

LAKE WALES

OFFICIAL CODE OF ORDINANCES

CHAPTER 6. ANIMALS

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LAKE WALES

CHAPTER 6. ANIMALS

§ 6-1. Abandonment of animals; penalties.

As used in this section, abandon means to leave an animal entirely or to refuse to perform or provide the legal obligations of care and support.

It shall be unlawful for a person to abandon an animal in a public place or on the property of another within the city.

The police department may lawfully take into custody any animal that has been abandoned.

Abandoned animals impounded by the police department will be transferred to the county animal control authority.

A person who violates any provision of this section shall be punishable by a term of imprisonment not to exceed sixty (60) days or five hundred dollars (\$500.00) or by both such fine and imprisonment.

(Ord. No. 2007-28, § 1, 8-21-07)

§ 6-2. Control of dangerous animals required; exceptions; penalties.

As used in this section, dangerous animal means any animal which has or attempted to attack or bite a domestic animal or person without provocation, except as follows:

- (a) Dogs used by law enforcement officers in the course and scope of their duties.

As used in this section, the term domestic animal means any cat, dog, fowl or livestock.

As used in this section, the term fowl means any bird used as food including, but not limited to, chickens, ducks, emus, geese, rheas, turkeys and ostriches.

As used in this section, the term livestock means grazing animals such as cattle, goats, horses, sheep, swine and other hooved animals.

It shall be unlawful for a person to allow a dangerous animal, either willfully or by negligence, to run at-large or stray within the city.

A person owning or having control of a dangerous animal shall confine the dangerous animal indoors, in a securely enclosed and locked pen or structure or in a securely fenced area.

A person owning or having control of a dangerous animal shall immediately notify the police department when a dangerous animal:

- (a) Attacks or bites a domestic animal or person;
- (b) Is loose or unconfined.

The police department may lawfully take into custody any dangerous animal in violation of this section.

Dangerous animals impounded by the police department will be transferred to the county animal control authority.

A person who violates any provision of this section shall be punishable by a term of imprisonment not to exceed sixty (60) days or five hundred dollars (\$500.00) or by both such fine and imprisonment.

(Ord. No. 2007-28, § 1, 8-21-07)

§ 6-3. Control of dogs in public places required; exceptions; penalties.

A person owning or having control of a dog in a public place shall restrain the dog by a substantial chain or leash, except as follows:

(a) Dogs used by law enforcement officers in the course and scope of their duties. A code or law enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of this section. The person shall pay within thirty (30) days from the date a citation was issued a civil penalty of fifty dollars (\$50.00) to the police department in full satisfaction of the violation. If the person chooses to contest the citation, he or she must contact the clerk of the county court within the thirty (30) days and request a court hearing.

(b) Dogs in a dog park or other public space specifically designated by the city for dogs to be off-leash, provided the handler of the dog(s) adheres to all rules instituted by the city for such park or space.

(Ord. No. 2007-28, § 1, 8-21-07; Ord. No. 2012-08, § 1, 5-15-12)

§ 6-4. Fowl and livestock prohibited; exceptions; penalties.

Effective: Tuesday, October 20, 2015

As used in this section, the term fowl means any of various domestic birds used as food including, but not limited to chickens, ducks, emus, geese, rheas, turkeys and ostriches.

As used in this section, the term livestock means grazing animals, such as cattle, goats, horses, sheep, swine and other hooved animals.

It shall be unlawful for a person to maintain fowl and livestock within the city except as follows:

- (a) At animal service and veterinarian establishments;
- (b) At schools engaged in the instruction of agricultural courses or classes;
- (c) On lands designated for agricultural use.
- (d) Chickens at residences approved as part of an Urban Chicken Program and in compliance with the conditions of the program as authorized by a Resolution of the City Commission.

A code or law enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person committed a civil infraction in violation of this section. Failure to comply with the requirements governing the Pilot Program may be considered to be a violation of this section. The person shall pay within thirty (30) days from the date of the citation was issued a civil penalty of fifty dollars (\$50) to the police department in full satisfaction of the violation. If the person chooses to contest the citation, he or she must contact the clerk of the county court within the thirty (30) days and request a court hearing.

(Ord. No. 2007-28, § 1, 8-21-07; Ord. No. 2014-09, § 1, 09-03-14; Ord. No. 2015-11, § 1, 10-20-15)

§ 6-5. Guard dogs; exceptions; penalties.

As used in this section, guard dog means any dog specifically trained to detect or attack a person, except as follows:

(a) Dogs used by law enforcement officers in the course and scope of their duties. A person owning or having control of a guard dog shall confine the dog indoors, in a securely enclosed pen or structure or in a securely fenced area and shall post the premises with a clearly visible warning sign at all entry points that informs both adults and children in English and Spanish of the presence of guard dogs on the property.

A code or law enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of this section. The person shall pay within thirty (30) days from the date a citation was issued a civil penalty of fifty dollars (\$50.00) to the police department in full satisfaction of the violation. If the person chooses to contest the citation, he or she must contact the clerk of the county court within the thirty (30) days and request a court hearing.

A person who violates this section two (2) times in six (6) months shall be punishable by a term of imprisonment not to exceed sixty (60) days or five hundred dollars (\$500.00) or by both such fine and imprisonment.

