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ORDINANCE NO. 16- 16

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 4, ARTICLE II OF THE LEON COUNTY CODE OF LAWS ENTITLED "ANIMAL CONTROL," DIVISION 1. – GENERALLY ; AMENDING SECTION 4-26, DEFINITIONS; AMENDING SECTION 4-29, ENFORCEMENT GENERALLY, PENALTIES; AMENDING SECTION 4-32, ENFORCEMENT PROCEDURES; AMENDING SECTION 4-33, RIGHT OF ENTRY; AMENDING SECTION 4-34, OBSTRUCTING ENFORCEMENT; AMENDING SECTION 4-35, RUNNING AT LARGE; AMENDING SECTION 4-36, PUBLIC NUISANCE PROHIBITED; AMENDING SECTION 4-37, HUMANE CARE REQUIRED; AMENDING SECTION 4-38, ANIMALS IN MOTOR VEHICLES; AMENDING SECTION 4-40, REPEATED INVALID COMPLAINTS; AMENDING SECTION 4-41, PROCEDURE UPON CITATION; AMENDING SECTION 4-45; PERMIT REQUIRED FOR MULTIPLE PETS; AMENDING SECTION 4-47, DOGS AND CATS OFFERED FOR SALE; HEALTH REQUIREMENTS; AMENDING DIVISION 2. – IMPOUNDMENT, REDEMPTION, ETC.; SECTION 4-63, REDEMPTION; AMENDING SECTION 4-64, DISPOSAL OF ANIMALS; AMENDING SECTION 4-65, FEES; AMENDING SECTION 4-67, SPAYED OR NEUTERED ON RECLAIM; AMENDING DIVISION 3. – RABIES CONTROL; AMENDING SECTION 4-76, RABIES VACCINATION REQUIRED; AMENDING SECTION 4-77, ANIMAL BITES; AMENDING DIVISION 4. – DANGEROUS AND AGGRESSIVE ANIMALS; AMENDING SECTION 4-92, EXCEPTION TO CLASSIFICATION; AMENDING SECTION 4-93, PETITION FOR CLASSIFICATION — GENERALLY; AMENDING SECTION 4-94, OWNER’S RIGHT TO CONTEST FINAL DETERMINATION IN THE COUNTY COURT; AMENDING SECTION 4-95, CITATION; AMENDING SECTION 4-96, IMPOUNDMENT; PERMIT AND TAG REQUIRED FOR DANGEROUS OR AGGRESSIVE ANIMALS; AMENDING SECTION 4-97, NOTIFICATION OF CHANGE OF STATUS; AMENDING SECTION 4-99, PERMANENT IDENTIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

1 *Attack* shall mean the act by any animal of approaching a domestic animal or a person in
2 such a manner that hostile contact with the other animal or a person occurs.

3 *Bite* means that the skin has been penetrated by an animal's teeth.

4 *Board* shall mean the Board of County Commissioners.

5 *Cat* means the domestic cat, *Felis catus*.

6 *Citation* shall mean a written notice issued to a person by an animal control officer
7 stating that the officer has probable cause to believe that the person has committed a civil
8 infraction in violation of a duly-enacted ordinance and that the county court will hear the charge.

9 ~~*County health officer* shall mean the person designated by the Board of County~~
10 ~~Commissioners pursuant to the definition in F.S. ch. 154 and F.A.C. ch. 64D-3.~~

11 *Dangerous animal* shall mean an animal that has, when unprovoked,

- 12 (1) Aggressively bitten, attacked, or endangered or has inflicted severe injury on a
13 human being on public or private property; or
- 14 (2) Has more than once severely injured or killed a domestic animal while off the
15 owner's property; or
- 16 (3) Has, when unprovoked, chased or approached a person upon the streets,
17 sidewalks, or any public grounds in a menacing fashion, or an apparent attitude of
18 attack; and
- 19 (4) Provided that such actions as set forth and described in paragraphs (1), (2) and (3)
20 above are attested to in a sworn statement by one or more persons and dutifully
21 investigated by the appropriate authority.

22 *Direct control* shall mean: any animal that is controlled and is obedient to a competent
23 person's commands, is restrained by leash or tether of appropriate length, or other physical
24 control device, or is within a secure enclosure.

25 ~~(1) Immediate continuous physical control of a dog at all times by means of a leash, cord,~~
26 ~~or chain of such strength to restrain the dog; and~~

27 ~~(2) Controlled by a person capable of restraining the dog; or~~

28 ~~(3) Safe and secure restraint within a vehicle.~~

29 ~~(4) Voice control shall be considered direct control when the dog is actively participating~~
30 ~~in certified training or official showing, obedience, or field events.~~

31 ~~(5) Direct control shall not be required of dogs actually participating in a legal sport in an~~
32 ~~authorized area or of government police dogs.~~

33 *Director of animal control* shall mean the person designated by the county administrator
34 to enforce the ordinances and laws pertaining to animal control and cruelty to animals.

35 *Division of animal control* shall mean the agency designated by the Board of County
36 Commissioners to enforce the ordinances and laws pertaining to animal control and cruelty to
37 animals.

1 *Dog* means the domestic dog, *Canis familiaris*, or any of the various other animals of the
2 family *Canidae*.

3 *Domestic* means tame, usually by generations of breeding, and living in close association
4 *with humans as a pet, work animal or farm animal in such a way that creates a dependency on*
5 *humans so that the animal loses its ability to live in the wild.*

6 ~~*Domestic animal* shall mean any equine or bovine animal, goat, sheep, swine, dog, cat,~~
7 ~~*poultry, or other domesticated beast or bird.*~~

8 *Endanger* shall mean risk of harm or imperil.

9 *Exposure to rabies* shall mean contact by any person, domestic animal or captive wild
10 animal with saliva, brain tissue, or other potential infectious material of a rabid animal or of an
11 animal suspected to be rabid due to its apparent ill health, or which is of a species commonly
12 recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, bats, skunks, and
13 bobcats.

14 *Feral animal* shall mean any wild cat or dog, whether it was born in the wild or reverted
15 to a wild state due to abandonment or lack of domestication.

16 *Impoundment* shall mean the taking up and confining of an animal by the division of
17 animal control in a manner consistent with professionally-recognized standards of humane
18 treatment.

19 *Inhumane care of animals* includes, but is not limited to, any act, omission, or neglect,
20 *which causes unjustifiable injury, physical pain, suffering, or death to any living animal when*
21 *there is reasonable remedy or relief.*

22 *Livestock* shall mean all animals of the equine, bovine, or swine class, including goats,
23 sheep, mules, horses, hogs, cattle, ostriches, Chickens or poultry and other grazing animals.

24 *Neutered* shall mean rendered permanently incapable of reproduction or permanently
25 incapable of reproduction because of physiological sterility, but only where the neutered
26 condition has been certified by a veterinarian licensed in any state.

27 *Owner* shall mean any person, firm, corporation or organization owning, possessing,
28 harboring, or having control, custody and care of an animal. If the animal is owned by a person
29 under 18 years, that person's parent or guardian.

30 *Person* shall mean any individual, firm, corporation, partnership, organization, or
31 association.

32 *Potential rabies carrier* shall mean any species commonly recognized to be a carrier of
33 rabies, such as, but not limited to, raccoons, foxes, bobcats, and skunks.

34 ~~*Proper shelter for an outdoor animal (excluding livestock)* shall include, but is not~~
35 ~~*limited to, a permanent structure with three sides, a top and a bottom. The structure shall have a*~~
36 ~~*waterproof roof, be structurally sound with three solid sides, top and bottom, and shall protect*~~
37 ~~*the animal from the elements, with space to stand up, sit down, turn around and lie down in a*~~
38 ~~*normal posture. The structure and surrounding area needs to be free of trash or waste so as not to*~~
39 ~~*threaten the physical well being of the animal. Examples of inadequate shelter include, but are*~~
40 ~~*not limited to, lean-tos, cardboard boxes, uncovered vented plastic airline carriers, abandoned*~~

1 ~~vehicles, uncovered porches, uncovered decks, or material that does not provide sufficient~~
2 ~~protection from the elements.~~

3 Proper shelter for an outdoor animal (excluding livestock) shall mean:

4 (1) Any structure with at least three walls, a roof, and a floor in adequate condition as
5 not to endanger the safety of the animal and as to provide necessary protection of
6 the animal from weather conditions. Examples of inadequate shelter include, but
7 are not limited to, lean-tos, cardboard boxes, plastic airline carriers unless sides
8 are modified to keep wind and rain out, abandoned vehicles or material that does
9 not provide sufficient protection from the elements.

10 (2) The structure must be made of durable materials including, but not limited to,
11 wood or molded plastic.

12 (3) The structure shall have a waterproof roof, be structurally sound with waterproof
13 and wind resistant sides, with space for the animal to stand up, sit down, turn
14 around and lie down in a normal posture.

15 (4) The structure must be properly located so that it does not allow for standing water
16 to pool inside following any weather event or other water intrusion.

17 (5) The structure and surrounding area needs to be free of trash or waste so as not to
18 threaten the physical wellbeing of the animal.

19 (6) The shelter must have clean bedding to provide insulation and protection against
20 cold and dampness and promote the retention of body heat. Acceptable bedding
21 shall include, but not be limited to, blankets, hay, straw, or cedar shavings.

22 Public nuisance by animals shall mean, but is not necessarily limited to:

23 (1) Any animal which chases vehicles or ~~molests passersby~~ persons; or

24 (2) Any animal, which runs at large upon public or private property without
25 permission from the property owner; or

26 (3) Any animal which soils, defiles, or defecates on public or private property, other
27 than the property of the owner, unless the owner immediately removes and
28 properly disposes of it; or

29 (4) Any animal which causes unsanitary or dangerous conditions to exist resulting in
30 noxious odors, the attraction of rodents, insects, vermin, animal pests and
31 parasites (i.e., ticks, fleas, worms, etc.); or

32 (5) Any feral animal; or

33 (6) Any animal which ~~continuously~~ meows, barks, howls, whines or makes other
34 sounds common to the species, persistently or continuously for a period of 30
35 minutes or longer when the animal is not contained within an enclosure sufficient
36 to baffle loud noises and render them reasonably unobjectionable. This subsection
37 shall not apply to animals maintained on land zoned for agricultural purposes, nor
38 shall it apply to a properly permitted animal shelter established for the care and/or
39 placement of unwanted or stray animals, nor a properly zoned commercial
40 boarding kennel or other animal facility, or otherwise disturbs the peace; or

1 (7) Failure to remove animal fecal matter such that adjacent property owners or
2 inhabitants are unable to enjoy the use of his or her property due to the odor or
3 smell;or

4 (8) Failure to eradicate fleas, ticks and other animal pests and parasites from the
5 animal owner's and/or caregiver's property which results in an infestation or
6 proliferation of the same beyond the boundaries of the animal owner's and/or
7 caregiver's property.

