

TOWN OF FORT MYERS BEACH  
ORDINANCE NO. 96-08

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH ANIMAL CONTROL ORDINANCE; PROVIDING AUTHORITY; TITLE AND CITATION; DEFINITIONS; ESTABLISHMENT OF TOWN POUND; ANIMAL CONTROL ENFORCEMENT AGENCY; PROHIBITIONS AGAINST CRUELTY TO ANIMALS; ADOPTION BY REFERENCE; FLORIDA STATUTES RELATING TO ANIMAL CONTROL, ANIMAL WELFARE AND ANIMAL CRUELTY; MALICIOUSLY HARMING OR KILLING ANIMALS; POISONING ANIMALS; FIGHTING OR BAITING OF ANIMALS; STERILIZATION OF DOGS AND/OR CATS RELEASED FROM ANIMAL SHELTER FACILITY; NUISANCE ANIMALS; MUSCOVY DUCKS NUISANCE; CONCEALMENT OF ANIMALS; PROHIBITING ANIMALS FROM ROAMING AT-LARGE; FAILURE TO EXERCISE CONTROL OVER VICIOUS ANIMALS; FAILURE TO CONFINE FEMALE DOGS AND/OR CATS IN SEASON; OPPOSING AN ANIMAL CONTROL OFFICER, HEALTH OFFICIAL, DAMAGING ANIMAL SHELTER FACILITY, RELEASING ANIMALS; ENFORCEMENT OF VIOLATIONS; REDEMPTION AND DISPOSITION OF IMPOUNDED AND UNWANTED ANIMALS; SCHEDULE OF FEES; PROVIDING FOR THE REPORTING OF PERSONS BITTEN OR SCRATCHED BY ANIMALS AND QUARANTINE OF ANIMALS FOR RABIES OBSERVATION; SURRENDER OF CARCASS OF RABID ANIMAL; LICENSING AND VACCINATION REQUIREMENTS FOR DOGS AND CATS; ISSUANCE OF LICENSE CERTIFICATES AND TAGS FOR DOGS AND CATS; LICENSE FEE; ATTACHMENT OF THE LICENSE TAG TO THE COLLAR OR HARNESS OF DOGS; ISSUANCE OF DUPLICATE TAGS AND TRANSFER OF OWNER; EXCEPTION TO VACCINATION REQUIREMENTS; INSPECTION OF COMMERCIAL ANIMAL ESTABLISHMENTS; DISPOSAL OF DEAD BODIES OF OWNED ANIMALS; ANIMALS IN MOTOR VEHICLES; HUMANE TREATMENT OF ANIMALS; SEVERABILITY; REPEALING CLAUSE; AND EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

SECTION ONE: Authority

This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION TWO: Title and Citation

This Ordinance shall be known and cited as the "Town of Fort Myers Beach Animal Control Ordinance."

**SECTION THREE: Definitions**

For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The words "shall" and "will" are mandatory and not discretionary.

A. **ABANDON** - to give up possession of, to neglect, to refuse to provide for or to perform the obligation for care and support of an animal by its owner or the owner's agent.

B. **AGENCY** - Town of Fort Myers Beach Control Agency.

C. **ANIMAL** - every living non-human dumb creature.

D. **ANIMAL ROAMING AT LARGE** - any animal not under the restraint, confinement or control, whether by voice or leash, of the owner or owner's agent.

E. **ANIMAL CONTROL ENFORCEMENT AGENCY** - an entity composed of persons and officers which has full and complete authority to enforce the provisions, regulations and requirements of this Ordinance and applicable Laws of the State of Florida relating to animal control and cruelty to animals.

F. **ANIMAL SHELTER** - a facility provided by the Town of Fort Myers Beach or the Humane Society for the purpose of impounding animals under the authority of this ordinance or Law of the State of Florida for care, confinement, quarantine, shelter, return to owner, adoption or humane euthanasia.

G. **AUCTION** - any location or facility where animals are regularly bought, sold or traded to the highest bidder except as otherwise defined in this ordinance. This definition does not apply to individual sales of animals by owners.

H. **BAITING** - means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in fights with or among other animals. Additionally "Baiting" means the use of live animals in the training of racing greyhounds.

I. **CITATION** - the form used to cite owners or custodian for any violations of this Ordinance or of the applicable Laws of the State of Florida.

