

ORDINANCE NO. 80-9

An Ordinance to be Known as the Hernando County Animal Control Ordinance; Replacing and Repealing Ordinance No. 77-4 in its Entirety; Providing for Definitions; Providing for the Application for and Issuance of Permits for Commercial Animal Establishments; Providing for License and Permit Revocation; Providing Rules and Regulations for the Restraint of Animals; Providing for the Giving of Notice to Animal Owners of Impoundment and Violation; Providing for the Humane Care and Treatment of Animals; Prohibiting Keeping Wild Animals and Providing for Exceptions; Regulating Performing Exhibitions; Requiring the Removal of Animal Waste by the Animal Owner; Providing for Enforcement; Providing for Conflicting Ordinances and Severability; Requiring Annual Rabies Vaccinations for Dogs and a Certificate of Proof and Tag; Levying a Fine for Lack of Proof of Vaccination; Requiring the Board of County Commissioners to Provide a Suitable Enclosure for the Impoundment of Animals; Providing for the Redemption and/or Disposition of Impounded Animals within Seven Days after Impoundment; Requiring Notification of a State Health Officer when a Dog has been Bitten by Another Animal; Providing for an Effective Date

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. Definitions. As used in this Ordinance, the following terms mean:

- A. Animal: Any live, vertebrate creature, domestic or wild.
- B. Animal Shelter: Any facility operated by a Humane Society or municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this Ordinance or State law.
- C. Auctions: Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this Ordinance. This Section does not apply to individual sales of animals by owners.
- D. Circus: A commercial variety show featuring animal acts for public entertainment.
- E. Commercial Animal Establishment: Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, kennel or cattery.
- F. Grooming Shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.
- G. Humane Officer: Any person designated by the State of Florida, a municipal government, or a Humane Society as a law enforcement officer who is qualified to perform such duties under the laws of this State.

FILED  
SEP 29 4 15 PM '80  
SECRETARY OF STATE

H. Kennel: Any premises wherein any person is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs.

I. Cattery: Any premises wherein any person is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling cats.

J. Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for five consecutive days or more.

K. Performing Animal Exhibition: Any spectacle, display, act, or event other than circuses, in which performing animals are used.

L. Pet: Any animal kept for pleasure rather than utility.

M. Pet Shop: Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise except for a licensed kennel or cattery that buys, sells, or boards any species of animal.

N. Public Nuisance: Any animal or animals which:

1. Molests passersby or passing vehicles
2. Attacks other animals
3. Trespasses on school grounds
4. Is repeatedly at large
5. Damages private or public property
6. Barks, whines, or howls in an excessive, continuous, or untimely fashion

7. It shall also be considered a public nuisance when the keeping of dogs and cats results in an offensive odor because of failure of owner to clean the premises.

O. Restraint: Any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

P. Riding School or Stable: Any place which has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule or burro.

Q. Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

R. Vicious Animal: Any animal or animals that constitute a physical threat to human beings or other animals.

S. Wild Animal: Any live monkey (non-human primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warmblooded animal which can normally be found in the wild state.

T. Zoological Park: Any facility other than a pet shop, kennel, or cattery, displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation, or Governmental Agency.

SECTION 2. Licensing.

A. Any person owning, keeping, harboring, or having custody of any dog or cat over four months of age within this County must obtain a license as herein provided. This provision shall not apply to the keeping of small cage birds or aquatic and amphibian animals solely as pets.

B. Application for licenses shall be made to the Hernando County Board of County Commissioners, which shall include name and address of applicant, description of the animal, the appropriate fee, and rabies certificate issued by a licensed veterinarian or anti-rabies clinic.

C. If not revoked, licenses for the keeping of dogs and cats shall be for a period of up to one year.

D. Application for a license must be made within thirty days after obtaining a dog or cat over four months of age, except that this requirement will not apply to a non-resident keeping a dog or cat within the County for no longer than sixty days.

E. License fees shall not be required for Seeing Eye Dogs or Governmental police dogs.

F. Upon acceptance of the license application and fee, the Hernando County Board of County Commissioners shall issue a durable tag or identification collar stamped with an identifying number and the year of issuance.

