ARTICLE I. - IN GENERAL

Sec. 5-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

At large means off of the property of the owner and not under the physical control of a competent person.

Fowl means chickens, ducks, geese, guineas, turkeys, pigeons and all other domestic fowl.

Livestock means cattle, horses, mules, swine, sheep, goats and other domestic animals, except dogs and cats.

Owner means any person owning, keeping or harboring livestock or fowl.

(Code 1973, § 4-1)


Sec. 5-2. - Use of license fees and redemption fees.

The city treasurer shall deposit all moneys derived from the licensing of animals and the redemption thereof from the city animal pound in a separate fund to be known as the animal pound fund, and these funds shall be devoted to and used for the maintenance and operation of the city animal pound and the payment of salaries to the animal control officer and the assistant animal control officers.

(Code 1973, § 4-29)

Sec. 5-3. - Interference with officers.

No person shall in any manner interfere with, prevent or hinder any officer or other person mentioned in this chapter in the performance of any duty required by this chapter.

(Code 1973, § 4-31)

Sec. 5-4. - Registration of animals; payment of license fee; certificate of inoculation.

(a) Between June 1 and September 1 of each year, every person owning, possessing, keeping or harboring any dog, cat or other warmblooded animal within the city limits shall register the dog, cat or other warmblooded animal with the city clerk. Such registration shall show the name and address of the person and shall indicate the descriptive characteristics of such animal, including its name, breed, color
and sex. Upon registration, such person shall pay to the city treasurer the sum of three dollars ($3.00) per animal for each and every dog, cat or other warmblooded animal owned, kept, possessed or harbored.

(b) At the time of registration, the owner shall present to the city clerk a certificate of vaccination signed by a veterinarian. The certificate shall contain a description of the animal, the date of vaccination and a statement that a vaccination tag has been furnished by the veterinarian to the owner. The city clerk shall not register any animal unless the certificate is presented at the time of registration.

(c) Between June 1 and September 1 of each year, every owner of a dog, cat or other warmblooded animal shall cause such animal to be vaccinated against rabies by a licensed veterinarian. Evidence of vaccination shall consist of a certificate signed by the person administering the vaccine and containing pertinent data for identification of the animal.

(d) If an animal has been impounded as provided in this chapter, no registration thereof by the city clerk shall be made nor any license fee accepted, nor shall such animal be released from the pound, until the person owning, possessing, keeping or harboring such animal has caused such animal to be inoculated against rabies prior to the release thereof, and paid the various impounding fees provided for in this chapter.

(Code 1973, § 4-22)

Sec. 5-5. - Vaccination tag; license tag.

(a) Coincident with the issuance of the certificate of inoculation as prescribed in section 5-4, the person administering the vaccine shall attach a tag to the collar or harness of the animal. The tag must be worn at all times. The color of the tag shall be changed every year. The tag shall be furnished by the veterinarian administering the vaccine.

(b) In addition to the tag furnished by the vaccinating veterinarian, the dog shall have attached to its collar a colored tag furnished by the city clerk coincident with registration.

(c) If an animal loses the tag furnished by the city clerk, a duplicate tag shall be provided by the city clerk for a fee of one dollar ($1.00).

(Code 1973, § 4-23)

Sec. 5-6. - Removing collar or tag.

No person, not being the owner or possessor of such animal, shall remove or take off or cause to be removed or taken off the collar or tag of any animal within the city.

(Code 1973, § 4-31)

Sec. 5-7. - Running at large.

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(a) Generally. It shall be unlawful for any animal to run at large in the city and it shall be unlawful for any person owning an animal in the city to allow the animal to run at large.

(b) Dogs. All dogs shall be and remain under the direct control of a person competent to control the dog at all times, or be kept within a suitable enclosure sufficient to prevent the dog's escape therefrom. For purposes of this section, the term "direct control" is defined as requiring immediate, continuous physical control of the dog at all times, such as by means of a leash, cord or chain of sufficient strength to restrain the dog, not to exceed six (6) feet in length. If the impounding officer, seeing a dog at large, is unable to detect a competent person controlling the dog as required in this section, it shall be considered by the court as prima facie evidence that such dog is in violation of this section.

(Ord. No. 180, § 1, 2-9-88)

Sec. 5-8. - Noisy animals.

No person shall own or keep in the city any animal which by barking, biting or howling or in any other manner disturbs the quiet of any person.

