

TOWN OF CINCO BAYOU
SPECIAL MEETING
JUNE 13, 1983

The Special Meeting of the Town of Cinco Bayou Town Council was called to order by Mayor Usrey at 7:00 P.M.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Usrey requested the Clerk to call the roll.

ROLL CALL Present: Mayor Usrey
Councilman Johnston
Councilwoman Kelley
Councilman Perry

Arrived after Roll Call: Councilman Davis (7:25 P.M.)

Also Present: Clerk Borchik Attorney Powell
Secretary Borchik Susan Johnston
Ella Gossman Dick Sigman
C. Briggs Richard Thompson

1. PUBLIC HEARING - 1st reading of a Flood Plain Management Ordinance. Mayor Usrey read the Flood Plain Management Ordinance No. 85 by title only. Councilman Johnston moved to approve the 1st reading of Ordinance No. 85, seconded by Councilman Perry. Motion unanimously approved on a roll call vote.

COUNCIL AS COMMITTEE MEETING

MINUTES - Mayor Usrey asked the council to review the minutes of May 9 and May 16, 1983 for approval at the next council meeting.

FINANCIAL REPORT - Mayor Usrey asked the council to review the May, 1983 financial report for approval at the next council meeting.

REGULAR BUSINESS

1. Humane Society - Animal Control. Mayor Usrey introduced Ella Gossman (Animal Protection League), Charlie Briggs (Animal Protection League), and Dick Sigman (Humane Society). Mrs. Gossman explained the position of the Animal Protection League in relation to animal licensing and inoculations. Mr. Briggs explained the Okaloosa County Animal Ordinance and how it relates to the present Cinco Bayou Animal Ordinance. Mr. Sigman explained the services of the Humane Society as it pertains to the Town of Cinco Bayou. These three representatives suggested the Council consider adopting the County Animal Control Ordinance. This matter will be taken up at the next regular council meeting.

2. Glenwood Park. Councilwoman Kelley told the council that everyone is familiar with the Audobon Society's recommendations and plans for Glenwood Park and it is now up to the council to decide which plan the council wants to pursue and how much the council can afford to

spend at this time. The council discussed trading the lot that the Town owns, and plans to use as a parking area, with another property owner adjacent to Glenwood Park. Mayor Usrey asked Attorney Powell to investigate the legality of trading this piece of property.

3. League of Cities Convention Advertisement. Mayor Usrey directed the attention of the council to the letter from the Florida League of Cities pertaining to the Town of Cinco Bayou's advertisement in last year's special convention edition of The Florida Municipal Record. The matter of the advertisement for this years convention issue will be voted on at next week's regular meeting.

4. WFRPC - 1983/84 Budget Request. Mayor Usrey asked the council to read the letter and budget from the WFRPC. The WFRPC request will be voted on at next week's council meeting.

5. Mooring's Boat Dock - Susan Johnston. Mayor Usrey told the Council Mrs. Johnston had received a notice with regard to the Mooring's boat dock. The Clerk told the council that he had spoken to Mr. Cole, Bureau of State Land Management, Department of Natural Resources and Mr. Cole explained that the notice was in regard to the submerged land lease fee and not in regard to a permit to build a dock. A discussion followed.

PUBLIC REQUESTS WILL BE HEARD AT THIS TIME No requests.

COMMITTEE REPORTS

1. Streets/Sidewalks/Neighborhood Watch - Councilman Davis. Councilman Davis told the council that the repairs and resurfacing is being done on Kidd Street, Francis Park, and Lucile and will be completed this week. Councilman Davis also told the council that Junger Paving & Utility Co. is doing an excellent job.

2. Parks/Beautification/Environment - Councilwoman Kelley. Councilwoman Kelley told the council the cannon is in place in Laguna Park and looks very nice. Councilman Perry told the council he had a nice Magnolia tree he would donate to the town for one of the parks.

3. Finance

4. Waterfront/Bayou/Health/Civil Defense - Councilman Perry. Councilman Perry had no report. The Clerk told the council that he had spoken with Mr. White, DNR and the funds for rebuilding the boat ramp may be here by July 1st. The council discussed the boat ramp and decided to have the old concrete slabs moved in front of the boat ramps so they could not be used until the rebuilding is complete.

