

ORDINANCE 2022-14

AN ORDINANCE OF WALTON COUNTY, FLORIDA REPEALING AND REPLACING ORDINANCE 2008-24; AMENDING ARTICLE II OF CHAPTER 5 OF THE WALTON COUNTY CODE OF ORDINANCES, ALSO KNOWN AS WALTON COUNTY ANIMAL CONTROL ORDINANCE, IN ITS ENTIRETY; AND PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, authorizes the various counties of the State of Florida to adopt regulations in the interest of the public health, safety, and general welfare of the public; and

WHEREAS, Chapter 828.27, Florida Statutes, authorizes the counties to adopt an animal control ordinance providing for the issuance of citations for violations; and

WHEREAS, Walton County has previously adopted Ordinances 2001-21 and 2008-24 to establish and update a policy directing control of certain animals;

WHEREAS, the Board of County Commissioners has determined that it is in the interest of the public health, safety, and the general welfare of the public to make changes to the existing policies related to animal control; and

WHEREAS, all public notices required by law have been provided.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA:

Section 1. The foregoing whereas clauses are hereby adopted as legislative findings and statements of intent.

Section 2. Ordinance 2008-24 is hereby amended in part and repealed in part, to revise Chapter 5 "Animals", Article II "Animal Control", Sections 5-26 through 5-47, to now read, in its entirety, as follows:

ARTICLE II. - ANIMAL CONTROL

Sec. 5-26. - Title.

This article shall be known as and may be cited as the "Walton County Animal Control Ordinance."

Sec. 5-27. - Geographical areas covered.

This article shall apply in all unincorporated areas of Walton County, excluding U.S. Air Force properties, state, and federal lands.

Sec. 5-28. - Definitions.

For the purpose of this chapter, the following words and terms shall be defined as follows:

- a) *"Animal"* shall mean any living dumb creature.
- b) *"Animal Control Shelter"* shall mean any premises designated by the action of the Board for the purpose of impounding and caring for all animals found in violation of this article.
- c) *"Animal Control Officer"* shall mean any person employed or appointed by a county or municipality who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this section. An Animal Control Officer is not authorized to bear arms or make arrests; however, such officer may carry a device to chemically subdue and tranquilize an animal, provided such officer has successfully completed a minimum of 16 hours of training in marksmanship, equipment handling, safety and animal care, and can demonstrate proficiency in chemical immobilization of animals in accordance with guidelines prescribed in the Chemical Immobilization Operational Guide of the American Humane Association.
- d) *"Animal impoundment"* shall mean the taking or seizing of an animal by legally authorized persons. Authorized persons shall be any of the following: animal control officers, police officers, sheriff's deputies, or any person appointed or contracted by the city or county government for such purpose. Animals may be impounded according to state and local laws, which are found in the Florida Statutes and local city and county ordinance/laws. An animal may be impounded for many reasons including: running at large, rabies, quarantine, owner cruelty, illness or injury, owner release, and safekeeping.
- e) *"At large"* shall mean off the premises of the owner, and not under the direct control, custody, charge or possession of the owner, or other responsible person.
- f) *"Beach"* shall be defined in accordance with Chapter 22 – WATERWAYS AND BEACH ACTIVITIES of the Walton County Code of Ordinances, to mean the soft sandy portion of land lying seaward of the seawall or the line of permanent dune vegetation.
- g) *"Board"* shall mean the Walton County Board of County Commissioners.
- h) *"Cat"* shall mean the domestic cat, *Felis catus*.