J. **COMMERCIAL ANIMAL ESTABLISHMENT** - any pet shop, animal grooming

shop, flea market, department store, guard dog training facility, auction, riding school, stable, any type of kennel, cattery, circus, or a performing animal exhibition.

K. CRUELTY TO ANIMALS - as defined in section 828.12 Florida Statutes, any act, omission or neglectful behavior whereby unnecessary or unjustifiable pain or suffering is caused to an animal.

L. DOMESTIC ANIMAL - an animal kept for pleasure and/or companionship rather than utility: an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent upon people for food, shelter and survival.

M. EUTHANASIA - The humane killing of an animal that is hopelessly sick, injured or unclaimed. In the case of dogs and cats by injection of sodium pentobarbital as defined in Section 828.058, Florida Statutes.

N. FARM ANIMAL - any animal kept for utility or pleasure, but not used in the preparation of meat.

O. GROOMING SHOP - A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

P. GUARD DOG - any dog that is trained to detect, attack and/or warn that an intruder is present in or near any area that is being secured.

Q. HEALTH DEPARTMENT - Lee County Health Department.

R. HUMANE CAPTURE METHODS - use of control poles, muzzles, nets, humane traps and tranquilizer equipment.

S. HUMANE MANNER - a manner consistent with the physical and behavioral needs of a species: including but not limited to adequate heat, ventilation and sanitary shelter, wholesome food and water consistent with the normal requirements and feeding habits of the animal's size, species and breed to include veterinary care to prevent or cure diseases or suffering from injuries.

T. HUMANE TRAP - a device used to capture animals, that does not cause injury to the animal upon capture or confinement.

U. KENNEL or CATTERY - any premises where animals are kept for profit rather than pleasure, by boarding, grooming, buying, training, selling, letting-for-hire or offering of stud services. Animal hospitals maintained by a Florida licensed veterinarian, shelters operated by tax-exempt Humane Society shelters shall not be considered commercial kennels or catteries.

V. LIVESTOCK - all cattle, calves, sheep, swine, horses, mules,

goats, poultry or any other animals used in and for utility or preparation of meat or meat products.

W. OFFICIAL HEALTH RECORD - a certificate signed by a licensed veterinarian that shows the age, sex, breed, description and health record of a dog or cat and name, address and phone number of the owner or agent of the owner.

X. OWNER - any person, or any person's agent, who owns, keeps, harbors or controls one or more animals for three consecutive days or more.

Y. PERSON - natural person or persons, firm, association, corporation or any other entity, legal or otherwise.

Z. PET SHOP a store, person, partnership, corporation or franchise operation whether operated separately or in connection with another business enterprise that buys, sells or boards any species of animal for a fee or reimbursement.

AA. QUARANTINE - the keeping of an animal in an enclosure approved by the County Health department for a ten day period for rabies observation.

BB. SECURE ENCLOSURE OR RESTRAINT - the restraint of an animal by fence, building, chain, cage, crate or other enclosure that prevents such an animal from running at large.

CC. VETERINARY CARE - medical treatment by a licensed Veterinarian having as its purpose the prevention of disease, suffering and/or injuries.

DD. VICIOUS ANIMAL any animal that attacks, bites, scratches or other wise injures human beings, domesticated or other animals without provocation, or which, because of temperament, conditioning or training has a history of attacking, biting or injuring human beings, domesticated or other animals.

EE. WARNING NOTICE - form used to notify owner or custodian or existing violation of this ordinance.

FF. WILD ANIMAL - any non-domesticated member of the animal kingdom including those born or raised in captivity not dependent upon human beings for survival.

GG. ZOOLOGICAL PARK - any facility operated by a person, partnership, corporation or government agency other than a pet shop or kennel displaying or exhibiting one or more species of animal.

#### SECTION FOUR: Establishment of Town Pound

The Town Council may, by adoption of a resolution, establish,

create, construct, operate or have operated and maintain an animal shelter, to provide animal control services for the Town of Fort Myers Beach. The shelter shall be of adequate size and design for the safe confinement of animals.

**SECTION FIVE: Animal Control Enforcement Agency**

The Town Council may, by adoption of a resolution, establish The Town of Fort Myers Beach Animal Control Enforcement Agency. It shall employ qualified persons who shall be invested with full and complete authority to enforce the provisions, requirements and regulations set forth herein and to discharge the duties of the office. Those persons designated as Animal Control Officers shall have the authority to issue citations and to enforce this Ordinance and the Laws of the State of Florida relating to animals.

