

ORDINANCE NO. 2020-___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2004-58, AS AMENDED, AND AS FURTHER AMENDED BY 2017-12, KNOWN AS THE ANIMAL CONTROL ORDINANCE; SPECIFICALLY AMENDING SECTION 6-54, ANIMAL CARE AND ANIMAL CRUELTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida adopted Ordinance No. 2017-12 on May 22, 2017 which established guidelines for unsupervised, unattended tethering of dogs; and

WHEREAS, the Director of the Nassau County Animal Services Department has recommended that the Board of County Commissioners of Nassau County, Florida, consider amendments to its Animal Control Ordinance, specifically Section 6-54 Animal Care and Animal Cruelty.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, that Ordinance No. 2004-58, as amended, shall be further amended as follows:

SECTION 6-54 ANIMAL CARE AND ANIMAL CRUELTY.

- (A) Each Owner shall provide his/her Animals or Livestock with Adequate Food, water, care and treatment to include Adequate Shelter, veterinary care when needed to prevent suffering, and humane care and treatment.
- (B) It is unlawful for any person to subject any Animal to Animal Cruelty. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an Animal or Livestock, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between Animals or Livestock or between Animals or Livestock and humans.
- (C) No Owner of an Animal shall abandon such Animal.
- (D) No person shall crop a dog's ears, dock a dog's tail, or declaw a cat except a licensed veterinarian.
- (E) Any violation of Section 828.12, Florida Statutes.
- (F) Any violation of Section 828.13, Florida Statutes.

(G) Any person who, as the operator of a motor vehicle, strikes a domestic Animal shall stop at once and render such assistance as may be possible without risking personal safety and shall immediately report such injury or death to the Animal's Owner; in the event the Owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to Animal Control.

(H) No person shall expose any known poisonous substance, whether mixed with food or not, with the intention to harm any Animal excluding Vermin.

(I) The unsupervised, unattended outdoor tethering of a dog or cat is prohibited except as provided herein:

(1) The Owner or Responsible Person must be outside with the dog or cat. The dog or cat must be in visible range of the Owner or responsible party.

(2) The tether must be attached to the dog or cat by a properly applied, buckle-type nylon or leather collar, or halter or harness, with a swivel hook, and configured so as to protect the Animal from injury and death and prevent entanglement with other objects and/or Animals. Welded metal chain link or logging chains and vehicle tow chains may not be used to tether an Animal.

(3) The tether shall not be attached to a stationary object or trolley at a point or location that would allow the Animal to extend the tether over a fence or other object or edge in such manner that could result in the strangulation of or injury to the Animal.

(4) The foregoing provisions regarding tethering do not apply to dogs or cats participating in or attending an organized show, field trials, or sanctioned events.

(5) The Animal, while restrained by tether, is able to access shelter to protect the Animal from the weather, extreme temperatures and direct sunlight; and is able to access Adequate Water and Adequate Food.

(6) A tethered dog or cat must be at least six (6) months in age and free of illness and injury.

(7) The provisions of subsection (1) above, do not apply to dogs that are kept or used for a bona fide farm operation on lands classified as Agricultural pursuant to F.S. § 193.461 [cf. sections 163.3162(3)(a), and F.S. § 823.14(6); see, definitions of "farm," "farm operation," and "farm product" at F.S. § 823.14(3)(a), (b), and (c)].

(8) Multiple dogs must be tethered separately. Dogs may not share running lines or be near enough to each other that they may become entangled.

(9) Tethering regulations only apply to dogs and/or cats.

(J) It shall be unlawful for any person to cause, procure or inflict cruelty to or upon Animals, whether or not such cruelty results in severe injury or death. It shall be considered causing, procuring, and/or inflicting cruelty, if the following occurs: Carrying any Animal in or upon any vehicle in an inhumane way so as not to provide for the protection, safety and comfort of the Animal being carried in conformance with Federal, State and County requirements including, but not limited to, an Animal which is enclosed in a vehicle and showing signs of hyperthermia.

(K) It shall be unlawful for the Owner of an Animal to allow the Animal, to bark, meow, whine, howl, or to make other sounds common to its species, persistently or continuously for at least 30 minutes occurring at least three separate times within a period of no more than eight hours. For the purposes of this Section, "persistently" or "continuously" shall mean nonstop utterances for 30 consecutive minutes with interruption of less than 30 seconds at a time during the 30-minute utterances. A violation of this Section shall be considered an objectionable animal noise. ~~persistently or continuously for a period of thirty (30) minutes or longer when such Animal is not contained within an enclosure sufficient to baffle loud noises and render them reasonably unobjectionable as evidenced by signed affidavits, provided by Animal Control, by not less than two (2) separate neighboring residences or audio/visual recording.~~

(1) Hunting dogs, while under their Owner's command and engaged in legal hunting activities or training procedures, shall be exempt from this section.

(2) Guardian dogs used for predator protection on farms defined in Section 823.14(3)(a), Florida Statutes, shall be exempt from this section.

(L) The animal control officer may cite the owner or any person having custody of such animal(s) for violation of Section (K) when either the citing animal control officer has witnessed the commission of such objectionable animal noise or the animal control officer has received at least one sworn affidavit from each of at least two unrelated adult witnesses from different residences so that taken together, the affidavits attest to the committing of a violation pursuant to this Section. A citation for a violation of this Section shall require a mandatory court appearance.

EFFECTIVE DATE

This ordinance shall become effective upon its being filed in the Office of the Department of State.

DULY ADOPTED this _____ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

DANIEL B. LEEPER
Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

MICHAEL S. MULLIN