

Marguerite Linke

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Monday, October 15, 2018 9:47 AM
To: Marguerite Linke
Cc: County Ordinances
Subject: Hernando20181011_Ordinance2018_19_Ack.pdf
Attachments: Hernando20181011_Ordinance2018_19_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 15, 2018

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 362
Brooksville, Florida 34601

Attention: Marguerite Linke

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2018-19, which was filed in this office on October 11, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

1 and must be amended in order to implement a TNR program; and,

2 WHEREAS, the Board of County Commissioners hereby deems it to be in the best interest
3 of the citizens of Hernando County to amend Hernando County Code, Chapter 6, entitled “Animals”,
4 in order to create a TNR program in Hernando County; and,

5 WHEREAS, the Board of County Commissioners is obligated from time to time to review
6 and update existing ordinances that are inconsistent and/or outdated; and,

7 WHEREAS, the Board of County Commissioners finds that Hernando County Code § 6-73
8 is redundant as it concerns the same subject matter as Hernando County Code § 6-6.

9 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of
10 Hernando County, Florida, as follows:

11 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated herein by
12 reference.

13 **Section 2. Amending Hernando County Code § 6-2.** Hernando County Code § 6-2,
14 Definitions, is amended to add the following definitions:¹

15 Community Cat shall mean a stray cat which has been spayed/neutered, vaccinated,
16 and ear-tipped.

17 Community Cat Caregiver means a person who, in accordance with a
18 Trap-Neuter-Return (“TNR”) Program, provides care to a Community Cat. A

¹Note to Codifiers: It is the intent of the Board of County Commissioners that the definitions be incorporated into § 6-2 in alphabetical order.

1 Community Cat Caregiver shall not be considered the owner or harborer of a
2 Community Cat. The provision of care to a Community Cat by a Community Cat
3 Caregiver shall not be considered a “use” of real property that is regulated by
4 Hernando County’s land development regulations.

5 Department means the Hernando County Animal Services Department, or its
6 designee.

7 Eartipping means straight-line cutting of the tip of the left ear of a cat while the cat
8 is anesthetized.

9 Feral cat means a cat that is born in the wild or is the offspring of an owned or feral
10 cat and is not socialized or is a formerly owned cat that has been abandoned and is
11 no longer socialized.

12 Nuisance means, for purposes of a TNR Program, conduct by a Community Cat that
13 includes, but is not limited to habitually or continually howling, crying or screaming
14 or habitually and significantly destroying, desecrating or soiling property against the
15 wishes of the owner of the property.

16 TNR means trap, neuter and return.

17 TNR Program means a protocol pursuant to which stray cats are trapped, neutered
18 or spayed, eartipped, vaccinated against rabies, and returned to the location where
19 they congregate, in accordance with this article.

1 **Section 3. Amending Hernando County Code § 6-33.** Hernando County Code § 6-33,
2 Unlawful to Keep Stray Animal, is amended to read as follows:

3 It shall be unlawful for any person to harbor, feed and/or keep any stray animal unless
4 he or she has notified animal services within twenty-four (24) hours from the time
5 such animal came into his or her possession. Community Cat Caregivers who are
6 participating in a bona fide, Animal Services-administered TNR Program are not
7 subject to this section.

8 **Section 4. Amending Hernando County Code § 6-41(c).** Hernando County Code § 6-
9 41(c), Impoundment, is amended to read as follows:

10 (c) Except as provided for in § 6-36, the animal shelter may adopt out or release
11 impounded cats after three (3) days and may euthanize impounded cats after five (5)
12 days, measured from the date of impoundment. Notwithstanding the foregoing, the
13 county veterinarian or his/her designee may euthanize an impounded cat if such
14 animal is in imminent danger of death from disease or trauma or is determined to be
15 feral and unsuitable for TNR. Euthanasia of cats to prevent overcrowding will be
16 conducted using the following priorities, to be determined by the county veterinarian
17 or his/her designee:

- 18 (1) Sick, diseased, or injured;
- 19 (2) Feral and unsuitable for TNR;
- 20 (3) Unadoptable.

1 **Section 5. Trap-Neuter-Return (TNR) Program.** A new Hernando County Code § 6-36,
2 to be entitled “Trap-Neuter-Return (TNR) Program,” is hereby enacted to read as follows:

3 (a) The purpose of this section is to authorize the implementation of a TNR
4 Program, in order to reduce the population of feral and stray cats as a means to lessen
5 the euthanasia of such cats.

6 (b) A feral or stray cat impounded by Animal Services shall be evaluated for
7 disease, health condition, temperament, and behavior for adoptability purposes.

8 (c) If a healthy feral or stray cat is diverted to the TNR Program, it shall be
9 sterilized so that it can no longer reproduce, eartipped, vaccinated against rabies and
10 returned to the location where it was found or trapped, unless an alternative location
11 is approved through the Animal Services Manager in writing.

12 (d) Properties used to provide food or water sources for Community Cats shall
13 maintain the following minimum buffers:

<u>Use</u>	<u>Buffer Distance Required</u>
<u>Schools</u>	<u>250 feet</u>
<u>Public Playgrounds</u>	<u>250 feet</u>
<u>Public Parks</u>	<u>250 feet</u>
<u>Conservation Land</u>	<u>750 feet</u>
<u>State or Federally Managed Lands</u>	<u>750 feet</u>

1 (e) The Animal Services Manager may formulate written procedures to
2 implement the provisions of this Section, subject to the approval of the Board of
3 County Commissioners.

4 (f) Notwithstanding the foregoing, Animal Services may immediately destroy
5 any Community Cat that becomes a nuisance, becomes infected or afflicted with
6 disease, develops an aggressive temperament, or otherwise poses a threat to the
7 public's health and safety.

8 **Section 6. Repeal of Redundant Civil Penalty Provision.** Hernando County Code § 6-37,
9 “Civil Penalties for Violations of this Chapter,” is hereby repealed.

10 **Section 7. Sunset Provision.** With the exception of Section 6 above, the provisions of this
11 ordinance will be null, void, and of no force and effect on or after November 1, 2023.

12 **Section 8. Severability.** It is declared to be the intent of the Board of County
13 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
14 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
15 validity of the remaining portions of this Ordinance.

16 **Section 9. Inclusion in the Code.** It is the intention of the Board of County Commissioners
17 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
18 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
19 section of this Ordinance may be renumbered or relettered to accomplish such intention, and that the
20 word “ordinance” may be changed to “section,” “article,” or other appropriate designation.

Section 10. Conflicting Provisions Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11. Effective Date. This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 9th day of October 2018.



**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: Marguerite Luke, D.C.
DONALD C. BARBEE, JR.
Clerk

By: [Signature]
Steve Champion
Chairman

Approved for Form and Legal Sufficiency

[Signature]
Deputy County Attorney