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LEON COUNTY ORDINANCE NO. 2020-09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 4, ARTICLE II OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, REGARDING ANIMAL CONTROL; AMENDING SECTION 4-26, DEFINITIONS; AMENDING SECTION 4-37, HUMANE CARE REQUIRED; AMENDING SECTION 4-44, NUMBER OF ANIMALS, ACREAGE RESTRICTIONS/EXCESS ANIMALS HABITATS; AMENDING SECTION 4-45, PERMIT REQUIRED FOR MULTIPLE PETS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners desires to enact an ordinance amending Chapter 4, Article II of the Leon County Code of Laws, relating to animal control;

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

Section 1. Amendments to Code.

Section 4-26 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 4-26. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Coop means a covered house, structure, or room that will provide chickens with shelter from weather and with a roosting area protected from predators. A coop typically includes an outside exercise area to allow chickens access to foraging and sunlight.

Livestock means all animals of the equine, bovine, Camillidae, Bovidae, Phasianidae or swine class family, including but not limited to, goats, sheep, mules, horses, hogs, cattle, ostriches, chickens or poultry, and other grazing animals. This term does not include pets.

1 Pet means a domestic animal normally considered as a household pet and which can be
2 maintained and cared for within the living space of a residence. Such animals may include dogs, cats,
3 ferrets, potbellied pigs (Vietnamese or Asian), rabbits, small rodents, small reptiles, fish, small birds,
4 and other similar animals. This term does not include livestock.

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8 Premises means an area of land with its appurtenances and buildings which, because of its unity
9 of use, may be regarded as the smallest conveyable unit of real estate.

10 ***
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12

13 Service animal shall have the same meaning as ascribed to it in F.S. § 413.08.

14 ***
15
16

17 **Section 2. Amendments to Code.**

18
19 Section 4-37 of the Code of Laws of Leon County, Florida, is hereby amended to read as
20 follows:
21

22 **Sec. 4-37. Humane care required.**

23
24 (a) No owner shall fail to provide his animal with sufficient and wholesome food, proper
25 shelter and protection from the weather at all times, veterinary care when needed to prevent suffering,
26 sufficient exercise space, and humane care and treatment, including clean, sanitary, safe, humane
27 conditions. The owner of an animal shall provide clean water for the animal in a sufficient quantity to
28 maintain the animal in a healthy condition. Water shall be provided at all times in a stable container
29 which is sized appropriately for the animal's species and breed. Animals kept outdoors shall be in a
30 secure enclosure to include a fenced yard, kennel or run and the animal shall be provided with proper
31 shelter within such enclosed area. The enclosure shall be large enough for each animal to achieve a
32 running stride. It shall include a shaded area, either by natural or artificial means, that is large enough
33 to shade all animals in the enclosure without crowding throughout the day.
34

35 (b) No person shall overload, overwork, torture, or torment, deprive of necessary
36 sustenance, beat, mutilate or inhumanely kill, or otherwise abuse any animal or cause or permit the
37 same to be done.
38

39 (c) No person shall abandon any animal by forsaking the animal entirely or by neglecting
40 or refusing to provide or perform the legal obligations for care and support of the animal.
41

42 (d) Any person who, as the operator of a motor vehicle, strikes a domesticated animal
43 should immediately report such incident to any law enforcement agency or to the division of animal
44 control.
45

1 (e) *Tethering*. No person shall tether an animal to a stationary or inanimate object as a
2 means of confinement or restraint unless such person is outside with the animal and the animal is at all
3 times visible to such person. No person shall, under any circumstances, tether any animal in a manner
4 that is injurious to the animal's health, safety and well-being. Proper and humane tethering includes,
5 but is not limited to, the following:

6
7 (1) Collars used to attach an animal should be comfortable and properly fitted. The
8 use of choker collar or chain is prohibited.

9
10 (2) The tether shall not extend over an object or edge in such a manner that could
11 result in strangulation of or injury to the animal. The length of the tether must
12 be a minimum of six feet, or at least three times the length of the animal
13 measured from the animal's nose to the base of its tail, whichever is greater,
14 unless the tether is being used to secure the animal to the bed of an open vehicle
15 or pick-up truck. The tether must have a swivel at both ends to prevent
16 entanglement. Restraints should allow the animal to move about and lie down
17 comfortably. Pulley, running line, or trolley systems must be at least 15 feet in
18 length and less than seven feet above the ground.