8 *Severe injury* means any physical injury that results in broken bones, multiple bites, or
9 disfiguring lacerations requiring sutures or reconstructive surgery.

10 *Severe weather* shall mean any dangerous meteorological phenomena with the potential
11 to cause damage, serious social disruption, or loss of human life.

12 *Tethering* shall mean a rope, leash, pulley run or other means of constraint, which must
13 be attached to the animal by a properly applied commercially available buckle-type collar, halter
14 or harness and configured so as to protect the animal from injury and prevent entanglement with
15 other objects and/or animals. This shall not apply to an owner who is walking or exercising their
16 animal.

17 *Unprovoked* shall mean that the victim who has been conducting himself peacefully and
18 lawfully has been bitten or chased in a menacing fashion or attacked by an animal.

19 *Veterinarian* shall mean a person who is licensed to engage in the practice of veterinary
20 medicine as provided for in F.S. eCh. 474.

21 *Veterinary hospital or clinic* shall mean any place or facility owned or operated by a
22 licensed veterinarian and used for the practice of veterinary medicine in the diagnosis, treatment,
23 and care of diseases of and injuries to animals, or used for the boarding of animals during such
24 diagnosis, treatment or care, or used for the temporary boarding of animals belonging to the
25 veterinarian's clients.

26 Sec. 4-27. - Statutory authority.

27 This article is an exercise of authority under state law.

28 Sec. 4-28. - Area of enforcement.

29 This article shall be effective throughout the unincorporated area of the county and within
30 any incorporated area of the county upon execution of an interlocal agreement with the
31 incorporated area specifying the terms for implementation and enforcement of this article within
32 the incorporated area. However, this ordinance shall not be applicable to research and
33 instructional programs conducted in the interest of medical science by universities registered
34 with the United States Department of Agriculture and operated under federal statutes and rules.

35 Sec. 4-29. - Enforcement generally; penalties.

- 1 (a) In addition to or in lieu of impounding an animal which any animal control officer or any
2 law enforcement officer has probable cause to believe is in violation of this article the
3 officer may issue a citation to the owner or keeper of the animal,; ~~provided, however, that~~
4 ~~upon a second conviction within the same household of a violation of sections 4-35~~
5 ~~through 4-39, the animal shall be confined to the owner's premises by means of an~~
6 ~~enclosure approved by the division of animal control for restraining the animal and for~~
7 ~~preventing its escape.~~
- 8 (b) Any person to whom a citation is issued shall pay the fine by the designated date or
9 ~~appear in county court at the time, date and location designated in the citation. elect to~~
10 ~~appear to contest the citation or appear at the designated date and time on the Notice to~~
11 ~~Appear for mandatory appearances in county court.~~
- 12 (c) Any person who fails to pay the civil penalty within the time allowed, or fails to appear in
13 court to contest the citation, shall be deemed to have waived his or her right to contest the
14 citation and that, in such case, judgment may be entered against the person for an amount
15 up to the maximum civil penalty.
- 16 (e)(d) Any person electing to appear or required so to appear waives the right to pay the
17 minimum civil penalties.
- 18 (d)(e) Penalties shall be in addition to court costs as established by the county court.
- 19 (e)(f) The maximum civil penalty for each violation shall be \$500.00.
- 20 (f)(g) If a person to whom a citation is issued does not contest the citation and elects to pay the
21 applicable civil penalty in lieu of appearing in county court, the civil penalty shall be less
22 than the maximum civil penalty.
- 23 (g)(h) A mandatory court appearance does not have the option of paying the fine instead of
24 appearing in court and shall be required for any of the following:
- 25 (1) Third and subsequent violations of this article, except as provided in section
26 4-29(g) (4), (5), (6), and (7).
- 27 (2) Third and subsequent violations which result in the destruction or loss of personal
28 property.
- 29 (3) Second and subsequent violations which result in the unprovoked biting,
30 wounding, or attacking of a domestic animal or person.
- 31 (4) Second or subsequent violations of sections 4-37 and 4-38.
- 32 (5) Violations of section 4-39.
- 33 (6) Second and subsequent violation of any provision pertaining to dangerous or
34 aggressive animals which does not result in injury to a person or domestic animal.
- 35 (7) Violation of any provision pertaining to dangerous or aggressive animals which
36 results in injury to a person or domestic animal.
- 37 (h)(i) Minimum civil penalties for violations of the article not otherwise listed above are as
38 follows:

Code Section	Description of Violation	1st Violation	2nd Violation	3rd Violation and thereafter
4-34	Obstructing enforcement	\$50.00	\$100.00	\$250.00
4-35	Running at large	\$50.00	\$100.00	\$250.00
4-35	<u>Running at large with the destruction or loss of personal property</u>	<u>\$100.00</u>	<u>\$250.00</u>	<u>\$500.00 and a mandatory court appearance.</u>
4-35	<u>Running at large with the unprovoked, biting, wounding or attacking of a domestic animal or person</u>	<u>\$450.00 (person)</u> <u>\$250.00 (animal)</u>	<u>\$500.00 thereafter and mandatory court appearance.</u>	
4-36	Public nuisance prohibited	\$50.00	\$100.00	\$250.00
4-37	Humane care required	\$250.00	Thereafter \$500.00 and mandatory court appearance	
4-38	Animals in motor vehicles	\$250.00	Thereafter \$500.00 and mandatory court appearance	
4-39	Exploitation of animals prohibited	\$500.00 and mandatory court appearance		
4-40	Repeated invalid complaints	\$50.00	\$100.00	\$250.00
4-43	Removal of animal waste	\$50.00	\$100.00	\$250.00
4-44	Number of animals, acreage restrictions/excess animals	\$50.00	\$100.00	\$250.00

	habitats			
4-45	Permit required for multiple pets	\$50.00	\$100.00	\$250.00
4-46	Prohibition on feeding feral animals	\$50.00	\$100.00	\$250.00
4-47	Dogs and cats offered for sale; health requirements	\$50.00	\$100.00	\$250.00
4-76	Rabies vaccination required	\$50.00	\$100.00	\$250.00
4-77	Animal bites	\$50.00	\$100.00	\$250.00
4-78	Potential rabies carriers	\$50.00	\$100.00	\$250.00
4-35 4-36 4-37 4-38 4-43 4-47 4-77	Violations which result in the destruction or loss of personal property	\$100.00	\$250.00	\$500.00 and a mandatory court appearance.
4-35 4-36 4-37 4-38 4-43 4-47 4-77	Violations which result in the unprovoked, biting, wounding or attacking of a domestic animal or person	\$450.00 (person) \$250.00 (animal)	\$500.00 thereafter and mandatory court appearance.	
4-96 to 4-103	Violations of any provision pertaining to a dangerous animal which does not result in injury to a person or domestic animal.	\$250.00	\$500.00 thereafter and mandatory court appearance.	
4-96 to 4-103	Violations of any provision pertaining to aggressive animals which does not result in injury to	\$250.00	\$500.00 thereafter and mandatory court	

	a person or domestic animal		appearance.	
4-96 to 4-103	Violations of any provision pertaining to dangerous animals which does result injury to a person or domestic animal.	\$500.00 and mandatory court appearance.		
4-96 to 4-103	Violations of any provision pertaining to aggressive animals which does results in injury to a person or domestic animal.	\$500.00 and mandatory court appearance.		

- 1 ~~(j)~~(i) In addition to any penalties and/or court costs imposed by this article or the court, there
2 shall be imposed and collected by the clerk of the court a \$5.00 surcharge upon each civil
3 penalty imposed for all citations issued for violations of this article. All funds collected as
4 a direct result of this surcharge shall be placed in a fund by the county to be utilized for
5 funding training of Leon County Animal Control Officers as required by F.S. §
6 828.27(4)(b).
- 7 ~~(k)~~ Any person who fails to pay the civil penalty, fails to appear in court to contest the
8 citation, or fails to appear in court as required by subsection (g), the court may issue an
9 order to show cause upon the request of the governing body of the county. This order
10 shall require such persons to appear before the court to explain why action on the citation
11 has not been taken. If any person who is issued such order fails to appear in response to
12 the court's directive, that person may be held in contempt of court.
- 13 ~~(l)~~(l) All violations shall be ~~recorded~~ accrued by owner, not by the individual animal.
- 14 ~~(m)~~ Community Service hours may be substituted for fines and fees at the request of the
15 violator or the County at the discretion of the court.
- 16 (1) No individual may participate in community service activities unless such
17 individual has executed a waiver and release in favor of the County, on a form
18 approved by the Leon County Attorney's Office, from any liability which may
19 accrue or arise during such community service work.
- 20 (2) Once an individual has completed the necessary hours equal to the fine entered on
21 the final judgment, the final judgment shall be satisfied.
- 22 (3) Such service must be completed within a prescribed time or the maximum fine
23 and/or all fees shall be entered as a final judgment.
- 24 ~~(n)~~ Unpaid citations may be referred to a private collection agency prior to the County
25 seeking a civil judgment against the violator.

1 (o) In addition to the penalties otherwise provided in this Article, the Board shall have the
2 right to enforce by injunction, writ of garnishment, or any other appropriate legal means,
3 compliance with the regulations and requirements of this Article.
4

5 Sec. 4-30. - Rules and regulations.
6

7 The Board of County Commissioners may, by resolution, enact reasonable rules and
8 regulations to implement and carry out the provisions of this article and state law.
9

10 Sec. 4-31. - Designation of enforcement officers.
11

12 (a) The Board of County Commissioners is hereby authorized to designate certain of its
13 employees in the animal control division as enforcement officers, herein referred to as
14 "animal control officers." The training and qualifications of the employees for such
15 designation shall be determined by the board.

