

CHAPTER 3

ANIMALS AND FOWL

- Article I. Brevard County Animal Control Act, S 3-1
Article II. Supplemental Town Regulations, S 3-2--3-9

ARTICLE I. BREVARD COUNTY ANIMAL CONTROL ACT

SECTION 3-1. BREVARD COUNTY ANIMAL CONTROL ACT. The Brevard County Animal Control Act (Chapter 4), as amended from time to time, is hereby adopted by reference by the Town of Melbourne Village and made applicable to all areas of the Town. A copy of the Brevard County Animal Control Act is to be at all times on file in the office of the Town Clerk. (Ord. No. 83-2, S.1 & S.2, 05/24/83) (Ord. No. 90-2, S.1 02/27/90)

ARTICLE II. SUPPLEMENTAL TOWN REGULATIONS

SECTION 3-2. BIRD SANCTUARY: PROHIBITED ACTS.

- (a) The entire area embraced within the corporate limits of the Town is designated as a bird sanctuary. No person shall trap, shoot, hunt or attempt to shoot or molest in any manner any bird or wild fowl, or to rob bird nests or wild fowl nests.
- (b) The prohibition against any of the above acts is cited in Section 4-33 of the county code and is enforced by the county.
- (c) The use of weapons or firearms in the execution of any of the prohibited acts constitutes a separate and additional offense as cited in Section 12-22, Weapons and Firearms, of the Town Code, and is enforced by the Town Police.

(Ord. No.83-2, S.5, 05/24/83)

SECTION 3-3. KEEPING ANIMALS. It shall be the responsibility of any person who owns, keeps or harbors any animal, as defined in Article I, Section 4-1 of this chapter, to prevent such animal, or the keeping of such animal, from creating a nuisance for any other person. Acts that create a nuisance are those that: allow offensive odors which may originate from the keeping of animals to invade neighboring property, or allow an objectionable insect population to develop as a result of keeping animals, or acts that are in violation of Article I, Section 4-28 of this chapter. Violation of this section is punishable as provided in Article II, Section 3-8 of this chapter. (Ord. No. 83-2, S.6, 05/24/83)

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SECTION 3-4. KENNEL DEFINITION. Kennel shall mean any business enterprise where dogs or cats are kept for sale or fee, breeding or treatment purposes. (Ord. No. 83-2, S.6, 05/24/83)

SECTION 3-5. KENNEL RESTRICTIONS. It shall be prohibited to maintain a kennel as defined in Section 3-4 of this chapter within the Town of Melbourne Village. (Ord. No. 83-2, S.8, 05/24/83)

SECTION 3-6. COMPLAINTS FOR VIOLATIONS.

(a) Complaints of alleged violations of any provision of the County Animal Control Act as cited under Article I of this chapter shall be governed pursuant to Section 4-46, County Code.

(b) Complaints of alleged violations of any provision of Supplemental Town Regulations cited under Article II of this chapter shall be investigated by the Town police officer to determine if there is probable cause to believe a violation occurred. If the officer concludes that such probable cause does exist, he shall enforce the regulations pursuant to Section 3-7.

(c) Any violation of this chapter witnessed by a police officer shall be sufficient cause for: (a) Notifying the County animal control officer of violations of the County Animal Control Act; or (b) issuing a notice of violation to the person responsible for the violation of any Supplemental Town Regulation, pursuant to Section 3-7.

(Ord. No. 83-2, S.11, 05/24/83)

SECTION 3-7. ENFORCEMENT.

(a) The county animal control officer shall be responsible for enforcing the provisions of the County Animal Control Act as set forth under Article I of this chapter.

(b) The Town police shall be responsible for enforcing the provisions of the Supplemental Town Regulations as set forth under Article II of this chapter. in the event of a violation of such provisions the police officer shall issue a citation to the person responsible for the violation. The citation shall state the date and time of the issuance, the name and address of the person causing the violation, a description of the nature of the violation and a demand that the offense be abated within seventy-two (72) hours after the issuance of the citation. If that person should fail to abate the offense the police shall file a complaint against the person with the state attorney's office located in Brevard County.

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(Ord. No. 83-2, S.12, 05/24/83)

SECTION 3-8. PENALTIES. Any person violating or deemed in violation of any provision of this chapter shall be guilty of a misdemeanor and punished by a fine of not more than five-hundred dollars (\$500.00) or by not more than sixty (60) days imprisonment in the county jail, or by both fine and imprisonment. Each day or fraction thereof shall be considered a separate offense. Provided, however, that where said person has been cited pursuant to Section 4-47 of the County Code or Section 3-7 (b) of the Supplemental Town Regulations of this chapter, this Section shall not be applicable until the expiration of the seventy-two (72) hour period prescribed on the citation. (Ord. No. 83-2, S.13, 05/24/83)