

ORDINANCE NO. 11-\_\_\_\_\_

1  
2  
3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
4 LEON COUNTY, FLORIDA, AMENDING CHAPTER 4, ARTICLE II OF  
5 THE LEON COUNTY CODE OF LAWS ENTITLED "ANIMAL CONTROL";  
6 AMENDING SECTION 4-26, "DEFINITIONS"; AMENDING SECTION 4-  
7 29, "ENFORCEMENT GENERALLY; PENALTIES"; AMENDING  
8 SECTION 4-35, "RUNNING AT LARGE"; AMENDING SECTION 4-36,  
9 "PUBLIC NUISANCE PROHIBITED"; AMENDING SECTION 4-37,  
10 "HUMANE CARE REQUIRED"; AMENDING SECTION 4-38, "ANIMALS  
11 IN MOTOR VEHICLES"; ADDING SECTION 4-43, "REMOVAL OF  
12 ANIMAL WASTE"; ADDING SECTION 4-44, "NUMBER OF ANIMALS,  
13 ACREAGE RESTRICTIONS/EXCESS ANIMAL HABITATS"; ADDING  
14 SECTION 4-45, "PERMIT REQUIRED FOR MULTIPLE PETS"; ADDING  
15 SECTION 4-46, "PROHIBITION ON FEEDING FERAL CATS"; ADDING  
16 SECTION 4-47, "DOGS AND CATS OFFERED FOR SALE - HEALTH  
17 REQUIREMENTS"; AMENDING SECTION 4-61, "AUTHORITY OF  
18 COUNTY"; AMENDING SECTION 4-63, "REDEMPTION"; AMENDING  
19 SECTION 4-64, "DISPOSAL OF ANIMALS"; ADDING SECTION 4-66,  
20 "MICROCHIP IMPLANT"; ADDING SECTION 4-67, "SPAY OR NEUTER  
21 ON RECLAIM"; AMENDING SECTION 4-77, "ANIMAL BITES";  
22 AMENDING SECTION 4-92, "EXCEPTION TO CLASSIFICATION";  
23 AMENDING SECTION 4-93, "PETITION FOR CLASSIFICATION-  
24 GENERALLY"; AMENDING SECTION 4-96, "IMPOUNDMENT";  
25 AMENDING SECTION 4-97, "NOTIFICATION OF CHANGE OF STATUS";  
26 AMENDING SECTION 4-98, "NEUTERING"; AMENDING SECTION 4-99,  
27 "PERMANENT IDENTIFICATION"; AMENDING SECTION 4-100,  
28 "ENCLOSURE REQUIRED"; AMENDING SECTION 4-103, "SIGNS";  
29 TRANSFERRING CHAPTER 4, ARTICLE III, "SPECIAL ACTS  
30 GOVERNING ANIMAL CONTROL," TO CHAPTER 3 OF APPENDIX C -  
31 SPECIAL ACTS; PROVIDING FOR CONFLICTS; PROVIDING FOR  
32 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.  
33

34 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
35 COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

36 SECTION I. Chapter 4, Article II of the Code of Laws of Leon County, Florida, is hereby  
37 amended to read as follows:



1 **County health officer** shall mean the person designated by the Board of County  
2 Commissioners pursuant to the definition in F.S. ch. 154 and F.A.C. ch. ~~40D-3~~ 64D-3.

3  
4 **Dangerous animal** shall mean an animal that has, when unprovoked,

- 5  
6 a) aggressively bitten, attacked, or endangered or has inflicted severe injury on a human  
7 being on public or private property; or  
8  
9 b) has more than once severely injured or killed a domestic animal while off the owner's  
10 property; or  
11  
12 c) has, when unprovoked, chased or approached a person upon the streets, sidewalks, or  
13 any public grounds in a menacing fashion, or an apparent attitude of attack,  
14  
15 d) provided that such actions as set forth and described in paragraphs a), b) and c)  
16 above are attested to in a sworn statement by one or more persons and dutifully  
17 investigated by the appropriate authority. ~~or,~~  
18  
19 ~~e) in the case of a dog, has been used primarily or in part for the purpose of dog fighting~~  
20 ~~or is a dog trained for dog fighting.~~  
21

22 **Direct control** shall mean

- 23  
24 a) immediate continuous physical control of a dog at all times by means of a leash,  
25 cord, or chain of such strength to restrain the dog, and  
26  
27 b) controlled by a person capable of restraining the dog, or  
28  
29 c) safe and secure restraint within a vehicle.  
30  
31 d) Voice control shall be considered direct control when the dog is actually actively  
32 participating in certified training or official showing, obedience, or field events.  
33  
34 e) Direct control shall not be required of dogs actually participating in a legal sport in an  
35 authorized area or of government police dogs.  
36

37 **Director of animal control** shall mean the person designated by the county administrator to  
38 enforce the ordinances and laws pertaining to animal control and cruelty to animals.  
39

40 **Division of animal control** shall mean the agency designated by the Board of County  
41 Commissioners to enforce the ordinances and laws pertaining to animal control and cruelty to  
42 animals.  
43

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

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

3            **Endanger** shall mean risk of harm or imperil.  
4

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

10  
11           **Feral animal** shall mean any wild cat or dog, whether it was born in the wild or reverted to a  
12 wild state due to abandonment or lack of domestication.

13  
14           **Impoundment** shall mean the taking up and confining of an animal by the division of animal  
15 control in a manner consistent with professionally recognized standards of humane treatment.

16  
17           **Livestock** shall mean all ~~domestic animals, excluding dogs, cats, ferrets, or horses, kept for~~  
18 ~~use on a farm or raised for sale and profit.~~ animals of the equine, bovine, or swine class, including  
19 goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals.

20  
21           **Neutered** shall mean rendered permanently incapable of reproduction or permanently  
22 incapable of reproduction because of physiological sterility, but only where the neutered condition  
23 has been certified by a veterinarian licensed in any state.

24  
25           **Owner** shall mean any person, firm, corporation, or organization owning, possessing,  
26 harboring, or having control, custody, and care of an animal. If the animal is owned by a person  
27 under 18 years, that person's parent or guardian.

28  
29           **Person** shall mean any individual, firm, corporation, partnership, organization, or association.  
30

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

33  
34           **Proper shelter for an outdoor animal (excluding livestock)** shall include but is not limited to  
35 a permanent structure with three sides, a top and a bottom. The structure shall have a waterproof  
36 roof, be structurally sound with three solid sides, top and bottom, and shall protect the animal from  
37 the elements, with space to stand up, sit down, turn around and lie down in a normal posture. The  
38 structure and surrounding area needs to be free of trash or waste so as not to threaten the physical  
39 well being of the animal. Examples of inadequate shelter include, but are not limited to, lean-tos,  
40 cardboard boxes, uncovered vented plastic airline carriers, abandoned vehicles, uncovered porches,  
41 uncovered decks, or material that does not provide sufficient protection from the elements.

42  
43           **Public nuisance** shall mean

44  
45           a)        any animal which chases vehicles or molests passersby; or,

- 1           b) any animal, which runs at large upon public or private property without permission  
2           from the property owner; or,
- 3           c) any animal which soils, defiles, or defecates on public or private property, other than  
4           the property of the owner, unless the owner immediately removes and properly  
5           disposes of it; or,
- 6
- 7           d) any animal which causes unsanitary or dangerous conditions to exist; or
- 8
- 9           e) any feral animal; or
- 10
- 11          f) any animal which continuously barks, howls, or otherwise disturbs the peace; or
- 12
- 13          g) failure to remove animal fecal matter such that adjacent property owners or  
14          inhabitants are unable to enjoy the use of his or her property due to the odor or smell.
- 15

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

18

19           **Tethering** shall mean a rope, leash, pulley run or other means of constraint, which must be  
20           attached to the animal by a properly applied collar, halter, or harness and configured so as to protect  
21           the animal from injury and prevent entanglement with other objects and/or animals. This shall not  
22           apply to an owner who is walking or exercising their animal.

23

24           **Veterinarian** shall mean a person who is licensed to engage in the practice of veterinary  
25           medicine as provided for in ch. 474, *Florida Statutes*.

26

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

29

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

35

36           **Section 4-27. Statutory authority.**

37

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

39

40           **Section 4-28. Area of enforcement.**

41

42           This article shall be effective throughout the unincorporated area of the county and within any  
43           incorporated area of the county upon execution of an interlocal agreement with the incorporated area  
44           specifying the terms for implementation and enforcement of this article within the incorporated area.

1 However, this ordinance shall not be applicable to research and instructional programs conducted in  
2 the interest of medical science by universities registered with the United States Department of  
3 Agriculture and operated under federal statutes and rules.

