

ORDINANCE NO. 2017-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2004-58, AS AMENDED, KNOWN AS THE ANIMAL CONTROL ORDINANCE; SPECIFICALLY AMENDING SECTION 12, INVESTIGATION AND ENFORCEMENT; SECTION 13, INTERFERENCE WITH AUTHORITIES; AND SECTION 14, ANIMAL CARE AND ANIMAL CRUELTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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.

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 12. INVESTIGATION AND ENFORCEMENT.

For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, any agent of animal control or any sworn officer of the Sheriff's Department shall have the authority, pursuant to Chapter 828, Florida Statutes, to implement and administer the provisions of this Ordinance. The agent of animal control and sworn officer of the Sheriff's Department are authorized to conduct investigations and issue citations for violations of this Ordinance pursuant to Chapter 828, Florida Statutes, and the provisions of this Ordinance. ~~police officer, shall obtain a court order or owner's permission before entering upon any premises upon which an Animal is kept or harbored and to demand the exhibition by the owner of such animal or the license of such animal.~~

~~In communities where there is no humane organization to enforce the state anti-cruelty laws, it is further provided that a~~Any agent of animal control may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in his/her opinion, it requires humane treatment.

SECTION 13 . INTERFERENCE WITH AUTHORITIES.

~~No person shall~~ It shall be a violation of this ordinance to interfere with, hinder, or molest any animal control agent of the county in the performance of any duty of such agent, or seek to release any animal in custody of animal control, except as herein provided.

SECTION 14. ANIMAL CARE AND ANIMAL CRUELTY.

(A) Each owner shall provide his/her Animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air maintained at a temperature within the Animal's acclimation/thermoneutral zone (forty-five (45) to eighty-five (85) degrees Fahrenheit) as defined in the IAW Title 9 Code of Federal Regulations, shelter space that is three-sided with a roof and a floor and protection from the weather, 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 cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between Animals or between Animals 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 dewclaw a cat except a licensed veterinarian.

(E) 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.

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

(G) ~~Restraint by chaining may be used provided the following conditions are met:~~

~~(1) The chain or tether shall be fitted with swivels on both ends;~~

~~(2) The chain or tether shall be attached to a properly fitted collar or harness worn by the animal; and~~

~~(3) The animal, while restrained by chain or tether, is able to access shelter with sufficient floor, three walls, and roof to protect the animal from the weather, extreme temperatures and direct sunlight; and is able to access sufficient water and sufficient wholesome food.~~

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

(1) The dog must be in visible range of the owner or responsible party. There is authorized the following narrow exception to this condition: The dog owner or responsible person may leave a dog tethered outdoors on the property for a reasonable period not exceeding twelve (12) hours within a twenty-four (24) hour period. A dog may never be left tethered and unattended on vacant or abandoned property.

(2) The tether must be attached to the animal 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 prevent entanglement with other objects and/or animals.

(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 a lawful animal event, veterinarian treatment, grooming, training, or law enforcement.

(5) The animal, while restrained by tether, is able to access shelter with sufficient floor, three walls, and roof to protect the animal from the weather, extreme temperatures and direct sunlight; and is able to access sufficient water and sufficient food.

(6) 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)].

(H) 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 including, but not limited to, an Animal which is enclosed in a vehicle and showing signs of hypothermia (body temperature of one hundred five (105) degrees) and carrying an Animal in the back of an open truck or other open vehicle without being safety tethered to avoid injury and without protecting the Animal from the weather.

(I) 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 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.

SECTION 24. CONFLICTING ORDINANCES

All other ordinances of the County of Nassau that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 25. SEVERABILITY CLAUSE

Should any section, clause or provision of this ordinance, or any amendment hereto, be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 26. EFFECTIVE DATE

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

DULY ADOPTED this _____ day of _____, 2017.

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