5. Special Committee Reports

A. Bicycle Path - Councilman Johnston. No report

B. Sign Ordinance - Councilman Johnston. No report

ATTORNEY'S REPORT No report

CORRESPONDENCE

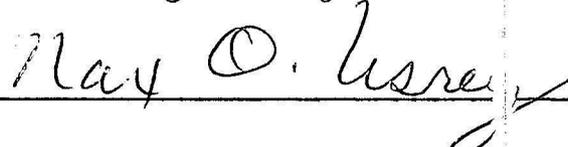
1. League of Cities Dinner June 23, 1983. Mayor Usrey told the council that the City of Niceville is hosting the Okaloosa County League of Cities dinner meeting at Bluewater Bay (Conference Center) on Thursday, June 23, 1983. Reservations must be made by June 17, 1983.
2. Federal Emergency Management Agency - Flood Insurance Program. Mayor Usrey advised the council the Town has received a letter from FEMA saying they were evaluating the Town's responses to the "Changes and Activities in the Flood Plain"; and the necessity for revising the current Flood Insurance Rate Maps.
3. Panhandle League of Cities Meeting June 29, 1983. Mayor Usrey told the council if they were interested in attending this very informative meeting to please advise the Town Clerk.

CLERK'S REPORT

1. The Clerk advised the council he had sent four (4) certified letters to property owners regarding refuse and unsightly appearance of their property.
2. The Clerk told the council that the Baptist Church is renting the apartments they own and should be required to have a Cinco Bayou occupational license. The Abundant Life Church is also renting out office space in their building and should also be required to have an occupational license.
3. The Clerk advised the council he had checked the Town last week after dark and there were five (5) or six (6) places in Town that could use additional street lights.

MAYOR'S ANNOUNCEMENTS Mayor Usrey advised the council he had received a letter of resignation from Councilman Wade. Councilman Wade will be moving to Destin and will no longer be eligible to serve on the Cinco Bayou Town Council. Mayor Usrey said he had accepted Councilman Wade's resignation, effective June 6, 1983.

There being no further business, the meeting was adjourned at 8:31 P.M.


MAYOR

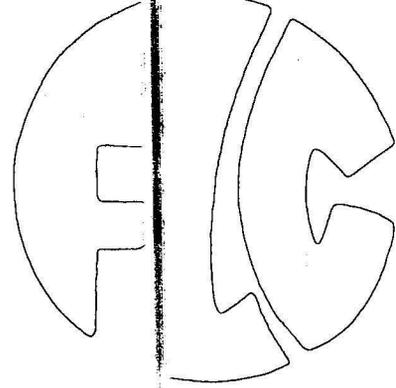
ATTEST:


TOWN CLERK

NOTE: A mechanical recording has been made of the foregoing proceedings of which these minutes are a part, and is on file in the office of the Town Clerk.

6/6/83
FLORIDA LEAGUE OF CITIES, INC.

201 West Park Avenue
Post Office Box 1757 — 904/222-9684
Tallahassee, Florida 32302



MEMORANDUM

TO: City Managers/Clerks
Local and Regional Leagues

FROM: Beth Mills, Production & Advertising Manager *B.M.*
FLORIDA MUNICIPAL RECORD

DATE: June 6, 1983

We are pleased to announce that the 57th ANNUAL CONVENTION of the Florida League of Cities will be held October 13, 14 and 15, 1983 in Kissimmee, Florida at the Orlando Hyatt. On Thursday, October 13th the Annual Golf and Tennis Tournaments will be held.

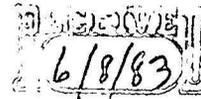
As in previous years, we are extending to all Florida cities an invitation to advertise in the 90-page plus special convention issue of the FLORIDA MUNICIPAL RECORD. This offers an excellent opportunity to extend best wishes for a successful convention to our host, the City of Kissimmee. Advertising space reservation should be made by August 1, 1983 with a copy deadline of August 16, 1983.