4  
5 **Section 4-29. Enforcement generally; penalties.**

- 6  
7 (a) In addition to or in lieu of impounding an animal which any animal control officer or  
8 any law enforcement officer has probable cause to believe is in violation of this  
9 article the officer may issue a citation to the owner or keeper of the animal, provided,  
10 however, that upon a second conviction within the same household of a violation of  
11 sections 4-35 through 4-39, the animal shall be confined to the owner's premises by  
12 means of an enclosure approved by the division of animal control for restraining the  
13 animal and for preventing its escape.
- 14  
15 (b) Any person to whom a citation is issued shall pay the fine by the designated date or  
16 appear in county court at the time, date, and location designated in the citation.
- 17  
18 (c) Any person electing to appear or required so to appear waives the right to pay the  
19 minimum civil penalties.
- 20  
21 (d) Penalties shall be in addition to court costs as established by the county court.
- 22  
23 (e) The maximum civil penalty for each violation shall be \$500.00.
- 24  
25 (f) If a person to whom a citation is issued does not contest the citation and elects to pay  
26 the applicable civil penalty in lieu of appearing in county court, the civil penalty shall  
27 be less than the maximum civil penalty.
- 28  
29 (g) A mandatory court appearance shall be required for any of the following:
- 30  
31 (1) Third and subsequent violations of this article, except as provided in section  
32 4-29(g) (4), (5), (6), and (7), ~~(8)~~, and ~~(9)~~.
- 33  
34 (2) Third and subsequent violations, which result in the destruction or loss of  
35 personal property.
- 36  
37 (3) Second and subsequent violations, which result in the unprovoked biting,  
38 wounding, or attacking of a domestic animal or person.
- 39  
40 (4) Second or subsequent violations of sections 4-37 and 4-38.
- 41  
42 (5) Violations of Section 4-39.
- 43

- 1 (6) Second and subsequent violation of any provision pertaining to dangerous or  
 2 aggressive animals, which does not result in injury to a person or domestic  
 3 animal.  
 4  
 5 (7) Violation of any provision pertaining to dangerous or aggressive animals  
 6 which results in injury to a person or domestic animal.  
 7 (h) Minimum civil penalties for violations of the article not otherwise listed above are as  
 8 follows:  
 9

<u>Code Section</u>	<u>Description of Violation</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd Violation &amp; thereafter</u>
4-34	Obstructing Enforcement	<del>\$30.00</del> <u>\$50.00</u>	<del>\$75.00</del> <u>\$100.00</u>	<u>\$250.00</u>
4-35	Running at Large	<del>\$30.00</del> <u>\$50.00</u>	<del>\$75.00</del> <u>\$100.00</u>	<u>\$250.00</u>
4-36	Public Nuisance Prohibited	<del>\$30.00</del> <u>\$50.00</u>	<del>\$75.00</del> <u>\$100.00</u>	<u>\$250.00</u>
4-37	Humane Care Required	<u>\$250.00</u>	Thereafter <u>\$500.00</u> and mandatory court appearance	
4-38	Animals in Motor Vehicles	<u>\$250.00</u>	Thereafter <u>\$500.00</u> and mandatory court appearance	
4-39	Exploitation of Animals prohibited	<u>\$500.00</u> and mandatory court appearance		
<u>4-43</u>	<u>Removal of animal waste.</u>	<u>\$50.00</u>	<u>\$100.00</u>	<u>\$250.00</u>
<u>4-44</u>	<u>Number of animals, acreage restrictions/excess animals habitats.</u>	<u>\$50.00</u>	<u>\$100.00</u>	<u>\$250.00</u>
<u>4-45</u>	<u>Permit required for multiple pets.</u>	<u>\$50.00</u>	<u>\$100.00</u>	<u>\$250.00</u>
<u>4-46</u>	<u>Prohibition on feeding feral animals</u>	<u>\$50.00</u>	<u>\$100.00</u>	<u>\$250.00</u>
<u>4-47</u>	<u>Dogs and cats offered for sale; health requirements</u>	<u>\$50.00</u>	<u>\$100.00</u>	<u>\$250.00</u>
<u>4-76</u>	<u>Rabies vaccination required</u>	<u>\$50.00</u>	<u>\$100.00</u>	<u>\$250.00</u>
<u>4-77</u>	<u>Animal Bites</u>	<u>\$50.00</u>	<u>\$100.00</u>	<u>\$250.00</u>
<u>4-78</u>	<u>Potential Rabies Carriers</u>	<u>\$50.00</u>	<u>\$100.00</u>	<u>\$250.00</u>
<u>4-35</u> <u>4-36</u> <u>4-37</u> <u>4-38</u> <u>4-43</u> <u>4-47</u> <u>4-77</u>	Violations which result in the destruction or loss of personal property	<u>\$100.00</u>	<u>\$250.00</u>	<u>\$500.00</u> 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 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 dangerous animals, which does result in 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 result in injury to a person or domestic animal.	\$500.00 and mandatory court appearance.		

- 1  
2 (i) In addition to any penalties and/or court costs imposed by this Article or the Court,  
3 there shall be imposed, and collected by the Clerk of the Court a \$5.00 surcharge  
4 upon each civil penalty imposed for all citations issued for violations of this Article.  
5 All funds collected as a direct result of this surcharge shall be placed in a fund by the  
6 County to be utilized for funding training of Leon County Animal Control Officers as  
7 required by Section 828.27(4)(b), Florida Statutes.  
8  
9 (j) All violations shall be recorded by owner, not by animal.

10  
11 **Section 4-30. Rules and regulations.**

12  
13 The Board of County Commissioners may, by resolution, enact reasonable rules and  
14 regulations to implement and carry out the provisions of this article and state law.  
15

1 **Section 4-31. Designation of enforcement officers.**  
2

- 3 (a) The Board of County Commissioners is hereby authorized to designate certain of its  
4 employees in the animal control division as enforcement officers, herein referred to  
5 as "animal control officers." The training and qualifications of the employees for  
6 such designation shall be determined by the board.  
7
- 8 (b) The director of animal control or any animal control officer shall have the authority  
9 to enforce this article. The director of animal control and each person designated as  
10 an animal control officer pursuant to F.S. ch. 828 may issue to the known owner or  
11 keeper of such animal a warning notice or citation as defined in section 4-29.  
12

13 **Section 4-32. Enforcement procedures.**  
14

15 The procedures and guidelines used by the division of animal control in administration of this  
16 article shall be established by the board based upon recommendations from a citizen's committee  
17 consisting of a licensed veterinarian, a person knowledgeable in animal behavior, a law enforcement  
18 officer, and two citizens.  
19

20 **Section 4-33. Right of entry.**  
21

- 22 (a) Pursuant to F.S. §§ 828.27, 828.073, and 125.01, the director of animal control  
23 and/or any animal control officer shall have the authority to enter public or unfenced  
24 private property within the county to carry out the duties imposed by this article.  
25
- 26 (b) Pursuant to F.S. §§ 828.27, 828.073, and 125.01, the director of animal control,  
27 and/or any animal control officer shall have the authority to enter fenced private  
28 property, exclusive of buildings, when:  
29
- 30 (1) The owner or keeper of an animal, which has bitten or otherwise exposed a  
31 human, domestic, or captive wild animal to rabies, refuses to surrender such  
32 animal for rabies quarantine.  
33
- 34 (2) The animal being sought was at large immediately prior to the division of  
35 animal control receiving a complaint that the animal was at large chasing  
36 people or domestic animals or was causing the destruction or loss of personal  
37 property, but subsequently returned to its owner's fenced private property,  
38 provided, however, that the animal has the capability to leave the fenced  
39 property by climbing, jumping, or crawling under the fence and provided that  
40 an attempt to contact the owner, if known, was unsuccessful.  
41
- 42 (3) The division of animal control is taking possession of any animal found  
43 neglected or cruelly treated pursuant to §§ 828.27, 828.073, *Florida Statutes*,  
44 and 125.01, *Florida Statutes*.  
45

- 1 (4) Pursuant to Section 767.12, F.S., and 125.01, F.S., the division of animal  
2 control is taking possession of any animal initially determined as dangerous  
3 or aggressive.  
4

5 **Section 4-34. Obstructing enforcement.**

6  
7 No person shall:

- 8  
9 (1) Refuse to surrender an animal upon lawful demand by the director of animal control  
10 or any animal control officer.  
11  
12 (2) Interfere with the director of animal control or any animal control officer who is  
13 lawfully performing his or her duties.  
14  
15 (3) Hold, hide, or conceal any animal, which the director of animal control or an animal  
16 control officer has deemed to be in violation of this article.  
17  
18 (4) Take or attempt to take any animal from the director of animal control or an animal  
19 control officer or from any vehicle used by him to transport animals in the legal  
20 performance of his or her duties.  
21  
22 (5) Take or attempt to take any animal from an animal control shelter, a humane live  
23 trap, or an animal carrier, without proper authority.  
24