- i) *"Citation"* shall mean a written notice, issued to a person by an Officer, when the officer has probable cause to believe that person has committed a civil infraction in violation of this article, and that the county court will hear the charge. The citation must contain:
- 1) The date, time, and place of issuance.
 - 2) The name, address, date of birth, and other forms of identification, such as a Florida driver's license number, of the person receiving the citation, to the extent such information is provided to the officer.
 - 3) The date, time, and place the civil infraction was committed.
 - 4) The facts constituting probable cause.
 - 5) The ordinance violated.
 - 6) The name and authority of the Officer.
 - 7) The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear in court for aggravated violations.
 - 8) The applicable civil penalty if the person elects to contest the citation.
 - 9) The applicable civil penalty if the person elects not to contest the citation.
 - 10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed or fails to appear in court to contest the citation, the person shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
 - 11) A conspicuous statement that if the person is required to appear in court for an aggravated violation of this article, he or she does not have the option of paying a fine in lieu of appearing in court.
 - 12) The names and addresses of witnesses to the infraction known to the Officer at the time of issuance.
 - 13) County-employed animal control officers must, and municipally employed animal control officers may, successfully complete a 40-hour minimum standards training course. Such course must include, but is not limited to, training for: animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations. The course curriculum must be approved by the Florida Animal Control Association. An animal control officer who successfully completes such course shall be issued a

certificate indicating that he or she has received a passing grade. F.S §828.27.

- j) *"County"* shall mean Walton County, Florida.
- k) *"Direct control"* shall mean immediate and continuous physical control of an animal at all times such as by means of a fence, leash, cord, or chain of sufficient strength to restrain the same, or in a vehicle. Animals under direct control shall at all times have access to shelter, water, and food. This does not preclude walking dogs on a leash.
- l) *"Dog"* shall mean the domestic dog, *Canis lupus familiaris*.
- m) *"Farm animal"* shall mean any animal that is customarily raised or bred on a farm, including grazing animals, such as cattle, horses, goats, or sheep, swine, other hoofed animals, bees, fowl or other animals commonly referred to as livestock.
- n) *"Ferret"* shall mean a weasel-like animal, *Mustela nigripes*.
- o) *"Nuisance animal"* shall mean:
 - 1) Any animal that may pose a threat to a person or passing vehicle; or
 - 2) Any animal off the owner's premises that attacks other animals; or
 - 3) Any animal which trespasses on school grounds or public places, other than a service animal; or
 - 4) Any animal, which damages private or public property. This includes depositing its waste on other than its owner's property; or
 - 5) Any animal, which scatters garbage or trash; or
 - 6) Any female animal in heat not properly restrained; or
 - 7) Any animal which persistently or continuously barks, whines, howls, meows, or makes other sounds common to the species, when unprovoked; and for a period of twenty (20) minutes or longer, if said animal is not contained within an enclosure sufficient to baffle loud noises and render them reasonably unobjectionable. For the purpose of this section, persistently or continuously shall mean non-stop utterances for twenty (20) consecutive minutes with individual interruptions of less than thirty (30) seconds at a time during the 20-minute utterances; or
 - 8) Any animal which trespasses onto the private property of another; or

- 9) Any animal whose owner abandoned it by refusing to continue to provide it control and care and by releasing it to run at large.
- p) "*Offense*" shall mean any violation of this article.
- q) "*Officer*" shall mean any law enforcement officer defined in F.S. § 943.10, or any animal control officer.
- r) "*Owner or custodian*" shall mean any person harboring, feeding or maintaining an animal for a period of five consecutive days or more. This does not include the animal control shelter.
- s) "*Pet dealer*" shall mean any person, firm, partnership, corporation, or other association which, in the ordinary course of business, engages in the sale of more than two litters, or 20 dogs or cats, per year, whichever is greater, to the public. This definition includes breeders of animals who sell such animals directly to a consumer.
- t) "*Safekeep*" shall mean impounding any animal, when the owner is known and cannot take care of said animal(s) due to, but not limited to, the owner being incarcerated, the owner having a medical emergency, death of owner with no other caretaker known or available.
- u) "*Service animal*" shall be as defined by F.S §413.08(d), as may be amended from time to time.
- v) "*Trespass*" shall mean any animal owner allowing the animal to be on the private property of a person other than the animal's owner without invitation or permission from the other person.
- w) "*Veterinarian*" shall mean a veterinarian, duly licensed and registered by the State of Florida.
- x) "*Walton County Animal Services*" shall mean a section of the Walton County Sheriff's Office responsible for implementing and enforcing the provisions of this article.

