

HERNANDO COUNTY ANIMAL ORDINANCE 2002-05

An ordinance to be entitled the Hernando County Animal Services Ordinance; relating to Animal Control; providing for definitions; providing rules and regulations for vaccination against rabies and the licensing of all dogs and cats; providing for quarantine of animals; providing for restraint of animals; authorizing impoundment of animals; prohibiting cruelty to animals; providing for transportation of animals; providing requirements for owners of dangerous dogs; providing for confinement of dogs and cats in heat (estrus); prohibiting public nuisance animals; Prohibiting animals in public parks, beaches, playgrounds, schools, buildings or recreation areas; prohibiting abandonment of animals; providing for disposal of dead animals; providing requirements for removal of animal waste by the animal's owner; providing prohibitions for tampering with Animal Services traps; providing prohibitions of interfering with an Animal Services Officer; providing for impoundment, redemption and disposition of animals; authorizing administration and enforcement of this Ordinance; providing proceedings for violations providing for civil penalties for violation of this Ordinance; providing procedures for implementation; providing for separate violations; providing for court costs; providing for conflicts with state law as amended from time to time; providing for conflicting Ordinances; providing for applicability; providing for liberal construction; providing for repeal of previous Hernando County Ordinances; providing for inclusion in the Hernando County Code; providing for severability; providing an effective date.

Whereas, §828.27 (2), Florida Statutes, authorizes the Board of County Commissioners to enact an Ordinance relating to animal services or cruelty; and whereas §125.01, Florida Statutes, authorizes the Board of County Commissioners to enact this Ordinance in the interest of the public health, safety, and general welfare of the citizens of Hernando County; and whereas the Board of County Commissioners finds that §828.27, (2)(d), Florida Statutes, enables the County to adopt this Ordinance and to provide for the enforcement of this Ordinance by the issuance of citations by Officers.

Now, therefore, be it ordained by the Board of County Commissioners of Hernando County, Florida.

SECTION I TITLE

The Board of County Commissioners adopts this Ordinance which shall be entitled the Hernando County Animal Services Ordinance.

SECTION II DEFINITIONS

As used in this Ordinance, the following words and phrases will have the following meanings, unless the context clearly indicates otherwise:

- A) "Animal" means any living, dumb creature.
- B) "Animal Services Supervisor" means the Supervisor of the County Animal Services Division who is authorized to administer and enforce the provisions of this Ordinance or his/her designee.
- C) "Animal Services Officer" means any person employed, contracted with, or appointed by Hernando County who is authorized to investigate, on public or private property, civil infractions

FILED
2002 MAY -1 AM 10:26
DEPT. OF STATE
TALLAHASSEE, FLORIDA

relating to animal services or cruelty and to issue citations as provided in this Ordinance, or any law enforcement Officer as defined in §943.10.

D) "Animal Shelter" means a County facility or a facility designated by the Animal Services Division operated for the purpose of impounding and caring for animals held under the authority of this Ordinance or State laws.

E) "At Large" means off the premises of the owner or harborer and not under custody, charge or possession of the owner or harborer by means of physical restraint. A dog or horse used in the aid of an Law Enforcement Officer, as defined in §843.19, (1), Florida Statutes, while in use by a law enforcement agency, shall not be deemed to be at large.

F) "The Board" means the Board of County Commissioners of Hernando County, Florida.

G) "Citation" means a written notice, issued to a person by an Officer, that the Officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted Ordinance and that the County Court will hear the charge.

H) "County" means Hernando County, Florida.

I) "County Health Officer" means the Hernando County Public Health Unit Director or his or her designee.

J) "Cruelty" includes but is not limited to, any act of neglect, torture, or torment that causes unjustifiable pain or suffering of any animal or any act of cruelty defined in Florida Statutes.

K) "Direct Control" shall mean that a responsible person has immediate and continuous physical control of an animal at all times by means of a substantial chain or leash not exceeding six feet in overall length of sufficient strength to withstand determined escape attempts.

L) "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.

M) "Harborer" means any person that owns, possesses, or has custody, or controls, or gives shelter, feeds, confines, boards, keeps, houses, or is in charge of, or tends, any animal, or who permits an animal to remain on or about any premises occupied or controlled by such person, for five (5) consecutive days or more.

N) "License Tag" means a Hernando County animal license tag issued pursuant to this Ordinance.

O) "Licensed Veterinarian" means any person who is licensed to engage in the practice of veterinary medicine in Florida under the authority of Chapter 474, Florida Statutes.

P) "Livestock" means animals kept for husbandry, including but not limited to horses, mules, burros, asses, cattle, sheep, goats, swine, and other hoofed and furbearing domesticated animals being raised in captivity, also including fowl, chickens, duck, geese, turkeys, peacocks, guinea fowl, ostriches, emus, rheas.

Q) "Officer," except where otherwise specified, shall mean any law enforcement Officer defined in §943.10, Florida Statutes or any Animal Services Officer, any Code Enforcement Officer or any County Health Officer.

R) "Ordinance" means any Ordinance relating to the care or control of animals enacted by the Board, the violation of which is a civil infraction.

S) "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.

T) "Physical Restraint" of an animal means that an animal is leashed with a device not exceeding six (6) feet in overall length and accompanied by a responsible person, inside a commercial animal carrier, or restrained in a manner that physically prevents the animal from straying or running at large on property other than that of the owner or harborer.

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

V) "Proper Shelter" means any structure with a roof, three closed sides and a bottom that protects an animal from the elements including, but not limited to the sun, wind and rain. The animal must have access to the shelter at all times.

W) "Responsible Person" means a person of such maturity, physical strength, experience and sensitivity to maintain physical control of an animal to prevent it from escaping and to fully realize the consequences of the animal's actions.

X) "Stray Animal" means any animal that has wandered from its owner's property or whose ownership is unknown by the Animal Services Division.