19
20 (3) Tethering of an animal is prohibited during severe weather events and natural
21 disasters such as flood, fires, tornadoes, hurricanes or blizzard.

22
23 (4) No animal shall be confined to a vacant or abandoned structure or vacant
24 property.

25
26 (5) The weight or gauge of any tether or chain shall not be more than one-eighth of
27 the animal's weight. Logging chains and vehicle tow chains are prohibited. No
28 person shall add any weight to an animal collar, harness, chain or tether.

29
30 (6) The animal tethered must be at least six months of age. Puppies and kittens shall
31 not be tethered.

32
33 (7) The animal tethered must not be sick or injured.

34
35 (f) *Exceptions*. Attended tethering is required except under the following circumstances:

36
37 (1) When actively engaging in conduct that is directly related to the business of
38 shepherding or herding cattle or livestock or related to the business of cultivating
39 agricultural products, as long as the restraint is reasonably necessary for the
40 safety of the dog/animal.

41
42 (2) When participating in lawful activities such as hunting with a valid license
43 issued by the state, or sporting events, field obedience training, field or water
44 training, law enforcement training, veterinary treatment and or the pursuit of
45 working or competing in these legal endeavors.

- (3) When the animal is restrained in compliance with the requirements of a camping or recreational area.
 - (4) When the animal is restrained temporarily at a training facility, grooming facility, commercial boarding facility, animal shelter or veterinary facility.
 - (5) When using the dog at a dog training or performance event, including, but not limited to, field trials and obedience trials where tethering does not occur for a period exceeding, seven consecutive days.
 - (6) When being cared for as part of a rescue operation during a natural or manmade disaster or during a state of emergency.
 - (7) After taking possession of a stray and having notified animal control.
 - (8) When being transported in a vehicle.
- (g) Any person who commits any of the following acts shall be in violation of this section:
- (1) Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting or baiting;
 - (2) Betting or wagering any money or other valuable consideration on the fighting or baiting of animals;
 - (3) Attending the fighting or baiting of animals;
 - (4) Owning, possessing, or selling equipment for the purpose of animal fighting or baiting; or
 - (5) Providing or allowing property for use in the housing, training, transport, fighting or baiting of animals.

(h) Equines.

- (1) Hooves on each equine shall be maintained on a regular basis to avoid malformation. Animals with specific hoof conditions requiring specialized treatment shall be provided with such treatment on a regular basis.
- (2) In the event that it is determined that the equine can no longer live a productive, pain-free life, it is the responsibility of the owner to ensure that the animal is disposed of or euthanized in a humane manner.
- (3) If the equine is humanely destroyed on the owner's property, it is the responsibility of the owner to dispose of the carcass by burning, or by burying the animal at least 2 feet below the surface of the ground and at least 100 feet

1 away from any water source, and insuring that the carcass is covered with at
2 least 2-3 feet of earth. The provisions of F.S. § 823.041, as may be amended
3 from time to time, also apply to the disposal of the carcass.
4

5 (i) Chickens and other fowl.
6

7 (1) Compliance with the urban agriculture requirements of section 10-6.816 of the
8 Leon County Land Development Code is required.
9

10 (2) Chickens shall be kept within a coop at all times. The coop shall be ventilated.
11 The coop must be of sufficient size to afford the free movement of chickens.
12

13 (3) Any coop must be kept in a clean sanitary manner, free rodents, offensive odors,
14 excessive noise, or any other condition which could potentially cause a nuisance.
15

16 (4) The provisions of F.S. § 823.041, as may be amended from time to time, apply
17 to the disposal of a carcass.
18

19 **Section 3. Amendments to Code.**
20

21 Section 4-44 of the Code of Laws of Leon County, Florida, is hereby amended to read as
22 follows:
23

24 **Sec. 4-44. ~~Number of animals, acreage restrictions/excess animals habitats.~~ Animal ownership**
25 **limitations.**
26