25 **Section 4-35. Running at large:**

- 26  
27 (a) *Generally prohibited.* It shall be unlawful for any animal to run or remain at large on  
28 any ~~public~~-street, road, alley, park, or other public place. A street, road, alley, or  
29 other place shall be considered a public place, without respect to maintenance  
30 authority or ownership, if the area is under common ownership or control, or is  
31 generally accessible to the public.  
32  
33 (b) It shall be unlawful for any animal to ~~be on run or remain at large upon any private~~  
34 ~~property, whether under direct control or not,~~ without the consent of the property  
35 owner of such private property, whether or not the animal is under direct control.  
36  
37 (c) It shall be a violation of this article for the owner or keeper of any animal to tie,  
38 chain, or otherwise tether such animal in such a manner that it has access to public  
39 property or the property of another without consent of that property owner.  
40  
41 (d) The owner or keeper of any animal found running or remaining at large shall be  
42 responsible for any violation of this article.  
43

- 1 (e) *Dogs and cats in estrus (heat)*. The owner of any female dog or cat in estrus shall  
2 keep such dog or cat confined in a building or secure enclosure, veterinary hospital,  
3 or boarding kennel in such manner that such female dog or cat cannot come in  
4 contact with a male dog or cat, except for intentional breeding purposes.  
5
- 6 (f) *Exceptions*. This section shall not apply to:  
7
- 8 (1) Any dog actually engaged in a legal sport, including supervised hunting within  
9 authorized areas.  
10
- 11 (2) Any dog or cat being officially showed or trained.  
12
- 13 (3) Any animal that is especially trained to assist or provide personal services for  
14 a disabled person, as defined under the American with Disabilities Act.  
15
- 16 (4) Government police dogs.  
17

18 **Section 4-36. Public nuisance prohibited.**  
19

- 20 (a) It shall be unlawful for any person to allow his or her animal to become a public  
21 nuisance.  
22
- 23 (b) The owner of any domestic or captive wild animal, which is a public nuisance, shall  
24 be subject to the procedures and penalties set forth in section 4-29.  
25
- 26 (c) Any animal, which is feral, shall be classified as a public nuisance and ~~shall~~ may be  
27 impounded and humanely euthanized. Feral animals ~~shall~~ may not be required to be  
28 held for a minimum period of time as is required for other stray animals (as provided  
29 in division 2).  
30
- 31 (d) Any nuisance complaint may be investigated by animal control or law enforcement.  
32 The owner shall first be given written notification by the county ~~that the animal's~~  
33 ~~behavior constitutes a~~ of the public nuisance, that the owner is required to make  
34 reasonable effort to abate the nuisance within seven (7) calendar days of the written  
35 notice of violation, and that subsequent violations or failure to abate the nuisance  
36 may result in the issuance of a citation to the owner for allowing his or her animal to  
37 become a nuisance.  
38
- 39 (e) Subsequent violations, after warning, shall be based on the animal control officer or  
40 law enforcement having personal knowledge of the nuisance or at least two (2)  
41 affidavits from different parties residing in close proximity to the alleged nuisance  
42 must be received. Close proximity shall mean residing within a radius of 200 feet  
43 from the residence or location of the offending animal or property but shall not  
44 preclude the consideration of evidence and testimony of persons living more than 200  
45 feet from the residence or location of the offending animal.

1 One affidavit may be sufficient to warrant an investigation where there is only one  
2 party in close proximity to the alleged nuisance.  
3

4 **Section 4-37. Humane care required.**  
5

- 6 (a) No owner shall fail to provide his or her animal with sufficient and wholesome food,  
7 proper shelter and protection from the weather at all times, veterinary care when  
8 needed to prevent suffering, sufficient exercise space, and humane care and  
9 treatment, including clean, sanitary, safe, humane conditions. The owner of an  
10 animal shall provide clean water for the animal in a sufficient quantity to maintain  
11 the animal in a healthy condition. Water shall be provided at all times in a stable  
12 container, which is sized appropriately for the animal's species and breed.  
13
- 14 (b) No person shall overload, overwork, torture, or torment, deprive of necessary  
15 sustenance, beat, mutilate or inhumanely kill, or otherwise abuse any animal or cause  
16 or permit the same to be done.  
17
- 18 (c) No person shall abandon any animal by forsaking the animal entirely or by neglecting  
19 or refusing to provide or perform the legal obligations for care and support of the  
20 animal.  
21
- 22 (d) Any person who, as the operator of a motor vehicle, strikes a domesticated animal  
23 should immediately report such incident to any law enforcement agency or to the  
24 Division of Animal Control.  
25
- 26 (e) *Tethering*. No person shall under any circumstances tether or otherwise confine any  
27 animal in a manner that is injurious to the animal's health, safety, and well-being.  
28 Proper and humane tethering includes, but is not limited to the following:  
29
- 30 (i) Collars used to attach an animal should be comfortable and properly fitted.  
31 The use of choker collar or chain is prohibited.  
32
- 33 (ii) The tether shall not extend over an object or edge in such a manner that could  
34 result in strangulation of or injury to the animal. The length of the tether  
35 must be a minimum of six (6) feet, or at least three times the length of the  
36 animal measured from the animal's nose to the base of its tail, whichever is  
37 greater, unless the tether is being used to secure the animal to the bed of an  
38 open vehicle or pick-up truck. Restraints should allow the animal to move  
39 about and lie down comfortably.  
40
- 41 (iii) Tethering of an animal is prohibited during severe weather events and natural  
42 disasters such as flood, fires, tornadoes, hurricanes or blizzard.  
43
- 44 (iv) No animal shall be confined to a vacant or abandoned structure or vacant  
45 property.

1           (v) The weight or gauge of any tether or chain shall not be more than necessary  
2 to establish direct control. Logging chains and vehicle tow chains are  
3 expressly prohibited. No person shall add any weight to an animal collar,  
4 harness, chain, or tether.

5  
6           (f) Any person who commits any of the following acts shall be in violation of this  
7 section:

8  
9           (i) Baiting, breeding, training, transporting, selling, owning, possessing, or using  
10 any wild or domestic animal for the purpose of animal fighting or baiting;

11  
12           (ii) Betting or wagering any money or other valuable consideration on the  
13 fighting or baiting of animals;

14  
15           (iii) Attending the fighting or baiting of animals;

16  
17           (iv) Owning, possessing, or selling equipment for the purpose of animal fighting  
18 or baiting;

19  
20           (v) Providing or allowing property for use in the housing, training, transport,  
21 fighting or baiting of animals.

22  
23 **Section 4-38. Animals in motor vehicles.**

24  
25           (a) No operator of a motor vehicle shall transport or keep an animal in or on any motor  
26 vehicle unless the animal is safely enclosed within the cab of the vehicle or protected  
27 by a container, cage, cross-tethering, or other device that will prevent the animal from  
28 falling from, being thrown from, or jumping from the motor vehicle.

29  
30           (b) No person shall transport, place or confine an animal or allow it to be placed or  
31 confined in the enclosed trunk of a vehicle.

32  
33           ~~(b)~~ (c) It shall be unlawful for a motor vehicle owner or operator to place or confine an  
34 animal or allow it to be placed or confined or to remain in an un-attended motor  
35 vehicle without sufficient ventilation or under conditions for such a period of time as  
36 may reasonably be expected to endanger the health or well-being of such animal due  
37 to heat, lack of water, or such other circumstances as may reasonably be expected to  
38 cause suffering, disability or death of the animal.

39  
40           ~~(e)~~ (d) Officers finding an animal under the conditions referenced above may rescue such  
41 animal from the vehicle following the policy established by animal control.