**SECTION SIX: Prohibitions Against Cruelty to Animals**

A. It shall be unlawful for any person to inflict pain, suffering, bloodletting or death upon any animal located within the Town of Fort Myers Beach.

B. It shall be unlawful to procure an animal for such purposes.

C. It shall be unlawful for any person to inflict pain, suffering, bloodletting or death of an animal for sacrificial purposes, including consumption during a sacrifice ceremony, and for any person to molest or penetrate any animal or use the body parts of an animal for sexual gratification.

D. No person other than a licensed veterinarian shall crop the ears or tail of any dog.

E. The slaughter of either domestic or wild animals for food purposes (including, but not limited to all lawful hunting activities) is exempt from the provisions of this Section.

**SECTION SEVEN: Adoption by Reference; Florida Statutes Relating to Animal Control, Animal Welfare and Animal Cruelty**

This ordinance hereby adopts by reference, all Laws of the State of Florida relating to Animal Control, Animal Welfare and Animal Cruelty.

**SECTION EIGHT: Maliciously Harming or Killing Animals**

It shall be unlawful for any person to maliciously and intentionally harm or kill any animal for no lawful purpose, or to aid, abet or assist in the malicious harming or killing of said animal. Each such animal so harmed or killed shall constitute a separate offense.

**SECTION NINE: Poisoning Animals**

It shall be unlawful for any person to leave or deposit any poisonous or injurious substance in any common street, alley, lane or thoroughfare of any kind, or in any yard or enclosure for the purpose of inflicting injury or killing an animal.

**SECTION TEN: Fighting or Baiting of Animals**

It shall be unlawful for any person to promote animal fights or animal baiting within the Town of Fort Myers Beach. It shall be unlawful for a person to knowingly own, manage or operate any facility kept or used for the purpose of fighting or baiting any animal to include the promoting, staging, advertising or charging of any admission fee to a fight or baiting between two or more animals, to include the betting or wagering of any money or other valuable consideration on the fighting or baiting of animals or to attend the fighting or baiting of animals.

**SECTION ELEVEN: Sterilization of Dogs and/or Cats Released From Animal Shelter Facility**

No unclaimed dog or cat shall be released for adoption without being sterilized unless the adopter signs a written agreement guaranteeing that such animal will be sterilized within thirty (30) days for adult animals or by a specified future date for pups and kittens. Lee County Animal Control Officers are authorized to issue citations for failure to sterilize any cat or dog adopted from the animal shelter.

**SECTION TWELVE: Nuisance Animals**

A. It shall be unlawful for any owner to fail to care for or control the owner's animals, or to allow them to become a nuisance. For purposes of this ordinance, "nuisance" shall mean: to cause, permit or allow an animal to defecate or urinate upon the sidewalk of any public street or on the property of another or in any public park or beach. The owner of every animal shall be responsible for the removal of any excreta deposited by that animal on public walks, recreation areas or private property or any other place where such excreta deposits may create a nuisance injurious to the public health as defined in Florida Statute Chapter 386.

B. It shall be unlawful to:

(1) permit or allow any animal to make disturbing noises, including, but not be limited to: barking, howling, whining, screeching or other utterances causing unreasonable annoyance, discomfort or disturbance of the peace of persons.

(2) allow any animal to roam at-large.

(3)) to allow any animal to damage the property of anyone other than its owner.

(4) to allow any animal to roam on school grounds or in the area of school vehicles.

(5) to allow any animal to cause unsanitary conditions in enclosures or surroundings where the animal is kept or confined, as determined by the Health Department to be unsanitary.

(6) keep any animals that are offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained.

(7) allow any animal to disturb or turn over any garbage containers.

C. No person shall offer a bounty for the collection or the elimination of any animal determined to be a nuisance under the provision of this ordinance.

#### SECTION THIRTEEN: Muscovy Ducks Nuisance

The Agency and the Health Department are hereby given the authority to declare unsanitary conditions created by Muscovy ducks to be a health nuisance. If a health nuisance is determined to exist, the Animal Control Agency may break the eggs of, may relocate or humanely euthanize Muscovy ducks.

#### SECTION FOURTEEN: Concealment of Animals

It shall be unlawful for any entity to confine, hide or conceal any animal to which it does not have legal title; or any animal which has been involved in a bite or scratch or rabies exposure incident for which formal investigation is pending, unless that entity shall have reported possession of such animal to the Agency within twenty four (24) hours after acquiring possession of the animal or within twenty-four (24) hours after making reasonable attempts to locate its owner.

