

ORDINANCE 91-18

AN ORDINANCE TO BE ENTITLED THE HERNANDO COUNTY ANIMAL CONTROL ORDINANCE; PROVIDING FOR SHORT TITLE; PROVIDING FOR DEFINITIONS; PROVIDING RULES AND REGULATIONS FOR THE VACCINATION AGAINST RABIES AND THE LICENSING OF ALL DOGS AND CATS; PROVIDING FOR QUARANTINE OF DOGS AND CATS; PROVIDING FOR THE RESTRAINT OF ANIMALS; PROVIDING FOR THE REQUIREMENTS FOR OWNERS OF DANGEROUS DOGS; PROVIDING FOR THE CONFINEMENT OF DOGS AND CATS IN HEAT; PROVIDING FOR THE PROHIBITIONS OF ANIMAL NUISANCES; PROVIDING FOR THE REQUIREMENTS OF A MOTOR VEHICLE OPERATOR TO REPORT STRIKING A DOMESTIC ANIMAL; PROVIDING SPECIAL RESTRICTIONS FOR ANIMALS IN COUNTY PARKS, BEACHES OR RECREATION AREAS; PROVIDING FOR THE REQUIREMENTS OF THE REMOVAL OF ANIMAL WASTE BY THE ANIMAL'S OWNER; PROVIDING FOR THE PROHIBITIONS OF TAMPERING WITH ANIMAL CONTROL TRAPS; PROVIDING FOR THE PROHIBITIONS OF INTERFERING WITH AN ANIMAL CONTROL OFFICER; PROVIDING FOR THE IMPOUNDMENT, REDEMPTIONS AND DISPOSITION OF ANIMALS; PROVIDING FOR ENFORCEMENT OF THIS ORDINANCE; PROVIDING FOR CIVIL PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL PROVIDING AN EFFECTIVE DATE.

SECRETARY OF STATE

APR 15 1991

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION I SHORT TITLE. This Ordinance shall be known as and may be cited as the Hernando County Animal Control Ordinance.

SECTION II DEFINITIONS. As used in this Ordinance, the following terms mean:

- (a) "Animal" means any live, vertebrate, domestic animal.
- (b) "Animal Control Officer" means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animals.
- (c) "Animal License" or "Animal Tag" or "Dog Tag" means a certificate and durable tag issued upon acceptance of the Animal License Application and fee.
- (d) "Animal Shelter" means a County facility operated for the purpose of impounding and caring for animals held under the authority of this Ordinance or State laws.
- (e) "Business Kennel" means any establishment which offers or provides services for remuneration, including, but not limited to, boarding, care and grooming, breeding, stud services, or sale of offspring or adult dogs, cats, and/or other domestic animals, and excluding livestock farms.
- (f) "Confined" means an animal is confined if such is securely contained indoors or contained in a securely enclosed (and locked) pen or structure upon the premises of the owner, harbinger or keeper of the animal. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than twelve (12") inches).

(g) "Fee" means charges for services and/or licenses as set from time to time by Resolution of the Board of County Commissioners of Hernando County.

(h) "Feral Domestic Animal" means any animal normally domesticated that has returned to the wild state and that has not been accorded game animal status by the Florida Department of Fish and Game.

(i) "Harborer" or "Keeper" means a person who keeps or harbors an animal or who has it in care, or acts as its custodian, or who permits an animal to remain on or about any premise occupied or controlled by such person. An animal shall be deemed to have been harbored if it is fed, sheltered or otherwise cared for, for five (5) consecutive days or more.

(j) "Livestock" means animals kept for husbandry, including but not limited to horses, mules, burros, asses, cattle, sheep, goats, swine and other hoofed domesticated animals, and fur-bearing animals being raised in captivity.

(k) "Owner" means any person, firm, corporation, or organization possessing, harboring, keeping, or having control or custody of an animal or, if the animal is owned by a person under the age of 18, that person's parent or guardian.

(l) "Physical Restraint" means animal, confined, penned or caged, or tied, leashed or chained with a device not exceeding six (6) feet in overall length and of sufficient strength and physical integrity to withstand determined escape attempts, shall be under physical restraint.

(m) "Pound Seizure" means claiming of excess animals for research or experimentation.

(n) "Public Nuisance" as used in this Ordinance shall include but not be limited to:

(A) Allowing an animal to:

- (1) molest passers-by or vehicles;
- (2) attack or attempt to attack other animals;
- (3) trespass on school grounds;
- (4) be repeatedly unrestrained;
- (5) damage public or private property;
- (6) spread trash or garbage on premises other than those of the owner, harborer or keeper;
- (7) create noises in an excessive, continuous or untimely fashion.