(Ord. No. 2007-28, § 1, 8-21-07)

§ 6-6. Hunting, shooting or taking birds and wild fowl prohibited; exceptions; penalties.

As used in this section, the term bird means any two-legged vertebrate with feathers and wings.

As used in this section, the term fowl means any bird used as food including, but not limited to, chickens, ducks, emus, geese, rheas, turkeys and ostriches.

As used in this section, the term wild means any animal or bird not customarily or ordinarily domesticated.

It shall be unlawful for a person to hunt, shoot or take any bird or wild fowl within the city, except as follows:

- (a) By government employees in the course and scope of their duties;
- (b) By wildlife trappers lawfully taking game or nongame animals.

A person who violates any provision of this section shall be punishable by a term of imprisonment not to exceed sixty (60) days or five hundred dollars (\$500.00) or by both such fine and imprisonment.

(Ord. No. 2007-28, § 1, 8-21-07)

§ 6-7. Impoundment of at-large and stray animals.

The police department is authorized to take into custody at-large or stray animals.

At-large and stray animals impounded by the police department will be transferred to the county animal control authority.

(Ord. No. 2007-28, § 1, 8-21-07)

§ 6-8. Nuisance animals prohibited;

As used in this section, an animal becomes a nuisance when it:

- (a) Causes an unsanitary condition that is injurious to the health, safety and welfare of the public, or;
- (b) Damages any lawn, plant or shrub other than the property of the owner, or;
- (c) Damages private or public property other than the property of the owner, or;
- (d) Emits an offensive odor that is an unreasonable annoyance to the public, or;
- (e) Frequently, habitually or regularly emits noise, or;
- (f) Has been found by a court of competent jurisdiction to be a public nuisance, or;
- (g) Is injurious to the health, safety, and welfare of the public because of the number of animals maintained, or;
- (h) Is injurious to the health, safety, and welfare of the public because of the type of animals maintained, or;
- (i) Runs at large or strays.

It shall be unlawful for a person to maintain or permit to exist upon the property they own or occupy a nuisance animal.

A code or law enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of this section. The person shall pay within thirty (30) days from the date a citation was issued a civil penalty of fifty dollars (\$50.00) to the police department in full satisfaction of the violation. If the person chooses to contest the citation, he or she must contact the clerk of the county court within the thirty (30) days and request a court hearing.

A person who violates this section two (2) times in six (6) months shall be punishable by a term of imprisonment not to exceed sixty (60) days or five hundred dollars (\$500.00) or by both such fine and imprisonment.

(Ord. No. 2007-28, § 1, 8-21-07)

§ 6-9. Quarantine of female cats and dogs required; penalties.

It shall be unlawful for a person to allow a female cat or dog in heat or season to run at-large or stray within the city.

A person owning or having control of a female cat or dog in heat or season shall quarantine the cat or dog indoors, in a securely enclosed pen or structure or in a securely fenced area.

A code or law enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of this section. The person shall pay within thirty (30) days from the date a citation was issued a civil penalty of fifty dollars (\$50.00) to the police department in full satisfaction of the violation. If the person chooses to contest the citation, he or she must contact the clerk of the county court within the thirty (30) days and request a court hearing.

A person who violates this section two (2) times in six (6) months shall be punishable by a term of imprisonment not to exceed sixty (60) days or five hundred dollars (\$500.00) or by both such fine and imprisonment.

(Ord. No. 2007-28, § 1, 8-21-07)

§ 6-10. Removal of animal waste required in public areas required; penalties.

Any person owning or having control of an animal in a public place shall immediately remove any animal waste deposited by the animal.

Animal waste shall be disposed of by burial on the property of the owner or in a sanitary sewer system.

A code or law enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of this section. The person shall pay within thirty (30) days from the date a citation was issued a civil penalty of fifty dollars (\$50.00) to the police department in full satisfaction of the violation. If the person chooses to contest the citation, he or she must contact the clerk of the county court within the thirty (30) days and request a court hearing.

(Ord. No. 2007-28, § 1, 8-21-07)

§ 6-11. Residents capturing at large or stray animals.

A person may humanely capture an at-large or stray animal on their property. When an at-large or stray animal is captured, the person shall immediately deliver the animal to the police department.

A person who captures an animal pursuant to this section shall exercise care to treat the animal humanely without causing hunger, injury, sickness or any other ailments to the animal. Any person unable to comply fully with this section shall not capture an animal pursuant to this section.

(Ord. No. 2007-28, § 1, 8-21-07)

§ 6-12. Adoption of the Polk County Animal Control Ordinance.

As authorized by Resolution 89-04, the City Commission of the City of Lake Wales adopts all provisions of the Polk County Animal Control Ordinance.

It shall be unlawful for a person to violate the provisions of the Polk County Animal Control Ordinance within the city.

If a conflict should arise between the application or enforcement of this chapter and the provisions of the Polk County Animal Control Ordinance, the provision of this chapter shall prevail.

A copy of the Polk County Animal Control Ordinance shall be maintained in the office of the city clerk.

(Ord. No. 2007-28, § 1, 8-21-07)