Sec. 5-29. - Running at large prohibited.

- a) All animals, when not on the owner's premises or on the premises of another who consents thereto, shall be and remain under the direct control of a person competent to control such animal at all times.
- b) The owner or custodian of any animal found running or remaining at large shall be responsible for any violation of this article.
- c) Exceptions. This section shall not apply to:

- 1) Any dog actually engaged in the sport of hunting, which includes training authorized by the Florida Fish and Wildlife Commission or Managers of Federal Properties, in authorized areas and under the supervision of a competent person.
- 2) Any animal that is trained to assist or provide personal services for a disabled person, as defined under the Americans with Disabilities Act.
- 3) Government police dog while on duty.

Sec. 5-30. - Transportation of animals.

- a) It shall be unlawful and a violation of this article for any person to transport a dog or cat in an open-bed truck or other similar vehicle from which the animal can easily escape, unless the animal is confined in a humane manner inside a locked animal carrier, or unless the animal is restrained by a minimum of two tethers, with one tether being affixed to each side of the vehicle, and both tethers being attached to the collar or harness of the animal.
- b) It shall be unlawful and a violation of this article for any person to transport a dog or cat in an enclosed vehicle trunk.
- c) It shall be unlawful and a violation of this article for any person to leave an unattended animal in an enclosed vehicle without climate control or proper ventilation.

Sec. 5-31. - Pet dealers.

All pet dealers shall abide by the requirements set forth in F.S. § 828.29.

Sec. 5-32. - Nuisance animals.

- a) *Prohibited.* It shall be unlawful for any owner or custodian of an animal to allow the animal to become a nuisance animal, as defined in this article. The keeping of chickens and their habitat must not cause or create a nuisance to neighbors. Nuisances include objectionable odors, insect pests, and chickens wandering off the chicken keeper's property. Noise levels produced by the entire flock of chickens, whether male or female, must not exceed sound levels typical of other customary residential noise including, but not limited to, local children playing, people chatting, residential street traffic, or local wild birds.
- b) *Exemption.* Animals in commercial kennels, security animals on property designated as "commercial" or "industrial" under the Walton County Comprehensive Plan, service animals, and animals on their owners' property that are provoked by persons other than their owners, including trespassers, shall be exempt from the provisions of this section as it relates to animals that habitually or continuously bark, whine, howl, meow, scream, or cause objectional noises.

- c) *Enforcement.* An officer, upon receipt of notification of a logged complaint by an individual complainant alleging a violation of this section shall investigate and may issue a citation to any animal owner or custodian whom the officer has probable cause to believe is in violation of this section. The requirement for probable cause shall be satisfied if the violation occurs in the presence of the officer, or if the available evidence at the scene is sufficient for a reasonable person to believe a violation has occurred, or if the owners or occupants of two or more different lots or residences nearby execute verified written statements substantiating a violation.

Sec. 5-33. - Dangerous dogs.

- a) Animal Control Officers shall investigate reported incidents involving any dog that may be dangerous pursuant to Part II, Chapter 767, Florida Statutes. If an Animal Control Officer finds sufficient cause to classify a dog as dangerous, the owner has an opportunity to appeal the decision in a dangerous dog hearing prior to a final determination being made regarding the classification or penalty. The purpose of the dangerous dog hearing is to provide an appeal procedure for the owner of a dog that has been deemed dangerous in accordance with Part II, Chapter 767, Florida Statutes. Any hearing required pursuant to Chapter 767 shall be held before the County Administrator or other designee of the Board.
- b) Dangerous Dog Hearing Procedure. The following procedure shall apply to dangerous dog hearings held:
- 1) The owner must file a written request (email is acceptable) for a hearing regarding the dangerous dog classification, penalty, or both, within seven (7) calendar days after receipt of the notification of sufficient cause finding and proposed penalty with Walton County Animal Services.
 - 2) This hearing shall be held no sooner than five (5) days and no longer than twenty-one (21) days after Walton County Animal Services receives the request from the owner. Walton County Animal Services shall contact the county attorney to set a date upon receipt of the owner's written request.
 - 3) A Special Magistrate will be appointed by the Board. A date and time shall be set. Notice shall be given to the dog owner. Walton County Animal Services will ensure a room is secured that has the ability to record the hearing. Walton County Animal Services will provide the Special Magistrate with a Conclusions of Facts form.
 - 4) The Special Magistrate shall bring the hearing to order. The Animal Control Officer will then present its case, including, but not limited to, witnesses; photographs of the dog(s) and/or victim(s); sworn affidavits; previously issued citations to the dog(s) subject to the dangerous dog hearing; and other types of information that will be used to support the