42  
43           ~~(e)~~ (e) Any officer who acts in substantial compliance with the requirements of this section  
44 shall make the officer and/or the county immune from any criminal or civil liability.  
45

1 **Section 4-39. Exploitation of animals prohibited.**  
2

3 It is unlawful for any person to promote, conduct or permit exploitive animal contests,  
4 performances, or exhibitions, in which animals are encouraged, forced, or trained to perform  
5 unnaturally, including, but not limited to, greased pig contests, equine basketball, diving equine acts,  
6 or roadside zoos or menageries.  
7

8 **Section 4-40. Reserved.**  
9

10 **Section 4-41. Procedure upon citation.**  
11

12 (a) Any person cited for violation of the animal control ordinance shall be deemed to be  
13 charged with a civil infraction and cited to appear in county court.  
14

15 (b) Any person cited for an infraction under this section must:  
16

17 (1) Sign and accept a citation indicating a promise to appear in county court at  
18 the time, date, and place indicated in the citation, or, in lieu of appearing, pay  
19 the applicable civil penalty prior to the court date noted on the citation.  
20

21 a. *Exception.* No person to whom a citation has been issued which  
22 requires a mandatory court appearance may pay the civil penalty in  
23 lieu of appearing in county court.  
24

25 (c) Any person who willfully refuses to accept and sign the citation shall be in violation  
26 of state law and this article and shall be punished in accordance with F.S. §§ 775.082,  
27 775.083, or 775.084, as provided by F.S. ch. 828.  
28

29 (d) If the person cited pays the applicable civil penalty in lieu of appearing in county  
30 court, he or she shall be deemed to have admitted the infraction and to have waived  
31 his or her right to a hearing on the issue of commission of the infraction.  
32

33 (e) Any person electing to appear or who is required so to appear shall be deemed to  
34 have waived his or her right to pay the minimum civil penalty.  
35

36 **Section 4-42. Fees.**  
37

38 The Board of County Commissioners of Leon County, Florida, may, by resolution, establish  
39 and subsequently amend a fee schedule for the division of animal control, which shall be  
40 administered by the division. All fees collected under this section that are not expended in the  
41 current fiscal year, shall be carried over to the succeeding fiscal year for expenditure in the division  
42 of animal control.  
43

**Section 4-43. Removal of animal waste.**

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

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

**Section 4-44. Number of animals, acreage restrictions/excess animals habitats.**

(a) A person convicted of his or her second violation of sections 4-35, 4-36, 4-37 or 4-76 within a two-year period shall be subject to the provisions of sections 4-44 and 4-45. The second conviction may be of the same section as the initial violation or a subsequent conviction of another listed section.

(b) It is a violation of this section if the person harbors a greater number of dogs and/or cats than allowed in the chart below without obtaining a Multiple Pet Permit. If a citation is issued for violation of this section, the person will then have 14 days from the issue date to comply with this section. Failure to comply within the stated time will result in a subsequent violation.

<b><u>If you have:</u></b>	<b><u>Less than 1.5 acres</u></b>	<b><u>1.5 to less than 3 acres</u></b>	<b><u>3 to less than 5 acres</u></b>	<b><u>5 acres or more</u></b>
<b><u>1-10 dogs and/or cats</u></b>	No Permit Required	No Permit Required	No Permit Required	No Permit Required
<b><u>11-20 dogs and/or cats</u></b>	Prohibited without valid Permit	No Permit Required	No Permit Required	No Permit Required
<b><u>21-30 dogs and/or cats</u></b>	Prohibited without valid Permit	Prohibited without valid Permit	No Permit Required	No Permit Required
<b><u>31 plus dogs and/or cats</u></b>	Prohibited without valid Permit	Prohibited without valid Permit	Prohibited without valid Permit	*

*\* For each additional 1.5 acres more than 5 acres, up to 10 dogs and/or cats shall be allowed without a permit.*

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

- 1           (c) References to dogs and cats in this section only refer to dogs and cats older than  
2           four (4) months. There are no restrictions on the number of dogs and cats younger  
3           than four (4) months old that can be on the premises.
- 4
- 5           (d) If it is determined that a person is in violation of this section, such person shall be  
6           allowed thirty (30) days from the notice of violation to come in to compliance.
- 7
- 8           (e) Any person desiring to keep more dogs and/or cats than allowed in this section may  
9           apply with the animal control division for a multiple pet permit. The owner must  
10           comply with all animal care standards as required in section 4-45 of this chapter.
- 11
- 12           (f) Excluded: The Division of Animal Control, city-operated animal control agencies,  
13           boarding kennels, veterinarian facilities, or university institutes shall be exempt from  
14           the provisions of this section.

15

16 **Section 4-45. Permit required for multiple pets.**

17

18           (a) Requirements.

- 19
- 20           (1) Any person subject to these provisions who is in possession of more dogs  
21           and/or cats than authorized in section 4-44 without a Multiple Pets Permit  
22           (‘permit’) shall have 30 days from the effective date of this ordinance to  
23           either obtain a permit or otherwise comply with that section.
- 24
- 25           (2) A permit shall be issued only after the division completes an inspection and  
26           determines that the minimum requirements and standards, as set forth in this  
27           chapter, have been met. After approval, a permit shall be issued upon  
28           payment of the applicable fee. The applicant shall pay an application fee of  
29           \$100 at the time of filing. The permit shall be prominently displayed on the  
30           premises where animals are located.
- 31
- 32           (3) The permit is valid for a period of one (1) year from the date of issuance,  
33           unless otherwise stated or revoked. The permit shall be renewed annually.  
34           Said permit is not transferable, assignable, or refundable and shall be valid  
35           only to the applicant and location for which it was originally issued. Renewal  
36           applications for permits shall be made within thirty (30) days prior to the  
37           expiration date.
- 38
- 39           (4) A permit holder shall use the initial permit issue date as the anniversary date  
40           for the purposes of permit expiration and renewal.
- 41
- 42           (5) It shall be a condition of the issuance of any permit that the division shall be  
43           allowed, at any reasonable time, with the owner present, to inspect all dogs  
44           and/or cats and all premises where dogs and/or cats are kept.

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

5  
6           (b) Inspection procedures.

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

11  
12           (2) Initial inspections of multiple pet facilities will be made with advance notice,  
13           during normal business hours or at any reasonable time during daylight hours.  
14           All inspections will be made in the presence of the owner whenever possible.

15  
16           (3) Whenever deficiencies are noted or the division receives a complaint from  
17           the public, a follow-up inspection of the establishment, may be initiated by  
18           the division.

19  
20           (4) A permit shall not be issued if the inspection determines:

21  
22           a. That the requested number of dogs and/or cats cannot be maintained  
23           without creating noise or odor nuisances;

24  
25           b. That the requested number of dogs and/or cats cannot be maintained  
26           in a healthy and sanitary environment;

27  
28           c. That any dogs and/or cats at the location are not in compliance with  
29           all provisions of this chapter.

30  
31           (5) The owner shall correct or initiate corrections within seven (7) days of the  
32           initial inspection, unless otherwise stated by the inspecting officer.  
33           Subsequent inspection is required to confirm corrections.

34  
35           (6) By notice of adverse action, the division shall deny or revoke any permit if it  
36           is determined that:

37  
38           a. There has been a material misstatement or misrepresentation in the  
39           permit application;

40  
41           b. The owner has been convicted of his or her fifth violation of sections  
42           4-35, 4-36, 4-37, or 4-76 within a two-year period of filing an  
43           application or renewal. The convictions may be for violations of the  
44           same section or any combination of violations of the listed sections;  
45

1           c. The owner has failed to pay a fine or to request a hearing in county  
2           court to answer the charges of a third citation issued in violation of  
3           this chapter within ninety (90) days of issuance of the violation;

4  
5           d. The permit holder or any of his agents have been convicted of a  
6           violation of law involving cruelty to animals;

7  
8           e. An animal under the care and responsibility of a permit holder has  
9           been found to be in need of immediate veterinary care that, if not  
10           treated, would result in unnecessary suffering, pain or death; or

11  
12           f. The permit holder and/or their employees/agents, is convicted of his  
13           or her third violation of any part of section 4-45 (d).

14  
15       (7) No inspection required - Applicants who provide proof of having a current  
16       permit, and who have not obtained additional dogs and/or cats since their last  
17       inspection, and have had no enforcement actions for violating this chapter  
18       during the preceding twelve (12) months, and all dogs and/or cats are current  
19       on rabies vaccination with proof provided to the animal control division, may  
20       be issued a permit by mail without inspection. The animal control division  
21       may require an inspection during reasonable hours at their discretion  
22       regardless of the applicant's history.

23  
24       (c) Application Review.

25  
26       Within 10 days of an inspection or receipt of an application pursuant to Subsection  
27       (7), above, the Division shall issue a written notice of approval or denial.

28  
29       (d) Violations.

30  
31       (1) A person commits an offense if the person harbors a greater number of dogs  
32       and/or cats than allowed in section 4-44 without obtaining a permit. If a  
33       citation is issued, the person will then have 14 days from the issue date to  
34       comply with this section. Failure to comply within the stated time will result  
35       in a subsequent violation.

36  
37       (2) A person commits an offense if the person is the holder of a permit and  
38       harbors more dogs and/or cats than authorized in the permit. If a citation is  
39       issued, the person will then have 14 days from the issue date to comply with  
40       this section. Failure to comply within the stated time will result in a  
41       subsequent violation.

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

6  
7           (4) A person commits an offense if the person is a holder of a permit and the  
8           person refuses to show the permit upon request by a county animal control  
9           officer or law enforcement.

10  
11           (5) A person commits an offense after an inspection has revealed noncompliance  
12           with this chapter.