16 (b) The director of animal control or any animal control officer shall have the authority to
17 enforce this article. The director of animal control and each person designated as an
18 animal control officer pursuant to F.S. eCh. 828, may issue to the known owner or keeper
19 of such animal a warning notice or citation as defined in section 4-29.
20

21 Sec. 4-32. - Enforcement procedures.
22

23 The procedures and guidelines used by the division of animal control in administration of
24 this article shall be approved by the Board of County Commissioners. The procedures and
25 guidelines submitted to the board shall take into consideration recommendations by interested
26 parties such as licensed veterinarians, a—persons knowledgeable in animal behavior, law
27 enforcement officers, and interested citizens.
28

29 Sec. 4-33. - Right of entry.

30 ~~(a) Pursuant to F.S. §§ 828.27, 828.073, and 125.01, the director of animal control and/or~~
31 ~~any animal control officer shall have the authority to enter public or unfenced private~~
32 ~~property within the county to carry out the duties imposed by this article. The director of~~
33 ~~animal control and/or any animal control officer is authorized to enter upon any private~~
34 ~~property that is unfenced, or that is fenced but with a gap, opening or indentation, or with~~
35 ~~a gate that is not closed and locked for the purpose of investigating a complaint of~~
36 ~~violation of this Chapter, for the purpose of seizing and impounding any animal that is~~
37 ~~stray or at-large, for the purpose of taking possession of any animal found neglected or~~
38 ~~cruelly treated, or as otherwise authorized by this Chapter; however, an animal control~~
39 ~~officer is not authorized to enter a dwelling without the owner's or the resident's~~
40 ~~permission, or without a warrant or under other authority.~~

41 ~~(b) Pursuant to F.S. §§ 828.27, 828.073, and 125.01, the director of animal control, and/or~~
42 ~~any animal control officer shall have the authority to enter fenced private property,~~
43 ~~exclusive of buildings, when:~~

1 ~~(1) The owner or keeper of an animal which has bitten or otherwise exposed a human~~
2 ~~or domestic or captive wild animal to rabies refuses to surrender such animal for~~
3 ~~rabies quarantine.~~

4 ~~(2) The animal being sought was at large immediately prior to the division of animal~~
5 ~~control receiving a complaint that the animal was at large chasing people or~~
6 ~~domestic animals or was causing the destruction or loss of personal property, but~~
7 ~~subsequently returned to its owner's fenced private property, provided, however,~~
8 ~~that the animal has the capability to leave the fenced property by climbing,~~
9 ~~jumping, or crawling under the fence and provided that an attempt to contact the~~
10 ~~owner, if known, was unsuccessful.~~

11 ~~(3) The division of animal control is taking possession of any animal found neglected~~
12 ~~or cruelly treated pursuant to F.S. §§ 828.27, 828.073 and 125.01.~~

13 ~~(4) Pursuant to F.S. §§ 767.12 and 125.01, the division of animal control is taking~~
14 ~~possession of any animal initially determined as dangerous or aggressive.~~

15 Sec. 4-34. - Obstructing enforcement.

16 No person shall:

17 ~~(1)~~(a) Refuse to surrender an animal upon lawful demand by the director of animal control or
18 any animal control officer.

19 ~~(2)~~(b) Interfere with the director of animal control or any animal control officer who is lawfully
20 performing his or her duties.

21 ~~(3)~~(c) Hold, hide, or conceal any animal which the director of animal control or an animal
22 control officer has deemed to be in violation of this article.

23 ~~(4)~~(d) Take or attempt to take any animal from the director of animal control or an animal
24 control officer or from any vehicle used by him to transport animals in the legal
25 performance of his or her duties.

26 ~~(5)~~(e) Take or attempt to take any animal from an animal control shelter, a humane live trap, or
27 an animal carrier, without proper authority.

28
29 Sec. 4-35. - Running at large.

30 (a) *Generally prohibited.* It shall be unlawful for any animal to run or remain at large on any
31 street, road, alley, park or other public place. A street, road, alley, or other place shall be
32 considered a public place, without respect to maintenance authority or ownership, if the
33 area is under common ownership or control, or is generally accessible to the public.

34 (b) *[Private property.]* It shall be unlawful for any animal to be on private property without
35 the consent of the property owner whether or not the animal is under direct control.

1 (c) *[Tethering.]* It shall be a violation of this article for the owner or keeper of any animal to
2 tie, chain or otherwise tether such animal in such a manner that it has access to public
3 property or the property of another without consent of that property owner.

4 (d) *[Responsibility.]* The owner or keeper of any animal found running or remaining at large
5 shall be responsible for any violation of this article.

6 (e) *Dogs and cats in estrus (heat).* The owner of any female dog or cat in estrus shall keep
7 such dog or cat confined in a building or secure enclosure, veterinary hospital, or
8 boarding kennel in such manner that such female dog or cat cannot come in contact with
9 a male dog or cat, except for intentional breeding purposes.

10 (f) Enhancements. Minimum civil penalties for violations of this section are enhanced as
11 described in Sec. 4-29 when the violation results in the following:

12 (1) The destruction or loss of personal property; or

13 (2) The unprovoked biting, wounding, or attacking of a domestic animal or person.

14
15 (g) *Exceptions.* This section shall not apply to:

16 (1) Any dog actually engaged in a legal sport, including supervised hunting within
17 authorized areas.

18 (2) Any dog or cat being officially showed or trained.

19 (3) Any animal that is especially trained to assist or provide personal services for a
20 disabled person, as defined under the American With Disabilities Act.

21 (4) Government police dogs.

22
23 (5) Dogs in a designated or established "off-leash" dog park while under the
24 supervision of the owner or a responsible person.

25
26 Sec. 4-36. - Public nuisance prohibited.

27 (a) It shall be unlawful for any person to allow his or her animal to become a public
28 nuisance.

29 (b) The owner of any domestic or captive wild animal which is a public nuisance shall be
30 subject to the procedures and penalties set forth in section 4-29.

31 (c) Any animal which is feral shall be classified as a public nuisance and may be impounded
32 and humanely euthanized. Feral animals may not be required to be held for a minimum
33 period of time as is required for other stray animals (as provided in Division 2).

34 (d) Any nuisance complaint may be investigated by animal control or law enforcement. The
35 owner shall first be given written notification by the county of the public nuisance, that
36 the owner is required to make reasonable effort to abate the nuisance within seven (7)
37 calendar days of the written notice of violation, and that subsequent violations or failure

1 to abate the nuisance may result in the issuance of a citation to the owner for allowing his
2 or her animal to become a nuisance.

3 (e) Subsequent violations, after warning, shall be based on the following:

4 (1) An animal control officer or law enforcement having personal knowledge of the
5 nuisance; or

6 (2) Sworn affidavits of complaint signed by two unrelated residents living in separate
7 dwellings in the close proximity of the alleged violation; or

8 (3) Sworn affidavit of complaint signed by a resident living in the close vicinity of
9 the alleged violation together with a videotape of the activity complained of
10 recorded by, or recorded in the physical presence of, such resident.

11 (f) For the purposes of this section, *close proximity* shall mean residing within a radius of
12 200 feet from the residence or location of the offending animal or property but shall not
13 preclude the consideration of evidence and testimony of persons living more than 200
14 feet from the residence or location of the offending animal. One affidavit may be
15 sufficient to warrant an investigation where there is only one party in close proximity to
16 the alleged nuisance.

17 (g) The affidavit(s) shall specify the following:

18 (1) Address or location of the alleged violation.

19 (2) The nature, time and date(s) of the act.

20 (3) The name and address of the owner or custodian of the animal, if known.

21 (4) Description of the animal, if known.

22 (5) The videotape shall include the date and time of the event being recorded and
23 shall provide evidence of the nature and extent of the violation.

24 (h) Affidavits received by Animal Control within ten (10) business days of the alleged
25 violation will result in an investigation of the complaint. If the complaint is valid and
26 probable cause exists that a violation of this section has occurred, a citation may be
27 issued.

28 (i) Nothing in this section shall be construed to give authority or authorization to any
29 person(s) to trespass on private property.

30 ~~(e) Subsequent violations, after warning, shall be based on the animal control officer or law~~
31 ~~enforcement having personal knowledge of the nuisance or at least two affidavits from~~
32 ~~different parties residing in close proximity to the alleged nuisance must be received.~~
33 ~~Close proximity shall mean residing within a radius of 200 feet from the residence or~~
34 ~~location of the offending animal or property but shall not preclude the consideration of~~
35 ~~evidence and testimony of persons living more than 200 feet from the residence or~~
36 ~~location of the offending animal. One affidavit may be sufficient to warrant an~~
37 ~~investigation where there is only one party in close proximity to the alleged nuisance.~~

38 Sec. 4-37. - Humane care required.

- 1 (a) No owner shall fail to provide his or her animal with sufficient and wholesome food,
2 proper shelter and protection from the weather at all times, veterinary care when needed
3 to prevent suffering, sufficient exercise space, and humane care and treatment, including
4 clean, sanitary, safe, humane conditions. The owner of an animal shall provide clean
5 water for the animal in a sufficient quantity to maintain the animal in a healthy condition.
6 Water shall be provided at all times in a stable container which is sized appropriately for
7 the animal's species and breed.
- 8 (b) No person shall overload, overwork, torture, or torment, deprive of necessary sustenance,
9 beat, mutilate or inhumanely kill, or otherwise abuse any animal or cause or permit the
10 same to be done.
- 11 (c) No person shall abandon any animal by forsaking the animal entirely or by neglecting or
12 refusing to provide or perform the legal obligations for care and support of the animal.
- 13 (d) Any person who, as the operator of a motor vehicle, strikes a domesticated animal,
14 should immediately report such incident to any law enforcement agency or to the division
15 of animal control.
- 16 (e) Tethering. No person shall under any circumstances tether ~~or otherwise confine~~ any
17 animal in a manner that is injurious to the animal's health, safety and well-being. Proper
18 and humane tethering includes, but is not limited to the following:
- 19 (1) Collars used to attach an animal should be comfortable and properly fitted. The
20 use of choker collar or chain is prohibited.
- 21 (2) The tether shall not extend over an object or edge in such a manner that could
22 result in strangulation of or injury to the animal. The length of the tether must be a
23 minimum of six feet, or at least three times the length of the animal measured
24 from the animal's nose to the base of its tail, whichever is greater, unless the tether
25 is being used to secure the animal to the bed of an open vehicle or pick-up truck.
26 The tether must have a swivel at both ends to prevent entanglement. Restraints
27 should allow the animal to move about and lie down comfortably. Pulley, running
28 line, or trolley systems must be at least 15 feet in length and less than seven feet
29 above the ground.
- 30 (3) Tethering of an animal is prohibited during severe weather events and natural
31 disasters such as flood, fires, tornadoes, hurricanes or blizzard.
- 32 (4) No animal shall be confined to a vacant or abandoned structure or vacant
33 property.
- 34 (5) The weight or gauge of any tether or chain shall not be more than one-eighth of
35 the animal's weight. Logging chains and vehicle tow chains are prohibited. No
36 person shall add any weight to an animal collar, harness, chain or tether.
- 37 ~~(6) Animals are not to be tethered outside during extreme weather events, including,~~
38 ~~but not limited to, extreme heat or cold, thunderstorms, lightning, tornadoes,~~
39 ~~tropical storms, hurricanes, or snow.~~
- 40 ~~(7)~~(6) The animal tethered must be at least six months of age. Puppies and kittens shall
41 not be tethered.