Animal Control Officer's claim. Once the Animal Control Officer has presented its case, the dog owner will present his/her case, including, but not limited to, witnesses; photographs of the dog(s) and/or victim(s); sworn affidavits; previously issued citations to the dog(s) subject to the dangerous dog hearing; and other types of information that will be used to support the dog owner's claims.

- 5) The Animal Control Officer must prove its case by clear and convincing evidence.
- 6) The Special Magistrate shall render a decision at the same meeting. If ruled in the favor of the Animal Control Officer, the dog owner will be responsible for a \$500 administrative fee. The dog owner shall be notified of any fees prior to the hearing.
- 7) Upon a dangerous dog classification and penalty becoming final after a hearing or by operation of law, Walton County Animal Services shall provide a written final order to the owner by registered mail, certified mail, or service in accordance with Chapter 48, F.S.
- 8) The owner may appeal the determination, penalty, or both, to the First Judicial Circuit Court in accordance with the Florida Appellate Procedure and F.S 767.12 (4) after receipt of the final order. The owner must file a timely appeal in order to preserve his/her rights.
- 9) The Animal Control Officer will place into evidence the digital and audio recording of the hearing for appeal purposes.

Sec. 5-34. - Reserved.

Sec. 5-35. - Identification.

All animals must wear a collar or have a tattoo or implanted microchip which identifies the owner of said animal, the owner's address, and phone number. To ensure proper notice, all tattoos shall be registered with Walton County Animal Services. An officer may pick up any animal that is not properly identified and place said animal in the animal control shelter. It is a violation of this article for an owner to allow the owner's animal to be off the owner's property without being so properly identified.

Sec. 5-36. - Rabies vaccinations.

All dogs, cats, and ferrets four (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. Every dog, cat, or ferret so vaccinated is required to wear a valid inoculation tag at all times, or the owner must furnish proof of vaccination. Failure to annually vaccinate a dog, cat, or ferret as per F.S. § 828.30 shall constitute a violation of this article.

Sec. 5-37. - Rabies quarantine.

Any animal suspected of having rabies, or having bitten any person or other animal, may be captured and the procedure detailed in the Florida Statutes and Florida Administrative Code shall be followed.

Sec. 5-38. - Authority to impound.

- a) Any animal whose owner cannot be located, or will not answer the door, and which animal is suspected of being sick or injured or has inflicted injury or threatened to inflict injury to any person or animal may be picked up, trapped, or captured by remote chemical immobilization, if the officer determines that the seizure is necessary for public health or safety, or to prevent animal suffering.
- b) Any animal impounded under this article not suffering from or suspected of having an infectious disease, shall be held for three (3) days excluding day of impoundment, unless sooner redeemed by the owner. This time frame may be extended by Walton County Animal Services as necessary. Those animals suffering from or suspected of having an infectious disease shall be evaluated for further action.
- c) Any animal(s) being impounded for safekeeping can be held for 7 days after owner or next of kin has been notified. After 7 days animals will become property of Animal Services. Length of stay after 7 days can be adjusted by Animal Services supervisors.
- d) Fees. The owner of an animal, impounded or taken into custody under this article, shall pay to Walton County a kennel fee for each such animal. Impoundment fees are independent of and additional to any civil penalties that may be imposed under this article. The fees shall be paid before an animal may be redeemed by or released to the owner. Or if the animal is destroyed, the owner shall pay the fee within 30 days of written notice from Walton County Animal Services that the animal has been destroyed.