13  
14       (e) Appeal process.

15  
16           (1) Any person who has been denied a permit or whose permit has been revoked  
17           may appeal this action to the Division of Animal Control: A written petition  
18           for appeal must be filed with the division within ten (10) days of the notice of  
19           adverse action.

20  
21           (2) The appeal must be heard by the Director of Animal Control within thirty  
22           (30) calendar days after the owner has submitted a petition for appeal. The  
23           appeal may be delayed by the division beyond the thirty (30) calendar days if  
24           the division experiences extenuating circumstances beyond its control.

25  
26           (3) The person receiving the notice of adverse action shall, until final disposition  
27           of the appeal, take whatever positive measures are necessary to prevent any  
28           future incidents from occurring.

29  
30           (4) The denial or revocation of the permit shall be upheld or revoked by the  
31           Director of Animal Control.

32  
33           (5) All decisions by the Director of Animal Control shall be final.

34  
35           (6) The Director of Animal Control shall provide the permittee with written  
36           notice of his/her decision.

37  
38       **Section 4-46. Prohibition on feeding feral animals.**

39  
40           (a) Prohibited. Feral animals constitute health and environmental risks to domesticated  
41           animals, wildlife, and persons. It is a violation of this article for any person to feed or  
42           harbor feral animals.

43  
44           (b) Any person found in violation of this article shall be fined.

1           (c) Exceptions.

2  
3           (1) A person may feed or harbor a feral animal if the animal is spayed or  
4           neutered; and

5  
6           (2) A person may feed or harbor a feral animal if they accept legal responsibility  
7           for the animal, which includes ensuring compliance with all provisions of this  
8           chapter; and

9  
10          (3) A person may feed or harbor a feral animal while on private property and  
11          with the expressed written approval of the property owner.

12  
13          (d) Animal Control has the right to impound a feral animal if:

14  
15          (1) The animal creates public health and safety concerns (including rabies, other  
16          zoonotic diseases, and certain animal-to-animal disease); or

17  
18          (2) The animal creates a public nuisance as defined in section 4-36.

19  
20          **Section 4-47. Dogs and cats offered for sale; health requirements.**

21  
22          (a) It shall be unlawful for any person to offer for sale or sell any dog, cat, puppy or  
23          kitten without first obtaining an official certificate of veterinary inspection pursuant  
24          to Florida Statutes, § 828.29. Dogs, cats, puppies, or kittens offered for sale must be  
25          at least eight (8) weeks old, free of internal and external parasites, and have proper  
26          inoculations as described below.

27  
28          (b) The official certificate of veterinary inspection shall document that the following  
29          inoculations, tests, and treatments have been administered:

30  
31          (1) Dogs/puppies.

32  
33                  a. Inoculated against: canine distemper, leptospirosis, parainfluenza,  
34                  hepatitis, canine parvo virus, and bordatella. A rabies inoculation  
35                  must be provided for any dog four (4) months of age or older.

36  
37                  b. Diagnostic tests to detect the following internal parasites:  
38                  hookworms, roundworms, whipworms, tapeworms, coccidian, and  
39                  giardia. Heartworm detection must occur for dogs six (6) months of  
40                  age or older. Appropriate treatment for all positive findings must be  
41                  documented.

1                   (2) Cats/kittens.  
2

- 3                   a. Inoculated against: panleukopenia, feline viral rhino tracheitis, and  
4                   calici virus. A rabies inoculation must be provided for any cat four  
5                   (4) months of age or older.  
6  
7                   b. Diagnostic tests to detect the following internal parasites:  
8                   hookworms, roundworms, tapeworms, and coccidian. Appropriate  
9                   treatment for all positive findings must be documented.  
10  
11                  c. The veterinarian shall date the official certificate of veterinary  
12                  inspection upon the actual examination and administration of the  
13                  inoculations and/or treatments. The sale of all dogs and cats must  
14                  take place no more than thirty (30) days after the official certificate of  
15                  veterinary inspection has been issued. If a dog or cat is not sold  
16                  within thirty (30) days of the issuance of the official certificate of  
17                  veterinary inspection, then a new examination and inspection  
18                  certificate must be obtained.  
19  
20                  d. No person shall display, give away, or offer for sale any live animal  
21                  on private property without consent of the owner.  
22  
23                  e. No person shall display, give away, or offer for sale any living animal  
24                  on public land, right of ways, or easements except in areas that have  
25                  been authorized and permitted by the County for such use.  
26  
27                  f. The Division of Animal Control, city-operated animal control  
28                  agencies and registered nonprofit humane organizations shall be  
29                  exempt from the provisions of this section.  
30

31 **Sections 4-43 48 – 4-60. Reserved.**  
32

33                                   DIVISION 2. IMPOUNDMENT, REDEMPTION, ETC.  
34

35 **Section 4-61. Authority of county.**  
36

37                   The director of animal control or any animal control officer ~~shall~~ may pick-up, catch or  
38 confine any animal in violation of this article.  
39

40 **Section 4-62. Restraint by property owner.**  
41

42                   A property owner or tenant may restrain in a humane manner any animal found in violation of  
43 this article on his or her property. When such restraint is made, the property owner or tenant shall  
44 immediately notify the division of animal control. The property owner or tenant shall treat the  
45 animal humanely and shall exercise due care to ensure the animal's safety and well-being.

1 The director of animal control or any animal control officer may impound any animal delivered by its  
2 owner, or may pick up and impound any animal restrained by a property owner as described above,  
3 and shall dispose of the animal pursuant to this article.  
4

#### 5 **Section 4-63. Redemption.**

6

7 Stray animals, which are impounded and are not suffering from or suspected of having an  
8 infectious disease, shall be held for a period of six (6) calendar days from the date of impound ~~not~~  
9 ~~less than five business days excluding day of impoundment~~, unless sooner redeemed by the owner.  
10 Animals that are ill or injured may be euthanized prior to the expiration of the ~~five-day~~ sixth calendar  
11 day holding period in accordance with F.S. § 828.05. In instances when the owner of an impounded  
12 animal can be determined, the director of animal control or any animal control officer shall make a  
13 reasonable attempt to contact the owner before the disposition of the animal. A reasonable attempt  
14 to contact the owner shall be satisfied by a telephone call to the telephone number provided by the  
15 owner on two separate days and times, and should the telephone method fail, by placing a notice in a  
16 conspicuous place on the owner's premises.  
17

#### 18 **Section 4-64. Disposal of animals.**

19

- 20 (a) Feral or unweaned animals may be euthanized immediately upon impoundment.  
21 Other animals not claimed at the end of the ~~fifth business~~ sixth calendar day or after  
22 the quarantine period and animals impounded pursuant to section 4-77 shall become  
23 the property of the county.  
24
- 25 (b) Before any animal may be adopted from the animal shelter, provision shall be made  
26 for such animal to be neutered with the following exceptions:  
27
- 28 (1) A dog or cat claimed by the owner before the end of the ~~fifth business~~ sixth  
29 calendar day or at the end of the quarantine period shall not be required to be  
30 neutered before its release to the owner. Except as required under Section 4-  
31 67.  
32
  - 33 (2) If the dog or cat is under the age of six months, provisions shall be made to  
34 have it neutered at the age of six months.  
35
  - 36 (3) Upon the request of a licensed veterinarian, and for a valid medical reason,  
37 such as the relative immaturity of a particular animal or breed at the required  
38 age of sterilization or the presence of a medical problem or condition in a  
39 particular animal which makes surgery at the time inadvisable, the director of  
40 animal control shall extend the time limits within which the animal must be  
41 sterilized.  
42

1 (c) No animal from the unincorporated area of the county which has been classified as  
2 dangerous, or which has been involved in an unprovoked bite or attack on a person or  
3 domestic animal, shall be placed for adoption from the animal shelter if the owner  
4 does not redeem the animal. An animal involved in a bite or attack on a person or  
5 domestic animal shall be placed for adoption into the unincorporated area of the  
6 county only with prior approval of the director of animal control, to be determined on  
7 a case-by-case basis.

8  
9 (d) Any animal not redeemed by its owner or adopted as a personal pet shall be  
10 humanely euthanized.

11  
12 **Section 4-65. Fees.**

13  
14 Impoundment and board fees for animals under this division shall be as follows:

15  
16 (1) Impound fees for each animal shall be established by resolution of the board.

17  
18 (2) Boarding fees, for each day the animal is impounded or partial day thereof, shall be  
19 established by a resolution of the board.  
20

21 **Section 4-66. Microchip implant.**

22  
23 All animals that are reclaimed shall be implanted with a microchip. The cost of the  
24 microchip may be assessed to the owner at the time the animal is redeemed.

