Explanation of Revisions

Section 4-26. Definitions.
Staff added the new definition of "abandon" to better protect an animal and to match the City of Tallahassee's language. The definition for "animal" was amended to correspond with the State of Florida definition under F.S. 828.02. Staff added a definition of "bite" to match that of the Florida Rabies Compendium. Staff amended the definition of "County health officer" to reflect the correct specific authority code under the Florida Administrative Code. Staff amended the definition for "dangerous animal" under subsections (a) to include the phrase "aggressively..." and deleted subsection (e) (which was removed under 2011 Senate Bill 722 and House Bill 4075) to coincide with F.S. 767.11. Staff added new definitions for both "cat" and "dog" to re-enforce the terms used in this chapter. Staff amended "exposure to rabies" to concur with the Florida Rabies Compendium. Staff amended "livestock" to included horses and livestock use. Staff added the new definition of "proper shelter" to better protect the animal, better guidelines for pet owners, and to match City of Tallahassee's language. Staff amended "public nuisance" to include removal of offensive animal waste.

Section 4-29. Enforcement generally; penalties.
The enforcement section of the county code currently provides for penalties in the form of minor fines and court appearances. County citation fines have not increased since 1997. Staff revised the Ordinance to coincide with City of Tallahassee's fine structure which includes a second and third violation. In addition, staff added new language matching the City of Tallahassee; (j) "All violations shall be recorded by the owner, not by animal." This puts the responsibility of any violation on the owner, not the animal.

Section 4-35. Running at large.
In response to recent litigation relating to animals running at large on privately maintained roads and streets, staff added "private" to sub-section (a), to clarify that animals are prohibited from running at large on any commonly maintained area.

Section 4-36. Public nuisance prohibited.
County staff revised subsection (d) and (e) to address subsequent nuisance violations and further define the term "close proximity."

Section 4-37. Humane care required.
The existing language in the county code is clear about the requirement for providing basic humane care for animals. The additional language addresses the type of tether used to restrain a dog. Some owners use chains that are so heavy that the dog is unable to lift its head, and has difficulty moving. Also, new language now links any type of dog fighting action to this section. This addition is similar to the City of Tallahassee's ordinance.

Section 4-38. Animals in motor vehicles.
It is not uncommon to observe numerous animals riding in motor vehicles in Leon County. However, County animal control staff and staff with the Animal Shelter have observed, and are concerned with, the method of transporting an animal by placing it inside a closed vehicle trunk.

Too avoid suffering or death under such conditions, County staff recommends adding ordinance language which prohibits such action.

Section 4-43. Removal of animal waste.
The new language coincides with the City of Tallahassee's ordinance. It makes owners responsible for clean up after their pets while on public or private property other than the premises of the owner of the animal. It excludes service animals.

Section 4-44. Number of animals, acreage restrictions/excess animals habitats.
Leon County Animal Control responds to citizen complaints about the number of animals a person houses on his/her property and the animals' welfare. The intent of this new section is to ensure public health and safety and protect the welfare of pets by controlling nuisance barking, odor, and health concerns to both animals and humans by limiting the number of animals permitted based by the size of the property. However, it is not the Division's intent to penalize pet owners who take good care of their animals and comply with state law and county ordinance. Pet owners will be permitted to house more than the listed number, with guidelines, if they acquire a permit under Section 4-45, 'Permits required for multiple pets'. Plus, there is a provision to give owners time to comply without penalty. This language closely matches Palm Beach County's Animal Care and Control Ordinance, however, there are other cities and counties in Florida and across the country with similar ordinances.

Section 4-45. Permit required for multiple pets.
This section is intended to allow pet owners to house more animals than outlined under section 4-44 with restrictions and guidelines. Animal Control realizes some pet owners are capable of housing and caring for large numbers of animals without causing a nuisance to neighbors or harm to the animals. Owners with large numbers of animals will be required to maintain a healthy and sanitary environment, comply with all provisions of this Chapter, and can not allow the animals to create noise or odor nuisances. The section outlines the requirements to obtain a permit, cost, permit duration, inspection procedures, what constitutes a permit violation and an appeal process for permit denials. There is a grandfather clause to give these owners time to comply without penalty. The language is similar to Palm Beach County's Animal Care and Control Ordinance.

Section 4-46. Prohibition on feeding feral animals.
Staff added the new section for public health and safety. It holds the feral colony caretakers accountable for the animal's actions with exceptions. Coincides with current language in the City of Tallahassee ordinance.