Sec. 5-39. - Holding periods at Animal Control Shelter.

- a) The following holding periods are hereby established for animals picked up by or turned in to the Animal Control Shelter:

- 1) Healthy dogs or cats shall be held for a minimum of three (3) calendar days (not including the day of impoundment) from the date of posting the notice of impoundment.
 - 2) Diseased or injured animals shall be handled in accordance with F.S. § 828.05.
 - 3) The Animal Control Shelter may at its sole discretion extend the holding period beyond this time on a space available basis.
 - 4) Unless prohibited by state law, the Animal Control Shelter may, at its discretion, provide veterinary treatment to animals under its care.
- b) Promptly upon the impoundment of any animal, the Animal Control Officer shall give written notice to the owner of said animal, if the owner's name and address is known, and shall post a notice that said animal has been impounded. The animal shall be posted at the Walton County Animal Services Website.
- c) Any impounded animal which is not reclaimed by its owner prior to expiration of the holding period shall be disposed of in the following manner:
- 1) Said animal may be destroyed as provided in F.S. § 828.
 - 2) Said animal, at the discretion of the Animal Services, may be adopted by an adult eighteen (18) years of age or older, who desires to give said animal a home, and who pays for the sterilization, proper vaccination, and fees for such adoption. No animals will be released for adoption without proof of sterilization. All impounded animals, if not already microchipped, will be microchipped at owners' expense prior to release.

Sec. 5-40. - Detaining animals roaming on property, humane treatment.

- a) A property owner or tenant who seizes an animal at large on his property shall notify an animal control officer as soon as practicable.
- b) Any person who captures an animal shall exercise care to treat the animal humanely and to avoid any cruelty, injury, sickness, hunger or other ailment or affliction in both seizure and delivery of the animal. Any person unable to comply fully with this section shall not seize the animal. Animal Services will not issue traps for individual use between June 1 and September 30, due to heat stress and animal safety issues. This does not prohibit animal control from using them during that period.
- c) Any person who hoards or allows packs or colonies, defined as two or more animals not under direct control, to develop may be held financially responsible for the damages caused by the animals and may be required at their expense to hire a contractor to remove the problem animals as ordered by Animal Services.

Sec. 5-41. - Power to set fees.

The Board, by resolution, may set the fees to be charged to the owner or custodian of an animal by Walton County Animal Control for county impoundment, boarding, adoption, sterilization, rabies vaccination, euthanasia, and disposal. All fees for boarding charged by Animal Services shall be in addition to the fines and penalties described in this appendix. Transportation and veterinary care costs shall be assessed additionally and shall vary depending upon the actual costs incurred. The following fee schedule shall apply:

Fee	Service	
\$55.00	Cat Adoption Fee	
\$25.00	Cat Adoption for Retired Military Member	Must present DD214 paperwork or current ID
\$25.00	Cat Adoption for Persons 65 and Older	Must present current ID
\$55.00	Dog Adoption Fee	
\$25.00	Dog Adoption for Retired Military Member	Must present DD214 paperwork or current ID
\$25.00	Dog Adoption for Persons 65 and older	Must present current ID
\$50.00	Initial Dangerous Dog Fee	
\$50.00	Annual Dangerous Dog Fee	
\$10.00 daily	Domestic Boarding Fee	Daily rate to start accruing after designated impoundment period
\$15.00 daily	Livestock Boarding Fee	Daily rate to start accruing after designated impoundment period
At cost	Microchip	
At cost	Rabies vaccination	

Sec. 5-42. - Interference with an Officer.