G. Dogs and cats must wear identification tags, collars, or any other appropriate means of identification at all times when off the premises of the owner.

H. The Hernando County Board of County Commissioners shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

I. The licensing period shall extend for twelve (12) months from the date of issuance. Application for licenses may be made thirty days prior to, and up to thirty days after the expiration of the licensing period.

J. Persons who fail to obtain a license as required within the time period specified in this Section may be subjected to a fine of \$10.00. There will be a thirty-day grace period for renewal of a license at the end of the twelve-month licensing period.

K. A license shall be issued after payment of a \$3.00 fee.

L. No person may use any license for any animal other than the animal for which it was issued.

### SECTION 3. Permits.

A. No person, partnership, or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this Section.

B. The Hernando County Board of County Commissioners shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this Ordinance and other applicable laws. The Hernando County Board of County Commissioners may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

C. Upon a showing by an applicant for a permit that he is willing and able to comply with the regulations promulgated by the Hernando County Board of County Commissioners, a permit shall be issued upon payment of the applicable fee.

D. The permit period shall begin with the Fiscal Year and shall run for one year. Renewal applications for permits shall be made thirty days prior to, and up to sixty days after, the start of the Fiscal Year. Application for permits to establishment under the provisions of this Ordinance may be made at any time.

E. If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a \$1.00 transfer fee.

F. Annual permits shall be issued upon payment of the applicable fee:

1. For each kennel .....\$10.00
2. For each cattery.....\$10.00
3. For each pet shop.....\$10.00
4. For each riding stable.....\$10.00
5. For each auction.....\$10.00
6. For each zoological park.....\$10.00
7. For each grooming shop.....\$10.00

G. Every facility regulated by this Ordinance shall be considered a separate enterprise and will require an individual permit.

H. Persons operating kennels and/or catteries for the breeding of dogs or cats may elect to license such animals individually.

I. No fee may be required by any Veterinary Hospital, animal shelter operated by a non-profit Humane Organization or Government-operated zoological park.

J. Failure to obtain a permit before opening any facility covered in this Section shall result in a fine of \$10.00.

K. Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made.

SECTION 4. License and Permit Issuance and Revocation.

A. The Hernando County Board of County Commissioners may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this Ordinance, the regulations promulgated by the Hernando County Board of County Commissioners, or any law governing the protection and keeping of animals.

B. Any persons whose permit or license is revoked shall, within ten days thereafter, humanely remove all animals in violation owned, kept, or harbored by such person, and no part of the permit or license fee shall be refunded.

C. It shall be a condition of the issuance of any permit or license that the Hernando County Board of County Commissioners shall be permitted to inspect all animals and the premises where animals are kept at any time, provided said Board shall have probable cause to believe that some provision of this Ordinance is being violated and shall, if permission for such inspections is refused, revoke the permit or license of the refusing owner.

D. If the applicant has withheld or falsified any information on the application, the Hernando County Board of County Commissioners shall refuse to issue a permit or license.

E. No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.

F. Any person having been denied a license or permit may not reapply for a period of thirty days. Each reapplication shall be accompanied by a \$10.00 fee.

SECTION 5. Restraint.

A. All dogs shall be kept under restraint.

B. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

C. Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal, except for planned breeding.

D. Every vicious animal, as determined by the Hernando County Board of County Commissioners, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of the owner.

E. Dogs, while being used for hunting purposes, are exempt from this section and may be permitted to run freely for training or hunting purposes:

1. While being accompanied or under supervision of owner or agent, provided that dog and hunter have permission of landowner to be on the property.
2. Provided, however, if such hunting dogs are impounded under the provisions of this Ordinance, and at the time of such impoundment said hunting

dogs have a valid dog tag upon a collar, which carries identification of the owner, his address, and telephone number, the Impounding Officer shall notify such owner of impoundment, and if such owner shall redeem such hunting dog within forty-eight (48) hours of such notice, and produce a current valid State-wide hunting license, there shall be no charge of board nor impounding fees nor any other amount whatsoever.

SECTION 6. Impoundment and Violation Notice.

A. Unrestrained dogs and nuisance animals shall be taken by the Police, Animal Control Officers, or Humane Officers and impounded in an animal shelter or other suitable quarters, and there confined in a humane manner.