27 (a) Applicability. The provisions of this section do not apply to properties in zoning districts
28 which allow agriculture uses as a principal use, or to properties that have a bona-fide farm operation
29 on land classified as agricultural land pursuant to F.S. § 193.461, where animals are being raised as
30 livestock.
31

32 (b) General. Pets are permitted, subject to the limitations below. No livestock shall be
33 maintained, raised, or housed except as authorized in this section or the Leon County Land
34 Development Code.
35

36 (1) As used in this section, acreage determination excludes easements for roads or
37 other areas within the public rights-of-way. All property must be contiguous.
38

39 (2) As used in this section, references to pets refer to pets older than four months.
40 There are no restrictions on the number of pets younger than four months that
41 are allowed on a premises.
42

43 (c) Exception. This section shall be not be construed to limit the use or keeping of service
44 animals.
45

(d) Limitation on total number of pets. Except as otherwise provided in sections 10-6.816 and 10-6.821 of the Land Development Code, there shall be no restrictions on the total number of pets allowed on a premises, unless the owner has two prior convictions of this chapter as described in this subsection (d).

(1) Prior convictions. ~~(a) A person~~ An owner 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 a limitation on the total number of pets. ~~the provisions of this section and section 4-38.~~ The second conviction may be of the same section as the initial conviction ~~violation~~ or a subsequent conviction of another listed section. Upon a second conviction, an owner shall have 30 days to come into compliance with this section. ~~Thereafter, it is a violation of this section if the person~~

(2) Restrictions. An owner with two convictions for violations of sections 4-35, 4-36, 4-37 or 4-76 shall not ~~harbors a greater number of dogs and/or cats~~ pets than allowed in the following chart ~~below~~ without obtaining a multiple pet permit. ~~The owner must comply with all animal care standards as required in section 4-45.~~

<i>If you have:</i>	<i>Less than 1.5 acres</i>	<i>1.5 to less than 3 acres</i>	<i>3 to less than 5 acres</i>	<i>5 acres or more</i>
1-10 total pets dogs and/or cats	No permit required	No permit required	No permit required	No permit required
11-20 total pets dogs and/or cats	Prohibited without valid permit	No permit required	No permit required	No permit required
21-30 total pets dogs and/or cats	Prohibited without valid permit	Prohibited without valid permit	No permit required	No permit required
<u>More than 30 total pets</u> 31 plus dogs and/or cats	Prohibited without valid permit	Prohibited without valid permit	Prohibited without valid permit	*

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

(3) The owner must comply with all regulations and requirements of this chapter.

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

1
2 ~~(b) References to dogs and cats in this section only refer to dogs and cats older than four months. There~~
3 ~~are no restrictions on the number of dogs and cats younger than four months old that can be on the~~
4 ~~premises.~~

5
6 ~~(c) A person subject to this section must apply for a permit within 15 days of being convicted of a~~
7 ~~second violation as defined in subsection (a), above.~~

8
9 ~~(d) If it is determined that a person is in violation of this section, such person shall be allowed 30 days~~
10 ~~from the notice of violation to come in to compliance. Failure to timely comply will result in subsequent~~
11 ~~violation.~~

12 13 **Section 4. Amendments to Code.**

14
15 Section 4-45 of the Code of Laws of Leon County, Florida, is hereby amended to read as
16 follows:

17 18 **Sec. 4-45. Permit required for multiple pets.**

19 20 (a) *Requirements.*

21
22 (1) Any ~~person~~ owner subject to these provisions who is in possession of more ~~dogs and/or~~
23 ~~eats~~ pets than authorized in section 4-44 without a multiple pets permit ("~~permit~~") shall
24 be in violation of this section. ~~have 30 days from the effective date of the ordinance~~
25 ~~from which this section is derived to either obtain a permit or otherwise comply with~~
26 ~~that section.~~

27
28 (2) A permit shall be issued only after the division of animal control completes an
29 inspection and determines that the minimum requirements and standards, as set forth in
30 this chapter, have been met. After approval, a permit shall be issued upon payment of
31 the applicable fee. The applicant shall pay an application fee, as established from time
32 to time by the Board of County Commissioners, at the time of filing. The permit shall
33 be prominently displayed on the premises where ~~animals~~ pets are located.

