

## Darlene Christensen

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**From:** Reddick, Ernest L. <Ernest.Reddick@DOS.MyFlorida.com>  
**Sent:** Thursday, May 12, 2016 2:49 PM  
**To:** Darlene Christensen  
**Cc:** County Ordinances  
**Subject:** Emailing - Hernando20160512\_Ordinance2016\_6\_Ack.pdf  
**Attachments:** Hernando20160512\_Ordinance2016\_6\_Ack.pdf

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## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

May 12, 2016

Honorable Don Barbee Jr.  
Hernando County Clerk's Office  
20 North Main Street, Rm. 3621  
Brooksville, Florida 34601

Attention: Darlene Christensen, Administrative Services

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. 2016-6, which was filed in this office on May 12, 2016.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

1 **ORDINANCE NO.: 2016- 6**

2 AN ORDINANCE OF THE BOARD OF COUNTY  
3 COMMISSIONERS OF HERNANDO COUNTY, FLORIDA,  
4 PERTAINING TO ANIMAL CARE AND ADOPTION; DEFINING  
5 TETHER; RE-DEFINING ENCLOSURE; RE-DEFINING  
6 SHELTER; CREATING SECTION 6-34 OF THE HERNANDO  
7 COUNTY CODE OF ORDINANCES; ESTABLISHING  
8 REQUIREMENTS FOR THE TETHERING OF ANIMALS;  
9 PROVIDING FOR SEVERABILITY; PROVIDING FOR  
10 INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF  
11 INCONSISTENT PROVISIONS; AND PROVIDING FOR AN  
12 EFFECTIVE DATE.

13  
14 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
15 **COMMISSIONERS OF HERNANDO COUNTY:**

16 **1. Section 6-2 is hereby amended to include:**

17 **a. Definition of Tether.**

18 Tether means to restrain an animal by tying the animal to any object or structure, including  
19 without limitation a house, tree, fence, post, garage, or shed, by any means, including  
20 without limitation a chain, rope, cord, leash, or running line. Tethering shall not include  
21 using a leash or lead to walk an animal. Notwithstanding the foregoing, an animal may  
22 be tethered while actively participating in or attending an organized show, field trial, agility  
23 event, herding contest or other similar exposition or event, of a limited duration, that  
24 involves the judging or evaluation of animals.

25 **b. The definition for Enclosure is hereby re-defined as:**

1 Enclosure is any place where any animal is maintained outdoors including but is not limited to a  
2 fenced yard, kennel, or run and the animal shall be provided proper shelter within such enclosed  
3 area. The enclosure shall be suitable to prevent the escape of the animal or the entry of young  
4 children. The enclosed area shall be large enough for the animal's size and temperament,  
5 considering the number of animals that may be using the enclosure at any given time. For dogs,  
6 the enclosure shall be large enough for each dog to achieve a running stride. It shall include a  
7 shaded area, either by natural or artificial means that is large enough during all hours to shade all  
8 animals in the enclosure without crowding. The enclosure and surrounding area shall be free  
9 from trash, standing water, and cleaned regularly to remove accumulated waste and debris,  
10 parasites, including fleas, ticks and rodents so as not to threaten the physical wellbeing of the  
11 animal. Each animal housed in the primary enclosure, shall be provided wholesome food and a  
12 continuous supply of visibly clean, fresh water provided in a sanitary manner and in a container  
13 sized appropriately for the animal's species and size.

14  
15 **c. The definition for Shelter is hereby re-defined as:**

16 Shelter shall include but is not limited to a permanent structure with four sides, a solid roof,  
17 and a solid bottom. Any structure in which an animal is housed must be well ventilated  
18 with fresh air by means of windows, doors, vents, or fans. The structure shall protect the  
19 animal from injury. The shelter shall have an entryway that the animal can easily enter  
20 and exit in a natural manner and protects the animal from exposure to the elements. The  
21 structure shall be weather proof and structurally sound, with insulation appropriate to local  
22 climatic conditions and sufficient to protect each animal from inclement weather; the direct  
23 rays of the sun, wind, and rain; be constructed to allow each sheltered animal freedom of

1 movement to make normal postural adjustments, including the ability to stand up, turn  
2 around and lie down with its limbs outstretched in a normal posture. The animal shall be  
3 provided clean, dry bedding, or shall have a clean, solid resting place that is appropriate  
4 for the animals' size, age, health, and physical condition. The shelter shall be properly  
5 lighted to provide a regular lighting cycle of either natural or artificial light corresponding  
6 to the natural periods of daylight unless otherwise directed by a licensed veterinarian.  
7 Structures with wire, grid, or slat floors which permit the animal's feet to pass through  
8 openings, sag under the animal's weight or which otherwise do not protect the animal's  
9 feet or toes from injury are prohibited. Examples of inadequate shelter include, but are  
10 not limited to, lean-tos, metal drums, wire or airline carrier crates, cardboard boxes,  
11 abandoned vehicles, porches, decks, or material that does not provide sufficient protection  
12 from the elements.