It shall be unlawful and a violation of this article for any person to:

- a) Refuse to surrender an animal upon lawful demand by any Animal Control Officer.
- b) Interfere with any Animal Control Officer who is lawfully performing his/her duties.
- c) Hold, hide, or conceal any animal which an Animal Control Officer has deemed to be in violation of this article or applicable state law.
- d) Take or attempt to take any animal from an Animal Control Officer or from the vehicle used by him/her to transport animals in the legal performance of his/her duties.
- e) Take or attempt to take any animal from an Animal Control Shelter without proper authority.

Sec. 5-43. - Penalties.

- a) *Establishment of penalties.* The following penalties are set, and may be amended by the Board as necessary, for uncontested violations as indicated in the chart below. The penalties are minimum penalties and do not affect any penalties or costs that may be incurred through a contested civil citation hearing.
- b) Violation of any section of this chapter shall be a civil infraction the maximum penalty for which shall not exceed \$500.00. If the person who has committed the civil infraction does not contest the citation, civil penalties of less than the maximum civil penalty shall be assessed as follows:

Code Section	Description of Violation	1 st Offense	2nd Offense	3rd Offense
ANY	Warning	-	-	-
5-29	Animal at large	\$50.00	\$75.00	\$100.00
5-30	Failure to confine or restrain animal in pickup truck /Transport in an enclosed vehicle trunk	\$50.00	\$75.00	\$100.00
5-32	Nuisance Animals	\$50.00	\$75.00	\$100.00
5-33	Violation of dangerous dog restrictions	\$150.00	\$300.00	\$500.00
5-33	Attack, bite or injury by dangerous dog; attack causing severe injury	\$500.00	\$500.00	\$500.00
5-33	Dangerous Dog Hearing	\$500.00		

5-35	Dog or cat without attached animal Rabies tag or with expired tag	\$40.00	\$65.00	\$65.00
5-35	Animal rabies certification used for animal other than that for which it was issued	\$125.00	\$215.00	\$315.00
5-36	Failure to vaccinate dog, cat, or ferret	\$120.00	\$215.00	\$315.00
5-37	Violation of quarantine	\$215.00	\$315.00	\$415.00
5-38	Livestock Impoundment Fee	\$25.00		
5-38	Kennel Fee	\$40.00		
5-38	Animal Quarantine Fee (10 day)	\$60.00		
5-42	Removal of animal from custody of animal control authority	\$65.00	\$115.00	\$215.00
5-42	Resisting, interfering with officer	\$300.00	\$400.00	\$500.00
5-42	Failure to surrender animal or carcass	\$300.00	\$300.00	\$300.00
5-42	Unlawful or unauthorized removal of animal from shelter	\$65.00	\$115.00	\$215.00
5-44	Cruel or inhumane treatment	\$200.00	\$300.00	\$400.00
5-44	Animal abandonment	\$500.00	Mandatory court appearance \$500.00	Mandatory court appearance. \$500.00
5-45	Creation of a nuisance	\$50.00	\$75.00	\$100.00
5-46	Failure to confine female dog or cat in heat	\$50.00	\$75.00	\$100.00
5-47	Dog or other animal fighting	\$500.00	\$500.00	\$500.00
22-31	Horses and Dogs on the beach	\$100.00	\$200.00	\$500.00

- 1) For subsequent violations within three years, as the court may impose, up to \$500.00;

- g) As provided in F.S. § 828.27(5), any person who willfully refuses to sign and accept a citation issued by an officer is guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 or 775.083.
- h) In addition to the enforcement procedures provided herein, the Board may enforce this chapter by any other means provided by law, and may further enforce this chapter by actions at law and in equity, including actions for injunctive relief, and, if the County prevails in any such action, the County shall be entitled to its costs and reasonable attorney's fees incurred in such action.
- i) In the event an animal is taken into custody, impounded for violation of this article, or the owner of the animal voluntarily relinquishes ownership of the animal to the animal control shelter, the owner shall remain liable for the civil penalties imposed for violation of this article.
- j) Issuance of a citation or warning to an adult member of the household in which an animal resides shall be deemed notice of the citation or warning to all members of the household.
- k) Any civil penalties collected pursuant to this chapter shall be deposited monthly into the county general fund.
- l) The Clerk of Court shall retain \$1.00 from each civil penalty collected for the purpose of defraying office expense.
- m) The Clerk of Court shall collect a surcharge of five dollars (\$5.00) upon each civil penalty imposed for the violation of an ordinance relating to Animal Control or cruelty. The proceeds from such surcharges shall be used to pay the costs of training for Animal Control Officers.