34
35 (3) The permit is valid for a period of one year from the date of issuance, unless otherwise
36 stated or revoked. The permit shall be renewed annually. Said permit is not transferable,
37 assignable or refundable and shall be valid only to the applicant and location for which
38 it was originally issued. Renewal applications for permits shall be made within 30 days
39 prior to the expiration date.

40
41 (4) A permit holder shall use the initial permit issue date as the anniversary date for the
42 purposes of permit expiration and renewal.
43

- (5) It shall be a condition of the issuance of any permit that the division of animal control shall be allowed, ~~at any reasonable time,~~ with the owner present, to inspect all ~~dogs and/or cats~~ pets and all premises where ~~dogs and/or cats~~ pets are kept.
- (6) No permit shall be issued or renewed hereunder if an applicant has had his or her permit revoked within two years of the date of application, or has outstanding and unsatisfied civil penalties imposed due to violations of this chapter.
- (b) *Inspection procedures.*
- (1) ~~Inspection required.~~ Applicants shall submit to an in-home, property, and out building inspection (wherever the ~~dogs and/or cats~~ pets will be housed) by a county animal control officer prior to the issuance of a permit.
- (2) ~~Initial i~~nspections of multiple pet facilities will be made with advance notice, during normal business hours, ~~or at any reasonable time during daylight hours.~~ All inspections will be made in the presence of the owner whenever possible.
- (3) Whenever deficiencies are noted or the division of animal control receives a complaint from the public, a follow-up inspection of the establishment may be initiated by the division of animal control.
- (4) A permit shall not be issued if the inspection determines:
- a. That the requested number of ~~dogs and/or cats~~ pets cannot be maintained without creating noise or odor nuisances;
 - b. That the requested number of ~~dogs and/or cats~~ pets cannot be maintained in a healthy and sanitary environment; or
 - c. That any ~~dogs and/or cats~~ pets at the location are not in compliance with all provisions of this chapter.
- (5) The owner shall correct or initiate corrections within seven days of the initial inspection, unless otherwise stated by the inspecting officer. Subsequent inspection is required to confirm corrections.
- (6) By notice of adverse action, the division of animal control shall deny or revoke any permit if it is determined that:
- a. There has been a material misstatement or misrepresentation in the permit application;
 - b. The owner has been convicted of his or her fifth violation of sections 4-35, 4-36, 4-37 or 4-76 within a two-year period of filing an application or renewal.

1 The convictions may be for violations of the same section or any combination
2 of violations of the listed sections;

- 3
- 4 c. That the applicant/permit holder or any member of the household has
5 outstanding animal control fines or has failed to pay a fine or to request a hearing
6 in county court to answer the charges of any violations pending at the time of
7 application or renewal;
- 8
- 9 d. The permit holder or any of his or her agents have been convicted of a violation
10 of law involving cruelty to animals;
- 11
- 12 e. An animal under the care and responsibility of a permit holder has been found
13 to be in need of immediate veterinary care that, if not treated, would result in
14 unnecessary suffering, pain or death; or
- 15
- 16 f. The permit holder and/or ~~their~~ his or her employees/agents; is convicted of a
17 violation of any part of subsection (d) of this section.
- 18

19 (c) *Application review.* Within ten days of an inspection or receipt of an application for a
20 multiple pet permit, pursuant to subsection (b) of this section, the division of animal control shall issue
21 a written notice of approval or denial.

22

23 (d) *Violations.*

24

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

29

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

34

35 ~~(23) A person commits an offense if the person is a holder of a permit and the person refuses,~~
36 ~~upon request by a county animal control officer or law enforcement during reasonable~~
37 ~~hours, to make his or her pets, dogs and/or cats, premises, facilities, equipment, and or~~
38 ~~any necessary registrations or permits available for inspection.~~

39

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

42

43 ~~(35) A person commits an offense after an inspection has revealed noncompliance with this~~
44 ~~chapter.~~

45

1 (4) For a violation of this section or section 4-44, the owner may be provided up to 30 days
2 to correct the violation.

