

HOLMES COUNTY ORDINANCE #86-04

AN ORDINANCE RELATING TO RABIES: PROVIDING DEFINITIONS:
RELATING TO DECLARED RABIES OUTBREAKS: REPORTING OF ANIMAL
BITES AND QUARANTINE: PROVIDING FOR RESTRAINT PROVISIONS:
ESTABLISHMENT OF ENFORCEMENT AND PENALTIES: PROVIDING FOR
SEVERABILITY IN THE EVENT THAT ANY PART IS FOUND INVALID,
UNLAWFUL OR UNCONSTITUTIONAL: PROVIDING FOR INCLUSION IN
CODE AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE CREATING THE HOLMES COUNTY RABIES ORDINANCE OF 1986

WHEREAS: Section 125.01, Florida Statutes, authorizes the Board of County Commissioners to provide and maintain for the citizens of said county, standards which insure their health, welfare, and well-being.

WHEREAS: The Board of County Commissioners of Holmes County recognize that the public health and safety of the residents of the county will best be served by establishing Holmes County's Rabies Ordinance.

Be it ordained by the Board of County Commissioners of Holmes County, Florida.

TITLE

This ordinance shall be known as the "Holmes County Rabies Ordinance".

SECTION I-----DEFINITIONS

As used in this ordinance the following terms mean:

Animal: Any domestic vertebrate creature

Dog: Any domestic member of the canine species

Cat: Any domestic member of the feline species

Owner of Person Responsible: Any person, partnership, or corporation owning, or harboring one or more dogs and/or cats. A dog and/or cat shall be deemed to be harbored if it is fed or sheltered for five (5) consecutive days or more.

PUBLIC NUISANCE: Any dog and/or cat which:

1. Molests passerbys or passing vehicles
2. Attacks other animals
3. Damages private or public property
4. Runs at large while in heat (during estrus)

VETERINARY HOSPITAL: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

OUTBREAK: When three (3) or more dogs, cats, or wild animals are found to have rabies by Laboratory analysis within Holmes County during a three (3) month period of time.

SECTION 1:-----VACCINATION OF DOGS AND CATS AGAINST RABIES

(1) Every person who owns a dog or cat over the age of six months within Holmes County shall have such dog and/or cat vaccinated against rabies. Vaccination shall be with a vaccine licensed by the U.S. Department of Agriculture.

(2) In cases involving bites or other exposure by dogs or cats to humans or bites or other exposure to dogs or cats by a known rabid animal, only current vaccination of the dog or cat by a licensed veterinarian or his agent will be honored.

(3) No dog and/or cat need be vaccinated if a licensed veterinarian has examined the dog and/or cat and certified that at such time vaccination could endanger its health because of age infirmity, debility, illness or other medical consideration. The dog and/or cat shall be vaccinated against rabies as soon as its health permits.

(4) The cost of the rabies vaccine shall be born by the owner of the dog and/or cat.

SECTION 2:-----DECLARED RABIES OUTBREAKS

Whenever there is an outbreak of rabies, the County Health Officer, may declare and immediate quarantine for such a period of time as conditions warrant and for a prescribed area within the county.

Whenever a quarantine has been declared, no person shall permit any dog and/or cat which is under his control to be or run at large. Any dog and/or cat at large during a quarantine shall be impounded by the Sheriff's Department, provided however, that if the capture and impoundment of such a dog and/or cat cannot be affected safely, and the dog and/or cat is deemed to be a definite and immediate threat to the public health and safety, the Sheriff's Department may slay such a dog and/or cat, at its sole discretion and will not be held liable.

SECTION 3:-----REPORTING OF ANIMAL BITES AND QUARANTINE

Any person having knowledge of an instance in which a person is bitten or otherwise wounded by a dog, cat, or other animal, domestic or wild, or an instance in which a person has been in contact with or handled a known or suspected rabid animal will report the incident within 24 hours to the nearest County Health Unit Director.

Chapter 10D-3.91, F. A. C., authorizes the County Health Unit Director to institute quarantine procedures at his discretion and judgement for the protection of the public health. The quarantine shall be at the owner's expense. Non-Compliance with a quarantine order issued by the County Health Unit Director may constitute a violation of Section 381.031. (1) (d), Florida Statutes.

SECTION 4:-----RESTRAINT

(1) No owner shall fail to exercise proper care and control of his dogs and/or cats to prevent them from becoming a public nuisance.

(2) Any dog and/ or cat classified as vicious by Judicial Authority shall be either (1) confined permanently to the premises of the owner or (2) humanely destroyed. This section shall not apply to dog and/or cats defending an owner's property, or governmental police dogs acting in their official capacity. The owner shall post and keep posted in a conspicuous place on the premises where the dog is kept, a sign with the words "Bad Dog" written thereon in prominent letters.

(3) A property owner or tenant may restrain in a humane manner any dog and/or cat which is on his property in violation of this ordinance, which is not wearing a collar with a current rabies vaccine tag. When such restraint is made, the property owner or tenant shall immediately notify the Sheriff's Department. The property owner or tenant shall treat the dog and/or cat humanely and exercise due care to insure the dog and/or cats safety and well being.

(4) Every female dog and/or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog and/or cat cannot come into contact with another dog and/or cat except for planned breeding.

(5) It shall be unlawful for a person to abandoned any animal he or she owns or is responsible for.

SECTION 5:-----ENFORCEMENT

(1) The civil and criminal provisions of this ordinance shall be enforced by those persons or agencies designated by county authority. It shall be a violation of this ordinance to interfere with the officer in the performance of their duties.

SECTION 6:-----PENALTIES

(1) Any person violating this ordinance shall be deemed guilty of a misdemeanor of the second degree. If any violation be continuing, each day's violation shall be deemed a separate violation.

SECTION 7:----- CONFLICTING ORDINANCES

(1) This ordinance supersedes all other dog and/or cat control ordinances of the County Of Holmes.

SECTION 8:----- SEVERABILITY CLAUSE

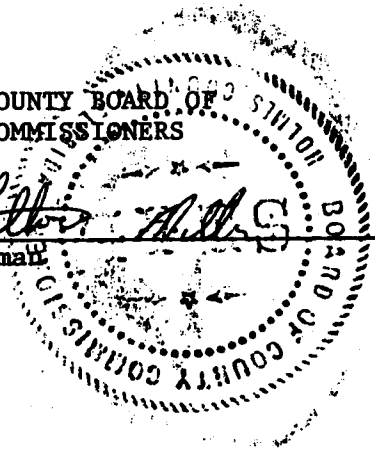
(1) If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

SECTION 9: ----- INCLUSION IN CODE

(1) It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made apart of the Code of Laws and Ordinances of Holmes County, Florida: And that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and the word "ordinance" may be changed to "section", "article", or other appropriate word.

HOLMES COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: *Robert Miller*
Chairman



ATTEST:

Cody Taylor (SEAL)
Clerk

DATED Aug. 18, 1986