#### SECTION FIFTEEN: Prohibiting Animals From Roaming At-large

It shall be unlawful for any person owning or having possession, charge, custody or control of any animal, domestic, livestock, farm, wildlife or fowl raised in captivity, to permit or allow the animal to stray, run, go or roam at-large in or upon any public street, sidewalk, school grounds, beaches, parks or on the private property of others without the consent of the owner of such property.

#### SECTION SIXTEEN: Failure to Exercise Control Over Vicious Animals

It shall be unlawful for the owner of any vicious animal, or guard dog to fail to confine such animal in a building or in a secure enclosure. It shall be unlawful for any person to release a vicious animal, either willfully or by failure to exercise due care. Anyone utilizing the service by hire of a guard dog trained to attack an intruder, must post warning signs openly displayed at the entrance to the property. It shall be unlawful for anyone to utilize the services of a guard dog in any food establishment within Lee County. The owner of any animal shall be responsible for all damages to the person of another, the animal of another or the property of another caused by that animal.

**SECTION SEVENTEEN: Failure to Confine Female Dogs and/or Cats in Season**

It shall be unlawful for the owner of any female dog or cat in season to fail to keep such animal confined in a building or secure enclosure, veterinary hospital, or boarding kennel to prevent such dog or cat coming into contact with another dog or cat except for intentional breeding purposes.

**SECTION EIGHTEEN: Opposing an Animal Control Officer, Health Official, Damaging Animal Shelter Facility, Releasing Animals**

It Shall be unlawful for any person to oppose, resist, obstruct or in any manner prevent an Animal Control Officer or health official from performing the officer's duty. It shall also be unlawful to tear down, burn, deface, destroy or otherwise injure any animal shelter or vehicle or to release or remove any animal from the custody of an Animal Control Officer or animal control shelter. Each commission of an assault and/or battery upon an Animal Control Officer or health official shall be deemed a separate offense, punishable in accordance with Florida State Statutes.

**SECTION NINETEEN: Enforcement of Violations**

Animal Control Officers shall have the authority to impound any animal in violation of this ordinance by using recognized capture techniques and methods. Such methods and techniques may include but not be limited to: leashes, control poles, nets, humane traps and tranquilizer equipment. Animal Control Officers shall have the authority to impound any animal found to be cruelly treated. Any animal so impounded may be taken to a veterinarian without the owner's consent for examination. Animal Control Officers, on determining that a violation of this Ordinance has occurred, may issue a citation or warning notice to the owner. The citation criteria set forth in Chapter 828.27, Florida Statutes are hereby adopted.

**SECTION TWENTY: Redemption and Disposition of Impounded and Unwanted Animals**

Any animal impounded under the provision of this ordinance and not redeemed by its owner after three (3) consecutive days shall become the property of Lee County Humane Society. The three (3) day period does not apply to sick, injured, diseased or wild animals regulated by state wildlife agencies and may be extended at the discretion of the Agency pending notification of owner. The Agency may utilize the services of a veterinarian to treat sick, injured or diseased animals. The owner shall be responsible for all such costs incurred.

Any person seeking to redeem or reclaim an animal impounded under the provisions of this ordinance shall pay the impoundment fees, boarding fees, license fees and all other fees resulting from impounding and caring for the animal. Any animal to be released from the pound, must have a prior license or a license must be obtained by the owner. Upon payment of the license fee, the animal will be released to its owner or assignee, who then must have the animal vaccinated for rabies by a licensed veterinarian. The certificate of vaccination must be returned to the Animal Control Enforcement Agency within seven days (or a specified date for puppies or kittens) as a prerequisite to issuance of the license.

An owner whose animal has been impounded for a second time within one year may be charged a double impoundment fee. The Animal Control Officer is hereby given the authority to issue citations for mandatory appearance in court in subsequent impoundment violations.

When the ownership of an animal is deemed questionable the Animal Control Enforcement Agency shall require proof of ownership. Proof of ownership may include license receipt, veterinary records, affidavits from neighbors, photographs or other reliable documentary evidence.