We are enclosing, for your information, a sample copy of ad sizes and costs. Also, we have attached a form that must be signed and returned for ad placement.

We look forward to your continued cooperation and support in our efforts to make this convention the best ever!

WEST FLORIDA
REGIONAL PLANNING COUNCIL

5904 NORTH 9TH AVENUE ◦ POST OFFICE BOX 486
PENSACOLA, FLORIDA 32593-0486 ◦ PHONE (904) 478-5870



DANIEL F. KRUMEL
Executive Director

MARVEL O. WARREN, JR.
Chairman

MARVIN BECK
Vice Chairman

MEMORANDUM

DATE: June 7, 1983
TO: Units of Local Government Region I
FROM: Daniel F. Krume1, Executive Director
West Florida Regional Planning Council
RE: 1983-84 Budget Request

The West Florida Regional Planning Council is pleased to submit to you its recommended Budget and Work Program for the year beginning October 1, 1983 through September 30, 1984. The amount of funds requested from each unit of government is found on the third page of the Budget.

Members of the Council and I will be happy to meet with you to discuss the Budget and/or Work Program.

The Council respectfully requests approval of the Budget.

Cinco Bayou

Administrative \$ 254

—————
Total \$ 254



CITY OF NICEVILLE

Home of the Boggy Bayou Mallet Festival

208 North Partin Drive
Niceville Florida 32578
Phone: (904) 678-4523

JUNE 3, 1983

TO: MAYOR MAX USREY
TOWN OF CINCO BAYOU
35 KELLY AVENUE
FORT WALTON BEACH, FL 32548

SUMMER MEETING - OKALOOSA LEAGUE OF CITIES

DEAR MAYOR USREY:

THE CITY OF NICEVILLE IS PLEASED TO HOST THE SUMMER MEETING OF THE OKALOOSA LEAGUE OF CITIES ON THURSDAY, JUNE 23, 1983.

THE MEETING WILL BE HELD IN THE EXECUTIVE CONFERENCE CENTER AT BLUEWATER BAY. COCKTAIL HOUR WILL BEGIN AT 6:30 PM AND THE PRIME RIB DINNER WILL BE SERVED AT 7:30 PM.

TO LOCATE THE CONFERENCE CENTER GO EAST ON HIGHWAY 20 FROM NICEVILLE PAST THE GANNON STATE PARK. TURN RIGHT AS YOU REACH THE CONVENIENCE SHOPPING CENTER LOCATED ON THE LEFT. FOLLOW THE STREET UNTIL YOU REACH THE TENNIS COURTS ON THE RIGHT. THE CONFERENCE CENTER IS LOCATED IN THE NEXT BUILDING ON THE RIGHT.

PLEASE ADVISE GEORGE IRELAND OR JO FISHER, 678-4523/2814 OF THE NUMBER OF GUESTS THAT WILL ATTEND BY JUNE 17 SO ARRANGEMENTS CAN BE FINALIZED WITH BLUEWATER BAY.

WE WILL ADVISE YOU OF THE AGENDA IN A LATER COMMUNICATION.

SINCERELY,

RANDALL WISE
MAYOR



6/6/83 MB

Federal Emergency Management Agency

Washington, D.C. 20472

Community No. 1205 6

Albert S. Borchik, Jr.
Town Clerk
Town of Cinco Bayou
35 Kelly Avenue Cinco Bayou
Ft. Walton Beach, Florida 32548

Dear Mr. Borchik:

This is in response to your submission of the National Flood Insurance Program Annual Report for Calendar Year 1982 for the Town of Cinco Bayou, Florida.

We are evaluating your positive response(s) to Section One of the Annual Report titled "Changes and Activities in the Flood Plain" for the necessity of revising your current effective Flood Insurance Rate Maps. Our consulting engineer may be contacting you in the near future for any additional information. However, you will be officially notified of any map revision if it is warranted.

If we can be of further assistance, please let us know.

