

## **Chapter 5 ANIMALS AND FOWL**

Art. I. In General, <sec><sec> 5-1--5-7.1

Art. II. Reserved

### **ARTICLE I. IN GENERAL**

#### **Sec. 5-1. Maintaining in unsanitary condition or so as to disturb peace prohibited.**

It shall be unlawful for any person to keep or maintain any fowl or animal in the corporate limits of the City in any manner so as to create an unsanitary or obnoxious condition or so as to disturb the peace.

Cross reference(s)--Health and sanitation generally, Ch. 11.

#### **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. Such citations may be issued by any City Police Officer and any Code Enforcement Officer of the City. The 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, giving the address of the City Clerk's office;

2. That the appeal must be filed with the Code Enforcement Board Clerk within ten (10) days after the date the citation is issued, in the Code Compliance Division, giving the address of the Code Compliance Division. The Code Enforcement Board Clerk shall provide written notice to the violator of the date of the hearing before the Code Enforcement Board.
  3. Any person who elects to appeal a citation may appear before the City of Punta Gorda Code Enforcement Board to present evidence in support of their appeal. The Code Enforcement Board, after a hearing, shall make a determination as to whether a violation has been committed, and upon a finding that the violator is guilty, shall impose the civil penalty therefor, along with the cost of the appeal in the amount of twenty-five dollars (\$25.00). Any person who receives a citation for a violation of any provision of this section and neither pays the civil penalty nor files a written appeal of the citation within ten (10) days after the date of the citation shall be deemed to have violated this Code. Such violations shall be deemed a separate offence and is punishable pursuant to the provisions of Chapter 9A of this Code.
- 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)

### **Sec. 5-3. Noisy or offensive animals.**

It shall be unlawful for any person to keep, maintain or permit any dog, cat, horse, mule, or any fowl or animal in the City in such manner as to become noisy, offensive or a nuisance to the neighbors or citizens of the City, or to disturb the peace of the City.

Cross reference(s)--Permitting dog or cat to be a nuisance, <sec> 5-16.

### **Sec. 5-4. Livestock, running at large prohibited.**

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

State law reference(s)--Livestock at large, F.S. <sec> 588.12 et seq.

**Sec. 5-5. Fowl, running at large prohibited.**

It shall be unlawful for the owner, keeper, custodian or otherwise, of any domestic fowl of whatever kind or description, to permit such fowl to run at large within the limits of the City, whether the owner thereof lives within or without the corporate limits.

(Ord. of 3-30-15, <sec> 1)

**Sec. 5-6. Birds--City declared sanctuary.**

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

**Section 5-7. 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. 5-7.1. 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.

- (c) Penalty for violation. Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the City jail for a period not exceeding thirty (30) days, or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such hereunder.

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

Editor's note--Ord. No. 254, <sec><sec> 1--3, codified as <sec> 5-7.1, did not expressly amend this Code, hence the manner of codification was at the discretion of the editors. Ord. No. 273, <sec> 1, amended <sec> 1 of Ord. No. 254, codified as <sec> 5-7.1(a), to add the proviso regarding permits for keeping elephants.

## **ARTICLE II. RESERVED\***

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\*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.  
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**Secs. 5-8--5-18. Reserved.**