SECTION III RABIES VACCINATION OF DOGS AND CATS

A) The owner or harborer of a dog, cat, or ferret four (4) months of age or older or in which the adult canine teeth have erupted shall cause such dog, cat, or ferret to be vaccinated against rabies by a licensed veterinarian and to have boosters as required by Resolution. It is a Class I violation of this Ordinance and §828.30, Florida Statutes, for the owner or harborer of any dog, cat, or ferret to refuse or fail to have the animal vaccinated against rabies as required.

1) Only veterinarians actively engaged in the practice of veterinary medicine, who are duly registered and licensed by the state in which they practice, are hereby authorized to vaccinate dogs, cats, or ferrets against rabies.

2) Evidence of such vaccination for a dog, cat, or ferret shall consist of a current Hernando County animal license or a certificate of vaccination executed in triplicate, issued and signed by the veterinarian administering the vaccine.

3) Upon vaccination for rabies, the licensed veterinarian shall provide the animal's owner and the Animal Services Division with a rabies vaccination certificate which shall be in accordance with §828.30, Florida Statutes.

4) All vaccines used shall be of a type approved by the United States Government and the State Division of Health.

5) The cost of rabies vaccination shall be borne by the owner of the animal.

B) No dog or cat shall require vaccination if:

1) a licensed veterinarian has examined the animal and certified in writing that at such time vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations; and

2) a certificate evidencing such exemption is presented to the Animal Services Division within fifteen (15) days of such examination giving a specific date for reevaluation of the animal, or in the case of a permanent exemption no further reevaluation shall be required.

3) Such exempt animal shall be vaccinated against rabies as soon as its health permits, if applicable.

SECTION IV LICENSE CERTIFICATES AND LICENSE TAGS

A) Every person who owns or harbors within Hernando County any dog, cat, wolf hybrid, or ferret four (4) months of age or older shall obtain a Hernando County animal license for such animal, except that no license shall be issued unless such animal has been inoculated against rabies as herein provided or unless such animal is exempted from vaccination as provided for in this Ordinance. Any owner whose dog, cat, wolf hybrid or ferret is not licensed shall be in Class I violation of this Ordinance. Fees and procedures for licensing will be established by separate resolution of the Board of County Commissioners.

B) A Hernando County animal license shall consist of a license certificate and a license tag. Each license certificate shall have printed thereon a number which will correspond to the license identification number printed on the license tag. The color of the license tag shall be changed each calendar year. No other license identification tag or certificate shall be valid under the provisions of this Ordinance. It shall be a Class I violation of this Ordinance for any animal to wear an expired license tag.

C) All dogs must wear a current license tag while off of the owner's property. It shall be a Class I violation of this ordinance for any dog to be off of the owner's property without wearing a current license tag.

D) The lack of a current license tag on the collar or harness of a dog, cat, or ferret shall be deemed evidence that the animal has not been licensed or vaccinated against rabies, if required.

E) The owner or harbinger shall obtain a license within fifteen days of obtaining an animal required to be licensed. The Animal Services Division may require the owner of an animal to provide proof of the acquisition date of the animal.

F) Application for renewal of a license may be made up to fifteen days after the expiration date without a penalty.

G) It is a Class I violation of this Ordinance for any license identification tag issued for one animal to be utilized for or transferred to another animal.

H) It is unlawful to transfer any license tag, issued under this Ordinance, from the owner of the animal for which the tag was issued to a new owner of the animal.

I) It is a Class V violation of this Ordinance for any person to possess or use a stolen, counterfeit or forged certificate, tag or other document required by or issued pursuant to this Ordinance.

J) The Hernando County license certificate and license tag shall be issued by the Animal Services Division, or any agency authorized by the Animal Services Division who agrees to collect the fee for the license certificates and license tags. License certificates shall be executed in triplicate. A copy of the license certificate shall be given to the owner of the animal, to The Animal Services Division and to the agency issuing the license.

K) In the event of loss or destruction of the license tag issued pursuant to this section, the owner shall obtain a duplicate tag.

1) No duplicate tag shall be issued without a current license certificate being presented to the Animal Services Division or an authorized vendor.

2) The Animal Services Division shall be notified of all duplicate tags and the license number it is replacing.

L) Licenses for dogs trained to assist or aid disabled or disabled persons shall be issued free of charge provided the dog has a current certificate of rabies vaccination as provided for in this Ordinance and the dog is actually being used for the purpose of assisting or aiding such person.

M) Licenses for dogs used in the aid of an Officer of the law shall be issued free of charge provided the dog has a current certificate of rabies vaccination as provided for in this Ordinance.

N) The licensing requirements of this Ordinance shall not apply to animals whose owners are not residents of Hernando County unless the animal is being harbored in Hernando County for a period exceeding thirty (30) days. For the purposes of this Ordinance, any person who lives in Hernando County for more than thirty (30) consecutive days shall be deemed to be a resident of Hernando County.

O) It is a Class I violation of this Ordinance for the owner or harbored of a dog, cat, ferret or wolf hybrid to refuse or fail to show the certificate, tag, or other document required by or issued pursuant to this Ordinance, upon lawful demand by an Officer. The Officer may issue a written warning allowing the owner or harbored a specified time period to produce the requested information, or issue a citation for failure to provide this information.

P) All written warnings issued to owners or harborers of animals to show proof of a current County animal license will, after, the specified time period be submitted to the Clerk of Court of Hernando County as a citation and will contain all of the required information of a citation. The owner, upon failure to produce the required information within the specified time period, will be required to either pay the appropriate citation within an additional fifteen days or to appear in County Court on the given time and date.

Q) The Hernando County Animal Services Division shall cause to be kept a record of all current animal licenses issued.