Sincerely,

Brian R. Mrazik, Ph.D.
Acting Chief, Engineering Branch
Natural Hazards Division

PANHANDLE LEAGUE OF CITIES

c/o The Center for State and Local Government
The University of West Florida
Pensacola, Florida 32504

RECEIVED
6/10/83
PAB

June 9, 1983

SECOND NOTICE

Panhandle League of Cities Meeting to Review the 1983 Legislative Session

DATE: Wednesday, June 29

HOURS: 8:00 a.m. - 1:00 p.m. (approximate)

LOCATION: Holiday Lodge, Panama City

PARTICIPANTS: Corinne Freeman, President, Florida League of Cities
(Mayor, St. Petersburg)

Michael Sittig, Assistant Executive Director, Florida
League of Cities

Original document is too light to
get a good image

Others, to be announced

ACTIVITIES: Morning-long reports and discussions, followed by luncheon.
Mike Sittig and other speakers will recap the 1983 legislative
sessions and their consequences for municipal government.
Mayor Freeman will be our honored guest and luncheon speaker.

Join now to attend! Additional details will be announced as developed.
Have any questions? Call Larry Walker at (904) 474-2370.

TO RSVP, please return the enclosed form or call Debbie Hall at (904) 474-2367.
We will bill you later for the luncheon.

CHAPTER 3

ANIMALS AND FOWL

- Art. I. In General, § § 3-1---3-15
Art. II. Dogs, § § 3-16---3-36
Div. 1. Generally, § § 3-16---3-30
Div. 2. License, § § 3-31---3-36

Charter reference---Authority of town to prevent animals from running at large, § III(s).

State law reference---For authority of town to regulate animals, see Fla. Stats., § §§168.09, 168.12.

ARTICLE I. IN GENERAL

Sec. 3-1. CRUELTY TO ANIMALS.

It shall be unlawful for any person to be cruel to any animal by beating, torturing, mutilating, clearly failing to provide food, drink or shelter, or by abandoning animals. (Ord. of 8-27-62, § 10)

Secs. 3-2---3-15. RESERVED.

ARTICLE II. DOGS

Division 1. Generally

Sec. 3-16. DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dog shall mean a male, female or spayed female dog.

Owner shall mean any person harboring or keeping a dog for more than ten (10) days. (Ord. of 8-27-62, § 2)

Sec. 3-17. DOG WARDEN---APPOINTMENT; DUTIES.

The mayor shall designate a town dog warden, who shall be the town marshal or an agent of the playground humane society. The dog warden shall keep proper records and accounts and make such reports as may be required by the mayor, and shall have all the powers of a police officer in the enforcement of this article. (Ord. of 8-27-62, § 6)

Sec. 3-18. TOWN TO OPERATE DOG SHELTER OR CONTRACT FOR SERVICES OF DOG SHELTER.

(a) The town shall operate, either independently or in cooperation with others, a suitable place for the impounding and care of and final disposal of all dogs impounded under the terms of this article to be known as the dog shelter.

(b) The town may contract for the use of a dog pound, or other services required by this article. (Ord. of 8-27-62, § 11)

Sec. 3-19. DUTY TO RENDER AID UPON STRIKING DOG WITH VEHICLE.

It shall be unlawful for any person who has knowingly struck a dog by a vehicle under his control to fail to render first aid to such dog by taking it to a veterinarian or by notifying the owner, the dog warden or the police. (Ord. of 8-27-62, § 10)

Sec. 3-20. DOGS NOT ALLOWED UNLEASHED IN PUBLIC PLACES; IMPOUNDMENT.

No dog shall be allowed in public places such as railroad stations, hotels, restaurants, theaters, public conveyances or similar places, or in grocery stores or other establishments selling food or staple goods, unless on a suitable and dependable leash. Dogs found in violation of this section shall be impounded. (Ord. of 8-27-62, § 4)

Sec. 3-21. BARKING, HOWLING, VICIOUS DOGS.

It shall be unlawful for any person to keep, harbor or own a dog which by loud and frequent or habitual barking, yelping or howling, or by constant or frequent threat of attacking and biting, shall annoy anyone in the neighborhood or people passing in the street. It shall be unlawful for any owner to keep any vicious dog except within a suitably fenced enclosure. (Ord. of 8-27-62, § 9)

Sec. 3-22. DOGS IN HEAT TO BE CONFINED; IMPOUNDMENT.