(Code 1973, § 4-30)

Sec. 5-9. - Dog pens.

(a) Permit required; fee. Any person maintaining a dog pen as provided for in this section shall apply to the city for an annual permit to operate such dog pen. The amount of the fee shall be ten dollars ($10.00). This fee is in addition to any other fees set forth in this chapter. This permit requirement applies to all dog pens within the city limits, no matter when the pen was constructed. Such permits shall only be issued after the building department determines that the dog pen meets the minimum requirements set forth in this section.

(b) Area; location; maximum number of dogs. All dog pens constructed in the city shall meet a minimum standard of not less than thirty (30) square feet per dog to be placed in the pen. The pen shall have a minimum setback of ten (10) feet from the property line of the owner or person who constructs such dog pen, with no more than six (6) dogs per pen. Such pen shall not be placed closer to a neighbor's home than to the home of the owner of the dog pen. The ten-foot setback requirement may be waived where the pen would adjoin a public right-of-way, as long as such construction would not affect the aesthetics of the area. For dog pens existing on August 11, 1987, a variance may be granted from the minimum requirements set out in this section; provided that the adjoining neighbors who would be affected by the minimum setback requirement agree in writing to such variance. No variance shall be granted as to the minimum square feet per dog or the maximum of six (6) dogs per lot or pen.

(c) Sanitation. It shall be the responsibility of the owners of the dog pens permitted under this section to provide for good sanitation for their dog pens. Evidence of poor sanitation would be insect problems, rodent problems, odor problems and continuous barking of the dogs. The animal impound officer shall
make periodic inspections of dog pens within the city limits, and the county health department shall also make periodic inspections of dog pens within the city.

(d) **Duty of owner to prevent excessive barking.** It shall be the responsibility of the owners of dog pens to discipline their dogs to prevent excessive barking. Excessive barking shall be considered a verifiable and valid complaint against the permittee as provided in this section, and excessive barking is in addition a violation of section 5-8.

(e) **Revocation of permit.** If any such permittee has three (3) valid complaints filed against him for violations of this section which have been verified either by the city or the animal impound officer or the health department inspector, then the permit shall be revoked immediately and the permittee may also be punished pursuant to section 1-8. The permittee charged under this section shall have the right to appeal as provided in F.S. ch. 120 for noncriminal proceedings.

(Ord. No. 87-05, §§ 1—5, 8-11-87)

Sec. 5-10. - Location of stables and pens for livestock and fowl.

It shall be unlawful for any owner to keep confined in a stable, pen, coop or corral or cause to be confined in a stable, pen, coop or corral any livestock or fowl within the distance of one hundred (100) feet of the property of another. Confining of livestock or fowl within the prohibited distance set forth in this section is hereby declared to be a nuisance and dangerous to the public health and safety.

(Code 1973, § 4-6)

Sec. 5-11. - Horses in commercial areas.

(a) For purposes of this section the following terms shall have the meanings indicated unless their context requires otherwise:

*Commercial district* means all areas of the city zoned for either for commercial, industrial or business use.

*Horse* includes horses, stallions, mules, jackasses, ponies, donkeys, burros.

(b) It shall be unlawful to drive, ride or walk any horse in the commercial district. The code enforcement officer shall issue a warning citation to any offender for a first offense and thereafter any future offense a citation as provided for by ordinance. Nothing in this section shall prohibit the use of horses in bona fide parades in which such horses are active participants with the approval of those people sponsoring the parade and with the approval of the city.

(Ord. No. 90-17, §§ 1, 2, 1-8-91)

Secs. 5-12—5-35. - Reserved.
ARTICLE II. - IMPOUNDMENT

Sec. 5-36. - Duty of animal control officer to impound animals.

(a) It shall be the duty of the animal control officer to catch and impound in the city pound any animal found in violation of section 5-7, running at large; or in violation of 5-8, barking or excessive noise; or in violation of 5-9 dog pens. Should any animal found in violation of 5-7, 5-8, or 5-9 dog in the city not be redeemed within five (5) days after having been impounded; it shall be the duty of the animal control officer forthwith to destroy the unredeemed animal, except as otherwise provided.

(b) If any animal running at large cannot be safely taken up and impounded, such animal may be killed by the impounding officer.