B. Within ten days after the impoundment of a nuisance animal, a court hearing shall be held to determine the disposition of the animal.

C. Impounded dogs and cats shall be kept for not less than seven calendar days.

D. If by a license tag or other means, the owner of an impounded animal can be indentified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone and/or mail.

E. An owner reclaiming an impounded cat shall pay a fee of \$5.00, plus \$1.00 for each day the animal has been impounded; provided, however, that the fee for cats under four months of age shall be \$1.00, plus \$.50 for each day the cat has been impounded.

F. The owner reclaiming an impounded dog shall pay a fee of \$5.00, plus \$1.00 for each day the animal has been impounded; provided, however, that the fee for dogs under four months of age shall be \$1.00, plus \$.50 for each day the dog has been impounded.

G. Any animal not reclaimed by its owner within seven calendar days shall become the property of the local Government authority or Humane Society, and shall be placed for adoption in a suitable home or humanely euthanized.

H. In addition to, or in lieu of, impounding an animal found at large, the Animal Control Officer, Humane Officer, or Police Officer may issue to the known owner of such animal a notice of Ordinance violation. Such notice shall impose upon the owner a penalty of \$10.00, which may, at the discretion of the animal owner, be paid to any agency designated by the Hernando County Board of County Commissioners within 72 hours in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a criminal warrant shall be initiated before a magistrate, and upon conviction of a violation of this Ordinance, the owner shall be punished as provided in Section 12 of this Ordinance.

I. The owner of an impounded animal may also be proceeded against for violation of this Ordinance.

J. The Hernando County Board of County Commissioners shall review automatically all licenses issued to animal owners against whom three or more Ordinance violations have been assessed in a twelve-month period.

SECTION 7. Animal Care.

A. No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

B. No person shall beat, ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

C. No owner of an animal shall abandon such animal.

D. No person except a licensed veterinarian shall crop a dog's ears.

E. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained or located, such operator shall at once report the accident to the appropriate law enforcement agency, local Humane Society, or other humane Organization.

F. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.

SECTION 8. Keeping of Wild Animals.

A. No person shall keep or permit to be kept on his premises any wild or vicious animal for display or other exhibition purposes, whether gratuitously or for a fee. This Section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

B. No person shall keep or permit to be kept any wild animal as a pet.

C. The Hernando County Board of County Commissioners may issue a temporary permit for the keeping, care, and protection of an infant wild animal native to this area which has been deemed to be homeless.

D. The Board of County Commissioners shall have the power to release or order the release of any infant wild animal kept under temporary permit which is deemed capable of survival.

E. In the event of any conflict of State Law regarding the keeping of animals, State law will prevail.

SECTION 9. Performing Animal Exhibitions.

A. No performing animal exhibition or circus shall be permitted in which animals are induced and encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or will be likely to cause, physical injury or suffering.

B. All equipment used on a performing animal shall fit properly and be in good working condition.

SECTION 10. Animal Waste. The owner of every animal shall be responsible for the removal of any excreta deposited by his animal (s) on public walks, recreation areas, or private property.

SECTION 11. Enforcement. The civil and criminal provisions of this Ordinance shall be enforced by those persons or agencies designated by the County. It shall be a violation of this Ordinance to interfere with a Humane Officer in the performance of his duties.

SECTION 12. Penalties. Any person violating any provision of this Ordinance shall be deemed guilty of a separate violation, punishable as provided by law for violation of County ordinance. If any person is found guilty by a Court of violating Section 8, his permit to own, keep, harbor, or have custody of animals shall be deemed automatically revoked and no new permit may be issued.

SECTION 13. Conflicting Ordinances. All other Ordinances that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 14. Severability Clause. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of the Ordinance.

## PART II

SECTION 1. Whenever used in Part II of this Ordinance, unless a contrary intention is clearly evident:

A. The term "dog" means and includes all members of the canine family four (4) months or more of age.

B. The term "owner" means and includes any person having a right of property in the dog, or who keeps or harbors a dog, or who has it in care, or acts as its custodian or who permits a dog to remain on or about any premises occupied or controlled by him.