Sec. 5.44. – Cruel and inhumane treatment of animals.

It is a violation of this article for any person to commit cruel or inhumane treatment to any animal. In addition to any criminal or civil penalties established pursuant to F.S. §§ 828.12 or 828.13, the county shall hold the violator civilly liable in an amount not to exceed \$500.00. By way of example and not limitation, the following acts shall be deemed cruel or inhumane treatment to animals:

- a) Unnecessarily overloading, overdriving, tormenting, depriving of necessary sustenance or shelter, or unnecessarily mutilating, or killing any animal, or causing the same to be done, or carrying in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner.
- b) Intentionally committing an act to any animal, or the person who owns or has custody or control of any animal failing to act, which results in the cruel death, excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done.

- c) Intentionally tripping, felling, roping, or lassoing the legs of a horse by any means for the purpose of entertainment or sport, where "trip" means any act that consists of the use of any wire, pole, stick, rope, or other apparatus to cause a horse to fall or lose its balance, and "horse" means any animal of any registered breed of the genus *Equus*, or any recognized hybrid thereof, except that this subsection shall not apply when tripping is used:
 - 1) To control a horse that is posing an immediate threat to other livestock or human beings;
 - 2) For the purposes of identifying ownership of the horse when its ownership is unknown; or
 - 3) For the purpose of administering veterinary care to the horse.
- d) Impounding or confining any animal in any place and failing to supply that animal, during such confinement, with a sufficient quantity of good and wholesome food and water.
- e) Keeping any animal in any enclosure without wholesome exercise, rest, sanitary conditions and change of air.
- f) Abandoning to die any domestic or farm animal that is maimed, sick, infirm, or diseased.
 - 1) Any person who shall have knowledge that an animal was struck by a vehicle under the person's control, to fail to render first aid to such animal by taking it to a veterinarian or by notifying either the owner, the animal control authority, or law enforcement.
 - 2) The driver of a vehicle, which strikes and accidentally kills or injures an animal roaming at large in violation of this chapter, shall not be subject to liability to the owner of such animal.
- g) Abandonment by the owner or possessor, or person who has charge or custody, of any animal to suffer injury or malnutrition.
- h) Abandonment by the owner or possessor, or person who has charge or custody, of any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal.
- i) Failing to either provide reasonable veterinary care to any maimed, sick, infirm, or diseased animal, or have such animal expeditiously and humanely euthanized which failure results in the cruel death, or excessive or repeated exposure to unnecessary pain and suffering.
- j) It shall be unlawful for any person owning or responsible for confining or impounding any animal to fail to provide the animal with proper shelter,

protection from the weather or humanely clean conditions as prescribed in this section.