(B) When the keeping of animals results in an offensive odor due to the owner, harborer or keeper's failure to clean the premises.

(C) Feeding, protecting or otherwise encouraging the congregating or breeding of feral domestic animals in inhabited areas.

(o) "Responsible Person" means a person of such maturity, physical strength, experience and sensitivity to control an animal and to fully realize the consequences of the animals actions.

(p) "Stray Animal" means any animal without apparent signs of ownership and whose ownership is unknown.

### SECTION III LICENSING AND VACCINATION AGAINST RABIES

1. Any person owning, keeping or harboring any dog or cat within Hernando County that is either; over four (4) months of age, or in which the adult canine teeth have erupted, shall obtain a Hernando County Animal License as herein provided.

2. Application for a license shall be made within fifteen (15) days after obtaining an animal required to be licensed. Application shall be made to the Hernando County Board of County Commissioners or their designated agents. Application shall include; name and address of the applicant, description of the animal, the appropriate fee, and the rabies certificate issued by a licensed veterinarian using approved vaccines.

3. Every owner, harborer or keeper of any dog or cat shall cause such animal to be vaccinated against rabies by a licensed veterinarian. Evidence of such vaccination shall consist of a current rabies vaccination certificate signed by the person administering the vaccine and containing pertinent data for identification of both the animal and the vaccine used. One (1) copy of the certificate shall be given to the owner, keeper or harborer, one (1) copy to be filed with the license application and the other to be retained by the person administering the vaccine.

4. Upon acceptance of the license application and fee, a durable tag showing the identifying number and year of issue, and, an animal license certificate shall be provided. The certificate shall be retained by the holder and the tag shall be worn at all times by the animal while off the premises of the harborer or keeper or owner of the animal.

5. Licensing shall be effective for a twelve (12) month period commencing January first and expiring December thirty-first. Application may be made during the period thirty (30) days before and after the expiration date.

6. Licenses for governmental police dogs and bona fide handicap assist animals shall be issued free of charge provided all other criteria for issuance are met.

7. The Hernando County Board of County Commissioners shall cause to be kept a record of all current animal licenses issued and shall make this record available to the public.

8. No person may use any animal license or tag upon any animal other than that for which it was issued.

9. The operator of a Business Kennel shall obtain a "Kennel License" from Hernando County Animal Control. To obtain a kennel license a person must show that an occupational license has been issued by the Hernando County Tax Collectors Office for the facility, show proof of vaccination against rabies by a licensed veterinarian for animals four months or older owned by the kennel owner, and maintain a "Certificate of Inspection" issued by Animal Control. Inspection by Animal Control will be concerned with the cleanliness and comfort provided by the facility. All animals kept or maintained in such a kennel shall be provided with a clean, fresh water supply, proper shelter from the elements and adequate food to maintain a normal condition of health. Compliance with these requirements will be determined by inspections at least once every six (6) months. Upon obtaining a "Kennel License", the owner will be issued the number of metal tags equal to the number of animals authorized to be kept in the kennel. All such tags shall bear the County's name, the "Kennel License" number, be readily distinguishable from the individual license tags for that same year, and attached to the collar of each animal at all times. Such tags would replace the individual license required under this Ordinance. "Kennel Licenses" shall be renewed annually during the month of January. Previously licensed kennels that apply after January for a renewal will be charged double the "Kennel License" fee.

10. The Board of County Commissioners shall establish by resolution the fees to be charged for licensing.

#### SECTION IV QUARANTINE

1. Hernando County Animal Control Division shall provide quarantine facilities for suspected rabid dogs and cats as determined by State Health Officers.

2. Stray, unowned or otherwise uncontrolled dogs and cats that have bitten a human being may be placed in temporary quarantine by the Hernando County Animal Control Division pending a later determination by State Health Officers.

3. Animal Owners, harborers or keepers are responsible for all expenses and/or fees incurred as a result of quarantine and impoundment.

SECTION V RESTRAINT The owner, harborer, keeper or person having custody or care of an animal shall insure that:

(a) All dogs, except police dogs on active duty, shall be kept under physical restraint by a responsible person at all times while off the premises of the owner, harborer or keeper.

(b) All other animals shall be kept under restraint suitable for the breed and type of animal that will prevent straying.

