

ORDINANCE NO. 2004-44

AN ORDINANCE OF THE BAKER COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING PROCEDURES TO DETERMINE ANIMALS ARE DANGEROUS; REGULATING DANGEROUS AND RABID DOGS; AUTHORIZING EUTHANIZATION OF DANGEROUS DOGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes (2004), authorizes the Baker County Board of County Commissioners to provide and maintain for the residents of the County regulations which insure the health, safety and welfare of both citizens and animals alike; and

WHEREAS, Section 767.14, Florida Statutes, authorizes the County to impose additional restrictions on the ownership of dangerous dogs; and

WHEREAS, the Board of County Commissioners of Baker County recognizes that the public health and safety of the residents of the County will be best served by the regulation of dangerous dogs;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BAKER COUNTY AS FOLLOWS:

Section 1. Procedures to classify a dog as dangerous

a. Animal Control shall investigate reported incidents involving any dog that may be dangerous. Animal Control shall interview the owner and require a sworn affidavit from any person, including any enforcement officer, desiring to have the dog classified as dangerous.

b. After the investigation, Animal Control shall determine if a dog is to be classified as dangerous and shall immediately provide written notification to the owner of the dog by registered mail, certified hand delivery, or in accordance with Chapter 48, Florida Statutes (2004), if that dog is classified as dangerous.

c. On or before the seventh calendar day after service of the written notice, the owner of a dog classified dangerous may file a written request for a hearing to appeal the classification.

d. The written request for a hearing shall be sent to the county manager. The county manager or his or her designee shall conduct the hearing on or after the fifth day and on or before the twenty-first day after service of the request.

e. The nature of the hearing is nonadversarial and is an opportunity for the owner to be heard. A person requesting a hearing shall be afforded the following right to:

- (i) Present his or her case by documentary evidence; and
- (ii) Be accompanied, represented, and advised by counsel; and
- (iii) Offer the testimony of witnesses.

f. Following the hearing, the County Manager or designee who conducted the hearing shall prepare a written final decision and serve a copy of the decision to the owner by registered mail, certified hand delivery, or service in accordance with Chapter 48, Florida Statutes (2004).

g. On or before the tenth day after service of a final decision, the owner may file a written request for a hearing in the county court to review the decision.

h. Pending resolution of all appeals, if the dog has been confiscated, then animal control shall not destroy the dog. If the dog has not been confiscated, then the owner shall confine the dog in a secure enclosure for a dangerous dog. The dog must be securely enclosed: within either a cage; a yard fenced on all sides that has been approved by the animal control officer, with the dog secured to a tie-out stake twenty (20) inches in length and by rope or chain of a length which does not allow the dog to reach the fence at any point; or within the owner's house. Animal Control shall investigate and approve the secure enclosure used to confine the dog.

i. Animal Control may not classify a dog as dangerous if the Animal Control Officer determines that the attack occurred while a person was unlawfully on the property of the dog's owner.

Section 2. Registration of dangerous dogs.

a. On or before the fourteenth day after the classification of a dog as dangerous, the owner of the dog shall obtain a certificate of registration and a dangerous dog tag or collar from Animal Control. The owner shall renew the certificate annually. Animal Control is authorized to issue such certificates of registration and renewals only to persons who have attained at least eighteen (18) years of age and who present to Animal Control proof of:

- (i) A current certificate of rabies vaccination for the dog;

- (ii) A secure enclosure for a dangerous dog, as described in Section 1(h);
- (iii) Warning signs that are clearly visible from all entry points and inform both children and adults of the presence of a dangerous dog on the property;
- (iv) Permanent identification of the dog by either a tattoo on the inside thigh or by implantation of an electronic identification tag;
- (v) Surgical sterilization of the dog, unless a veterinarian certifies in writing that the animal is incapable of reproduction or that neutering the animal would be injurious to the animal's health. If the health condition of the animal is of a temporary nature, then the owner shall employ a veterinarian to neuter the animal immediately after the health condition has been corrected; and
- (vi) Two color photographs of the dog in two different poses showing the color and size of the animal.