- 1) Indoor standards. Minimum indoor standards of shelter shall ensure that the ambient temperature is compatible with the health of the animal. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animal at all times.
 - 2) Outdoor standards. Minimum outdoor standards of shelter shall be such that sunlight is not likely to cause heat exhaustion of an animal housed outdoors. Sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. The shelter shall provide protection from inclement weather by providing relief from the elements appropriate to the species concerned.
 - 3) An artificial shelter. If confined outdoors a shelter of suitable size with a waterproof room shall be provided to accommodate the animal and protect it from the weather and, in particular, from severe cold.
- k) Using any animal for baiting or fighting, as defined in F.S. §828, including, but not limited to, dog fighting, cock fighting, or training any animal for fighting.
 - l) Leaving or depositing any poison or any substance containing poison in any common street, alley, lane, or thoroughfare of any kind, or in any yard or enclosure other than the yard or enclosure occupied or owned by such person.
 - m) Leaving any animal unattended in a standing or parked vehicle with inadequate ventilation, subject to unsafe temperatures, or in any other manner that endangers the animal's health or safety.
 - n) Failing to provide adequate shade or protection from the elements.
 - o) In the case of a stunt or entertainment act:
 - 1) Failing to make allowance for an animal's reasonable limits of endurance;
 - 2) Failing to determine whether equipment operated in conjunction with the working animal is in safe operating condition;
 - 3) Failure to take reasonable steps to prevent death or injury of an animal during the stunt or act; or
 - 4) Any animal of any registered breed of the genus *Equus*, or any recognized hybrid thereof, including a horse, mule or donkey, is allowed to fall or drop into water from a platform or structure more than ten feet above the water.

Sec. 5-45. – Creation of nuisance.

- a) No animal shall be permitted or allowed to create a nuisance. It is a violation of this article for the owner of an animal to permit or allow the animal to create a nuisance.
- b) It shall be unlawful for the owner or caretaker of an animal to allow the animal to bark, meow, whine, howl, or make other sounds common to the species, persistently or continuously unprovoked, for a period of twenty (20) minutes or longer when said animal is not contained within an enclosure sufficient to baffle loud noises and render them reasonably unobjectionable. For the purposes of this section, persistently or continuously shall mean non-stop utterances for twenty (20) consecutive minutes with individual interruptions of less than thirty (30) seconds at a time during the 20-minute utterances. For the purposes of this section, noise from farm animals, shall not constitute a nuisance.
- c) Animals shall not be kept on property in a manner that causes any of the following: creates unsanitary conditions; is a source of infestation by insects or rodents; creates physical conditions that endanger the health or safety of humans.
- d) Whenever an animal defecates upon any property not owned, leased, rented, or otherwise in the care, custody, or control of the animal's owner, the animal's owner shall immediately remove and properly dispose of feces. The only exception is by permission of the property owner.
- e) An owner shall remove and properly dispose of feces and other animal wastes on owner's property so as to avoid noxious and nauseous odors that are irritating, annoying or offensive to a person of normal sensibilities; that are injurious to human, plant or animal life; or that reasonably interfere with the use and enjoyment of property.
- f) No person shall maintain or feed any animal, domesticated or wild, in such manner that it: creates a nuisance; creates unsanitary conditions; is a source of infestation by insects or rodents; or creates physical conditions that endanger the health or safety of humans.
- g) Any nuisance complaint may be investigated by Animal Control. However, before a citation may be issued, the animal control officer must have personal knowledge of the nuisance or must have received at least two affidavits from different parties residing in close proximity to the alleged nuisance.
- h) A nuisance exists where an owner of an animal or animals has been found to have violated more than four sections of this article within a 12-month period.
- i) A violation of this section is a civil infraction punishable by a fine not to exceed \$500.00.

Sec. 5-46. – Confinement of females in estrus (heat).

Any female dog or cat in estrus (heat) shall be confined so as to prevent such dog or cat from coming in contact with another dog or cat, except for intentional breeding purposes. It is a violation of this article for the owner of a female dog or cat in estrus to refuse or fail to confine the dog or cat as required by this section.

Sec. 5-47. – Dog fighting and other animal fighting.

- (a) The provisions of F.S. § 828.122, also known as the Animal Fighting Act, are hereby specifically adopted and incorporated in this article by this reference.
- (b) In addition to other penalties prescribed by law, a violation of this Section shall subject the violator to a civil fine of \$500.00.

Section 3. If any provision of the Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 4. This Ordinance shall become effective immediately upon adoption, as provided by law.

Passed and duly adopted in regular session by the Board of County Commissioners of Walton County, Florida, this 27th day of September 2022.

Attest



**BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA**

Dori Cordee
Alex Alford, Clerk of Circuit Court
and County Comptroller

Michael Barker
Michael Barker, Chairman of the Board