25  
26 **Section 4-67. Spayed or neutered on reclaim.**

27  
28 All animals that are reclaimed, upon the second offense, shall be spayed or neutered within  
29 30 days of reclaim. The costs of spaying or neutering shall be the responsibility of the owner. A  
30 deposit, determined by County policy, may be required prior to release of the animal to the owner.  
31 The deposit will be refunded after receipt of proof of spay or neuter in a manner and time frame  
32 determined by County policy.

33  
34 **Sections 4-66 68 —4-75. Reserved.**  
35

DIVISION 3. RABIES CONTROL

Section 4-76. Rabies vaccination required.

- (a) *Frequency; exception.* Every ferret, dog and cat four months of age or older shall be vaccinated against rabies with a U.S. government-approved vaccine. Each animal shall be required to be vaccinated no more frequently than the effective period of the approved vaccine used. Such vaccination is excused only if a licensed veterinarian certifies in writing that a vaccination would be injurious to the ferret's, dog's, or cat's health. In such case, the ferret, dog, or cat shall be confined in an enclosed building or kennel until the ferret, dog or cat can be safely vaccinated.
- (b) *Proof of vaccination; tags.* Proof of vaccination shall consist of a rabies vaccination certificate signed by the licensed veterinarian administering the vaccination and a rabies vaccination tag. The rabies vaccination tag shall be displayed around the ferret's, dog's, or cat's neck at all times. A rabies vaccination certificate and a rabies vaccination tag issued for one ferret, dog, or cat shall be not valid for any other ferret, dog, or cat. Rabies vaccinations by a licensed veterinarian outside of the county shall be recognized as current rabies vaccinations in the county throughout the duration of the vaccine used.
- (c) *Removal of tag.* It is unlawful for any person to remove the rabies vaccination tag of any currently vaccinated ferret, dog or cat unless:
- (1) The ferret, dog or cat is participating in any organized exhibition or field trial, or is training for these events, or is engaged in a legal sport under competent supervision; or
  - (2) A licensed veterinarian directs in writing that the rabies vaccination tag be removed for reasons of the ferret's, dog's, or cat's health. In such event, the ferret, dog or cat shall be confined until the veterinarian permits the tag again to be placed on the ferret, dog or cat; or
  - (3) The animal is securely confined.
- (d) *Display of proof.* It is unlawful for the owner of a ferret, dog, or cat to refuse to show proof of current vaccination of such ferret, dog, or cat by the end of the next business day if such information is requested by the director of animal control, any animal control officer, or the Department of Health-Leon County public health unit.
- (e) *Rabies information to go to county.* Any veterinarian administering a rabies vaccination to a ferret, dog or cat within the county shall furnish the information contained therein to the division of animal control or to the Department of Health-Leon County public health unit upon request.

1 **Section 4-77. Animal bites.**

2  
3 (a) Bite exposure and Non-bite exposure shall be defined according to Chapter 64D-3,  
4 (“Control of Communicable Diseases & Conditions which May Significantly Affect  
5 Public Health”), Florida Administrative Code.

6  
7 (a) (b) When any animal bites or wounds a human or when a human or domestic or captive wild  
8 animal is bitten by or exposed to rabies by a suspected or known rabid animal, the owner  
9 shall comply fully with Chapter 64D-3, (“Control of Communicable Diseases &  
10 Conditions which May Significantly Affect Public Health”), Florida Administrative  
11 Code.

12  
13 (b) (c) It shall be the duty of any person having knowledge that an animal has bitten or otherwise  
14 exposed a person or domestic or captive wild animal to rabies, to report the incident  
15 immediately to the division of animal control or to the Department of Health-Leon  
16 County public health unit for examination, or for supervised quarantine of the animal at  
17 the expense of the owner.

18  
19 (e) (d) Any ferret, cat or dog which has bitten or exposed a human to rabies shall be quarantined  
20 for a period of not less than ten days from the date of exposure.

21  
22 (d) (e) The procedures for the investigation of animal bites inflicted by animals other than  
23 ferrets, dogs and cats shall be followed in accordance with the provisions set forth in  
24 Chapter 64D-3, F.A.C.

25  
26 (e) (f) The location and conditions of examination or quarantine of animals, which have bitten  
27 or otherwise exposed a person to rabies, shall be established by the county health officer,  
28 (Chapter 64D-3, F.A.C.).

29  
30 (f) (g) It shall be unlawful for any person to hide, conceal, or refuse to surrender any animal for  
31 examination or quarantine upon lawful demand to do so by the division of animal control  
32 or the Department of Health-Leon County public health unit.

33  
34 (g) (h) Any person having knowledge that a domestic animal has been bitten by or otherwise  
35 exposed to rabies by a wild animal of a species commonly recognized to be a carrier of  
36 rabies, such as, but not limited to, raccoons, foxes, skunks, bats, and bobcats, shall  
37 immediately report such bite or exposure to the division of animal control or to the  
38 Department of Health-Leon County public health unit for the investigation of such bite or  
39 exposure.

40  
41 **Section 4-78. Potential rabies carriers.**

42  
43 No person shall keep, own, possess, or harbor any potential rabies carriers as defined in this  
44 article as a personal pet within the county. Owners of potential rabies carriers obtained prior to June 1,  
45 1988 shall be allowed to keep, own, possess, or harbor the animal, provided that they are properly

1 permitted through state or federal agencies, and further provided that the animal was not obtained from  
2 the wild. Adequate living quarters and confinement must be provided for the animal, which are  
3 consistent with the species' normal requirements for size, shelter, exercise area, heat, ventilation, light,  
4 and safety. All areas for the animal must be maintained in a sanitary manner. Owners of animals, which  
5 were obtained prior to June 1, 1988, shall not replace a wild animal with another prohibited potential  
6 rabies carrier if the animal owned prior to June 1, 1988 becomes lost, is stolen, is given away, or dies.  
7 The prohibition on the ownership of potential rabies carriers shall not apply to property licensed or  
8 permitted museums, wildlife rehabilitators, zoological parks, or research facilities. It shall be the  
9 responsibility of the owner of any potential rabies carrier animal to provide proof of the acquisition date  
10 and the animal's source if requested to do so by the division of animal control.

11  
12 **Sections 4-79—4-90. Reserved.**

13  
14 **DIVISION 4. DANGEROUS AND AGGRESSIVE ANIMALS**

15 **Section 4-91. Disposition generally.**

- 16  
17 (a) *Aggressive classification.* Any animal classified as aggressive according to the  
18 definitions in this article shall be, at the time of being so classified, confined permanently  
19 to the owner's premises.  
20  
21 (b) *Dangerous classification.* Any animal classified as dangerous according to the  
22 definitions in this article shall be, at the time of being so classified, either confined  
23 permanently to the owner's premises, or humanely destroyed.

24  
25 **Section 4-92. Exception to classification.**

- 26  
27 (a) No animal shall be classified as dangerous or aggressive because of injuries it has  
28 inflicted upon another domestic animal, which at the time was teasing, tormenting,  
29 abusing, or assaulting the animal.  
30  
31 (b) No animal shall be classified as dangerous if the threat, injury, or damage was sustained  
32 by a person who, at the time, was unlawfully on the property or, while lawfully on the  
33 property, was tormenting, abusing, or assaulting the dog or its owner or family member.  
34 No animal may be declared dangerous if the animal was protecting or defending a human  
35 being within the immediate vicinity of the animal from an unjustified attack or assault.  
36 ~~of injury was sustained by a person who, at the time, was committing or attempting to~~  
37 ~~commit a tort or a crime upon the owner of the animal or who was committing a willful~~  
38 ~~trespass upon the premises occupied by the owner of the animal, or who was teasing,~~  
39 ~~tormenting, assaulting or abusing the animal or its owner.~~  
40