R) The operator of a Business Kennel shall obtain a "Kennel License" from Hernando County Animal Services. "Business Kennel" means any establishment which offers or provides services for remuneration, including, but not limited to, boarding, care, grooming, breeding, stud services, or sale of offspring of adult dogs and cats. To obtain a Kennel License a person must show that an occupational license has been issued by the Hernando County Tax Collector's Office for the facility, show proof of vaccination against rabies by a licensed veterinarian for animals four (4) months or older owned by the kennel owner, and maintain a "Certificate of Inspection" issued by Animal Services. Inspection by Animal Services 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 licenses 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. Not obtaining a kennel license or violation of any kennel licensing procedure shall be a Class III violation of this ordinance and at the discretion of the Animal Services Supervisor the kennel license may be temporarily or permanently revoked.

S) The Board of County Commissioners shall establish, by Resolution, the fees to be charged for licensing.

SECTION V ANIMAL BITES AND QUARANTINE OF ANIMALS

A) Any person bitten or having knowledge of any person bitten by any animal shall report the fact immediately to the County Health Officer or their appointed designee and it shall be a Class I violation of this Ordinance not to do so. The County Health Officer or their appointed designee shall notify in writing, the owner of the animal alleged to have bitten a person and the person bitten or his or her guardian concerning the reported bite.

B) The owner, harbinger or any person having custody, care or possession of any animal shall insure that the animal does not bite any person, except where such person is unlawfully on the premises of the owner or harbinger of the animal. The owner, harbinger or any person having custody, care or possession of any animal that bites any person in violation of this section, shall be in Class III violation of this ordinance.

C) It is a Class V violation of this Ordinance for any person to commit an act, or cause an act to be committed, in violation of the Florida Administrative Code, as it pertains to rabies quarantine and/or biting animals, as the same may be amended from time to time.

D) It shall be a Class V violation of this Ordinance for any person to refuse or fail to surrender any animal for quarantine or the carcass of a dead animal for rabies testing upon lawful demand by any Officer or their appointed designee.

E) The Hernando County Animal Services Division shall provide quarantine facilities for suspected rabid dogs and cats as determined by County Health Officers or their appointed designee.

F) Stray, unowned, at large or otherwise uncontrolled animals, including animals that are not physically restrained to their owner's property, or animals in which the owner cannot provide immediate proof of current rabies vaccination, that have bitten a human being may be placed in temporary quarantine by the Hernando County Animal Services Division pending a later determination by County Health Officers or their appointed designee. The owner of the animal will be responsible for all boarding or quarantine fees, veterinary expenses and other costs associated with the care of the animal while impounded.

G) Animal Services 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 an active pursuit of an animal and attempt to capture any animal known or suspected of biting or scratching any person or any animal infected with or showing suspicious symptoms of rabies

H) The fees shall be established by Resolution by the Board for impoundment and maintenance of quarantined animals.

I) Animal owners or harborers are responsible for all expenses and/or fees incurred as a result of quarantine and impoundment. No animal quarantined pursuant to this Ordinance or the Florida State Administrative Code shall be released until all such fees have been paid. At the discretion of Animal Services, the animal may be required to be vaccinated for rabies prior to release. Any owner that does not meet the requirements for release or has not picked up an animal impounded under this section within three days of the date of quarantine release shall forfeit and relinquish all claims of ownership to the animal. The animal shall become the property of Hernando

County, FL and the Animal Services Division shall humanely destroy the animal at the expense of the owner.

SECTION VI DANGEROUS DOGS

A) The Animal Services Division shall investigate any dog that may be a dangerous dog in accordance with §767.12 (1)(a)&(b), Florida Statutes as may be amended from time to time.

B) In the event that any Animal Services Officer has sufficient cause to believe that any animal is dangerous and the owner is unable or unwilling to securely confine the animal, the Animal Services Officer may impound the animal, if it is deemed necessary for public safety and welfare, pending a dangerous dog investigation. The owner of the animal will be responsible for all boarding fees, veterinary expenses and other costs associated with the care of the animal while impounded regardless of the outcome of the investigation and related hearings or appeals. The owner will be required to pay the fees due for the animal's care every fourteen days or the dog will be considered as abandoned and the owner shall forfeit and relinquish all claims of ownership to the animal. The animal shall become the property of Hernando County, FL and the Animal Services Division shall humanely destroy the animal at the expense of the owner.

C) Any animal which is impounded by the Animal Services Division during a dangerous dog investigation, that is subsequently classified as dangerous, shall remain impounded until the owner complies with the dangerous dog requirements provided for in this ordinance and in Florida Statutes and pays all fees and expenses for the animal's care. The Animal Services Division may humanely destroy any impounded animal, at the expense of the owner, if the owner does not comply with the dangerous dog requirements and pay all fees and expenses for the animal's care within fourteen (14) days of either (i) the initial classification of dangerous dog or (ii) the conclusion of any appeal filed in accordance with §767.12.

D) If the Animal Services Division's Initial determination is that the dog is a dangerous dog then the owner shall be afforded the opportunity for a hearing in compliance with §767.12 (1)(c), Florida Statutes, before the final determination is made. The Board of County Commissioners shall adopt, by Resolution, the procedures for the hearing.

E) If the final determination of the hearing is that the animal is a dangerous dog, then the owner will pay hearing costs as determined by Resolution of the Board.

F) If the final determination is that the dog is a dangerous dog, then the owner may follow appeal procedures in accordance with §767.12 (1)(d).