It shall be unlawful for any owner to permit a dog in heat to be upon the streets or in any other public place; such dogs shall be kept securely confined upon private premises. Dogs in heat and not properly confined shall be impounded. (Ord. of 8-27-62, § 5)

Sec. 3-23. QUARANTINE OF BITING AND RABID DOGS.

When a dog has bitten some person or is otherwise suspected of being rabid by the dog warden, it shall, upon written notice to the owner by the dog warden, be quarantined. The owner may board the dog at an approved veterinarian hospital. Should the owner fail to comply with such quarantine, the dog warden shall immediately impound such dog with an approved veterinarian and quarantine it at cost to the owner. Such quarantined dogs shall be kept quarantined until released by the county health department. (Ord. of 8-27-62, § 8)

Sec. 3-24. IMPOUNDMENT AND REDEMPTION PROCEDURE; FEES.

(a) An impounded dog shall be kept for three (3) days unless claimed sooner by the owner. On the fourth day the dog warden shall segregate any dogs suitable for adoption by a new owner and shall destroy all other unclaimed dogs.

(b) The owner of a dog impounded for failure to have a proper license may redeem such dog upon payment of a three dollar (\$3.00) pound fee and one dollar (\$1.00) per day per dog for board, or the actual cost to the town for the payment of any contractual services in connection with such impoundment, and by securing a license as required by this article.

(c) The owner of any dog impounded under the provisions of this article, except for failure to secure a license or for dogs held for quarantine purposes, may redeem such dog within three (3) days and upon payment of one dollar (\$1.00) per day board, or the actual cost to the town for the payment of any contractual services in connection with such impoundment. (Ord. of 8-27-62, § 11)

Secs. 3-25---3-30. RESERVED.

Division 2. License

Sec. 3-31. REQUIRED.

It shall be unlawful for any person to keep a dog more than three (3) months old, within the town, without first having obtained a license therefor. (Ord. of 8-27-62, § 3)

Sec. 3-32. FEES.

The fee for a license required by this division shall be one dollar (\$1.00) for each male or spayed female dog and two dollars (\$2.00) for each female dog which has not been spayed. (Ord. of 8-27-62, § 4)

Sec. 3-33. ISSUANCE OF LICENSE AND TAGS; AFFIXING TAG TO COLLAR.

Upon application for a license required by this division and the payment of the required fee, together with a certificate of vaccination against rabies by a practicing veterinarian within five (5) months immediately preceding the application, the town clerk shall issue license to expire on the last day of December of the current year. The town clerk shall also arrange with the playground humane society to issue both the license and metal tag as agents for the town. The metal tag must be securely fastened to a collar or harness of the dog and be worn at all times by the dog for which the license was issued. (Ord. of 8-27-62, § 3)

Sec. 3-34. TRANSFER OF LICENSE; FEE.

A license issued pursuant to this division may be transferred by the town clerk to a succeeding owner for the unexpired portion of the calendar year upon payment of fifty cents (\$0.50). (Ord. of 8-27-62, § 3)

Sec. 3-35. REPLACEMENT LICENSE TAGS; FEE.

Upon proof that a license tag issued pursuant to this division has been lost, and upon the payment of twenty-five cents (\$0.25), the town clerk shall issue a duplicate license tag. (Ord. of 8-27-62, § 3)

Sec. 3-36. UNLICENSED DOGS TO BE IMPOUNDED.

Upon finding any dog unlicensed, in its owner's possession or on the premises of the owner, or upon the public streets or other public places, or upon property other than that of the owner of the dog, the dog warden shall immediately impound such dog in the dog shelter. (Ord. of 8-27-62, § 7)

TOWN OF CINCO BAYOU

KELLY AVE.

P.O. DRAWER 1710 · CINCO BAYOU
FORT WALTON BEACH, FLORIDA 32548
904.244.2712 244.2012

November 17, 1977

Mayor:
JIM KENDRICK, III

Mayor Pro-Ten:
IRENE BALSLEY

Council Members:
PHIL JOHNSTON
WILL OVERSTREET
HAROLD PEEK
MAX USREY

Town Manager/Clerk:
JAMES O. GODWIN, SR.