#### SECTION TWENTY ONE: Schedule of Fees

The schedule of fees is set forth as follows:

Impoundment fees:	Dog	\$25.00
	Cat	\$10.00
	Livestock/Farm	\$25.00
	Misc./Small	\$ 5.00
	Vicious animals	\$50.00
Quarantine fee:	For all animals	\$50.00
Non-impoundment Pickup fee	All	\$10.00
Board per Diem:	Dog	\$ 4.00
	Cat	\$ 3.00
	Livestock/Farm	\$ 5.00
	Misc./Small	\$ 2.00

**SECTION TWENTY TWO: Providing for the Reporting of Persons Bitten or Scratched by Animals and Quarantine of Animals for Rabies Observation**

Any dog or cat that bites or scratches a person shall be impounded by Animal Control and held in quarantine for a minimum period of ten (10) days from the date of bite or scratch, for rabies observation at the Animal Control shelter or a veterinary clinic in Lee County. Information regarding the animal's description, current rabies vaccination date, owner's name, address and telephone number; the address and telephone number of person bitten or scratched and location of wound shall be reported to the Health Department. If the dog or cat has a current rabies vaccination and a current license, the Animal Control Officer, with the approval of the Health Department, may allow the animal to be quarantined at home if and only if the animal has not bitten someone previously. It shall be a violation of this ordinance for any person to refuse to surrender a ny dog or cat for quarantine. Any dog or cat t ha t dies or is humanely euthanized while under quarantine shall be decapitated without mutilation and the head sent to the State Board of Health for pathological examination. All other animals (except dogs or cats) which bite or scratch a person shall not be quarantined, but shall be impounded until instructed by the Health Department as to its disposition.

It is a violation of this Ordinance for anyone to kill or remove from Lee County, Florida, without the express written consent of the Health Department, any of the following:

1. any rabid animal:
2. any animal suspected of rabies, any other infectious or contagious disease:
3. any animal exhibiting unusual behavior:
4. any animal which scratches or bites a person, or
5. any animal under quarantine.

Whoever does so, shall be guilty of a misdemeanor in the second degree, for each separate offense, and be subject to the maximum fine as prescribed by State Law.

**SECTION TWENTY THREE: Surrender of Carcass of Rabid Animal**

Any person who, upon demand, does not surrender the carcass of any dead animal exposed to rabies to the Lee County Health Department, shall be guilty of a misdemeanor of the second degree, for each separate offense.

**SECTION TWENTY FOUR: Licensing and Vaccination Requirements for**

## Dogs and Cats

Every person who owns, keeps or harbors, within the Town of Fort Myers Beach, any dog or cat over the age of four (4) months must have the animal licensed. No license shall be issued unless the dog or cat has been vaccinated against rabies and has a certificate of vaccination issued by a licensed veterinarian. Such license and vaccination certificate shall be valid for one year from date of issue. The license certificate shall have printed thereon an identification number together with the date, type of vaccine administered, the veterinarian who administered the vaccine, the name of the person issuing the license, the name address and telephone number of the owner, the breed, age, sex, color and markings of the animal, whether the animal has been spayed or neutered and any other features which may help identify the animal.

Failure to properly license any dog or cat as outlined above shall be a violation of this Ordinance, and shall constitute a misdemeanor of the second degree.

Seasonal non-resident owners of animals who reside in Lee County for less than ninety (90) days per year are exempt from the license requirement providing they have a receipt showing a current rabies vaccination no more than one year old.

### SECTION TWENTY FIVE: Issuance of License Certificates and Tags for Dogs and Cats

Upon payment of the fee and submittal of a certificate of rabies vaccination, a license may be issued. Each animal so licensed shall be issued a (1) license certificate and a (2) metallic license tag. Such tag shall be impressed with a license identification number which corresponds to the number on the license certificate. No license identification tag issued for one animal shall be considered valid for any other animal. The license certificate and tag may be issued by the Agency or any licensed practicing veterinarian in Lee County. Certificates shall be executed in triplicate, a copy of the license certificate shall be given to the owner, one to the Animal Control Department and one to the veterinarian.

### SECTION TWENTY SIX: License Fee

The Town of Fort Myers Beach License fee is hereby established to be four dollars and fifty cents (\$4.50), which may be changed by resolution of the Town Council from time to time. The fee is payable to the authorized agency or the authorized veterinarian. License fees are not required for certified seeing-eye leader dogs, hearing dogs, governmental police dogs, or other certified dogs trained to assist the physically handicapped, but such animals must be licensed and must have received their rabies vaccination.