(Code 1973, §§ 4-25, 4-26; Ord. No. 02-02, § 1, 6-11-02)

Sec. 5-37. - Animal pound.

The city shall maintain an animal pound at a suitable location to be fixed by the city commission, in which the animals taken into custody under the provisions of this article shall be impounded under the supervision of the police department.

(Code 1973, § 4-27)

Sec. 5-38. - Registry of impounded animals; notice to owner.

The person in charge of the animal pound shall, immediately upon receiving any animal at such pound, make a complete registry thereof, entering the breed, color and sex of such animal and whether licensed or not. He shall enter the name and address of the owner or keeper of such animal and the number of the license tag, if numbered, and the animal shall be impounded. The officer in charge of the pound shall forthwith give notice by mail to the owner or keeper of such licensed animal, informing such owner or keeper of the impounding of his animal.

(Code 1973, § 4-28)

Sec. 5-39. - Redemption of impounded animals; fees.

Any animal impounded pursuant to this article may be redeemed by the person owning the animal or entitled to the custody thereof, upon the showing of receipts for the fee provided in this section, together with the proper license tag for the current year; provided, however, that no animal that has been in recent contact with a rabid animal prior to the request for redemption shall be released from the pound until such animal has been held for observation; and provided further that no animal suffering from or having an incurable case of mange may be released from the pound, but shall be destroyed. Before the police
department shall release any impounded animal to the person seeking redemption, the person seeking redemption thereof shall first pay to the city treasurer the total cost of the board of the animal, together with the sum of five dollars ($5.00), which shall be paid as an impounding fee. Such fee shall be paid in addition to any license fee.

(Code 1973, § 4-27)

Secs. 5-40—5-50. - Reserved.

ARTICLE III. - DANGEROUS AND RABID ANIMALS

Sec. 5-51. - 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 F.S. ch. 48, if that dog is classified as dangerous.

(c) On or before the seventh calendar day after service of the written request for a hearing to appeal the classification.

(d) The written request for a hearing shall be sent to the city manager. The city 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:

(1) Present his or her case by documentary evidence; and

(2) Be accompanied, represented, and advised by counsel; and

(3) Offer the testimony of witnesses.

(f) Following the hearing, the city manager or designee who conducted the hearings 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 F.S. ch. 48.

(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.

(Ord. No. 09-18, § 1, 8-11-09)

Sec. 5-52. - 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:

(1) A current certificate of rabies vaccination for the dog;
(2) A secure enclosure for a dangerous dog, as described in subsection 5-51(h);
(3) 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;
(4) Permanent identification of the dog by either a tattoo on the inside thigh or by implantation of an electronic identification tag;
(5) Surgical sterilization of the dog, unless a veterinarian certified 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
(6) Two (2) color photographs of the dog in two (2) 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 F.S. ch. 48, 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 city 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 city manager or his or her designee shall conduct the hearing between the fifth day and

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twenty-first day after service of the request. If the city 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 city 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.

(Ord. No. 09-18, § 2, 8-11-09)

Sec. 5-53. - Responsibility of owner to notify animal control.

(a) The owner shall immediately notify animal control when a dog that has been classified as dangerous:
   (1) Becomes loose or unconfined;
   (2) Attacks a human being or another animal; or
   (3) 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 the requirements of this article that relate to dangerous dogs, even if the animal is moved from the jurisdiction of this article 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.

(Ord. No. 09-18, § 3, 8-11-09)

Sec. 5-54. - 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 visitation 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.

(Ord. No. 09-18, § 4, 8-11-09)

Sec. 5-55. - 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 direct 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:

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

(2) 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 the attack was provoked.

(3) 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;

(4) 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;

(5) 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 F.S. § 843.319, 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.

(Ord. No. 09-18, § 5, 8-11-09)
Sec. 5-56. - 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 F.S. ch. 48, that the dog was confiscated and that the owner may request a hearing as set out in section 5-52 of this article, 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.

(Ord. No. 09-18, § 6, 8-11-09)

Sec. 5-57. - Construction of provisions.

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

(Ord. No. 09-18, § 7, 8-11-09)

Sec. 5-58. - Areas of enforcement.

The City of Macclenny may enforce this article throughout the city limits of the City of Macclenny to the extent that the ordinance does not conflict with any county ordinance or as may be otherwise authorized by interlocal agreement.

(Ord. No. 09-18, § 8, 8-11-09)