G) Within fourteen days after a dog has been classified as a dangerous dog by the Animal Services Division or a dangerous dog classification is upheld by the County Court on appeal, the owner must obtain a license certificate and tag for such dog. The license will commence on January 1 and expire on December 31 and must be renewed annually. The dog must wear the dangerous dog license at all times. The owner of any dangerous dog that refuses or fails to meet the necessary requirements and obtain a dangerous dog license or who fails to renew the license annually or whose dog does not wear the license at all times shall be in Class V violation of this ordinance. The Animal Services Division will issue the dangerous dog license to the owner, who must be at least 18 years of age, upon receipt of evidence of the following:

- 1) a current rabies vaccination for the dog;

- 2) a secure enclosure to confine the dangerous dog on the premises of the owner. The enclosure shall have secure sides, a secure top and a concrete (or equivalent material) bottom to prevent the dog from escaping over, under, or through the structure and shall also provide adequate room for the dog to move around and proper shelter from the elements. The structure must not share a common fencing with the perimeter of the premises and be locked and suitable to prevent the entry of young children;
- 3) the posting of the premises where the dangerous dog is located with clearly visible warning signs at all entry points and around the perimeter informing both children and adults of the presence of a dangerous dog;
- 4) permanent identification of the dog by means of a tattoo assigned by the Animal Services Division on the inside thigh of the dog;
- 5) payment of the dangerous dog licensing fee as set forth by Resolution.
- 6) four color photographs of the animal in different poses showing the color, size and markings of the animal; and
- 7) surgical sterilization of the animal.

H) The owner of a dangerous dog shall immediately notify the Animal Services Division if the dog is:

- 1) loose or improperly confined;
 - 2) has bitten a human being or attacked another animal; or
 - 3) is moved to another address,
- or the owner shall be in Class V violation of this ordinance.

I) Any dog that has been declared dangerous shall not be sold or given away. Any owner who sells or gives away any dangerous dog shall be in Class V violation of this ordinance and shall immediately notify the Animal Services Division of the name, address, and phone number of the new owner. The new owner will be subject to all of the dangerous dog requirements and must meet those requirements within twenty four hours or be in Class V violation of this ordinance. The new owner may relinquish ownership of the dangerous dog to the Animal Services Division without penalty within twenty four hours and the dog will be humanely euthanized.

J) If a dangerous dog dies the owner must immediately notify the Animal Services Division that the dog has died and the death must be verified, in writing, by a licensed veterinarian or an Animal Services Officer.

K) It is unlawful and a Class V violation of this Ordinance and Florida Statutes for a dangerous dog to be unrestrained or outside of its proper enclosure unless such dog is:

- 1) muzzled with a device that does not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person or animal; and
- 2) restrained by a substantial chain or leash and under the direct control of a responsible person 18 years of age or older, or securely confined within a locked animal carrier.

L) Dogs classified as dangerous shall not be used for hunting purposes.

M) It shall be a Class V violation of this Ordinance for any person to fail to comply with any of the licensing, confinement, notification or maintenance requirements of this section.

N) Any Animal Services Officer shall have access to and the right to inspect the curtilage (property not including the house) of the owner of any dog which has been declared dangerous to

determine compliance with this ordinance and with Florida Statutes. Any dangerous dog which is in violation of any section of this ordinance or Florida Statutes, including, but not limited to, any dangerous dog which is outside of its secure enclosure or does not have a valid dangerous dog license, shall be immediately confiscated by the Animal Services Division and after being held for ten (10) business days, will be destroyed unless the owner files an appeal in The County Court in accordance with §767.13, Florida Statutes. The animal will remain impounded during any appeals and the owner of the animal will be responsible for all boarding fees, veterinary expenses and other costs associated with the care of the animal while impounded regardless of the outcome of the appeal. The owner will be required to pay the fees due for the animal's care every fourteen days or the animal will be considered as abandoned and the owner shall forfeit and relinquish all claims of ownership to the animal. The animal shall become the property of Hernando County, FL and the Animal Services Division shall humanely destroy the animal at the expense of the owner.

O) The owner of a dangerous dog that attacks or bites a person or a domestic animal will be in violation of this Ordinance and §767.13, Florida Statutes, and will be prosecuted accordingly. The dangerous dog will be immediately confiscated by the Animal Services Division and after being held for ten (10) business days will be destroyed unless the owner files an appeal in the County Court that is in accordance with §767.13, Florida Statutes. The animal will remain impounded during any appeals and the owner of the animal will be responsible for all boarding fees, veterinary expenses and other costs associated with the care of the animal while impounded regardless of the outcome of the appeal. The owner will be required to pay the fees due for the animal's care every fourteen days or the animal will be considered as abandoned and the owner shall forfeit and relinquish all claims of ownership to the animal. The animal shall become the property of Hernando County, FL and the Animal Services Division shall humanely destroy the animal at the expense of the owner.

P) If a dog that has not previously been declared a dangerous dog causes severe injury to or death of any human, the owner of the dog will be in violation of this Ordinance and §767.13, Florida Statute, and will be prosecuted accordingly. The dog will be immediately confiscated by the Animal Services Division and, after being held for ten (10) business days, will be destroyed unless the owner files an appeal in The County Court in accordance with §767.13, Florida Statutes. The animal will remain impounded during any appeals and the owner of the animal will be responsible for all boarding fees, veterinary expenses and other costs associated with the care of the animal while impounded regardless of the outcome of the appeal. The owner will be required to pay the fees due for the animal's care every fourteen days or the animal will be considered as abandoned and the owner shall forfeit and relinquish all claims of ownership to the animal. The animal shall become the property of Hernando County, FL and the Animal Services Division shall humanely destroy the animal at the expense of the owner.

Q) Any dog classified as dangerous in another jurisdiction within the state shall not be moved into Hernando County. Any dog classified as dangerous in another jurisdiction shall not reside or visit Hernando County. The owner or harbinger of any dangerous dog in violation of this section shall remove the animal from Hernando County immediately or be in Class V violation of this ordinance. Any owner or harbinger of any dangerous dog who subsequently returns the dog to Hernando County will be in Class V violation of this ordinance.

SECTION VII RESTRAINT

A) The owner, harbinger or person having possession, custody or control of any dog shall insure that the dog does not stray or in any manner run at large in or upon any public street, sidewalk, right of way or any other public property or on the private property of another, provided, however, that such dog may be off the premises of the owner or harbinger if the dog is leashed and under direct control. Violation of this section shall be a Class II violation.