- 1 ~~(8)~~(7) The animal tethered must not be sick or injured.
- 2 (f) Any person who commits any of the following acts shall be in violation of this section:
- 3 (1) Baiting, breeding, training, transporting, selling, owning, possessing, or using any
- 4 wild or domestic animal for the purpose of animal fighting or baiting;
- 5 (2) Betting or wagering any money or other valuable consideration on the fighting or
- 6 baiting of animals;
- 7 (3) Attending the fighting or baiting of animals;
- 8 (4) Owning, possessing, or selling equipment for the purpose of animal fighting or
- 9 baiting;
- 10 (5) Providing or allowing property for use in the housing, training, transport, fighting
- 11 or baiting of animals.

12 Sec. 4-38. - Animals in motor vehicles.

- 13 (a) No operator of a motor vehicle shall transport or keep an animal in or on any motor
- 14 vehicle unless the animal is safely enclosed within the cab of the vehicle or protected by a
- 15 container, cage, cross tethering, or other device that will prevent the animal from falling
- 16 from, being thrown from, or jumping from the motor vehicle.
- 17 (b) No person shall transport, place or confine an animal or allow it to be placed or confined
- 18 in the enclosed trunk of a vehicle.
- 19 (c) It shall be unlawful for a motor vehicle owner or operator to place or confine an animal
- 20 or allow it to be placed or confined or to remain in an un-attended motor vehicle without
- 21 sufficient ventilation or under conditions for such a period of time as may reasonably be
- 22 expected to endanger the health or well-being of such animal due to heat, lack of water,
- 23 or such other circumstances as may reasonably be expected to cause suffering, disability
- 24 or death of the animal.
- 25 (d) Officers finding an animal under the conditions referenced above may rescue such animal
- 26 from the vehicle following the policy established by animal control.
- 27 (e) Any officer who acts in substantial compliance with the requirements of this section shall
- 28 make the officer and/or the county immune from any criminal or civil liability.
- 29 (f) A person who enters a motor vehicle, by force or otherwise, for the purpose of rescuing
- 30 and removing a domestic animal is immune from civil liability for damage to the motor
- 31 vehicle as outlined in F.S. §768.139, as may be amended from time to time.

32 Sec. 4-39. - Exploitation of animals prohibited.

33 It is unlawful for any person to promote, conduct or permit exploitive animal contests,

34 performances, or exhibitions, in which animals are encouraged, forced, or trained to perform

35 unnaturally, including, but not limited to, greased pig contests, equine basketball, diving equine

36 acts, or roadside zoos or menageries.

1 Sec. 4-40. - Repeated invalid complaints.

2 It is unlawful for a person to willfully and knowingly provide false or misleading
3 information to Animal Control on matters pertaining to the enforcement of this Chapter or state
4 law.

5
6 (a) Upon determination that a complaint is invalid, the investigating officer shall notify the
7 complainant in writing of the determination and the reason for the determination.

8 (b) Any person who receives a second notice of an invalid complaint or any subsequent
9 notices thereafter may be issued a citation for a violation of this section and subject to the
10 fines as outlined in Sec. 4-29 of this Chapter, as may be amended from time to time.

11 (c) Any person who has been convicted of more than three (3) citations for an invalid
12 complaint within a three (3) year period may be subjected to penalties pursuant to F.S. §§
13 125.69 and 162.21. Such violations shall be prosecuted in the name of the state in a court
14 having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon
15 conviction shall be punished by a fine not to exceed \$500 or by imprisonment in the
16 county jail not to exceed 60 days or by both such fine and imprisonment.

17 ~~Upon determination that a complaint is invalid, the investigating officer may notify the~~
18 ~~complainant in writing of the determination and the reason for the determination. Any person~~
19 ~~who has received a third notice of an invalid complaint within a 365 day period shall be deemed~~
20 ~~to have committed a violation of this chapter.~~

21 Sec. 4-41. - Procedure upon citation.

22 (a) Any person cited for violation of the animal control ordinance shall be deemed to be
23 charged with a civil infraction and cited to appear in county court.

24 (b) Any person cited for an infraction under this section must:
25 (1) Sign and accept a citation indicating a promise to appear in county court ~~at the~~
26 ~~time, date, and place indicated in the citation~~, or, in lieu of appearing, pay the
27 applicable civil penalty within the timeframe noted on the citation. ~~prior to the~~
28 ~~court date noted on the citation.~~

29 a. *Exception.* No person to whom a citation has been issued which requires a
30 mandatory court appearance may pay the civil penalty in lieu of appearing
31 in county court.

32 (c) Whenever possible, a citation issued by an animal control officer shall be hand delivered
33 to the violator (or the violator's representative having custodial responsibilities at the
34 location of the violation). If the animal control officer is unable to hand deliver the
35 citation, the animal control division shall send the citation by certified mail to the
36 violator. Failure to accept delivery of the certified letter shall be considered a willful
37 refusal to sign for and accept issuance of the citation.

38 (e)(d) Any person who willfully refuses to accept and sign the citation shall be in violation of
39 state law and this article and shall be punished in accordance with F.S. §§ 775.082,
40 775.083, or 775.084, as provided by F.S. ch. 828.

1 ~~(d)~~(e) If the person cited pays the applicable civil penalty in lieu of appearing in county court,
 2 he or she shall be deemed to have admitted the infraction and to have waived his or her
 3 right to a hearing on the issue of commission of the infraction.

4 (e)(f) Any person electing to appear or who is required so to appear shall be deemed to have
 5 waived his or her right to pay the minimum civil penalty.

6 Sec. 4-42. - Fees.

7 The Board of County Commissioners of Leon County, Florida, may, by resolution,
 8 establish and subsequently amend a fee schedule for the division of animal control which shall
 9 be administered by the division. All fees collected under this section that are not expended in the
 10 current fiscal year, shall be carried over to the succeeding fiscal year for expenditure in the
 11 division of animal control.

12 Sec. 4-43. - Removal of animal waste.

13 (a) It shall be unlawful for any owner of an animal to fail to remove any feces deposited by
 14 his or her animal on public walks, recreation areas, public streets, or private property
 15 other than the premises of the owner of the animal.

16 (b) This section shall not apply to disabled persons accompanied by a service animal used for
 17 assistance in accordance with the law.

18 Sec. 4-44. - Number of animals, acreage restrictions/excess animals habitats.

19 (a) A person convicted of his or her second violation of sections 4-35, 4-36, 4-37 or 4-76
 20 within a two-year period shall be subject to the provisions of sections 4-44 and 4-45. The
 21 second conviction may be of the same section as the initial violation or a subsequent
 22 conviction of another listed section. Thereafter, it is a violation of this section if the
 23 person harbors a greater number of dogs and/or cats than allowed in the chart below
 24 without obtaining a multiple pet permit. The owner must comply with all animal care
 25 standards as required in section 4-45 of this chapter.

If you have:	Less than 1.5 acres	1.5 to less than 3 acres	3 to less than 5 acres	5 acres or more
1—10 dogs and/or cats	No permit required	No permit required	No permit required	No permit required
11—20 dogs and/or cats	Prohibited without valid permit	No permit required	No permit required	No permit required
21—30 dogs and/or cats	Prohibited without valid permit	Prohibited without valid permit	No permit required	No permit required

31 plus dogs and/or cats	Prohibited without valid permit	Prohibited without valid permit	Prohibited without valid permit	*
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1

2 * For each additional 1.5 acres over five acres, up to ten dogs and/or cats shall be allowed
3 without a permit.

4 Acreage determination excludes easements for roads or other areas that must allow public
5 egress and ingress. All property must be contiguous.

6 (b) References to dogs and cats in this section only refer to dogs and cats older than four
7 months. There are no restrictions on the number of dogs and cats younger than four
8 months old that can be on the premises.

9 (c) A person subject to this section must apply for a permit within 15 days of being convicted
10 of a second violation as defined in subsection (a), above.

11 (d) If it is determined that a person is in violation of this section, such person shall be
12 allowed 30 days from the notice of violation to come in to compliance. Failure to timely
13 comply will result in subsequent violation.

14 Sec. 4-45. - Permit required for multiple pets.

15 (a) *Requirements.*

16 (1) Any person subject to these provisions who is in possession of more dogs and/or
17 cats than authorized in section 4-44 without a multiple pets permit ("permit") shall
18 have 30 days from the effective date of this ordinance [from which this section
19 was derived] to either obtain a permit or otherwise comply with that section.

20 (2) A permit shall be issued only after the division completes an inspection and
21 determines that the minimum requirements and standards, as set forth in this
22 chapter, have been met. After approval, a permit shall be issued upon payment of
23 the applicable fee. The applicant shall pay an application fee of \$100.00 at the
24 time of filing. The permit shall be prominently displayed on the premises where
25 animals are located.

26 (3) The permit is valid for a period of one year from the date of issuance, unless
27 otherwise stated or revoked. The permit shall be renewed annually. Said permit is
28 not transferable, assignable or refundable and shall be valid only to the applicant
29 and location for which it was originally issued. Renewal applications for permits
30 shall be made within 30 days prior to the expiration date.

31 (4) A permit holder shall use the initial permit issue date as the anniversary date for
32 the purposes of permit expiration and renewal.

33 (5) It shall be a condition of the issuance of any permit that the division shall be
34 allowed, at any reasonable time, with the owner present, to inspect all dogs and/or
35 cats and all premises where dogs and/or cats are kept.

1 (6) No permit shall be issued or renewed hereunder if an applicant has had his or her
2 permit revoked within two years of the date of application, or has outstanding and
3 unsatisfied civil penalties imposed due to violations of this chapter.

4 (b) *Inspection procedures.*

5 (1) Inspection required. Applicants shall submit to an in-home, property, and out
6 building inspection (wherever the dogs and/or cats will be housed) by a county
7 animal control officer prior to the issuance of a permit.

8 (2) Initial inspections of multiple pet facilities will be made with advance notice,
9 during normal business hours or at any reasonable time during daylight hours. All
10 inspections will be made in the presence of the owner whenever possible.

11 (3) Whenever deficiencies are noted or the division receives a complaint from the
12 public, a follow-up inspection of the establishment, may be initiated by the
13 division.

14 (4) A permit shall not be issued if the inspection determines:

15 a. That the requested number of dogs and/or cats cannot be maintained
16 without creating noise or odor nuisances;

17 b. That the requested number of dogs and/or cats cannot be maintained in a
18 healthy and sanitary environment;

19 c. That any dogs and/or cats at the location are not in compliance with all
20 provisions of this chapter.

21 (5) The owner shall correct or initiate corrections within seven days of the initial
22 inspection, unless otherwise stated by the inspecting officer. Subsequent
23 inspection is required to confirm corrections.

