Severability.


If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remainder of this ordinance.

Section 36. Effective Date.

This ordinance shall be effective upon a certified copy being filed with the Florida Department of State.

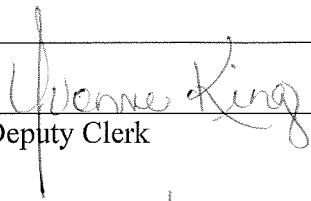
PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida this 3rd day of November, 2015.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

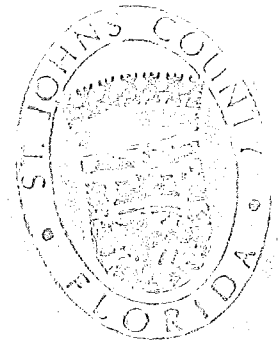
By:  _____
Priscilla L. Bennett, Chair

ATTEST: Hunter S. Conrad, Clerk

RENDITION DATE November 10, 2015

By:  _____
Deputy Clerk

Effective Date: November 10, 2015



MINUTES AND RECORDS 500 SAN SEBASTIAN VIEW SAINT AUGUSTINE FL 32084

Ref.#: L2987-15 P.O.#: L2987-15

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared NICOLE CORRIVEAU

who on oath says that he/she is an Employee of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a NOTICE OF HEARING

In the matter of ANIMAL CONTROL ORDIN - HEARING NOVEMBER 3, 2015

was published in said newspaper on 10/23/2015

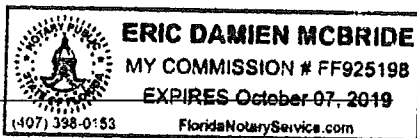
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this OCT 23 2015 day of

by Nicole Corriveau who is personally known to me or who has produced as identification

[Signature of Notary Public]

(Signature of Notary Public)



(Seal)

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact the ADA Coordinator at (904) 209-0450 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERYL STRICKLAND, ITS CLERK By: Yvonne King, Deputy Clerk L2987-15 Oct 23, 2015

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing to consider adoption of the following proposed ordinance at a regular meeting on Tuesday, November 3, 2015, at 9:00 a.m., in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY FLORIDA CREATING THE ST. JOHNS COUNTY ANIMAL CODE; MAKING FINDINGS OF FACT; PROVIDING SCOPE; PROVIDING THAT REFERENCE TO OTHER STATUTES OR ORDINANCES MEANS AS THE SAME MAY BE AMENDED FROM TIME TO TIME; PROVIDING DEFINITIONS; SETTING FORTH AUTHORITY OF ANIMAL CONTROL OFFICERS; PROVIDING PENALTIES; PROVIDING FOR APPEALS; PROVIDING FOR THE MAINTENANCE OF ANIMAL SHELTERS BY THE COUNTY; PROVIDING FOR THE ADOPTION OF ANIMALS BY MEMBERS OF THE PUBLIC; PROVIDING FOR THE VACCINATION OF ANIMALS; REFERRING TO THE LAND DEVELOPMENT CODE FOR LIMITATIONS ON ANIMAL OWNERSHIP; PROHIBITING ANIMALS FROM RUNNING AT LARGE; REGULATING THE TETHERING OF ANIMALS; PROVIDING FOR PUBLIC NUISANCE ANIMALS; PROVIDING FOR FERAL CAT COLONIES; DEFINING AND PROHIBITING ANIMAL MISTREATMENT, ABANDONMENT, AND NEGLECT; DEFINING AND PROHIBITING ANIMAL CRU-

ELTY; ESTABLISHING LIABILITY FOR DAMAGE BY ANIMALS; PROVIDING PROCEDURES FOR THE IMPOUNDMENT OF ANIMALS; PROVIDING FOR THE DESIGNATION OF ANIMALS AS AGGRESSIVE; PROVIDING FOR THE DESIGNATION OF ANIMALS AS DANGEROUS; PROVIDING FOR ATTACKS BY ANIMALS RESULTING IN SEVERE INJURY OR DEATH; PROVIDING HEARING PROCEDURES FOR THE DESIGNATION OF DANGEROUS ANIMALS; PROVIDING FOR QUARANTINE; PROVIDING FOR INCIDENTS INVOLVING PACKS OF DOGS; PROHIBITING THE REFUSAL TO SURRENDER A DEAD ANIMAL UPON LAWFUL DEMAND; PROHIBITING INTERFERENCE WITH THE ENFORCEMENT OF THIS ORDINANCE; PROVIDING FOR FINES AND FEES COLLECTED PURSUANT TO THIS ORDINANCE; PROVIDING FOR CONFLICTS OF LAW; PERMITTING CIVIL ACTION TO ENFORCE ORDINANCE; PROVIDING FOR VENUE; REPEALING ST. JOHNS COUNTY ORDINANCE NO. 2012-34; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, and may be examined by parties interested prior to the said public hearing. Please take note that the proposed ordinance is subject to revision prior to the hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 10, 2015

Honorable Hunter S. Conrad
Clerk of Court
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Ms. Yvonne King, Deputy Clerk

Dear Mr. Conrad:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2015-68, which was filed in this office on November 10, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

HUNTER S. CONRAD
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY, FL

2015 NOV 10 PM 3:54

FILED