1 **Section 4-93. Petition for classification--Generally.**  
2

- 3 (a) The division of animal control or any adult person may request under oath that an animal  
4 be classified as dangerous or aggressive as defined in this article by submitting a  
5 "petition for classification of a dangerous or aggressive animal," hereinafter called the  
6 "petition," to the division of animal control.  
7
- 8 (b) Upon receipt of a petition, the director of animal control shall notify the owner of the  
9 animal that a petition has been filed with the division, and that an investigation in the  
10 allegations as set forth in the petition will be conducted. No animal that is the subject of  
11 a dangerous or aggressive animal investigation may be re-located, ownership transferred  
12 pending the outcome of an investigation, or any hearings related to the determination of a  
13 dangerous or aggressive animal classification. In the event that an animal is to be  
14 humanely destroyed, the animal shall not be re-located or ownership transferred prior to  
15 euthanasia.  
16
- 17 (c) Any animal that is the subject of a dangerous or aggressive animal investigation must be  
18 humanely and safely confined by the owner in a securely fenced or enclosed area  
19 approved by county animal control pending the outcome of the investigation. If the  
20 owner is unable to comply with this requirement, the animal that is the subject of a  
21 dangerous or aggressive animal investigation shall be impounded at the owner's expense  
22 pending the outcome of the investigation and resolution of any hearings related to the  
23 dangerous or aggressive animal classification.  
24
- 25 (d) Any animal that continues to violate the county ordinance while under a dangerous or  
26 aggressive animal investigation may be impounded pending the animal control director's  
27 initial determination at the owner's expense.  
28
- 29 (e) (e) *Initial determination of classification.* Upon completion of the investigation, the director  
30 of Animal Control or his/her designee shall make an *initial* determination as to whether  
31 there is sufficient cause to classify an animal as dangerous or aggressive and shall afford  
32 the owner an opportunity for a hearing prior to making a final determination.  
33
- 34 (1) The animal control director shall provide written notification of the sufficient  
35 cause finding to the owner, by registered mail, certified hand delivery, or service  
36 in conformance with the provisions of F.S. ch. 48, relating to service of process.  
37
- 38 (2) The animal *initially* determined to be dangerous or aggressive shall be impounded  
39 by the county at the owner's expense, pending the disposition of the hearing  
40 and/or compliance with harboring a dangerous or aggressive animal.  
41
- 42 ~~(3) Any animal that continues to violate the county ordinance while under a~~  
43 ~~dangerous or aggressive animal investigation may be impounded pending the~~  
44 ~~animal control director's initial determination at the owner's expense.~~

1 (e) (f) Owner's Right to Contest the Initial Determination of Classification and Final  
2 Determination by the Animal Classification Committee. Upon receiving written  
3 notification of the animal control director's *initial* determination of classification, the  
4 owner may contest the *initial* determination by filing a written request to the animal  
5 control division for a hearing within seven (7) calendar days from the date of receipt of  
6 the notification of the *initial* determination finding. Otherwise, the animal control  
7 director's initial determination shall become final. The Leon County Animal  
8 Classification Committee shall convene such hearing. The Leon County Animal  
9 Classification Committee shall consist of a licensed veterinarian, the Leon County  
10 Sheriff, or his/her designee, and an informed citizen appointed by the Leon County Board  
11 of County Commissioners.

12  
13 (1) If requested, the *Final* Determination hearing shall be held as soon as possible,  
14 but not more than 21 calendar days and no sooner than five (5) days after receipt  
15 of the request from the owner.

16  
17 (2) If the animal classification committee finds sufficient cause to classify the animal  
18 dangerous or aggressive the classification committee shall determine the  
19 classification and disposition of the animal based upon the guidelines adopted by  
20 the Board.

21  
22 (3) In hearings before the animal classification committee, formal rules of evidence  
23 shall not apply, but fundamental due process shall be observed and govern the  
24 proceedings. The classification committee shall decide the issues based upon the  
25 preponderance of the evidence, and its decision shall be final.

26  
27 (4) Where a disposition of permanent confinement has been determined by the animal  
28 classification committee, the committee shall reserve jurisdiction to alter the  
29 disposition should the classified animal, subsequent to the determination by the  
30 committee, bite, wound, attack or kill or assist in biting, wounding, attacking, or  
31 killing a person or domestic animal. Thereafter, the director of animal control  
32 shall notify the animal's owner and the petitioner in writing by registered mail or  
33 certified hand delivery of the findings of the investigation, the proposed  
34 disposition of the animal and the review process.

35  
36 (e) (g) *Request for Continuance.* If the owner or Petitioner cannot appear at any hearing  
37 scheduled by the animal classification committee, he or she shall contact the division of  
38 animal control no later than 48 hours prior to the hearing, requesting a continuance to the  
39 next available date.  
40

1           (f)-(h) *Waiver.* If the owner, keeper, or Petitioner fails to appear at the rescheduled  
2 classification hearing, the owner, keeper or Petitioner of such animal shall be deemed to  
3 have waived his or her right to appear at such hearing. In such case, the division of  
4 animal control shall proceed with the hearing and shall notify the owner, keeper, or  
5 Petitioner in writing of the findings of the committee.  
6

7 **Section 4-94. Same—Owner’s right to contest final determination in the county court.**  
8

9           (a) If the owner or keeper of an animal classified as dangerous or aggressive disputes the  
10 Final Disposition order of the animal classification committee, he or she may file a  
11 Complaint seeking relief in the County Court, within ten (10) business days  
12 following the date of receipt of the animal classification committee’s Final  
13 Disposition.  
14

15           (b) The Complaint shall be served upon the Chairman of the Leon County Board of  
16 County Commissioners in accordance with Chapter 48, Florida Statutes. A copy of  
17 the Complaint seeking relief shall be served upon the eCounty Attorney’s Office.  
18

19           (c) The Complaint shall comply with the standards and requirements set forth in the  
20 *Florida Rules of Civil Procedures* for bringing causes of actions.  
21

22           (d) *Burden of Persuasion.* A Complaint to contest the Final Disposition order of the  
23 animal classification committee shall be held by *trial de novo* in the county court.  
24 The party bringing the Complaint shall have the *initial* burden of going forward with  
25 the evidence at trial.  
26

27           (e) If the owner or keeper of the animal is unable to or fails to or refuses to confine the  
28 animal in a securely enclosed area, complying with section 4-100, until the  
29 conclusion of the judicial proceeding, the animal classified as dangerous or  
30 aggressive shall be impounded by the division of animal control at the owner’s  
31 expense pending the disposition of the hearing in accordance with the rules and  
32 regulations established by the board.  
33

34           (f) If no legal action has been served upon the county within the time period specified  
35 above, or if the owner or keeper fails to appear at the judicial proceeding scheduled  
36 pursuant to the foregoing subpart, the owner or keeper of such animal shall be  
37 deemed to have waived his or her right to protest such classification or order to  
38 permanently confine or to destroy the animal. In such case, the division of animal  
39 control shall proceed with the disposition of the animal.  
40

41           (g) If the county court finds that the animal is not dangerous or aggressive as defined in  
42 this chapter, the animal shall be released to the custody of the owner or keeper. In  
43 such case, the county shall be liable for costs of impoundment of the animal from the  
44 date of service of the owner or keeper’s legal action of the county until the date of the  
45 county court’s finding denying the classification.

1 **Section 4-95. Citation.**  
2

3 An animal control officer shall issue a citation to any owner or keeper of a dangerous or  
4 aggressive animal found in violation of any of the provisions of this article. In addition to the  
5 issuance of a citation, an animal control officer may impound the animal when it is found in  
6 violation of any of the provisions of this article.  
7

8 **Section 4-96. Impoundment; permit and tag required for dangerous or aggressive animals.**  
9

- 10 (a) An animal control officer shall impound any animal, which, subsequent to its  
11 classification as a dangerous or aggressive animal, bites, wounds, attacks, causes  
12 severe injury or kills, or assists in biting, wounding, attacking, causing severe injury,  
13 or killing, any person or domestic animal. Such animal shall remain impounded  
14 pending a rehearing on the determination of the disposition of the animal by the  
15 classification committee pursuant to section 4-94 4-93. If the owner elects to contest  
16 the committee's disposition to the county court under Section 4-94, Section 4-94 (e)  
17 will not apply. The impoundment and care of the animal shall be at the owner's  
18 expense.  
19
- 20 (b) The owner or keeper of a dangerous or aggressive animal shall, within 14 days of the  
21 classification of the animal as dangerous or aggressive, upon a court's upholding of  
22 the classification or upon the acquisition of such an animal, obtain a permit from the  
23 division of animal control to harbor the animal. No permit shall be issued until  
24 sections 4-100, 4-101, 4-102, 4-103, and sub-section (g) below have been completed.  
25 The fee for the permit shall be \$100.00.  
26
- 27 (c) At the time the permit is issued, a red circular tag shall be issued to the owner or  
28 keeper of the dangerous or aggressive animal. Such tag shall be worn at all times by  
29 the animal to clearly and easily identify it as a dangerous or aggressive animal.  
30
- 31 (d) The permit for maintaining a dangerous or aggressive animal shall be presented to  
32 any animal control officer or to any law enforcement officer upon demand.  
33
- 34 (e) The permit shall be valid for a period of one year from the date of classification.  
35
- 36 (f) An animal control officer shall impound any animal that has not been declared  
37 dangerous or aggressive under this section that aggressively attacks and causes severe  
38 injury to or death of any human. Such animal shall remain impounded pending a  
39 hearing on the determination and of the disposition of the animal by the classification  
40 committee pursuant to sections 4-93 and 4-94. The impoundment and care of the  
41 animal shall be at the owner's expense.  
42

1           (g) The owner or keeper of a dangerous animal shall present to the county proof that he  
 2           or she has procured liability insurance or surety bond in the amount of not less than  
 3           \$100,000.00, covering any damage or injury, which may be caused by such  
 4           dangerous animal. Such insurance policy shall contain a provision requiring that the  
 5           county be notified immediately by the agent issuing the policy in the event that the  
 6           insurance policy is canceled, terminated or expires. Liability insurance or surety  
 7           bond shall be obtained prior to the issuing of a permit to keep such dangerous animal.  
 8           The owner or keeper shall sign a statement attesting that he or she shall maintain and  
 9           not voluntarily cancel the liability insurance policy during the 12-month period for  
 10           which a permit is sought, unless he or she ceases to own or keep the dangerous  
 11           animal prior to the expiration date of the permit period.