24 (6) By notice of adverse action, the division shall deny or revoke any permit if it is
25 determined that:

26 a. There has been a material misstatement or misrepresentation in the permit
27 application;

28 b. The owner has been convicted of his or her fifth violation of sections 4-35,
29 4-36, 4-37 or 4-76 within a two-year period of filing an application or
30 renewal. The convictions may be for violations of the same section or any
31 combination of violations of the listed sections;

32 c. That the applicant/permit holder or any member of the household has
33 outstanding animal control fines or has failed to pay a fine or to request a
34 hearing in county court to answer the charges of any violations pending at
35 the time of application or renewal. The owner has failed to pay a fine or to
36 request a hearing in county court to answer the charges of a third citation
37 issued in violation of this chapter within 90 days of issuance of the
38 violation;

39 d. The permit holder or any of his agents have been convicted of a violation
40 of law involving cruelty to animals;

1 e. An animal under the care and responsibility of a permit holder has been
2 found to be in need of immediate veterinary care that, if not treated, would
3 result in unnecessary suffering, pain or death; or

4 f. The permit holder and/or their employees/agents, is convicted of his or her
5 ~~third~~ a violation of any part of section 4-45(d).

6 ~~(7) No inspection required. Applicants who provide proof of having a current permit,~~
7 ~~and who have not obtained additional dogs and/or cats since their last inspection,~~
8 ~~and have had no enforcement actions for violating this chapter during the~~
9 ~~preceding 12 months, and all dogs and/or cats are current on rabies vaccination~~
10 ~~with proof provided to the animal control division, may be issued a permit by~~
11 ~~mail without inspection. The animal control division may require an inspection~~
12 ~~during reasonable hours at their discretion regardless of the applicant's history.~~

13 (c) *Application review.* Within ten days of an inspection or receipt of an application pursuant
14 to subsection (b)(7), above, the division shall issue a written notice of approval or denial.

15 (d) *Violations.*

16 (1) A person commits an offense if the person harbors a greater number of dogs
17 and/or cats than allowed in section 4-44 without obtaining a permit. If a citation is
18 issued, the person will then have 14 days from the issue date to comply with this
19 section. Failure to comply within the stated time will result in a subsequent
20 violation.

21 (2) A person commits an offense if the person is the holder of a permit and harbors
22 more dogs and/or cats than authorized in the permit. If a citation is issued, the
23 person will then have 14 days from the issue date to comply with this section.
24 Failure to comply within the stated time will result in a subsequent violation.

25 (3) A person commits an offense if the person is a holder of a permit and the person
26 refuses, upon request by a county animal control officer during reasonable hours,
27 to make his dogs and/or cats, premises, facilities, equipment, and any necessary
28 registrations or permits available for inspection.

29 (4) A person commits an offense if the person is a holder of a permit and the person
30 refuses to show the permit upon request by a county animal control officer or law
31 enforcement.

32 (5) A person commits an offense after an inspection has revealed noncompliance with
33 this chapter.

34 (e) *Appeal process.*

35 (1) Any permit holder or applicant who has been denied a permit or whose permit has
36 been revoked may appeal this action to the division of animal control. A written
37 petition for appeal must be filed with the division within ten days of the notice of
38 adverse action. Otherwise, the denial or revocation of the permit shall become
39 final.

40 (2) The appeal must be heard by the review committee within 30 calendar days after
41 the permit holder or applicant has submitted a petition for appeal. The appeal may

1 be delayed by the division beyond the 30 calendar days if the division experiences
2 extenuating circumstances beyond its control.

- 3 (3) Such hearing shall be convened by the review committee. The review committee
4 shall consist of a licensed veterinarian, the Leon County Sheriff or his/her
5 designee, and an informed citizen appointed by the Leon County Board of County
6 Commissioners.
- 7 (4) In hearings before the review committee, formal rules of evidence shall not apply,
8 but fundamental due process shall be observed and govern the proceedings. The
9 review committee shall decide the issues based upon the preponderance of the
10 evidence. If the review committee finds sufficient cause to deny or revoke a
11 permit its decision shall be final.
- 12 (5) Request for continuance. If the permit holder or applicant cannot appear at any
13 hearing scheduled by the review committee, he or she shall contact the division of
14 animal control no later than 48 hours prior to the hearing, requesting a one-time
15 continuance to the next available date.
- 16 (6) Waiver. If the permit holder or applicant fails to appear at the rescheduled
17 ~~classification-multiple pet~~ hearing, then he or she shall be deemed to have waived
18 his or her right to appear at such hearing. In such case, the division of animal
19 control shall proceed with the hearing and shall notify the permit holder or
20 applicant in writing of the findings of the committee.
- 21 (7) Permit holder or applicant's right to contest final determination in the county
22 court.
- 23 a. If the permit holder or applicant disputes the final determination of the
24 review committee, he or she may file a complaint seeking relief in the
25 county court, within ten business days following the date of receipt of the
26 review committee's final determination.
- 27 b. The complaint shall be served upon the chairman of the Leon County
28 Board of County Commissioners in accordance with F.S. ch. 48. A copy
29 of the complaint seeking relief shall be served upon the county attorney's
30 office.
- 31 c. The complaint shall comply with the standards and requirements set forth
32 in the Florida Rules of Civil Procedures for bringing causes of actions.
- 33 d. Burden of persuasion. A complaint to contest the final determination order
34 of the review committee shall be held by trial de novo in the county court.
35 The party bringing the complaint shall have the initial burden of going
36 forward with the evidence at trial.
- 37 (8) If no legal action has been served upon the county within the time period
38 specified above, or if the permit holder or applicant fails to appear at the judicial
39 proceeding scheduled pursuant to the foregoing subpart, then he or she shall be
40 deemed to have waived his or her right to protest such denial or revocation of the
41 permit. In such case, the division of animal control shall proceed with revoking or
42 denying the permit.

1 (9) If the county court finds that the denial or revocation of the permit was improper
2 as defined in this chapter, the permit shall be reissued or issued.

3 (10) The person receiving the notice of adverse action shall, until final determination
4 of the appeal, take whatever positive measures are necessary to prevent any future
5 incidents from occurring.

6 Sec. 4-46. - Prohibition on feeding feral animals.

7 (a) *Prohibited.* Feral animals constitute health and environmental risks to domesticated
8 animals, wildlife, and persons. It is a violation of this article for any person to feed or
9 harbor feral animals.

10 (b) *[Fine.]* Any person found in violation of this article shall be fined.

11 (c) *Exceptions.*

12 (1) A person may feed or harbor a feral animal if the animal is spayed or neutered;
13 and

14 (2) A person may feed or harbor a feral animal if they accept legal responsibility for
15 the animal, which includes ensuring compliance with all provisions of this
16 chapter; and

17 (3) A person may feed or harbor a feral animal while on private property and with the
18 expressed written approval of the property owner.

19 (d) *[Animal control.]* Animal control has the right to impound a feral animal if:

20 (1) The animal creates public health and safety concerns (including rabies, other
21 zoonotic diseases, and certain animal to animal disease); or

22 (2) The animal creates a public nuisance as defined in section 4-36.

23 Sec. 4-47. - Dogs and cats offered for sale; health requirements.

24 (a) It shall be unlawful for any person to offer for sale or sell any dog, cat, puppy or kitten
25 without first obtaining an official certificate of veterinary inspection pursuant to F.S. §
26 828.29. Dogs, cats, puppies or kittens offered for sale must be at least eight weeks old,
27 free of internal and external parasites, and have proper ~~inoculations as described below~~
28 vaccines and anthelmintics pursuant to F.S. § 828.29, as may be amended from time to
29 time.

30 (b) The official certificate of veterinary inspection shall document that ~~the following all~~
31 inoculations, tests and treatments required by F.S. § 828.29 have been administered.
32 Appropriate treatment for all positive findings must be documented.

33 ~~(1) Dogs/puppies:~~

34 ~~a. Inoculated against: Canine distemper, leptospirosis, parainfluenza, hepatitis, canine~~
35 ~~parvo virus, and bordatella. A rabies inoculation must be provided for any dog four~~
36 ~~months of age or older.~~

1 b. ~~Diagnostic tests to detect the following internal parasites: Hookworms,~~
2 ~~roundworms, whipworms, tapeworms, coccidia and giardia. Heartworm detection~~
3 ~~must occur for dogs six months of age or older. Appropriate treatment for all~~
4 ~~positive findings must be documented.~~

5 (2) ~~Cats/kittens:~~

6 a. ~~Inoculated against: Panleukopenia, feline viral rhino tracheitis, and calici virus. A~~
7 ~~rabies inoculation must be provided for any cat four months of age or older.~~

8 b. ~~Diagnostic tests to detect the following internal parasites: Hookworms,~~
9 ~~roundworms, tapeworms and coccidia. Appropriate treatment for all positive~~
10 ~~findings must be documented.~~

11 c. ~~The veterinarian shall date the official certificate of veterinary inspection upon the~~
12 ~~actual examination and administration of the inoculations and/or treatments. The~~
13 ~~sale of all dogs and cats must take place no more than 30 days after the official~~
14 ~~certificate of veterinary inspection has been issued. If a dog or cat is not sold within~~
15 ~~30 days of the issuance of the official certificate of veterinary inspection, then a~~
16 ~~new examination and inspection certificate must be obtained.~~

17 d. ~~No person shall display, give away, or offer for sale any live animal on private~~
18 ~~property without consent of the owner.~~

19 e. ~~No person shall display, give away, or offer for sale any living animal on public~~
20 ~~land, rights-of-way, or easements except in areas that have been authorized and~~
21 ~~permitted by the county for such use.~~

22 f. ~~The division of animal control, city-operated animal control agencies and registered~~
23 ~~nonprofit humane organizations shall be exempt from the provisions of this section.~~
24 ~~However, registered nonprofit humane organizations may be required to provide~~
25 ~~health records upon request.~~

26 (c) The veterinarian shall date the official certificate of veterinary inspection upon the actual
27 examination and administration of the inoculations and/or treatments. The sale of all dogs
28 and cats must take place no more than 30 days after the official certificate of veterinary
29 inspection has been issued. If a dog or cat is not sold within 30 days of the issuance of the
30 official certificate of veterinary inspection, then a new examination and inspection
31 certificate must be obtained.

32 (d) No person shall display, give away, or offer for sale any live animal on private property
33 without consent of the owner.

34 (e) No person shall display, give away, or offer for sale any living animal on public land,
35 rights-of-way, or easements except in areas that have been authorized and permitted by
36 the county for such use.

37 (f) The division of animal control, city-operated animal control agencies and registered
38 nonprofit humane organizations shall be exempt from the provisions of this section.
39 However, registered nonprofit humane organizations may be required to provide health
40 records upon request.