(c) Dogs, while being used for legal hunting purposes, are permitted to run free for authorized training and hunting only, provided:

(A) They are accompanied by or under the supervision of their owner or his agent, and;

(B) The dogs and their controller have the permission of the landowner to be on his property, and;

(C) The dogs are wearing a valid animal license issued in Florida, and;

(D) The dogs are wearing correct owner identification.

(d) No civil penalty shall be charged for dogs lost during the course of legal hunting or training for hunting that are impounded under the provisions of this ordinance if at the time of impoundment they are:

(A) Wearing a valid animal license issued in the State of Florida, and;

(B) Wearing correct owner identification including name, address and telephone number, and;

(C) The dog is redeemed within two (2) working days of impoundment, and;

(D) The owner had a valid state-wide Florida hunting license at the time of impoundment, and;

(E) All fees for impoundment, keep and notification are paid before the impounded animal is released.

#### SECTION VI DANGEROUS DOGS

The requirements for owners of dangerous dogs shall be in full compliance with Florida Statutes Chapter 767.10, 767.11, 767.12, 767.13, 767.14, and 767.15.

In addition, a paragraph (d) shall be included under F.S. Chap. 767.12 to read as follows;

(d) Owners of dangerous dogs shall be responsible for the displaying, at all times, on the dog's collar, a dangerous dog tag issued by Hernando County Animal Control and renewed on an annual basis during the month of January.

SECTION VII DOG OR CAT IN HEAT (ESTRUS) The owner, harborer or keeper of any female dog or cat in heat shall keep such animal confined so the animal cannot come into contact with any male dog or cat except for planned breeding.

SECTION VIII PUBLIC NUISANCE No owner, harborer or keeper of an animal shall fail to exercise sufficient care and control of their animal to prevent it from becoming a public nuisance. No person shall create an animal public nuisance by any other action not defined herein.

SECTION IX MOTOR VEHICLE STRIKING A DOMESTIC ANIMAL Any person who as the operator of any motor vehicle, strikes a domestic animal, shall immediately report such incident to the animal's owner, if known. In the event the owner is unknown or cannot be reasonably contacted, such operator shall immediately report such incident to the nearest law enforcement agency.

SECTION X COUNTY PARKS, BEACHES AND RECREATION AREAS Domestic animals are not permitted within the confines of any County Park, County Beach or County Recreation Area unless specifically authorized. All domestic animals, where so authorized, shall be under the physical restraint of a responsible person as defined herein at all times.

SECTION XI ANIMAL WASTE The owner, harborer, keeper or person having custody or care of an animal shall be responsible for the removal of any excreta deposited by the animal upon any public walk, path, street, park, recreation areas or private property not their own.

SECTION XII TAMPERING WITH TRAPPING DEVICE No person shall tamper with, interfere with, damage, remove or destroy any County owned and operated trap. No person shall remove or release any animal from said traps without the express consent of the Hernando County Animal Control Division.

SECTION XIII INTERFERENCE WITH AN ANIMAL CONTROL OFFICER No person shall interfere with or intentionally hinder an Animal Control Officer in the performance of his duties.

SECTION XIV IMPOUND AND DISPOSITION

(1) Unrestrained, unconfined, improperly confined, stray, abandoned and certain nuisance dogs or cats may be impounded by Animal Control Officers or Law Enforcement Officers and taken to the Animal Shelter.

(2) Animal Control Officers shall have the right to enter upon public or private property in Hernando County, Florida, except a building designated for and used for residential purposes, to continue a "hot pursuit" attempt to capture an animal that was either observed biting a person or alleged to have bitten a person so long as the officer has reasonable cause to believe that the animal had bitten a person.

(3) Impounded dogs, cats and abandoned animals shall be kept for not less than five (5) calendar days, not including the day of impoundment unless redeemed by it's owner. Any animal not redeemed within this period shall become the property of Hernando County and shall be made available for adoption to a suitable home or humanely euthanized at the sole discretion of the Animal Control Division.

(4) If by license tag, ID, collar or any other reasonable means, the owner of an impounded animal can be identified and located, The Animal Control Officer shall notify them by any reasonable means.

(5) An eligible animal released to the Animal Shelter by it's owner, harborer or keeper shall be placed for immediate adoption or humanely euthanized at the sole discretion of the Animal Control Division.

(6) Nothing in this Ordinance shall prevent the humane disposition of injured or ill animals as authorized by Florida Statutes.

(7) POUND SEIZURE is prohibited.

(8) Prior to release or redemption all fees shall be paid.