12  
 13           **Section 4-97. Notification of change of status.**

14  
 15           (a) The owner or keeper of a dangerous or aggressive animal shall notify the division of  
 16           animal control immediately if the animal escapes from its enclosure or restraint and is  
 17           at large, or if it bites or attacks a person or domestic animal, or if it dies. If the  
 18           animal dies, satisfactory proof of such death must be provided to the division of  
 19           animal control within 24 hours. Satisfactory proof shall be either verification from  
 20           an animal shelter or veterinary hospital that the animal was euthanized, or  
 21           verification from an animal control officer that he or she has seen the dead body of  
 22           the animal.

23  
 24           (b) If the owner or keeper of a dangerous or aggressive animal intends to change his or  
 25           her address, or sell, give away, or trade any dangerous or aggressive animal, he or she  
 26           shall notify the division of animal control prior to such change of address, sale,  
 27           transfer, or trade. The owner or keeper shall provide the division of animal control  
 28           with the new name, address, and phone number of the person receiving the animal, as  
 29           well as the location at which the animal will be maintained. Further, it shall be the  
 30           responsibility of the owner to notify the person receiving the dangerous or aggressive  
 31           animal in writing of the classification of the animal as dangerous or aggressive.

32  
 33           (c) Any person receiving an animal classified as dangerous or aggressive must obtain the  
 34           required permit, tag, and enclosure prior to the acquisition of the animal. Any person  
 35           obtaining or re-locating an animal classified as dangerous or aggressive shall comply  
 36           fully with the provisions of this article pertaining to the maintenance, fee, control,  
 37           and ownership of a dangerous or aggressive animal.

38  
 39           **Section 4-98. Neutering.**

40  
 41           Any animal classified as dangerous or aggressive shall not be used for breeding. Animals  
 42           classified as dangerous or aggressive shall be neutered by a licensed veterinarian within ~~30~~ 14 days  
 43           of such final classification unless:  
 44

- 1 (1) A licensed veterinarian certifies in writing that the animal is incapable of  
2 reproduction; or  
3  
4 (2) A licensed veterinarian certifies in writing that neutering the animal would be  
5 injurious to the animal's health, provided, however, that if the health condition of the  
6 animal is of a temporary nature, then the animal shall be neutered immediately after  
7 the health condition has been corrected.  
8

9 **Section 4-99. ~~Tattoo~~ Permanent identification.**

- 10  
11 (a) Any animal classified as dangerous or aggressive shall have a permanent  
12 identification by either a tattoo or electronic implant.  
13  
14 (a) (b) Tattoo - Any animal classified as dangerous or aggressive that is tattooed, the tattoo  
15 shall be ~~tattooed~~ administered by a licensed veterinarian or by a trained tattooist at  
16 the expense of the owner or keeper of such animal. The tattoo shall be placed on the  
17 inside rear thigh with a number corresponding to the number of the permit issued to  
18 the owner or keeper at the time of the animal's classification as dangerous or  
19 aggressive. The tattoo shall be placed on the animal within 14 days of final  
20 classification.  
21  
22 (b) ~~The tattoo shall be placed on the animal within 30 days of such classification.~~  
23  
24 (c) Microchip - Any animal classified as dangerous or aggressive shall have a microchip  
25 implanted by, or under the supervision of, a licensed veterinarian at the expense of  
26 the owner or keeper of such animal. The microchip shall be implanted in the animal  
27 within 14 days of final classification. Microchips implanted in animals designated as  
28 dangerous shall be properly registered with a company or organization recognized by  
29 Animal Control as a legitimate pet data tracking service. Registration shall be at the  
30 owner's expense.  
31

32 **Section 4-100. Enclosure required.**

- 33  
34 (a) All dangerous or aggressive animals that are not humanely destroyed shall be  
35 confined in an enclosure. As used in this section, "enclosure" shall mean either the  
36 residence or other building owned or leased by the animal's owner, or any other  
37 secure enclosure that the division of animal control has approved as suitable for  
38 restraining the animal, and for preventing it from escaping and/or entry of young  
39 children. ~~The enclosure shall have secure sides and a secure top and bottom to~~  
40 ~~prevent the animal from escaping over, under, or through the structure. The~~  
41 ~~enclosure shall be kept locked at all times to prevent unintentional opening of the~~  
42 ~~enclosure.~~ The dangerous or aggressive animal shall not be permitted to come into  
43 contact with animals other than those that reside on the owner's premises.  
44 Dangerous animals shall not come into contact with persons other than the owner(s)  
45 except as provided in section 4-102.

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

11  
12 (c) Indoors enclosure. No dangerous or aggressive animal may be kept on a porch, patio  
13 or in any portion of a house or structure that would allow the animal to exit such  
14 building on its own volition. In addition:

15  
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  
18 structure.

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

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

27  
28 (e) (e) The enclosure shall include suitable shelter and protection from the elements, and  
29 shall provide adequate exercise room, light, ventilation, and sanitation.

30  
31 (d) (f) The enclosure shall be approved by the division of animal control prior to its usage  
32 for confinement.

33  
34 **Section 4-101. Muzzle.**

35  
36 It shall be unlawful for any owner or keeper to allow any dangerous or aggressive animal to  
37 be outside of the enclosure unless it is necessary for the animal to receive veterinary care or exercise.  
38 The animal shall wear a properly fitted muzzle to prevent it from biting humans or other animals.  
39 Such muzzle shall not interfere with the animal's breathing.

40  
41 However, it shall be lawful for an owner to exercise a dangerous or aggressive animal within  
42 a securely fenced or enclosed area that does not have a top, without a muzzle, if the animal remains  
43 within the owner's sight and only members of his or her immediate household, or persons 18 years of  
44 age or older, are allowed in the enclosure when the animal is present.

1 **Section 4-102. Restraint.**  
2

3 Whenever the dangerous or aggressive animal is outside of the enclosure, it shall be  
4 restrained by an adult capable of controlling the animal and shall be on a chain of sufficient tensile  
5 strength not more than four feet in length.  
6

7 However, it shall be lawful for an owner to exercise a dangerous or aggressive animal within  
8 a securely fenced or enclosed area that does not have a top, without a leash, if the animal remains  
9 within the owner's sight and only members of his or her immediate household, or persons 18 years of  
10 age or older, are allowed in the enclosure when the animal is present. When being transported, such  
11 animals must be safely and securely restrained within a vehicle.  
12

13 **Section 4-103. Signs.**  
14

15 The owner or keeper of a dangerous or aggressive animal shall display clearly visible warning  
16 signs on all entry points to the premises on which a dangerous or aggressive animal is maintained  
17 warning that a dangerous or aggressive animal is being harbored on such property. In addition, at  
18 least one sign shall be posted on the enclosure in which the dangerous or aggressive animal is  
19 maintained. Signs must inform both children and adults of the presence of a dangerous or aggressive  
20 animal on the property.  
21

22 **Section 4-104. Public records exemption.**  
23

24 Pursuant to state law, the home addresses and home telephone numbers of county animal  
25 control officers are confidential and exempt from the provisions of F.S. § 119.07(1) and the Florida  
26 Constitution, Article I, Section 24(a).  
27

28 **Section 4-105. Retroactivity.**  
29

30 All appeals of determinations of classification and/or disposition on or after October 1, 1993,  
31 shall be subject to sections 4-93 and 4-94.  
32

33 **Section 4-106— 4-200. Reserved.**  
34

35 **SECTION II.** Chapter 4, Article III of the Code of Laws of Leon County, Florida, entitled  
36 "Special Acts Governing Animal Control," is hereby transferred in its entirety to Chapter 3 of  
37 Appendix C – Special Acts.  
38

39 **SECTION III.** **Conflicts.** All ordinances or parts of ordinances in conflict with the  
40 provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of  
41 any conflicts with the Tallahassee-Leon County 2030 Comprehensive Plan as amended, which  
42 provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in  
43 part, with the said Comprehensive Plan.  
44

