

Chapter 5 ANIMALS AND FOWL

Art. I. In General, <sec><sec> 5-1--5-7

Art. II. Reserved

ARTICLE I. IN GENERAL

Sec. 5-1. Animals as a Public Nuisance.

No person, being the owner of or having charge of any animal, including fowl, shall permit it to unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. Any person, being the owner of or having charge of any animal, including fowl, whose animal engages in any of the following activities, shall be deemed in violation of this Chapter:

1. Is repeatedly found at large;
2. Damages the property of anyone other than its owner;
3. Molests or intimidates pedestrians or passers-by;
4. Chases vehicles;
5. Excessively makes disturbing noises, including but not limited to, continued or repeated howling, barking, whining or other utterances causing an unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal or fowl is kept or harbored;
6. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal or fowl is kept or harbored;
7. Causes unsanitary conditions in enclosures or surroundings where the animal or fowl is kept or harbored;
8. Is offensive or dangerous to the public health, safety and welfare by virtue of the number and/or types of animals or fowl maintained; or
9. Attacks other domestic animals or fowl.

(Ord. No.1722-12, <sec> 1, 09-19-2012; Ord. No. 1771-13, <sec> 1, 11-20-2013)

Sec. 5-2. Pooper Scooper.

- (a) It shall be unlawful for any owner or person in control or having custody of any canine to fail to immediately remove the fecal matter of such an animal from:
 - 1. the street, sidewalk, swale, bike path, park area or any other public property;
 - 2. any private property to which the owner or person having custody or control of the canine does not have a legal interest.
- (b) All fecal matter shall be disposed of in a sanitary manner.
- (c) Any person owning or leasing any private property in the City is responsible for maintaining such property in a sanitary condition.
- (d) It shall be unlawful for any person to walk a canine on public property or private property of another without carrying at all times a suitable container or other suitable instrument for removal and disposal of canine fecal matter.
- (e) Enforcement of the provision of this Section shall be through means of citations issued for non-criminal infractions as provided for in Section 5-7 below.
- (f) Any person who violates the provision of this section shall be assessed a civil penalty as follows.
 - 1. A fine of twenty-five dollars (\$25.00) for a first violation;
 - 2. A fine of fifty dollars (\$50.00) for a second violation;
 - 3. A fine of one hundred dollars (\$100.00) for each additional violation.
- (g) This section shall not apply to blind persons accompanied by a guide dog or to a dog used to assist any other physically handicapped person.

(Ord. No. 1468-07, <sec> 1, 03-07-07; Ord. No. 1722-12, <sec>1, 09-19-12)

Sec. 5-3. Livestock and fowl, running at large prohibited.

It shall be unlawful for any person to allow any livestock or fowl to run at large within the corporate limits of the City.

(Ord. No. 1722-12, <sec> 1, 09-19-12)

Sec. 5-4. Birds--City declared sanctuary.

The territory within the corporate limits of the City is hereby declared to be a bird sanctuary.

Section 5-5. Same--injuring or killing prohibited; nests, destroying prohibited.

It shall be unlawful for any person to shoot, kill, maim or injure, in any manner, any bird in the City or to destroy the nest of any bird in the City.

Sec. 5-6. Keeping certain wild animals within City, restricted.

- (a) Designated animals prohibited; proviso. It shall be unlawful for any person to keep or maintain within the corporate limits of the City any elephant, lion, bear or tiger; provided however, that the City Council shall have the authority to issue a permit for the keeping of one (1) elephant as an attraction to, or animal in, a zoo, carnival or wildlife park which may be located in the City limits. Such permit shall prescribe the hours of day the elephant may be maintained within the City limits for this purpose, and shall include any other regulatory restrictions thereon as may be deemed advisable by the City Council. Such permit shall provide for the Charlotte County health officer or one of his subordinates, to have the authority to enter upon the premises where such animal is being kept to determine if all state and local health laws in regard to the keeping of animals are being adhered to, and any applicant for such a permit shall have first obtained the approval of the Charlotte County health department before any such permit may be issued. The permit shall also provide that the City Manager or any City employee designated by him, shall have the authority to enter upon said premises at any time to determine if the hours of day or regulatory restrictions contained in such permit issued by the City Council are being observed and complied with; provided further that such permit may be revoked or regulatory restrictions altered upon twenty-four (24) hours' written notice by the City Manager under instructions by the City Council.
- (b) Other wild animals. It shall be unlawful to keep or maintain within the corporate limits of the City any other wild animals which make loud noises at unusual times and tend to disturb the peace of the City and cause fear and apprehension in the event of their escape, except as the same may be allowed by appropriate zoning; provided however that those above specified in subsection (a) shall not be allowed under any circumstances.

(Ord. No. 254, <sec><sec> 1--3, 4-17-62; Ord. No. 273, <sec> 1, 1-21- 64; Ord. No. 1722-12, <sec> 1, 09-19-12)

Sec. 5-7. Enforcement for violations of this Chapter.

- (a) Enforcement of the provisions of this Chapter shall be through means of citations issued for non-criminal infractions. Such citations may be issued by any police officer or designated code enforcement officer of the City. A citation given to any violator shall specify the violation and the civil penalty therefor and shall notify the violator:
1. That the civil penalty must be paid at the Office of the City Clerk no later

than ten (10) days after the date the citation is issued unless the violation is appealed to the Code Enforcement Board.

2. That a citation may be contested by filing a request for hearing with the Code Enforcement Board Clerk in the Code Compliance Division within ten (10) days after the date the citation is issued.
- (b) Except where specifically provided for within this Chapter, any person violating the provisions of this Chapter shall be deemed guilty of a civil infraction which shall be punishable as follows:
1. For a first offence, the violator will be issued a written warning;
 2. For a second offense, by a fine of one hundred dollars (\$100.00);
 3. For a third offence, by a fine of two hundred fifty dollars (\$250.00);
 4. For any offence after the third offence, by a fine of five hundred dollars (\$500.00) per offense.
- (c) Any person who has timely filed a request for hearing to contest a citation may appear before the City of Punta Gorda Code Enforcement Board to present evidence. The Code Enforcement Board, after hearing, shall make a determination as to whether a violation has been committed and may impose a civil penalty not less than the civil penalty provided for herein. If the Code Enforcement Board finds that a violation has been committed, the Board shall impose reasonable costs of enforcement against the violator. Any person who fails to pay the civil penalty within the time allowed shall be deemed to have violated this Chapter, and appropriate action will be taken.
- (d) Violations of this Chapter are hereby deemed a "public nuisance" and may also be enforced under the provisions of Chapter 9A, Punta Gorda Code.

(Ord. No. 1722-12, <sec> 1, 09-19-2012; Ord. No. 1771-13, <sec> 2, 11-20-2013)

ARTICLE II. RESERVED*

*Editor's note--Ord. No. 766-84, <sec> 1, adopted Sept. 5, 1984, repealed Art. II of Ch. 5 which pertained to dogs and cats, consisted of <sec><sec> 5-8--5-18, and was derived from Ord. No. 146, <sec><sec> 1--5; Ord. No. 161, <sec> 1; Ord. No. 127, <sec> 1, adopted June 2, 1942; Ord. No. 268, <sec><sec> 1, 2, adopted June 18, 1962; Ord. No. 392, <sec><sec> 1--4, adopted March 20, 1973; Ord. No. 495, <sec> 1, adopted June 1, 1977; Ord. No. 604-80, <sec> 1, adopted Oct. 1, 1980.

Secs. 5-8--5-18. Reserved.