(9) Disposal of Dead Animals-When an animal dies, the owner or keeper of the animal shall dispose of the remains immediately. When the Department Manager or an Animal Control Officer discovers a dead animal on private property, the Animal Control Officer shall provide written notice to the owner or keeper of such animal, ordering the owner or keeper to dispose of the remains immediately. If the owner or keeper of a dead animal cannot be identified or notified, the Animal Control Officer shall provide written notice to the owner of the property upon which the remains are located, ordering the owner/occupant of such property to dispose of the remains immediately. If the person notified fails to comply within twenty-four (24) hours after receipt of the written notice, the Animal Control Officer shall cause the remains to be disposed of and shall bill the owner or keeper of the animal or the owner of the property, as applicable, for the cost of such disposal.

When an Animal Control Officer discovers a dead animal on public property, the Animal Control Officer shall cause the remains to be disposed of and shall make a reasonable effort to identify and notify the owner or keeper of such animal.

SECTION XV ENFORCEMENT The provisions of this Ordinance shall be enforced by the Hernando County Animal Control Division, Code Enforcement Officers and other County Law Enforcement Agencies as appropriate, proper and necessary.

SECTION XVI PENALTY

(1) Notice of Ordinance Violation:

(a) Persons violating the provisions of this Ordinance may be issued a Notice of Ordinance Violation. This may be in addition to or in lieu of impoundment of the animal(s).

(b) Such notice shall impose upon the recipient a civil penalty which may at the discretion of the recipient be paid to the agency designated by Hernando County Board of County Commissioners within seventy-two hours in full satisfaction of the imposed penalty, or, the recipient shall appear in County Court.

(c) In the event such penalty is not paid within the prescribed time period, or, if court appearance is not made, upon conviction of a violation of this Ordinance, the recipient shall be punished as provided by State Statute for a violation of a County Ordinance.

(d) Each animal involved and each day a violation continues shall be considered a separate violation of this Ordinance.

(e) The third and subsequent offenses by the same person or a member of the same household within twelve (12) months may be cause to double the assessed penalty.

(2) Penalties for violation shall be as set out below:

SECTION III (1)	- Unlicensed dog or cat.....	\$25.00
SECTION III (3)	- Unvaccinated dog or cat.....	\$25.00
SECTION III (4)	- Not wearing license.....	\$15.00
SECTION III (8)	- Misuse of License.....	\$50.00
SECTION III (9)	- Not obtaining or violation of kennel licensing.....	\$25.00
SECTION V	- Unrestrained animal.....	\$25.00
SECTION VI	- Unconfined vicious animal.....	\$50.00
SECTION VII	- Unconfined dog or cat in heat.....	\$25.00
SECTION VIII	- Animal public nuisance.....	\$25.00
SECTION X	- Animals on beach or park.....	\$25.00
SECTION XI	- Animal waste, nonremoval.....	\$15.00
SECTION XII	- Trap tampering.....	\$50.00
SECTION XIII	- Interference with Officer.....	\$50.00
SECTION XIV	- Disposition, noncompliance.....	\$50.00

(3) A two dollar (\$2.00) surcharge will be imposed for each violation of this chapter. The proceeds from this surcharge shall be used to defray the cost of the state minimum standards training course required for Hernando County Animal Control Officers.

SECTION XVII INCLUSION IN THE CODE It is the intention of the Board of County Commissioners of Hernando County, Florida, and is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the work "Ordinance" may be changed to "Section" or "Article" or other appropriate designation.

SECTION XVIII SEVERABILITY It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION XIX APPLICABILITY 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.

Nothing in this Ordinance shall be held to limit the authority, duties, and responsibilities of the State Health Officer and duly qualified agencies as defined by Florida Statutes.

SECTION XX REPEAL Hernando County Ordinance No. 86-2 is hereby repealed in it's entirety. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION XXI EFFECTIVE DATE This Ordinance shall take effect immediately upon receipt of official acknowledgement from the office of the Secretary of State of Florida that this Ordinance has been filed with said office.

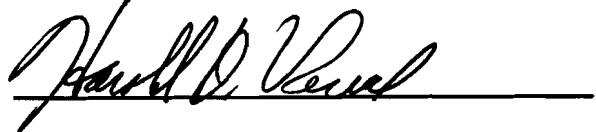
ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 9th DAY OF April 1991.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA  
BY; HAROLD D. VARVEL  
CHAIRMAN

ATTEST: KAREN L. NICOLAI,  
CLERK OF CIRCUIT COURT



\_\_\_\_\_



\_\_\_\_\_

APPROVED, FILED AND REGISTERED WITH THE FLORIDA SECRETARY OF STATE AND THE HERNANDO COUNTY CLERK April 15 , 1991.