B) Any dog, when loose on the owners' property, must be supervised by the owner or physically restrained by fencing or other means to the owners' property. Supervised means that the dog is at all times within the unobstructed sight of the owner and that the dog will respond to signals or commands given by the owner that will prevent the dog from straying or in any manner running at large in or upon any public street, sidewalk, right of way or any other public property or on the private property of another. Violation of this section shall be a Class II violation.

C) Any person owning, harboring or having possession, charge, custody, care or control of any animal, other than a dog, shall insure that the animal does not stray or in any manner run at large in or upon any public street, sidewalk, or other public property or on the property of another, so that the animal does not create a nuisance, provided, however, that such animal may be off the premises of the owner or harbinger if the animal is under physical restraint suitable for the breed and type of animal. Violation of this section shall be a Class II violation.

D) This section shall not apply to dogs used by state, county or municipal law enforcement Officers in the exercise of their duties.

E) Officers are authorized to impound any animal which is witnessed at large and are authorized to enter onto private property, including that of the owner, without permission, with the exception of a structure, dwelling, or fenced and gated yard or area to continue an active pursuit of an animal to attempt to capture the animal for impoundment.

F) 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 provided that:

- 1) the dog is redeemed within two (2) working days of impoundment;
- 2) the owner had a valid hunting license at the time of impoundment and the dog was impounded from an authorized hunting area during an authorized hunting season and;
- 3) all fees for impoundment, keep and notification are paid before the impounded animal is released;
- 4) the dog has a current rabies vaccination and county license; and
- 5) the dog is wearing correct owner identification including the name, address and phone number of the owner.

G) Any person owning or harboring any animal shall insure that the animal does not cause damage to the property of another individual. The owner of any animal in violation of this section shall be in Class II violation of this ordinance.

H) The owner, harbinger, or any person having possession, charge, custody, care or control of any animal that is in violation of this section shall be liable regardless of the knowledge, intent or culpability of the owner.

SECTION VIII FEMALE DOGS AND CATS IN HEAT (ESTRUS)

Any female dog or cat in heat (estrus) must be confined in a secure, enclosed building, such as a house or garage, that prevents the attraction of males and that prevents the female dog or cat from contact with a male, except for intentional, planned breeding purposes by the owners of both animals. Violation of this section shall be a Class IV violation.

SECTION IX PUBLIC NUISANCE ANIMALS

No owner or harbinger 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. The owner of any public nuisance animal shall be in Class IV violation of this Ordinance, regardless of the knowledge, intent or culpability of the owner. "Public Nuisance Animal" means any animal that unreasonably annoys human beings, endangers the life or health of other animals, or persons, or substantially interferes with the rights of persons, other than their owners, to the enjoyment of life or property. The term public nuisance animal shall mean and include, but is not limited to, any animal that:

- 1) is repeatedly found at large;
- 2) chases or molests vehicles;
- 3) is offensive or dangerous to the public health, safety or welfare by virtue of the number or types of animals kept or harbored;
- 4) chases or molests passers-by;
- 5) attacks or attempts to attack other animals;
- 6) spreads trash or garbage on premises other than those of the owner or harbinger;
- 7) results in an offensive odor due to the owner or harbinger's failure to clean the premises; or
- 8) is a feral or domestic animal or wildlife which has been encouraged by feeding, protecting, or other means, to breed or to congregate in inhabited areas.

Public nuisance animal shall also mean any dog that makes excessive disturbing noises that cause unreasonable annoyance, disturbance or discomfort to the neighbors. This includes but is not limited to continued or repeated howling, barking or whining, without provocation, with the exception of dogs housed at commercial animal establishments. The violation can be witnessed by an Officer or documented in one or more notarized affidavits, from individuals within 1000 feet of the dog's location. The affidavits must contain documentation of the times and dates of such nuisances; and must be investigated by an Animal Services Officer who will determine if there is probable cause to believe a violation has occurred.

SECTION X ANIMALS PROHIBITED IN PUBLIC PARKS, PUBLIC PLAYGROUNDS, PUBLIC SCHOOL PREMISES, PUBLIC BUILDINGS AND ON PUBLIC BEACHES.

It shall be unlawful and a Class I violation of this Ordinance for any person owning, harboring or having custody, possession, care or control of any animal to take or allow such animal into or on any public beach, public park, public playground, public school premises or public building in Hernando County, unless such animal is a dog trained to assist or aid disabled persons and is actually being used for the purpose of assisting or aiding such person.

SECTION XI ANIMAL WASTE

The owner or harbinger of an animal shall be responsible for the removal of any excreta deposited by the animal upon any public walk, path, street, park, recreation area, or private property not their own. Any owner or harbinger walking their dog on any property other than their own shall carry a suitable device for removal of excreta or be subject to be fined in Class I violation of this Ordinance. A suitable device can be a commercial device or a plastic bag or any other device with which excreta can be removed in a sanitary manner.

SECTION XII ANIMAL MISTREATMENT & CRUELTY TO ANIMALS

A) It is a Class V violation of this Ordinance for any person to commit an act or cause an act to be committed in violation of Florida Statutes relating to cruelty to animals.

B) It is a Class V violation of this Ordinance for any vehicle owner, passenger or operator to place or confine an animal or allow it to be placed or confined or to remain in an unattended vehicle without sufficient ventilation or for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to heat, lack of water or other circumstances as may be expected to cause suffering, disability or death.

1) Any Officer who finds an animal in a vehicle in violation of this Ordinance may enter the vehicle by using the amount of force necessary to remove the animal. Neither the Officer nor the County shall be liable for any damage reasonably related to the removal of the animal under this section. The Officer is authorized to impound and dispose of such animal in the manner provided for in this Ordinance.

2) Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes.

C) It is a Class V violation of this Ordinance for any person to commit any act of mistreatment on any animal or to cause any act of mistreatment to be committed on any animal, regardless of the knowledge, intent, or culpability of the person. "Mistreatment" means not providing sufficient food and/or water, and proper shelter, and/or failure to provide veterinary care for any animal.