1 Secs. 4-48—4-60. - Reserved.

2 DIVISION 2. - IMPOUNDMENT, REDEMPTION, ETC.

3 Sec. 4-61. - Authority of county.

4 The director of animal control or any animal control officer may pick-up, catch or
5 confine any animal in violation of this article.

6 Sec. 4-62. - Restraint by property owner.

7 A property owner or tenant may restrain in a humane manner any animal found in
8 violation of this article on his or her property. When such restraint is made, the property owner
9 or tenant shall immediately notify the division of animal control. The property owner or tenant
10 shall treat the animal humanely and shall exercise due care to ensure the animal's safety and
11 well-being. The director of animal control or any animal control officer may impound any
12 animal delivered by its owner, or may pick up and impound any animal restrained by a property
13 owner as described above, and shall dispose of the animal pursuant to this article.

14 Sec. 4-63. - Redemption.

15 Tallahassee-Leon Community Animal Service Center ("ASC") shall keep healthy, stray,
16 and confiscated impounded animals for a time period to be established in the Center's standard
17 operating procedures. Stray animals which are impounded and are not suffering from or
18 suspected of having an infectious disease, shall be held for a period of six calendar days from the
19 date of impound, unless sooner redeemed by the owner. Animals that are ill or injured may be
20 euthanized prior to the expiration of the sixth calendar day holding period in accordance with
21 F.S. § 828.05. In instances when the owner of an impounded animal can be determined the
22 director of animal control or any animal control officer ASC shall make a reasonable attempt to
23 contact the owner before the disposition of the animal. A reasonable attempt to contact the owner
24 shall be satisfied by a telephone call to the telephone number provided by the owner on two
25 separate days and times, and should the telephone method fail, by placing a notice in a
26 conspicuous place on the owner's premises. No animals may be redeemed if the owner has not
27 satisfied all unpaid animal control citations with the Clerk of Courts.

28 Sec. 4-64. - Disposal of animals.

29 (a) Feral or unweaned animals may be euthanized immediately upon impoundment. Other
30 animals not claimed at the end of the sixth calendar day holding period or after the
31 quarantine period ~~and animals impounded pursuant to section 4-77~~ shall become the
32 property of the county.

33 (b) Before any animal may be adopted from the animal shelter, provision shall be made for
34 such animal to be neutered with the following exceptions:

35 (1) A dog or cat claimed by the owner before the end of the sixth calendar day holding
36 period or at the end of the quarantine period shall not be required to be neutered
37 before its release to the owner, except as required under section 4-67.

1 required to be vaccinated no more frequently than the effective period of the approved
2 vaccine used. Such vaccination is excused only if a licensed veterinarian certifies in
3 writing that a vaccination would be injurious to the ferret's, dog's or cat's health. In such
4 case, the ferret, dog or cat shall be confined in an enclosed building or kennel until the
5 ferret, dog or cat can be safely vaccinated.

6 (b) *Proof of vaccination; tags.* Proof of vaccination shall consist of a rabies vaccination
7 certificate signed by the licensed veterinarian administering the vaccination and a rabies
8 vaccination tag. The rabies vaccination tag shall be displayed around the ferret's, dog's or
9 cat's neck at all times. A rabies vaccination certificate and a rabies vaccination tag issued
10 for one ferret, dog or cat shall be not valid for any other ferret, dog or cat. Rabies
11 vaccinations by a licensed veterinarian outside of the county shall be recognized as
12 current rabies vaccinations in the county throughout the duration of the vaccine used.

13 (c) *Removal of tag.* It is unlawful for any person to remove the rabies vaccination tag of any
14 currently vaccinated ferret, dog or cat unless:

15 (1) The ferret, dog or cat is participating in any organized exhibition or field trial, or
16 is training for these events, or is engaged in a legal sport under competent
17 supervision; or

18 (2) A licensed veterinarian directs in writing that the rabies vaccination tag be
19 removed for reasons of the ferret's, dog's or cat's health. In such event, the ferret,
20 dog or cat shall be confined until the veterinarian permits the tag again to be
21 placed on the ferret, dog or cat; or

22 (3) The animal is securely confined.

23 (d) *Display of proof.* It is unlawful for the owner of a ferret, dog or cat to refuse to show
24 proof of current vaccination of such ferret, dog or cat by the end of the next business day
25 if such information is requested by the director of animal control, any animal control
26 officer or the Department of Health or its designee ~~Department of Health—Leon County~~
27 ~~Public Health Unit.~~

28 (e) *Rabies information to go to county.* Any veterinarian administering a rabies vaccination
29 to a ferret, dog or cat within the county shall furnish the information contained therein to
30 the division of animal control or to the Department of Health or its designee ~~Department~~
31 ~~of Health—Leon County Public Health Unit~~ upon request.

32 Sec. 4-77. - Animal bites.

33 (a) Bite exposure and nonbite exposure shall be defined according to Chapter 64D-3,
34 ("Control of Communicable Diseases & Conditions which May Significantly Affect
35 Public Health"), F.A.C.

36 (b) When any animal bites or wounds a human or when a human or domestic or captive wild
37 animal is bitten by or exposed to rabies by a suspected or known rabid animal, the owner
38 shall comply fully with Chapter 64D-3, ("Control of Communicable Diseases &
39 Conditions which May Significantly Affect Public Health"), F.A.C.

40 (c) It shall be the duty of any person having knowledge that an animal has bitten or otherwise
41 exposed a person or domestic or captive wild animal to rabies, to report the incident

1 immediately to the division of animal control or to the Department of Health or its
2 designee ~~Department of Health—Leon County Public Health Unit~~ for examination, or for
3 supervised quarantine of the animal at the expense of the owner.

4 (d) Any ferret, cat or dog which has bitten or exposed a human to rabies shall be quarantined
5 for a period of not less than ten days from the date of exposure.

6 (e) The procedures for the investigation of animal bites inflicted by animals other than
7 ferrets, dogs and cats shall be followed in accordance with the provisions set forth in
8 Chapter 64D-3, F.A.C.

9 (f) The location and conditions of examination or quarantine of animals which have bitten or
10 otherwise exposed a person to rabies shall be established by the Department of Health or
11 its designee—county health officer, (Chapter 64D-3, F.A.C.).

12 (g) It shall be unlawful for any person to hide, conceal, or refuse to surrender any animal for
13 examination or quarantine upon lawful demand to do so by the Department of Health or
14 its designee ~~division of animal control or the Department of Health—Leon County Public~~
15 ~~Health Unit~~.

16 (h) Any person having knowledge that a domestic animal has been bitten by or otherwise
17 exposed to rabies by a wild animal of a species commonly recognized to be a carrier of
18 rabies, such as, but not limited to, raccoons, foxes, skunks, bats, and bobcats, shall
19 immediately report such bite or exposure to the Department of Health or its designee
20 ~~division of animal control or to the Department of Health—Leon County Public Health~~
21 ~~Unit~~ for the investigation of such bite or exposure.

22 Sec. 4-78. - Potential rabies carriers.

23 No person shall keep, own, possess, or harbor any potential rabies carriers as defined in
24 this article as a personal pet within the county. Owners of potential rabies carriers obtained prior
25 to June 1, 1988 shall be allowed to keep, own, possess, or harbor the animal, provided that they
26 are properly permitted through state or federal agencies, and further provided that the animal was
27 not obtained from the wild. Adequate living quarters and confinement must be provided for the
28 animal which ~~are~~is consistent with the species' normal requirements for size, shelter, exercise
29 area, heat, ventilation, light, and safety. All areas for the animal must be maintained in a sanitary
30 manner. Owners of animals which were obtained prior to June 1, 1988 shall not replace a wild
31 animal with another prohibited potential rabies carrier if the animal owned prior to June 1, 1988
32 becomes lost, is stolen, is given away, or dies. The prohibition on the ownership of potential
33 rabies carriers shall not apply to property licensed or permitted museums, wildlife rehabilitators,
34 zoological parks, or research facilities. It shall be the responsibility of the owner of any potential
35 rabies carrier animal to provide proof of the acquisition date and the animal's source if requested
36 to do so by the division of animal control.

37 Secs. 4-79—4-90. - Reserved.

38 DIVISION 4. - DANGEROUS AND AGGRESSIVE ANIMALS

39 Sec. 4-91. - Disposition generally.

- 1 (a) *Aggressive classification.* Any animal classified as aggressive according to the definitions
2 in this article shall be, at the time of being so classified, confined permanently to the
3 owner's premises.
- 4 (b) *Dangerous classification.* Any animal classified as dangerous according to the definitions
5 in this article shall be, at the time of being so classified, either confined permanently to
6 the owner's premises, or humanely destroyed.

7 Sec. 4-92. – Exceptions and exemptions. to classification.

- 8 (a) No animal shall be classified as dangerous or aggressive because of injuries it has
9 inflicted upon another domestic animal which at the time was teasing, tormenting,
10 abusing, or assaulting the animal.
- 11 (b) No animal shall be classified as dangerous if the threat, injury, or damage was sustained
12 by a person who, at the time, was unlawfully on the property or, while lawfully on the
13 property, was tormenting, abusing, or assaulting the dog or its owner or family member.
14 No animal may be declared dangerous if the animal was protecting or defending a human
15 being within the immediate vicinity of the animal from an unjustified attack or assault.
- 16 (c) Hunting dogs are exempt from this section when engaged in any legal hunt or training
17 procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials,
18 conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt
19 from this section when engaged in any legal procedures. However, such dogs at all other
20 times in all other respects are subject to this and local laws. Dogs that have been
21 classified as dangerous may not be used for hunting purposes.
- 22 (d) Any dog that is owned, or the service of which is employed, by a law enforcement
23 agency, is exempt from this section.
- 24 (e) Any dog used as a service dog for blind, hearing impaired, or disabled persons that bites
25 another animal or a human is exempt from any quarantine requirement following such
26 bite if the dog has a current rabies vaccination that was administered by a licensed
27 veterinarian.

28 Sec. 4-93. - Petition for classification—Generally.

- 29 (a) The division of animal control or any adult person may request under oath that an animal
30 be classified as dangerous or aggressive as defined in this article by submitting a "petition
31 for classification of a dangerous or aggressive animal," hereinafter called the "petition,"
32 to the division of animal control.
- 33 (b) The matter may be referred to mediation at the request of the complainant and with the
34 consent of the owner of the animal subject to classification. Pending petitions for
35 classification will be placed in abeyance until the resolution of the mediation process.
36 Mediation must be held no later than 30 days after receipt of the referral to mediation.
37 Subsequent to receipt of a referral to mediation, the county will initiate an investigation
38 into the matter. Such investigation shall be completed prior to the start of mediation. The
39 parties to the mediation shall be the complainant, the owner of the allegedly dangerous or
40 aggressive animal, and the county. The county shall be responsible for enforcing any
41 agreement reached during mediation. Classification proceedings may be initiated by the

1 county or the complainant upon failure to reach agreement or in the event of a violation
2 of the terms of an agreement.