Town Attorney:
RICK POWELL

Jeanne Luciana
Humane Society of Fort Walton
P. O. Box 1331
Fort Walton Beach, Florida 32548

Dear Jeanne:

This is to verify our telecon, this date, pertaining to fees involving Animal Control by your organization on behalf of Cinco Bayou.

It is agreed that your standard fees are to be used. Our Ordinance pertaining to Animal Control will be amended at a later date.

Sincerely,


JAMES O. GODWIN, SR.
Town Manager/Clerk

JOG/idr

5 Apr 78

Mr. Godwin has no objection to a revised impoundment fee (\$15.00).



ORDINANCE NO. 83-11

AN ORDINANCE ADOPTING, PROMULGATING AND ESTABLISHING RULES AND REGULATIONS TO GOVERN THE CONTROL OF ANIMALS IN OKALOOSA COUNTY; PROVIDING FOR THE LICENSING AND A FEE THEREFORE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING AN EFFECTIVE DATE; AND REPEALING ANY ORDINANCES OR RESOLUTIONS OR PROVISIONS THEREOF IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA:

SECTION I - DEFINITIONS.

- (a) Altered shall mean sexually altered (spayed or neutered).
- (b) Animal control officer or agency shall mean the person or persons employed by this county or the contracted agency as its enforcement officer who shall have all powers of the law enforcement officer in the enforcement of this ordinance.
- (c) Animal shelter shall mean any premises designated by action of the County Commissioners for the purpose of impounding and caring for all animals found in violation of this ordinance.
- (d) Cat shall mean male, female, or sexually altered cat.
- (e) Dog shall mean male, female, or sexually altered dog.
- (f) Exposed to rabies: a dog or cat or other type of animal has been exposed to rabies within the meaning of this ordinance if it has been bitten by or exposed to any animal known to have been infected with rabies.
- (g) Owner shall mean any person, persons, firm or corporation owning, harboring, or keeping more than ten days any dog or dogs and/or cat or cats, or other type animals, unless such person, persons, firm or corporation merely has temporary custody of the animal and such custody is expressly authorized by the legal owner.
- (h) Public nuisance shall mean any animal which
 - (1) molests passersby or passing vehicles;
 - (2) attacks other animals;
 - (3) trespasses on school grounds;
 - (4) is repeatedly at large;
 - (5) damages private or public property; and
 - (6) barks, whines, or howls in an excessive, continuous or untimely fashion.
- (i) Restraint exists when any animal is within the real property limits of the owner, within a vehicle, or is secured by a leash or lead or under the control of a responsible person and obedient to that person's commands to such extent that said animal will not trespass property of others or molest other people or animals.
- (j) Unaltered shall mean unspayed or unneutered.
- (k) Vicious animal shall mean an animal that constitutes a physical threat to humans or other animals.

SECTION II - ENFORCEMENT. Provisions of this ordinance shall be enforced by the Okaloosa County Sheriff's Department, the Animal Control Officer of Okaloosa County, or by the Humane Society.

SECTION III - LICENSING.

(a) It shall be unlawful for an owner to keep a dog or cat more than three (3) months old within the county, excluding those municipalities which have adopted animal control laws, without having obtained a license therefor from the Humane Society.

(b) Application for such license shall be made to the Humane Society and shall state the name and address of owner, and the name, breed, color, age, and sex or altered sex of dog or cat. A certificate of vaccination against rabies by a licensed veterinarian or an Affidavit from a licensed veterinarian that the vaccinations were properly administered within twelve (12) months immediately preceding must be presented when making application for such license. The license fee shall be paid at the time of application, a numbered receipt given to the applicant, and a numbered metallic tag shall be issued to the owner, which will be worn at all times by the dog or cat for which the license was issued, except when said dog or cat is being shown in competition or is actively engaged in the sport of hunting, or is in the confines of the owner's real property.