b. The owner shall secure the dangerous dog collar or tag around the dog's neck so that it is clearly visible at all times.

c. If the owner does not comply with the requirements for dangerous dogs on or before the fourteenth day after the classification of the dog as dangerous, then Animal Control may confiscate the dangerous dog. On or before the tenth calendar day after the dangerous dog is confiscated, Animal Control shall give the owner written notification by certified mail, certified hand delivery, or service in accordance with Chapter 48, Florida Statutes (2004), that

the dangerous dog was confiscated and that the owner may request a hearing. On or before the tenth calendar day after service of the written notice, the owner may submit to the county manager a request for a hearing to determine whether the requirements for dangerous dogs have been met. If no hearing is requested, then permanent custody vests with Animal Control. If a hearing is requested, then the county manager or his or her designee shall conduct the hearing between the fifth day and twenty-first day after service of the request. If the county manager or his or her designee determines at the hearing that the owner has complied with the requirements for dangerous dogs, then Animal Control shall release the dangerous dog back to the owner. If the county manager or his or her designee determines at the hearing that the owner has not complied with the requirements for dangerous dogs, then Animal Control may humanely euthanize the dangerous dog: (i) ten days after service of the ruling on the owner, or (ii) immediately, if no hearing was requested.

Section 3. Responsibility of Owner to Notify Animal Control

a. The owner shall immediately notify Animal Control when a dog that has been classified as dangerous:

- (i) Becomes loose or unconfined;
- (ii) Attacks a human being or another animal; or
- (iii) Dies.

b. The owner shall immediately notify Animal Control if the owner moves to another address with the dangerous dog. If the owner moves to a

different jurisdiction, then the owner shall notify the animal control officer of the new jurisdiction that the dog has been classified as dangerous.

c. The owner shall immediately notify Animal Control if the owner is going to sell the dangerous dog or give the dangerous dog away. Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to Animal Control. The new owner shall comply with all of the requirements of this ordinance that relate to dangerous dogs, even if the animal is moved from the jurisdiction of this ordinance to another local government jurisdiction within the state.

d. The owner shall immediately notify Animal Control if the owner believes that the dangerous dog has been stolen.

Section 4. Other Restrictions.

a. The owner of a dangerous dog shall not permit the dog to be outside of the secure enclosure for a dangerous dog, unless the dog is muzzled and restrained by a substantial leash and under physical control of a competent person eighteen (18) years of age or older. The owner shall use a muzzle that is made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but prevents the dog from biting any person or animal. The owner may exercise the dog on the owner's property in a securely fenced or enclosed area that does not have a top, without a muzzle or leash on the dog, if the dog remains within the owner's sight and only members of his immediate household or persons eighteen (18) years of age or older are allowed in the enclosure when

the dog is present. While transporting the dangerous dog, the owner shall restrain the dog safely and securely within a vehicle.

b. An owner with a dangerous dog shall not use the dog for hunting purposes.

c. The provisions of this chapter relating to dangerous dogs do not apply to dogs used by law enforcement officials for law enforcement work.

Section 5. Procedures after possible rabies exposure.

a. When an animal has allegedly bitten or scratched a person or is suspected or believed to be infected with rabies, the owner shall relinquish control of the animal to Animal Control upon request, or shall quarantine the animal at home or with a veterinarian, as directed by Animal Control.

b. In certain cases, home quarantine of a domestic animal, which has bitten or scratched a person, may be permitted at the discretion of Animal Control, if determined safe and appropriate, and provided that the following criteria and conditions are met:

(i) If the animal involved in a domestic animal, and it has a current vaccination from a veterinarian, and the domestic animal is wearing a current license tag;

(ii) If a person is attacked by a dog, the owner must have had the dog under physical control when the attack occurred or if the dog attack occurred on the owner's property, animal control must determine that the attack was provoked.