3 (c) Upon receipt of a petition, the director of animal control shall notify the owner of the
4 animal that a petition has been filed with the ~~division~~ Division of Animal Control, and
5 that an investigation in the allegations as set forth in the petition will be conducted. No
6 animal that is the subject of a dangerous or aggressive animal investigation may be re-
7 located or ownership transferred pending the outcome of an investigation or any hearings
8 related to the determination of a dangerous or aggressive animal classification. In the
9 event that an animal is to be humanely destroyed, the animal shall not be re-located or
10 ownership transferred prior to euthanasia.

11 (d) Any animal that is the subject of a dangerous or aggressive animal investigation must be
12 humanely and safely confined by the owner in a securely fenced or enclosed area
13 approved by county animal control pending the outcome of the investigation. If the owner
14 is unable to comply with this requirement, the animal that is the subject of a dangerous or
15 aggressive animal investigation shall be impounded at the owner's expense pending the
16 outcome of the investigation and resolution of any hearings related to the dangerous or
17 aggressive animal classification.

18 (e) Any animal that continues to violate the county ordinance while under a dangerous or
19 aggressive animal investigation may be impounded pending the animal control director's
20 initial determination at the owner's expense.

21 (f) Initial determination of classification. Upon completion of the investigation, the director
22 of animal control or his/her designee shall make an initial determination as to whether
23 there is sufficient cause to classify an animal as dangerous or aggressive and, if sufficient
24 cause is found, as to the appropriate penalty. ~~The shall afford the owner~~ shall be afforded
25 an opportunity for a hearing prior to making a final determination regarding the
26 classification or penalty.

27 (1) The animal control director shall provide written notification of the sufficient
28 cause finding and proposed penalty to the owner, by registered mail, certified
29 hand delivery, or service in conformance with the provisions of F.S. ch. 48,
30 relating to service of process.

31 (2) The animal initially determined to be dangerous or aggressive ~~shall~~ may be
32 impounded by the county at the owner's expense, pending the disposition of the
33 hearing and/or compliance with harboring a dangerous or aggressive animal.

34 (g) Owner's right to contest the initial determination of classification, the penalty, or both.
35 ~~and final determination by the animal classification committee.~~ Upon receiving written
36 notification of the animal control director's initial determination of classification and
37 proposed penalty, the owner may contest the initial determination, the penalty, or both by
38 filing a written request to the ~~animal control division~~ Division of Animal Control for a
39 hearing within seven (7) calendar days ~~from the date of~~ after receipt of the notification of
40 the initial determination finding and proposed penalty. Otherwise, the animal control
41 director's initial determination and proposed penalty shall become final. Such hearing
42 shall be convened by the Leon County Animal Classification Committee. The Leon
43 County Animal Classification Committee shall consist of a licensed veterinarian, the

1 Leon County Sheriff or his/her designee, and an informed citizen appointed by the Leon
2 County Board of County Commissioners.

3 (1) If the owner timely requests a hearing, requested, the final determination hearing
4 shall be held as soon as possible, but not more later than 21 calendar days and not
5 sooner than five (5) days after receipt of the request from the owner.

6 (2) If the animal classification committee finds sufficient cause to classify the animal
7 dangerous or aggressive the classification committee shall determine the
8 classification and disposition of the animal based upon the guidelines adopted by
9 the board.

10 (3) In hearings before the ~~animal classification committee~~ Leon County Animal
11 Classification Committee, formal rules of evidence shall not apply, but
12 fundamental due process shall be observed and govern the proceedings. The
13 classification committee shall decide the issues based upon the preponderance of
14 the evidence, and its decision shall be final.

15 (4) Where a disposition of permanent confinement has been determined by the ~~animal~~
16 ~~classification committee~~ Leon County Animal Classification Committee, the
17 committee shall reserve jurisdiction to alter the disposition should the classified
18 animal, subsequent to the determination by the committee, bite, wound, attack or
19 kill or assist in biting, wounding, attacking, or killing a person or domestic
20 animal. Thereafter, the director of animal control shall notify the animal's owner
21 and the petitioner in writing by registered mail or certified hand delivery of the
22 findings of the investigation, the proposed disposition of the animal and the
23 review process.

24 (5) If the ~~animal classification committee~~ Leon County Animal Classification
25 Committee finds that animal is not dangerous or aggressive as defined in this
26 chapter, the animal shall be released to the custody of the owner or keeper. In
27 such case, the county shall reimburse the owner or keeper for costs of
28 impoundment or of otherwise harboring the animal. The amount reimbursed shall
29 be limited to the lesser of the cost of boarding at the ~~county's animal control~~
30 ~~facility~~ Tallahassee-Leon Community Animal Service Center ("ASC") or the
31 actual cost incurred at a private facility or at the owner's residence, and shall be
32 calculated from the date that the initial determination was rendered by the animal
33 control director until the date that the classification committee decision is
34 rendered.

35 (6) If a dog that has not been declared dangerous attacks and causes the death of a
36 human, the dog shall be immediately confiscated by an animal control authority,
37 placed in quarantine, if necessary, for the proper length of time or held for 10
38 business days after the owner is given written notification under this section, and
39 thereafter destroyed in an expeditious and humane manner. This 10-day time
40 period shall allow the owner to request a hearing. If the owner files a written
41 appeal under this section or Sec. 4-94, the dog must be held and may not be
42 destroyed while the appeal is pending. The owner is responsible for payment of
43 all boarding costs and other fees as may be required to humanely and safely keep
44 the animal during any appeal procedure.

- 1 (h) Request for continuance. If the owner, or petitioner cannot appear at any hearing
2 scheduled by the animal classification committee, he or she shall contact the division of
3 animal control no later than 48 hours prior to the hearing, requesting a continuance to the
4 next available date.
- 5 (i) Waiver. If the owner, keeper or petitioner fails to appear at the rescheduled classification
6 hearing, the owner, keeper or petitioner of such animal shall be deemed to have waived
7 his or her right to appear at such hearing. In such case, the ~~division of animal control~~
8 Division of Animal Control shall proceed with the hearing and shall notify the owner,
9 keeper or petitioner in writing of the findings of the committee.

10 Sec. 4-94. - Owner's right to ~~contest~~ appeal final determination, ~~in the county court.~~

- 11 (a) Upon a dangerous dog classification and penalty becoming final after a hearing, the
12 animal control director shall provide a written final order to the owner by registered mail,
13 certified hand delivery or service. ~~If the owner or keeper of an animal classified as~~
14 ~~dangerous or aggressive disputes the final disposition order of the animal classification~~
15 ~~committee, he or she may file a complaint seeking relief in the county court, within ten~~
16 ~~business days following the date of receipt of the animal classification committee's final~~
17 ~~disposition.~~
- 18 (b) The owner may appeal the classification, penalty, or both, to the circuit court in
19 accordance with the Florida Rules of Appellate Procedure after receipt of the final order.
- 20 (c) If the dog is not held by the animal control authority, the owner must confine the dog in a
21 securely fenced or enclosed area according to Sec. 4-100 of this Chapter pending
22 resolution of the appeal.
- 23 (b)(d) The complaint shall be served upon the Chairman of the Leon County Board of County
24 Commissioners in accordance with F.S. ch. 48. A copy of the complaint seeking relief
25 shall be served upon the county attorney's office.
- 26 (e) ~~The complaint shall comply with the standards and requirements set forth in the Florida~~
27 ~~Rules of Civil Procedures for bringing causes of actions.~~
- 28 (d) ~~Burden of persuasion. A complaint to contest the final disposition order of the animal~~
29 ~~classification committee shall be held by trial de novo in the county court. The party~~
30 ~~bringing the complaint shall have the initial burden of going forward with the evidence at~~
31 ~~trial.~~
- 32 (e) If the owner or keeper of the animal is unable to or fails to or refuses to confine the
33 animal in a securely enclosed area, complying with section 4-100, until the conclusion of
34 the judicial proceeding, the animal classified as dangerous or aggressive shall be
35 impounded by the ~~division of animal control~~ Division of Animal Control at the owner's
36 expense pending the disposition of the hearing in accordance with the rules and
37 regulations established by the board.
- 38 (f) If no legal action has been served upon the county in accordance with the Florida Rules
39 of Appellate Procedure ~~within the time period specified above~~, or if the owner or keeper
40 fails to appear at the judicial proceeding scheduled pursuant to the foregoing subpart, the
41 owner or keeper of such animal shall be deemed to have waived his or her right to protest
42 such classification or order to permanently confine or to destroy the animal. In such case,

1 the ~~division of animal control~~ Division of Animal Control shall proceed with the
2 disposition of the animal.

3 (g) If a dog is classified as a dangerous dog due to an incident that causes severe injury to a
4 human being, based upon the nature and circumstances of the injury and the likelihood of
5 a future threat to the public safety, health, and welfare, the dog may be destroyed in an
6 expeditious and humane manner.

7 (g)(h) If the ~~county~~ circuit court finds that the animal is not dangerous or aggressive as defined
8 in this chapter, the animal shall be released to the custody of the owner or keeper. In such
9 case, the county shall be liable for costs of impoundment of the animal from the date of
10 service of the owner or keeper's legal action of the county until the date of the ~~county~~
11 circuit court's finding denying the classification. The amount reimbursed shall be limited
12 to the lesser of the cost of boarding at the county's animal control facility or the actual
13 cost incurred at a private facility or at the owner's residence, and shall be calculated from
14 the date that the initial determination was rendered by the animal control director until the
15 date that the classification committee decision is rendered.

16
17 Sec. 4-95. - Citation.

18 (a) An animal control officer shall issue a citation to any owner or keeper of a dangerous or
19 aggressive animal found in violation of any of the provisions of this article. In addition to
20 the issuance of a citation, an animal control officer may impound the animal when it is
21 found in violation of any of the provisions of this article.

22 (b) A person who violates any provision of this section commits a noncriminal infraction,
23 punishable by a fine not to exceed \$500.
24

25 Sec. 4-96. - Impoundment; permit and tag required for dangerous or aggressive animals.

26 (a) An animal control officer shall impound any animal which, subsequent to its
27 classification as a dangerous or aggressive animal, bites, wounds, attacks, causes severe
28 injury or kills, or assists in biting, wounding, attacking, causing severe injury, or killing,
29 any person or domestic animal. Such animal shall remain impounded pending a rehearing
30 on the determination of the disposition of the animal by the classification committee
31 pursuant to section 4-93. If the owner elects to contest the committee's disposition to the
32 ~~county~~ circuit court under section 4-94, section 4-94(e) will not apply. The impoundment
33 and care of the animal shall be at the owner's expense.