(c) License tags shall alternate in color from year to year so that the same color shall not be used twice within a period of three years.

(d) 1. The yearly license fee shall be \$3.00 for each altered dog or cat over the age of three (3) months and shall expire on December 31 of the current year.

2. The yearly license fee shall be \$8.00 for each unaltered dog or cat.

3. Where a household or business shall have more than four (4) but less than ten (10) dogs or cats, the aggregate fee shall be \$35.00, except when individual licenses shall be less. Where a household or business shall have ten (10) or more dogs or cats, the fee shall be \$45.00 except when individual licenses shall be less.

4. The license fee shall be semiannually prorated.

5. No license fee shall be required for seeing-eye dogs and hearing-ear dogs.

6. Nonresidents who bring their dog or cat into Okaloosa County for a period longer than ten (10) days shall be prepared to give evidence of rabies vaccination of said dog or cat, and compliance with licensing laws of their city, county, or state.

7. Residents who are 65 years old or older and are retired and on a fixed income shall pay a reduced license fee of \$1.50 for their first dog or cat. Each additional dog or cat shall be licensed at the regular fee.

(e) In the event that a metallic license tag issued for a dog or cat shall be lost, the owner may obtain a duplicate tag upon payment of One Dollar (\$1.00).

(f) If there is change in ownership of a dog or cat during the license year, the new owner may have the current license transferred to his name upon payment of transfer fee of One Dollar (\$1.00).

(g) No person shall use for any dog or cat a license receipt or license tag issued for another dog or cat.

(h) All revenue raised under this section shall be used exclusively for enforcement of the Animal Control Ordinance.

SECTION IV - IMPOUNDMENT AND NOTICE OF VIOLATION.

(a) Upon finding any dog or cat licensed or unlicensed, other than on or within the owner's property or under proper restraint as defined in this ordinance, the Animal Control Officer shall issue a notice of violation to the owner, if the owner can be identified, or shall immediately impound such dog or cat in the animal shelter, and there confine same in a humane manner for a period of not less than five (5) working days, unless said animal is claimed by the owner, and established fees and fines paid by the owner. After the fifth working day, the Animal Control Officer shall make unclaimed animals available for adoption by a new owner, and shall dispose of unadopted animals as space dictates, such disposition being made in a humane manner meeting standards established by the Humane Society of the United States.

(b) No dog or cat, whether licensed or unlicensed, or other type animal, muzzled or unmuzzled, shall be allowed in public places such as public beaches, restaurants, theaters, or similar places, or in grocery stores or other establishments selling food or staple goods. (Seeing-eye dogs are excepted.) Dogs, cats, or other type animals so found shall be impounded.

(c) Any animal which creates a public nuisance shall be impounded.

(d) Any vicious animal not confined within a suitable fenced enclosure shall be impounded.

(e) Every female dog or cat in heat, not properly confined within a suitable enclosure or in a veterinary hospital or boarding kennel, shall be impounded.

(f) Any animal which appears to be a victim of cruelty shall be rescued and impounded for its own protection.

(g) In lieu of impounding an animal found in violation of this ordinance, except for bite cases and animals suspected of rabies exposure, the animal control officer may issue to the owner of such animal a notice of violation. Such notice shall impose upon the owner a penalty of \$15.00 which may be paid within seventy-two hours in full satisfaction of the assessed penalty. If such penalty is not paid within the prescribed time period, a criminal warrant shall be initiated before a magistrate and upon conviction of a violation of this ordinance; owner shall be punished as provided in Section 13 of this ordinance.

SECTION V - IMPOUNDMENT FEES AND NOTIFICATION OF IMPOUNDMENT.

(a) The owner of a dog or cat impounded for failure to have a proper license may redeem such dog or cat upon payment of a Fifteen Dollar (\$15.00) pound fee plus required boarding fees and by securing a license as required by Section III of this ordinance.

(b) The owner of an animal impounded for any other cause authorized by this ordinance except for suspects held in quarantine for rabies may redeem such animal within five (5) working days upon payment of a Fifteen Dollar (\$15.00) pound fee plus required boarding fees.

(c) If by license tag or other means the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or mail.