D) It shall be a Class V violation of this Ordinance for any person to tease or molest any animal.

E) Officers may impound any animal found neglected, mistreated, in distress or cruelly treated in accordance with §828.073, Florida Statutes.

SECTION XIII **UNLAWFUL TO ABANDON ANIMALS**

It shall be unlawful and a Class V violation of this Ordinance for a person to abandon or dispose of an animal on the property of another or on public property or to abandon an animal in his or her former residence when relocating to a new residence. It shall be unlawful and a Class V violation of this Ordinance for any person to abandon an animal in any location without providing for its care. Any Officer with reason to believe that an animal is abandoned may remove the animal from the premises provided that a twenty four hour period has passed since such Officer left a notice at the property to which no response was received and has made a reasonable attempt to contact the owner of the animal or the property. An Officer may immediately remove an animal, without leaving a notice or contacting the owner, if leaving the animal would endanger the animal or the citizens of Hernando County.

SECTION XIV **DISPOSITION OF DEAD ANIMALS**

A) When an animal dies, the owner or harbinger of the animal shall dispose of the remains immediately. When an Officer discovers a dead animal on private property, the Officer shall provide written notice to the owner or harbinger of such animal, ordering the owner or harbinger to dispose of the remains immediately. If the owner or harbinger of a dead animal cannot be identified or notified, the 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, they will be in Class IV violation of this ordinance. Officers may, at their discretion, dispose of the remains of small animals and bill the owner, if known, or the property owner if the owner is unknown, for the cost of such disposal in addition to charging the owner or property owner a penalty for a Class IV violation of this ordinance.

B) When an Animal Services Officer discovers a dead animal on County roads or property, the Animal Services Officer shall cause the remains to be disposed of and shall make a reasonable effort to identify and notify the owner or harbinger of such animal if the animal is wearing identification. The cost of such disposal shall be borne by the owner or harbinger of the animal.

C) Any small dead animal, upon request of the owner of such animal or the owner of the property where such animal is found, shall be disposed of by the Animal Services Division and the cost of such disposal shall be borne by the requestor.

D) The Board may establish, by Resolution, fees to be charged for the disposal of dead animals.

SECTION XV **TAMPERING WITH TRAPPING DEVICE**

No person shall tamper with, interfere with, damage, remove, or destroy any County owned trap. No person, including the person using the trap, shall remove or release any animal from said traps without the express consent of the Hernando County Animal Services Division. Violation of this section shall be a Class II violation.

SECTION XVI **INTERFERENCE WITH AN ANIMAL SERVICES OFFICER**

A) It shall be unlawful and a Class V violation of this Ordinance for any person to interfere with, obstruct, hinder, resist or oppose any Officer while apprehending animals or performing any other of his or her duties, as set forth in this Ordinance.

B) It shall be unlawful and a Class V violation of this Ordinance for any person to take or attempt to take any animal from the custody of any Officer or from any vehicle used by the Officer to transport any animal.

C) It shall be unlawful and a Class V violation of this Ordinance to take or attempt to take any animal from a County Animal Shelter without proper authority.

D) It shall be a Class V violation of this Ordinance for any person to have possession or custody of any animal that was unlawfully removed from any Officer, Officer's vehicle, or any County Animal Shelter and such animals shall be immediately confiscated by the Animal Services Division.

SECTION XVII COMPLAINTS, INVESTIGATIONS AND SERVICE REQUESTS

A) Upon receiving three or more complaints or service requests from the same household concerning the same complaint within a one year period, when the first two complaints showed no violations, the Animal Services Division shall not be obligated to investigate the complaint until it receives payment of \$20 as an administrative fee from the complainant. The Animal Services Supervisor shall have the authority to waive this fee in extraordinary or unusual circumstances. His or her decision as to any waiver shall be final. The Animal Services Division is not obligated to respond to any complaint or service request or to make any investigation where it has good cause to believe that no violations exist.

B) Upon receipt of a complaint or service request in which the Animal Services Division incurs expenses, including parking fees, road tolls or other expenses, the owner of the animal, if known, or if the owner is unknown, the property owner of the location of the complaint shall be responsible for these fees and shall reimburse Animal Services within thirty days for these expenses in addition to any other fees or costs which are applicable.

SECTION XVIII PENALTIES AND PROCEDURES FOR VIOLATIONS

A) Unless otherwise specified by this Ordinance or Florida Statutes a violation of this Ordinance is a civil infraction.

B) The maximum civil penalty for a civil infraction shall not exceed \$500.00.

C) An Officer who has probable cause to believe that a person has committed an act in violation of this Ordinance may issue a citation to the person. This may be in addition to or in lieu of impoundment of the animal(s). In the case of violations of more than one section of this ordinance, a citation may be issued for each section which is violated, and each violation may be considered independent of the other violations.

D) After issuing a citation to an alleged violator, The Clerk of The Circuit Court, the violator and the Animal Services Division shall each receive a copy of the citation.

E) Such citation shall impose upon the recipient a civil penalty which may, at the discretion of the recipient, be paid to the Hernando County Clerk of Court thirty (30) Days in full satisfaction of the imposed penalty or the recipient shall appear in County Court.

F) If the person elects to contest the citation, he shall appear in County Court on the date and time specified on the citation.

G) If the person fails to pay the civil penalty within the time allowed, or fails to appear in County Court on the specified date at the specified time to contest the citation he shall be deemed

to have waived his right to contest the citation and, in such case, judgement may be entered against the person for an amount up to the maximum civil penalty.

H) The Animal Services Division or the Hernando County Clerk of Court reserves the right to amend any citation.

I) Each animal involved and each day or fraction thereof a violation continues shall be considered a separate violation of this Ordinance.

J) Any person who willfully refuses to sign and accept a citation issued by an Officer shall be guilty of a misdemeanor of the second degree, punishable as provided by §775.082, §775.083, or §775.084, Florida Statutes.