34 (b) The owner or keeper of an animal classified as dangerous or aggressive animal shall,
35 within 14 days after issuance of the final order classifying the animal as dangerous or the
36 conclusion of any appeal that affirms such final order ~~of the classification of the animal~~
37 ~~as dangerous or aggressive, upon a court's upholding of the classification or upon the~~
38 ~~acquisition of such an animal,~~ obtain a permit from the division of animal control to
39 harbor the animal. No permit shall be issued until sections 4-100, 4-101, 4-102, 4-103,
40 and subsection (g) below have been completed. The fee for the permit shall be \$100.00.

41 (c) At the time the permit is issued, a red circular tag shall be issued to the owner or keeper
42 of the dangerous or aggressive animal. Such tag shall be worn at all times by the animal
43 to clearly and easily identify it as a dangerous or aggressive animal.

- 1 (d) The permit for maintaining a dangerous or aggressive animal shall be presented to any
 2 animal control officer or to any law enforcement officer upon demand.
- 3 (e) The permit shall be valid for a period of one year from the date of classification.
- 4 (f) An animal that is the subject of a dangerous dog investigation because of severe injury to
 5 a human being may be immediately confiscated by an animal control officer, placed in
 6 quarantine, if necessary, for the proper length of time, or impounded and held. The
 7 animal may be held pending the outcome of the investigation and any hearings or appeals
 8 related to the dangerous dog classification or any penalty imposed pursuant to sections 4-
 9 93 and 4-94. If the dog is to be destroyed, the dog may not be destroyed while an appeal
 10 is pending. The owner is responsible for payment of all boarding costs and other fees as
 11 may be required to humanely and safely keep the animal pending any hearing or appeal.
 12 ~~An animal control officer shall may impound any animal that has not been declared~~
 13 ~~dangerous or aggressive under this section that aggressively attacks and causes severe~~
 14 ~~injury to or death of any human. Such animal shall remain impounded pending a hearing~~
 15 ~~on the determination and of the disposition of the animal by the classification committee~~
 16 ~~pursuant to sections 4-93 and 4-94. The impoundment and care of the animal shall be at~~
 17 ~~the owner's expense.~~
- 18 (g) The owner or keeper of a dangerous animal shall present to the county proof that he or
 19 she has procured liability insurance or surety bond in the amount of not less than
 20 \$100,000.00, covering any damage or injury which may be caused by such dangerous
 21 animal. Such insurance policy shall contain a provision requiring that the county be
 22 notified immediately by the agent issuing the policy in the event that the insurance policy
 23 is canceled, terminated or expires. Liability insurance or surety bond shall be obtained
 24 prior to the issuing of a permit to keep such dangerous animal. The owner or keeper shall
 25 sign a statement attesting that he or she shall maintain and not voluntarily cancel the
 26 liability insurance policy during the 12-month period for which a permit is sought, unless
 27 he or she ceases to own or keep the dangerous animal prior to the expiration date of the
 28 permit period.

29 Sec. 4-97. - Notification of change of status.

- 30 (a) The owner or keeper of a dangerous or aggressive animal shall notify the ~~division of~~
 31 ~~animal control~~ Division of Animal Control immediately if the animal escapes from its
 32 enclosure or restraint and is at large, or if it bites or attacks a person or domestic animal,
 33 or if it dies. If the animal dies, satisfactory proof of such death must be provided to the
 34 ~~division of animal control~~ Division of Animal Control within 24 hours. Satisfactory proof
 35 shall be either verification from an animal shelter or veterinary hospital that the animal
 36 was euthanized, or verification from an animal control officer that he or she has seen the
 37 dead body of the animal.
- 38 (b) If the owner or keeper of a dangerous or aggressive animal intends to change his or her
 39 address, or sell, give away, or trade any dangerous or aggressive animal, he or she shall
 40 notify the division of animal control prior to such change of address, sale, transfer, or
 41 trade. The owner or keeper shall provide the ~~division of animal control~~ Division of
 42 Animal Control with the new name, address, and phone number of the person receiving
 43 the animal, as well as the location at which the animal will be maintained. Further, it shall

1 be the responsibility of the owner to notify the person receiving the dangerous or
2 aggressive animal in writing of the classification of the animal as dangerous or
3 aggressive.

- 4 (c) Any person receiving an animal classified as dangerous or aggressive must obtain the
5 required permit, tag, and enclosure prior to the acquisition of the animal. Any person
6 obtaining or re-locating an animal classified as dangerous or aggressive shall comply
7 fully with the provisions of this article pertaining to the maintenance, fee, control, and
8 ownership of a dangerous or aggressive animal.

9 Sec. 4-98. - Neutering.

10 Any animal classified as dangerous or aggressive shall not be used for breeding. Animals
11 classified as dangerous or aggressive shall be neutered by a licensed veterinarian within 14 days
12 of final classification unless:

- 13 (1) A licensed veterinarian certifies in writing that the animal is incapable of
14 reproduction; or
15 (2) A licensed veterinarian certifies in writing that neutering the animal would be
16 injurious to the animal's health, provided, however, that if the health condition of
17 the animal is of a temporary nature, then the animal shall be neutered immediately
18 after the health condition has been corrected.

19 Sec. 4-99. - Permanent identification.

- 20 (a) Any animal classified as dangerous or aggressive shall have a permanent identification by
21 either a tattoo or ~~electronic implant~~ microchip.
22 (b) Tattoo. Any animal classified as dangerous or aggressive that is tattooed, the tattoo shall
23 be administered by a licensed veterinarian or by a trained tattooist at the expense of the
24 owner or keeper of such animal. The tattoo shall be placed on the inside rear thigh with a
25 number corresponding to the number of the permit issued to the owner or keeper at the
26 time of the animal's classification as dangerous or aggressive. The tattoo shall be placed
27 on the animal within 14 days of final classification.
28 (c) Microchip. Any animal classified as dangerous or aggressive shall have a microchip
29 implanted by, or under the supervision of, a licensed veterinarian at the expense of the
30 owner or keeper of such animal. The microchip shall be implanted in the animal within
31 14 days of final classification. Microchips implanted in animals designated as dangerous
32 shall be properly registered with a company or organization recognized by animal control
33 as a legitimate pet data tracking service. Registration shall be at the owner's expense.

34 Sec. 4-100. - Enclosure required.

- 35 (a) All dangerous or aggressive animals that are not humanely destroyed shall be confined in
36 an enclosure. As used in this section, "enclosure" shall mean either the residence or other
37 building owned or leased by the animal's owner, or any other secure enclosure which the
38 division of animal control has approved as suitable for restraining the animal, for
39 preventing it from escaping and/or entry of young children. The dangerous or aggressive

1 animal shall not be permitted to come into contact with animals other than those which
2 reside on the owner's premises. Dangerous animals shall not come into contact with
3 persons other than the owner(s) except as provided in section 4-102.

4 (b) Outdoors enclosure. All dangerous or aggressive animals shall be securely confined in an
5 enclosed and locked pen or kennel, except when leashed and muzzled as provided in
6 section 4-102. Such pen, kennel or structure shall be at least 10' × 10' in size, must have a
7 solid foundation, sides attached to the foundation and a secure top attached to the sides to
8 prevent the dog from escaping over, under or through the structure. All structures used to
9 confine dangerous or aggressive animals must be locked with a key or combination lock
10 when such animal is within the structure. Such structure must not be positioned so that
11 neighbors and passers-by may have access to the animal and must be located no less than
12 20 feet from any adjoining property.

13 (c) Indoors enclosure. No dangerous or aggressive animal may be kept on a porch, patio or in
14 any portion of a house or structure that would allow the animal to exit such building on
15 its own volition. In addition:

16 (1) No such animal may be kept in a house or structure when screen doors or
17 windows are the only obstacles preventing the animal from exiting the structure.

18 (2) Doors behind which a dangerous or aggressive animal is confined must be strong
19 enough to contain the animal and must remain locked except to allow access and
20 egress of the owner and their agents.

21 (d) It shall be unlawful for any owner or keeper of a dangerous or aggressive animal to
22 maintain said animal upon any premises which does not have an enclosure in which to
23 confine the animal.

24 (e) The enclosure shall include suitable shelter and protection from the elements, and shall
25 provide adequate exercise room, light, ventilation, and sanitation.

26 (f) The enclosure shall be approved by the division of animal control prior to its usage for
27 confinement.

28 Sec. 4-101. - Muzzle.

29 It shall be unlawful for any owner or keeper to allow any dangerous or aggressive animal
30 to be outside of the enclosure unless it is necessary for the animal to receive veterinary care or
31 exercise. The animal shall wear a properly fitted muzzle to prevent it from biting humans or
32 other animals. Such muzzle shall not interfere with the animal's breathing.

33 However, it shall be lawful for an owner to exercise a dangerous or aggressive animal
34 within a securely fenced or enclosed area that does not have a top, without a muzzle, if the
35 animal remains within the owner's sight and only members of his or her immediate household, or
36 persons 18 years of age or older, are allowed in the enclosure when the animal is present.

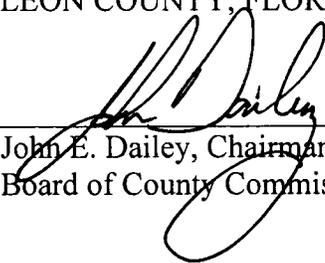
37 Sec. 4-102. - Restraint.

38 Whenever the dangerous or aggressive animal is outside of the enclosure, it shall be
39 restrained by an adult capable of controlling the animal and shall be on a chain of sufficient
40 tensile strength not more than four feet in length.

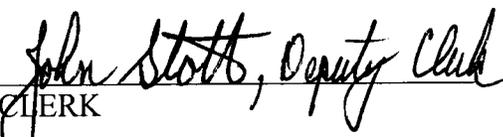
1 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
2 County, Florida this 13th day of December, 2016.



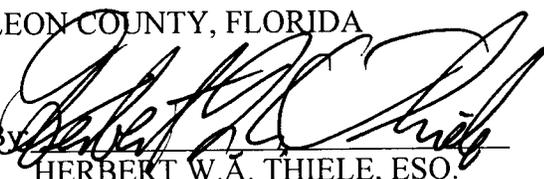
LEON COUNTY, FLORIDA

By: 
John E. Dailey, Chairman
Board of County Commissioners

11 ATTESTED BY:
12 BOB INZER, CLERK OF THE COURT
13 AND COMPTROLLER

14
15
16 By: 
17 CLERK

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20 APPROVED AS TO FORM:
21 COUNTY ATTORNEY'S OFFICE
22 LEON COUNTY, FLORIDA

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24 By: 
25 HERBERT W.A. THIELE, ESQ.
26 COUNTY ATTORNEY
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