(iii) The owner of the domestic animal must have facilities deemed appropriate by animal control to contain the domestic animal during the quarantine period within either a cage, a fenced yard, or within the owner's house;

(iv) The owner shall allow a representative or designee of the county health department to visually check an animal quarantined at home at the end of the quarantine period if it is deemed necessary; and

(v) Such other conditions and safeguards as Animal Control may deem necessary and appropriate.

c. If a domestic animal is reported or observed to not be confined or a dog is reported to not be under physical control at any time during the home quarantine period, the home quarantine privilege shall be revoked immediately and the owner, at his or her own expense, shall confine the domestic animal either with a veterinarian or at the county animal shelter for the duration of the quarantine period.

d. The decision to allow home quarantine of a domestic animal is made by the investigating Animal Control officer. In the event of any dispute regarding the appropriateness of home quarantine, the director's decision shall be final in the matter.

e. If a police dog, as defined in Section 843.319, Florida Statutes (2004), has attacked a person while acting under the direction of a law enforcement agency in an official capacity, such as aiding in the detection of

criminal activity, enforcement of laws, or apprehension of offenders, the director may exempt the dog from the quarantine and impoundment provisions of this chapter, upon proof of a current vaccination and licensing for the dog.

Section 4. Procedures after violent dog attack.

a. If a violent dog attack occurs, then Animal Control shall confiscate the dog and immediately place it in quarantine if necessary.

b. Animal Control shall give the owner written notification by certified mail, certified hand delivery, or service in accordance with Chapter 48, Florida Statutes (2004), that the dog was confiscated and that the owner may request a hearing as set out in Section 2 of this ordinance, on or before the tenth day after receipt of the notification.

c. Animal Control shall confine and isolate the dog for a period of time as determined by animal control. The period cannot end prior to the tenth day from the date the owner receives notification of the confiscation.

d. Animal Control shall humanely euthanize the animal after the exhaustion of any appeals.

e. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the dog during any appeal.

Section 5. Construction of provisions.

The provisions of this ordinance shall be liberally construed to effect the purposes of this ordinance.

Section 6. Areas of enforcement.

The Board of County Commissioners may enforce this ordinance throughout the unincorporated areas of Baker County and within the incorporated areas of Baker County to the extent that the ordinance does not conflict with any municipal ordinance or as may be otherwise authorized by interlocal agreement.

Section 7. Severability

The unconstitutionality of any provision of this ordinance shall not affect any remaining provisions.

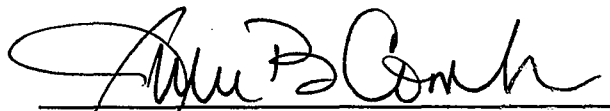
Section 8. Effective Date

This ordinance shall be effective upon receipt of acknowledgement of filing with the Department of State.

DULY ENACTED in regular session on this 18th of October, 2004.

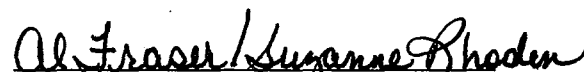
**BOARD OF COUNTY COMMISSIONERS
OF BAKER COUNTY, FLORIDA**

BY:


Chairperson

ATTEST:

BY:


Al Fraser, Clerk to the Board *Deputy Clerk*

As Chairperson of the Board of County Commissioners, Baker County, Florida, I do hereby certify that the above and foregoing Ordinance was ordained and adopted by the Board of County Commissioners, Baker County, Florida,

during the regular meeting at the Baker County Administrative Building,
MacClenny, Florida, on this 18th day of October, 2004.

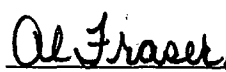

BY:


Chairperson

I, Al Fraser, Clerk of the Circuit Court of Baker County, Florida, and Clerk
to the Board of County Commissioners of Baker County, Florida, do hereby
certify that the above appearing signature is true and correct and do hereby
attest to same.

ATTEST:

BY:

 
Al Fraser, Clerk to the Board *Deputy Clerk*