K) Proceedings before the County Court shall be non-jury proceedings.

L) All Animal Services proceedings shall be heard at the Hernando County courthouse in Brooksville, Florida, unless otherwise provided by law.

M) A five dollar (\$5.00) surcharge will be imposed for each violation of this Chapter. The proceeds from this surcharge shall be used to defray the cost of training for Hernando County Animal Services Officers.

N) The Animal Services Officer or Supervisor may return any dog or cat impounded pursuant to this ordinance, once in a twelve month period, that is currently vaccinated for rabies, licensed and sterilized, to the owner without a citation of unrestrained animal, provided that the owner pays the impound and board fee, has not received any previous warnings, and that the animal was not acting in an aggressive manner and is not in violation of any other section of this ordinance.

O) The Animal Services Supervisor may dismiss a citation of unrestrained animal for a dog or cat that is not sterilized, if it is the owner's first offense and there are no other violations of this ordinance, provided that the owner provides proof that the animal has been sterilized to the Animal Services Division within twenty days.

P) An Officer may issue a written warning in lieu of a citation, for any correctable violation of this ordinance, allowing the owner or harborer a specified time period to produce proof that the violation has been corrected.

Q) All written warnings issued to owners or harborers of animals to show proof of compliance with this ordinance, will, after, the specified time period be submitted to the Clerk of Court of Hernando County as a citation and will contain all of the required information of a citation. The owner, upon failure to produce the required information within the specified time period, will be required to either pay the appropriate civil penalty within an additional fifteen days or to appear in County Court on the given time and date to contest the citation.

SECTION XIX ADMINISTRATION AND ENFORCEMENT

A) Hernando County may employ or appoint an Animal Services Supervisor to administer and enforce the provisions of this Ordinance.

B) The Animal Services Supervisor will supervise Animal Services Officers and other employees to assist in the administration and enforcement of this Ordinance.

C) The Hernando County Animal Services Ordinance shall be enforced by the Hernando County Animal Services Division, other County Law Enforcement Agencies, and the Courts of Hernando County as appropriate, proper, and necessary.

D) Officers shall be immune from prosecution for reasonable, good faith, trespass upon private property, as provided in Florida Statutes.

E) Animal Services Officers shall investigate complaints of alleged violations of this Ordinance.

F) An Officer may impound any animal in violation of this Ordinance.

G) In addition to the enforcement procedures provided herein, the Board may enforce this Ordinance by any other means provided by law, and may further enforce this Ordinance by actions at law and in equity, including actions for injunctive relief, and, if the County prevails in any such action, the County shall be entitled to its costs and reasonable attorneys fees incurred in such action.

H) In the event that the owner of any animal fails to pay fees and expenses due to the Animal Services Division, the Division shall certify to the Board of County Commissioners the fees and expenses due, whereupon such fees and expenses shall be payable within thirty (30) days. These fees and expenses shall include quarantine fees, reimbursement of veterinary or other expenses for any animal, impound and board fees, dangerous dog administration and licensing fees, or other expenses related to dangerous dogs. After thirty days a special assessment lien will be made upon the property of the owner of the animal which shall be payable with interest at a rate of ten (10) percent per annum from the date of such certification until paid. Such lien shall be enforceable in the same manner as a special assessment lien in favor of the County and shall be satisfied at any time by payment thereof including accrued interest. Notice of such lien shall be filed in the office of the Clerk of the Circuit Court and recorded among the public records of the County. The Clerk of the Circuit Court shall keep complete records relating to the amount payable for the liens described above. In the event the special assessment lien is not paid within one year, the County Attorney may commence foreclosure proceedings to foreclose upon the special assessment lien. The foreclosure shall be conducted pursuant to procedure set forth in general law for the foreclosure of special assessment liens. In the event the lien is foreclosed upon, the owner of the property which is subject to foreclosure shall, in addition to any other charges, pay the County's reasonable attorney's fees in such foreclosure proceedings. The County shall have the right to compromise or settle any lien by accepting payment of less than the full amount of the lien for good cause.

SECTION XX IMPOUNDMENT

A) The Board is empowered and authorized to create, institute, construct, operate and maintain Animal Services shelters or holding facilities at locations selected by the Board in order to provide adequate Animal Services facilities for the entire County or arrange with private parties for the same.

B) The Animal Services Division may engage the services of a licensed veterinarian to treat any sick or injured animal, including any animal subject to cruelty, or any animal, impounded pursuant to this Ordinance. The owner or harbinger of such animal shall be liable for payment of veterinary and impoundment expenses or reimbursement of the County's expenses in treating the animal.

C) The Board shall, by Resolution, establish fees to be charged for impounding, boarding, and feeding animals.

D) The Division may catch, seize, humanely trap, or pick up and impound:

- 1) any unconfined or improperly confined animal or any animal at large;
- 2) any dog or cat not vaccinated while the County is under a rabies quarantine;
- 3) any animal which has bitten or scratched a person or any animal carrying or

suspected of carrying rabies or other infectious or contagious diseases;

- 4) any sick, injured, abandoned or cruelly treated animal or any animal in distress for which the owner cannot be found after a reasonable effort to do so;
- 5) any animal not properly quarantined;
- 6) any female dog or cat in heat not properly confined;
- 7) any other animal authorized by this Ordinance to be impounded; or
- 8) any animal otherwise in violation of this Ordinance.

E) The Division may pick up any animal where the owner is unavailable, unable or unwilling to care for the animal. This includes situations where the owner is arrested, hospitalized, deceased or otherwise unable to care for the animal. Any animal impounded under these circumstances will be held for not less than ten (10) days after notice is left at the property where the animal was impounded. The owner or his/her agent may pick up the animal(s) within this time, except that no animal shall be released until the owner or the owner's agent:

- 1) pays the fees for impoundment and board as set forth by Resolution of the Board;
- 2) pays any expenses incurred by the County for veterinary treatment; and
- 3) provides proof of current rabies vaccinations and county licenses for all dogs, cats, or ferrets or signs and accepts a warning for the same. Any animal impounded under these circumstances that is not redeemed within ten (10) days shall become the property of Hernando County, Florida. The Animal Services Division shall humanely destroy such animal or place it in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with all provisions of this Ordinance. Nothing in this section shall prevent the humane disposition of injured or ill animals as authorized by Florida Statutes.