Section 4-47. Dogs and cats offered for sale; health requirements.
Staff added this section to help control the sale of dogs and cats without proper health certificates. The language is included to ensure the seller is offering a healthy animal. That not only protects the animal, but the new owner as well. This includes the animal's rabies vaccination if mature enough. Language covers pet owners who are on public property giving animals away, or private property without the owner's consent. Exceptions include county animal control, city operated shelter, and registered non-profits humane societies.

Section 4-61. Authority of County.
Wording changed to avoid conflict with section 4-29(a).

Section 4-63. Redemption.
Staff amended the language to coincide with the City of Tallahassee's ordinance. The change should reduce any confusion regarding the time period the city shelter will hold a stray animal for its owner.

Section 4-64. Disposal of Animals.
Staff amended the language to coincide with the City of Tallahassee's ordinance.

Section 4-66. Microchip implant.
Staff added this section requiring all animals reclaimed to be microchipped and the cost to be assessed to the owner. This language is intended to help increase the number of reclaimed animals while helping to reduce the number of animals euthanized. It coincides with the City of Tallahassee's ordinance.

Section 4-67. Spay or neutered on reclaim.
Staff added this section to help reduce the pet over-population in this County. Statistics indicate the majority of the dogs and cats impounded are intact. This section will help owners carefully manage their pet's ability to procreate so as to prevent the addition of unwanted stray and feral animal. The section gives the pet owners a time frame to comply and requires a deposit, which is refundable when complete. This section coincides with the City of Tallahassee's ordinance.

Section 4-77. Animal bites.
Leon County Division of Animal Control is the responding agency dealing with animal bites to humans. This sub-section defines what constitutes a bite exposure as defined by the State Rabies Compendium. The Compendium is reviewed each year and this language allows the Division to remain current with the changes.

Section 4-93. Petition for classification-Generally.
By way of background, a *Petition for Classification* is generated by a concerned citizen who has either been bitten, attacked or endangered by an animal, without provocation, or whose pet animal has been attacked and injured by another animal while off its owner's property. The county code provides an avenue of recourse to the victim to request the Leon County Animal Control Director classify the animal in question as either "aggressive" or "dangerous."

This language added as new subsection: (c) requires the animal under investigation to be humanely and safely confined by the owner pending the outcome of the investigation. If the owner is unable to comply with this requirement, then the animal shall be impounded pending the outcome of the investigation. Staff moved language from old section (c-3) to new subsection (d) which allows the Division to impound an animal under an investigation that continues to violate the county ordinance. The purpose of this additional language is to avoid another possible incident during the investigation process.

Section 4-96. Impoundment: permit and tag required for dangerous or aggressive animals.
Staff added language under subsection (a) to be consistent with Florida Statute 767.12 and address possible repeat violations of the county ordinance dealing with dangerous or aggressive animals. A new subsection (g) was added to include liability insurance by owners with animal classified as dangerous or aggressive. The insurance policy shall be maintained and not voluntarily cancelled unless the person no longer owns the animal. This subsection is intended to give any future victims coverage for any damage or injury which may occur. This section coincides with the City of Tallahassee's ordinance.

Section 4-97. Notification of change of status.
Staff added language under subsection (c) to clarify issues dealing with classified animals changing ownership or entering the county.

Section 4-98. Neutering.
The new language will require animals classified as aggressive to be neutered while reducing the time period for compliance from 30 days to 14 days. To protect the owner's animal during the appeal process, the time period does not start until the final classification is determined. This new time period includes animals classified as dangerous.

Section 4-99. Permanent identification.
Staff is changing the title from "tattoo" to "permanent identification" to reflect two options an owner of a classified animal has to permanent identify their animal. The current option is to tattoo the animal with an identifiable tracking number on its inner thigh. To be consistent with Florida Statute 767.12, language is added to include electronic implant (microchip) as a form of identification. An additional change reduces the time period to comply from 30 days to 14 days after the final classification. The registration of the electronic implant with a legitimate data tracking service will be at the owner's expense.

Section 4-100. Enclosure required.
Staff recommends clarifying the type enclosure a classified animal is to be confined. The new language allows the owner two options of confinement: indoors or outdoors. The construction of the enclosure is addressed with restrictions on its locations on the property.

Section 4-103. Signs.
Staff is requesting a sign be placed on the enclosure of an animal classified as 'aggressive' for the safety and protection of people who may wander too close to the enclosure.