C. The term "vaccination against rabies" means the injection of a canine anti-rabies vaccine approved by the State Veterinarian and administered in an amount and manner approved by the State Board of Health.

D. The term "him" or "his" means any person, and includes females as well as males, and includes the plural as well as the singular.

SECTION 2. From and after the effective date of this Ordinance, it shall be unlawful for any person to own any dog in Hernando County unless the dog has been licensed under the provisions of Part I of this Ordinance.

SECTION 3. Annually, every owner of a dog shall cause such a dog to be vaccinated against rabies by a licensed veterinarian. Evidence of vaccination shall consist of a certificate signed by the person administering the vaccine and containing pertinent data for identification of the dog. One (1) copy of the certificate shall be given to the owner, one (1) filed with the Hernando County Board of County Commissioners, and one (1) retained by the person administering the vaccine.

SECTION 4. Coincident with the issuance of the certificate of inoculation, as prescribed in the preceding Section, the person administering the vaccine shall issue a metal serially numbered tag to be attached to the collar or harness of the dog and which must be worn at all times. The shape of this tag shall be changed each year. This tag shall be in addition to the license tag.

SECTION 5. The owner of any dog found running at large and not licensed or wearing evidence of vaccination and for which no approved certificate of vaccination can be produced, shall be subject to a fee of not more than Twenty-five Dollars (\$25.00) in addition to the fee prescribed for vaccination.

SECTION 6. It shall be the duty of the Board of County Commissioners of Hernando County to provide a suitable enclosure for the impounding of all dogs found running at large in violation of this Ordinance. When any dog is impounded by the Impounding Officer or his deputy, it shall be held for at least seven (7) days during which the owner shall be notified if possible.

SECTION 7. When any dog has been impounded, for failure to be vaccinated and licensed under the provisions of this Ordinance and due notice has been given to the owner, as set forth above, it shall be disposed of or humanely dispatched when not redeemed within seven (7) days. Any impounded dog may be redeemed by a humane society or any other reputable person, providing the owner fails to redeem the animal. Any humane society shall have the privilege of dispatching unredeemed dogs, if it so elects, and is so authorized by the Impounding Officer. Impounded dogs may be redeemed by the payment of the vaccination fee, board during the period of which impounded, a fee of Five Dollars (\$5.00) and procurement of a proper license as provided herein.

SECTION 8. When any dog, whether vaccinated or not, has been bitten by another animal or exhibits symptoms suggestive of rabies, the owner or the veterinarian attending such dog shall immediately notify the State Public Health Officer or his representative. The dog shall be confined under suitable observation for a period of sixty (60) days or until officially released by the State Board of Health.

SECTION 9. Veterinarians, physicians, dog owners, or any other person having knowledge that any animal or person has been bitten by a dog suspected of having rabies shall report same immediately to the State Health Officer or his duly authorized representative. The dog or other animal shall be confined in suitable and adequate quarters for a period of fourteen (14) days to maintain quarantine, or until the State Board of Health authorizes release. Any expense incurred in handling the dog during this period shall be borne by the owner of the dog.

SECTION 10. This Ordinance shall not apply to any incorporated municipality within Hernando County which has ordinances complying in general with the requirements of this Ordinance, and shall not limit the power of any municipality to institute and require additional control measures and regulations within such municipality.

SECTION 11. Nothing in this Ordinance shall be held to limit the authorities, duties, and responsibilities of the State Board of Health Officer and duly qualified agencies as defined by Statute.

SECTION 12. If any part of this Ordinance be declared unconstitutional, the remainder hereof shall be unaffected.

SECTION 13. All laws or parts of laws in conflict are repealed.

SECTION 14. Chapter 67-1450 of Laws of Florida, as a Special Act pertaining to Hernando County, Florida, is hereby repealed pursuant to the authority of Chapter 71-29 of the Laws of Florida.

SECTION 15. This Ordinance shall take effect immediately upon becoming a law.

ADOPTED in Regular Session this 26<sup>th</sup> day of August,

1980.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

By John H. Wagner  
JOHN H. MAGNER, CHAIRMAN

Attest Gail Donato Deputy Clerk for  
HAROLD WILLIAM BROWN, CLERK