**SECTION TWENTY SEVEN: Attachment of the License Tag To The Collar or Harness of Dogs**

The metallic license tag must be attached to the collar or harness of all dogs, which tag must be worn at all times. Dogs participating in dog shows, while hunting, while in training, or while participating in sporting events are exempt from this provision. However, the owner shall have in the owner's immediate possession the dog's license tag at all times when the dog is not wearing its collar. No one is permitted to remove the collar and/or tag of an animal for the purpose of preventing or falsifying the identity of the animal.

Cats are specifically exempt from the wearing of a collar for the display of the license tag.

**SECTION TWENTY EIGHT: Issuance of Duplicate Tags and Transfer of Owner**

A duplicate license may be issued if the original is lost or destroyed. The charge for a duplicate tag is one dollar (\$1.00). If a change of ownership of a dog or cat occurs during the license year, the new owner may have the license transferred upon the payment of a transfer fee of one (\$1.00) dollar.

**SECTION TWENTY NINE: Exception to Vaccination Requirements**

No dog or cat shall require rabies vaccination if a licensed veterinarian has examined the animal and certified that vaccination would endanger its health. A license will be issued by the Agency upon presentation of an explanatory letter from the veterinarian and payment of the fee.

**SECTION THIRTY: Inspection of Commercial Animal Establishments**

The Animal Control Officer shall have the authority to inspect any commercial animal establishment in Lee County for the purpose of ascertaining violations of this ordinance or of Florida State Statutes as to cruelty to animals. No person or commercial animal establishment shall display, sell, offer for sale or give away any breed of animal with a recorded propensity toward rabies, for which there is no American Veterinary Medical Association approved rabies vaccination available.

**SECTION THIRTY ONE: Disposal of Dead Bodies of Owned Animals**

Upon the death of animal, the owner shall be responsible for disposing of the carcass by burial at least two (2) feet below the surface of the ground. The alternative method of disposal of cremation at an approved licensed crematory is authorized. Nothing in this section prohibits the disposal of animal carcasses to rendering companies licensed to do business in this State. It

is unlawful to dispose of the carcass of any domestic animal by dumping the carcass on public property, road or right-of-way, pursuant to Section 823.041, Florida Statutes.

#### SECTION THIRTY TWO: Animals In Motor Vehicles

The operator of a motor vehicle shall not place or confine an animal, nor allow an animal to be placed or confined in an unattended motor vehicle without sufficient ventilation Under conditions Which may endanger the health or well-being of the animal due to heat, lack of water or any other circumstances which may cause suffering, disability or death. Any Animal Control Officer or law enforcement officer who observes an animal in a motor vehicle in obvious distress may enter the motor vehicle by any means necessary, to remove and impound the animal or take the animal to a veterinarian if necessary. If the owner of said animal cannot be contacted, the Animal Control Officer Or law enforcement officer shall leave in a prominent place in Or up on the vehicle, a written notice as to the reason for r e m o v a l of the animal. Both the owner Of the animal and the owner of the motor vehicle are responsible for the costs incurred as the result of this authorized action.

#### SECTION THIRTY THREE: Humane Treatment of Animals

A. It is unlawful for any person to dye or artificially color any animal or fowl, including but not limited to rabbits, baby chickens and ducklings, or to bring any dyed or colored animal or fowl into this Town.

B. It is unlawful for any person to sell, offer for sale, or give away as merchandising premiums, baby chickens, ducklings, or other fowl under 4 weeks of age, or rabbits under 2 months of age to be used a pets, toys or retail premiums.

C. Any person violating the provisions of this section shall upon conviction be guilty of a misdemeanor of the second degree. punishable as provided for in Florida Statutes 775.082 or 775.083.

#### SECTION THIRTY FOUR: Severability

If any one of the provisions of this ordinance should be held contrary to any express provision of law of contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever beheld invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance , and in no way affect the validity of all other provisions of this ordinance.

#### SECTION THIRTY FIVE: Repealing Clause

All ordinances or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

SECTION THIRTY SIX: Effective Date

This ordinance shall become effective September 30, 1996.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member ISLER and seconded by Council Member Fitzsimons and, upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
William (Rusty) Isler	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 1st day of July, 1996.

ATTEST:

By: Marsha Segal-George  
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By: Anita T. Cereceda  
Anita T. Cereceda, Mayor

Approved as to form by:

Richard V.S. Roosa  
Richard V.S. Roosa, Town Attorney