(d) All revenue raised by this section shall be used exclusively for enforcement of the Animal Control Ordinance.

SECTION VI - RABIES CONTROL.

(a) Every animal which bites a person or animal shall be promptly reported to the County Health Department, and shall thereupon be securely quarantined at the direction of the County Health Department for a period of ten (10) days, and release shall not be made except by permission of a licensed veterinarian.

(b) The owner, upon demand by the Animal Control Officer, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner. Said animal may be reclaimed by the owner if it is adjudged free of rabies, upon payment of fees set forth in Section V of this ordinance.

(c) The Animal Control Agency shall cooperate with and assist the County Health Department pursuant to a mutually acceptable written agreement between them.

(d) When rabies has been diagnosed in an animal under quarantine or when rabies is suspected by a licensed veterinarian, and the animal dies while under such observation, the Animal Control Officer shall immediately turn the animal over to the county health officials for final disposition.

SECTION VII - INTERFERENCE WITH ANIMAL CONTROL OFFICER. No person shall interfere with, hinder or molest the Animal Control Officer or Humane Society in the performance of any duty of such agent, or seek to release any animal in the custody of the Animal Control Officer or Humane Society except as herein provided by paying of established fines and fees.

SECTION VIII - RECORDS.

(a) It shall be the duty of the Animal Control Officer or Humane Society to keep or cause to be kept accurate and detailed records of the licensing, impoundment and disposition of all animals coming into his custody.

(b) It shall be the duty of the Animal Control Officer or Humane Society to keep, or cause to be kept, accurate and detailed records of all bite cases and reports of investigations.

(c) It shall be the duty of the Animal Control Officer or Humane Society to keep, or cause to be kept, accurate and detailed records of all monies collected pursuant to this ordinance, which records shall be open to inspection at reasonable times by such persons responsible for similar records for Okaloosa County.

SECTION IX - ISSUANCE OF NOTICE OF VIOLATION. The Animal Control Officer or Humane Society shall have authority to issue a notice of violation which may cause a warrant to be issued when such warrant is proper.

SECTION X - CRUELTY TO DOGS, CATS, OR OTHER ANIMALS.

(a) It shall be unlawful for any person to be cruel to a dog, cat, or any other animal, by cruelly beating, torturing, mutilating, clearly failing to provide food, drink or shelter,

or by abandoning any animal, or by exposing poisonous substance so that the same shall be liable to be eaten by any animal, provided that a person may expose on his own property common rat poison mixed only with vegetable substance and placed in locations inaccessible to pets.

(b) It shall be unlawful for any person who shall have knowingly struck a dog or dogs, cat or cats, or other animal or animals, by a vehicle under his control, to fail to render first aid to dog or dogs, cat or cats, or animals, by taking it, or them to a veterinarian or by notifying the owner, the Animal Control Officer, or police.

SECTION XI - TRAPPING OF ANIMALS. The use or possession of steel jaw leg hold traps shall be deemed illegal and shall constitute a first degree misdemeanor with a mandatory fine of Five Hundred Dollars (\$500.00) per trap first offense, and One Thousand Dollars (\$1,000.00) per trap second offence.

SECTION XII - KEEPING OF WILD ANIMALS. No person shall keep or permit to be kept any wild animal as a pet except in conformance with State Law.

SECTION XIII - PENALTIES. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall be punished as provided by Florida Statutes. If any violation be continuing, each day's violation shall be deemed a separate violation.

SECTION XIV - SEVERABILITY. Should any part or parts of this ordinance be declared unconstitutional or void by a court of competent jurisdiction, the remaining parts should remain in full force and effect.

SECTION XV - EFFECTIVE DATE. This Ordinance shall take effect on July 1, 1983, and does hereby repeal all ordinances or provisions thereof in conflict herewith.

ADOPTED this the 3rd day of May, 1983.

OKALOOSA COUNTY, a political subdivision of the State of Florida.

By: B. W. Peebles, Jr.
BILL W. PEEBLES, JR., Chairman

ATTEST:
NEWMAN C. BRACKIN
Clerk of Circuit Court