F) It shall be a Class V violation of this Ordinance for any person to refuse or fail to surrender an animal or carcass of a dead animal upon lawful demand by an Officer.

G) It shall be the responsibility of the owner or harbinger of an impounded animal to locate and redeem the animal at the County Animal Shelter.

H) Impounded, stray, dogs, cats, and abandoned animals shall be kept for not less than five (5) calendar days, not including the day of impoundment.

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

J) Any animal impounded under the provisions of this Ordinance and not redeemed as provided for herein, or any animal turned over to the custody of the Division by the owner or owner's agent, shall become the property of Hernando County, Florida. The Animal Services Supervisor shall humanely destroy such animal or place it in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with all provisions of this Ordinance. No live animal impounded under the provisions of this Ordinance may be given or sold to any person for use in laboratory testing or experiments of any kind.

K) An eligible animal released to the County Animal Shelter by its owner or harbinger shall be placed for immediate adoption or humanely euthanized at the sole discretion of the Animal Services Division.

L) No animal impounded pursuant to this Ordinance shall be released to its owner or the owner's agent until:

- 1) The owner or harbinger of an impounded animal signs and accepts any citations or warnings being issued with regard to the impounded animal;
 - 2) The owner or harbinger of an impounded animal pays the fees for impoundment and board;
 - 3) The owner or harbinger of an impounded animal pays any expenses incurred by the County for veterinary treatment;
 - 4) If a dangerous dog is impounded, the owner or harbinger of such animal complies with the provisions of this Ordinance applicable to dangerous dogs; and
 - 5) If an animal subject to cruelty is impounded, the County Court issues an order as provided by Florida Statutes.
- M) No animal impounded pursuant to this Ordinance shall be adopted until:
- 1) The adopter signs an agreement to have the animal sterilized, vaccinated for rabies and licensed within the time specified in the adoption agreement and;
 - 2) The adoption fee is paid in full.
- N) Any animal which has become the property of Hernando County, Florida may be placed for adoption or humanely destroyed at the sole discretion of the Animal Services Division.
- O) Animal Services may adopt animals to a person deemed to be a responsible and suitable owner, who will agree to comply with all provisions of this Ordinance, who does not have an excessive number of animals, and who has not violated any Hernando County Animal Ordinance. Animal Services may refuse to adopt an animal to any person who does not meet these criteria or for any other reason not stated herein. It is the sole discretion of the Hernando County Animal Services Division to accept or refuse potential adopters.
- P) It shall be a Class IV violation of this Ordinance for any person to refuse or fail to sterilize an animal adopted from a shelter. Any animal adopted from a shelter and not sterilized within the required amount of time shall be immediately confiscated by the Animal Services Division. The adopter shall have forfeited all rights of ownership to the animal and the animal will become the property of Hernando County, FL to be humanely euthanized or placed for adoption at the sole discretion of the Animal Services Division.
- Q) Pound seizure is prohibited.
- R) Any animal impounded pursuant to this Ordinance and held for the required amount of time may be released by Hernando County Animal Services free of charge to any humane agency to be adopted, any agency or organization which trains animals to assist handicapped or disabled persons or trains animals for police work, or any governmental law enforcement agency provided that the agency agrees to have the animal sterilized, vaccinated for rabies and licensed within a specified time period.
- S) The Animal Services Supervisor reserves the right to require any dog, cat or ferret to be vaccinated for rabies before being released if :
1. the animal is on quarantine or is a dangerous animal, or
 2. if the owner has previously received a warning for rabies vaccinations, or
 3. if Hernando County has any rabies alerts or quarantines in effect, or
 4. in any other circumstance determined by the Supervisor.
- T) The Animal Services Supervisor reserves the right to require any animal to receive veterinary care prior to release.

U) Hernando County, FL, the Animal Services Division, and its Officers and employees shall not be liable for any injuries or illness sustained by an animal during the course of impoundment or while the animal is impounded.

SECTION XXI CONFLICT WITH STATE LAW

In the event of a conflict between the provisions of this Ordinance and Florida Statutes, as the same may be amended from time to time, the provision of applicable Florida Statutes, shall prevail.

SECTION XXII PROCEDURES FOR IMPLEMENTATION

The Board may, by Resolution, establish such procedures and provisions as are necessary to implement this Ordinance.

SECTION XXIII SEVERABILITY

Should any section or provision of this Ordinance be declared, by a court of competent jurisdiction, to be unconstitutional or invalid, such decision shall not effect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION XXIV APPLICABILITY

This Ordinance shall be applicable within the legal boundaries of Hernando County , including all incorporated and unincorporated areas, but shall not limit the power of any municipality to institute and require additional control measures and regulations within such municipality.

SECTION XXV LIBERAL CONSTRUCTION

This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof.

SECTION XXVI REPEAL

The Hernando County Ordinance No 98-19 is hereby repealed in its entirety. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION XXVII EFFECTIVE DATE

This Ordinance shall take effect immediately upon filing with the Department of State.

SECTION XXVIII INCLUSION IN THE CODE

It is the intention of the Board of County Commissioners of Hernando County, Florida, and is hereby provided, that the provision of this Ordinance shall become and made a part of the Code of Ordinance of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section" or "Article" or other appropriate designation.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in regular session this 23rd day of April, 2002.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Attest:

Jemine E. Mimer, Deputy

KAREN NICOLAI

Clerk of Court

By:

Hannah M. Robinson

HANNAH M. ROBINSON

Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY

William Ventresca 4/24/02

County Attorney's Office