13 2. **Section 6-34 - Regulation of Tethering.** A new Hernando County Code § 6-34 is  
14 hereby created to read as follows:

15 In order to protect the public safety and welfare, the following conditions shall  
16 apply when tethering an animal:

17 A. No person, to include owner, harborer, or caretaker shall tether an animal to a  
18 stationary or inanimate object as a means of confinement or restraint unless such  
19 person is with the animal and the animal is at all times visible to such person.

20 B. The tether must be constructed of material sufficient to restrain the animal but may

1           not place the animal in danger of injury or death. At no time shall the tether extend  
2           over an object or edge in such a manner that could result in strangulation,  
3           entanglement of or injury to the animal. Logging chains and vehicle tow chains  
4           may not be used to tether an animal. The addition of weight to an animal's collar,  
5           harness, chain, or tether is prohibited.

6           C. The tether shall be of a length and weight to allow an animal to move at least ten  
7           feet in all directions from the point of tethering and allow entry and egress to proper shelter  
8           and enclosure as defined herein. No person shall keep an animal in any enclosure without  
9           daily exercise and change of air.

10           D. The tether shall be attached to a properly fitted buckle-style collar or buckle-  
11           style harness sufficient to restrain the animal. The tether must have an operative swivel  
12           attached to a collar or harness and may not be attached to a stationary object at a height  
13           higher than the animal's neck in standing position. The tether must swivel on both ends  
14           and be free of tangles. A leash or lead may not be attached directly to the animal's neck  
15           in lieu of a manufactured collar or harness. Choke, chain, slip, or prong type collars shall  
16           not be used on an animal when such animal is tethered.

17           E. The animal must have access to sufficient wholesome food and a continuous  
18           supply of clean, potable water, and freedom to move about and avoid area of animal waste,  
19           parasites, or anything that would adversely harm an animal's health or safety.

20           F. The tethered animal must be at least six months of age and may not be sick or

1 injured.

2 G. The animal may not be outside during extreme weather conditions, including,  
3 but not limited to, extreme heat or near-freezing temperatures or during thunderstorms,  
4 lightning storms, tornado watches or warnings, or during tropical storm or hurricane  
5 watches or warnings.

6 H. No tether may extend any closer than six feet from the perimeter fence or lot  
7 line. If it is connected to a pulley, the running line must be at least 15 feet in length and  
8 less than seven feet above the ground. If multiple dogs, they must be tethered separately  
9 with no sharing of running lines, or near enough to each other that they may become  
10 tangled. No animal shall be tethered so that it has access to public property, including  
11 easements, and rights of way property, or the property of another.

12 I. When the animal is transported in a pickup truck with a metal bed, the animal  
13 shall be provided protection from the metal bed; and, shall be safely and properly tethered  
14 as defined herein.

15 J. Tethering and/or inappropriately sheltering an animal in violation of the  
16 provisions of this section shall be unlawful and a Class V violation of this Chapter. When  
17 a violation of this section occurs, an officer may take reasonable measures to remove the  
18 animal from the tether and/or inappropriate shelter and impound the animal.

19 K. "Inadequate shelter" may be indicated by the appearance of the shelter itself,  
20 including but not limited to, size, structural soundness, evidence of crowding within the

1 housing facility, unhealthy environment in the area immediately surrounding such facility,  
2 or by the appearance or physical condition of the animal.

3 L. Upon enactment of this ordinance, officers shall provide a warning to all first-  
4 time tethering and/or sheltering violators and allow 5 working days to correct the violation  
5 before any civil citation is issued. Notwithstanding the foregoing, nothing shall prevent an  
6 officer from citing an owner for violation of any other provision of this ordinance,  
7 including other prohibited acts of cruelty or neglect.

8 M. All persons, to include, owners, harborers, and caretakers of animals shall  
9 provide all health related grooming, cleaning, and parasite control required to ensure that  
10 the animals are maintained in a humane state and able to carry out normal activities.

11 N. No animal shall be tethered on vacant or abandoned property.

12 3 **Section - 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  
15 affect the validity of the remaining portions of this ordinance.

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



1 "article," or other appropriate designation.

2 5. **Section - Conflicting Provisions Repealed.** All ordinances or parts of ordinances  
3 in conflict with the provisions of this ordinance are hereby repealed.

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

7 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**

8 **HERNANDO COUNTY** in Regular Session this 10<sup>th</sup> day of May 20 16.



9  
10 **BOARD OF COUNTY COMMISSIONERS**  
11 **HERNANDO COUNTY, FLORIDA**

12  
13  
14  
15 Attest:   
16 DONALD C. BARBEE, JR.  
17 Clerk

18  
19 By:   
20 JAMES E. ADKINS  
21 Chairman

22 Approved for Form and Legal Sufficiency  
23   
County Attorney