



# Town Council Agenda Report

**SUBJECT:** Ordinance

**TITLE OF AGENDA ITEM:** An Ordinance of the Town of Davie, Florida, amending Section 4-67 of Article IV of the Town Code, entitled "Owner's duty when dog bites a human or is bitten by another animal", providing for severability; and providing an effective date.

**REPORT IN BRIEF:** The Police Department is requiring the modification to the existing ordinance to allow a law enforcement officer to take an animal into custody.

**PREVIOUS ACTIONS:** Ordinance 99-2

**CONCURRENCES:** The ordinance has been reviewed by the Town Attorney.

**FISCAL IMPACT:**

Is appropriation required?                      no

**RECOMMENDATION(S):** Motion to approve the ordinance

**Attachment(s):**

Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 4-67 OF ARTICLE IV OF THE TOWN CODE, ENTITLED "OWNER'S DUTY WHEN DOG BITES A HUMAN OR IS BITTEN BY ANOTHER ANIMAL"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town wishes to modify its existing ordinance regarding dogs so as to be able to better enforce the regulation of dogs so as to protect the public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That Section 4-67 of Article IV of the Code of the Town of Davie is hereby amended to read as follows:

**Sec. 4-67. Owner's duty when dog bites a human or is bitten by another animal.**

(a) ~~If a dog which has been vaccinated for rabies during the previous 12 months bites any human being, the owner of such animal shall confine the animal at home within the dwelling place or chained on the premises for a period of 10 days or in the alternative may confine the animal at a veterinary hospital, dog pound or humane animal shelter for that period of time.~~ If a dog bites any human being and the owner of the dog provides proof that the dog has been vaccinated for rabies during the previous 12 month period, the owner of such animal shall confine the animal at home within the dwelling place or chained on the premises for a period of 10 days, or in the alternative, may confine the animal at a veterinary hospital, dog pound, or humane animal shelter for that period.

(b) ~~If a dog which has not been vaccinated for rabies during the previous 12 months bites any human being, the owner of such animal shall confine the animal at a veterinary hospital, dog pound or humane animal shelter for a period of 10 days. If such unvaccinated dog bites another animal, the owner of such unvaccinated dog shall confine the dog for a period of 10 days as provided in (1) above. In either event, the owner shall cause the dog to be vaccinated against rabies upon termination of the confinement period or within 10 days thereafter.~~ If a dog bites any human being and the owner of the dog is unable to provide proof that the dog has been vaccinated for rabies during the previous 12 month period, a law enforcement officer is authorized to take the animal to a veterinary hospital, dog pound or humane animal shelter for a period of 10 days for confinement and the owner of the dog shall be responsible for all costs associated with the confinement including any necessary vaccinations. In the event the owner of the dog provides proof of vaccination within the 10 day period of confinement, the dog may be released to the owner provided that the owner agrees to confine the animal at home within the dwelling place or chained on the premises for the remainder of the prescribed confinement period.

(c) If a dog which has not been vaccinated for rabies during the previous 12 month period bites any human being, the owner of such unvaccinated dog shall confine the animal at a veterinary hospital, dog pound or humane animal shelter for a period of 10 days. In the event the owner fails to confine the dog or refuses to do same, a law enforcement officer is authorized to take the animal to a veterinary hospital, dog pound or humane animal shelter for a period of 10 days for confinement and the owner of the dog shall be responsible for all costs associated with the confinement including any necessary vaccinations. In either event, the owner shall cause the dog to be vaccinated against rabies upon termination of the confinement period or within 10 days after.

(d) If a dog bites any human being and the owner of the dog fails to provide proof that the dog has been vaccinated during the previous 12 month period and the owner is incapacitated, a law enforcement officer is authorized to take the animal to a veterinary hospital, dog pound, or humane animal shelter for a period of 10 days confinement and the owner of the dog shall be responsible for all costs associated with the confinement including any necessary vaccinations. In the event the owner of the dog provides proof of vaccination within the 10 day period of confinement, the dog may be released to the owner provided that the owner agrees to confine the animal at home within the dwelling place or chained on the premises for the remainder of the prescribed confinement period.

~~(d)~~ (e) If any dog is bitten by an animal diagnosed by a veterinarian as rabid, the dog shall be immediately and humanely destroyed. If any dog is bitten by an animal and the other animal is not available for rabies examination, or if the dog is exposed to, but not bitten by, an animal diagnosed by a veterinarian as rabid, the owner shall observe the dog for a period of 1 year and report any change in behavior or mannerisms of the dog to the animal control officer and to a veterinarian.

~~(d)~~ (f) If a dog dies during any 10-day confinement period prescribed herein, the owner shall immediately notify the animal control officer and the county health officer, if the confinement was for biting a human being, or the animal control officer and a veterinarian, if the confinement was for biting another animal. In either case, the owner shall make the remains available for rabies examination as may be directed or required. If a dog dies during any 10-day confinement period prescribed herein, the veterinary hospital, dog pound or animal shelter shall immediately notify the owner and all appropriate agencies or persons, and shall make the remains available for rabies examination as may be directed or required. The owner of the dog shall be responsible for all costs associated with the confinement and/or examination.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1999.

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1999.

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MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1999.