3
4 (5) All animals in excess of those listed on the permit must be humanely disposed of by the
5 permit holder by means of returning to the owner, sale, gift, or euthanasia performed by
6 a licensed veterinarian. The permit holder shall provide the division of animal control
7 with written notification of the disposition and location of each animal, including the
8 name, address, and telephone number of each new owner if the animal has not been
9 euthanized as described above.

10
11 (e) *Appeal process.* ~~(1)—Any permit holder or applicant who has been denied a permit or~~
12 ~~whose permit has been revoked may appeal this action to a court of competent jurisdiction the division~~
13 ~~of animal control. A written petition for appeal must be filed with the division within ten thirty (30)~~
14 ~~days of the notice of adverse action. Otherwise, the denial or revocation of the permit shall become~~
15 ~~final.~~

16
17 ~~(2) — The appeal must be heard by the review committee within 30 calendar days after the~~
18 ~~permit holder or applicant has submitted a petition for appeal. The appeal may be delayed by the~~
19 ~~division beyond the 30 calendar days if the division experiences extenuating circumstances beyond its~~
20 ~~control.~~

21
22 ~~(3) — Such hearing shall be convened by the review committee. The review committee shall~~
23 ~~consist of a licensed veterinarian, the county sheriff or designee, and an informed citizen appointed by~~
24 ~~the Board of County Commissioners.~~

25
26 ~~(4) — In hearings before the review committee, formal rules of evidence shall not apply, but~~
27 ~~fundamental due process shall be observed and govern the proceedings. The review committee shall~~
28 ~~decide the issues based upon the preponderance of the evidence. If the review committee finds~~
29 ~~sufficient cause to deny or revoke a permit, its decision shall be final.~~

30
31 ~~(5) — Request for continuance. If the permit holder or applicant cannot appear at any hearing~~
32 ~~scheduled by the review committee, he shall contact the division of animal control no later than 48~~
33 ~~hours prior to the hearing, requesting a one-time continuance to the next available date.~~

34
35 ~~(6) — Waiver. If the permit holder or applicant fails to appear at the rescheduled multiple pet~~
36 ~~hearing, then he shall be deemed to have waived his right to appear at such hearing. In such case, the~~
37 ~~division of animal control shall proceed with the hearing and shall notify the permit holder or applicant,~~
38 ~~in writing, of the findings of the committee.~~

39
40 ~~(7) — Permit holder or applicant's right to contest final determination in the county court.~~

41
42 ~~a — If the permit holder or applicant disputes the final determination of the review~~
43 ~~committee, he may file a complaint seeking relief in the county court, within ten business days~~
44 ~~following the date of receipt of the review committee's final determination.~~

1 b. ~~—The complaint shall be served upon the chairman of the Board of County~~
2 ~~Commissioners in accordance with F.S. ch. 48. A copy of the complaint seeking relief shall be served~~
3 ~~upon the County Attorney's office.~~

4
5 c. ~~—The complaint shall comply with the standards and requirements set forth in the Florida~~
6 ~~Rules of Civil Procedures for bringing causes of actions.~~

7
8 d. ~~—Burden of persuasion. A complaint to contest the final determination order of the review~~
9 ~~committee shall be held by trial de novo in the county court. The party bringing the complaint shall~~
10 ~~have the initial burden of going forward with the evidence at trial.~~

11
12 (8) ~~—If no legal action has been served upon the county within the time period specified~~
13 ~~above, or if the permit holder or applicant fails to appear at the judicial proceeding scheduled pursuant~~
14 ~~to the foregoing subsection, then he shall be deemed to have waived his right to protest such denial or~~
15 ~~revocation of the permit. In such case, the division of animal control shall proceed with revoking or~~
16 ~~denying the permit.~~

17
18 (9) ~~—If the county court finds that the denial or revocation of the permit was improper, as~~
19 ~~defined in this chapter, the permit shall be reissued or issued.~~

20
21 (10) ~~—The person receiving the notice of adverse action shall, until final determination of the~~
22 ~~appeal, take whatever positive measures are necessary to prevent any future incidents from occurring.~~

23
24 **Section 5. Conflicts.**

25
26 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby
27 repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon
28 County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this
29 ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

30
31 **Section 6. Severability.**


32
33 If any word, phrase, clause, section, or portion of this Ordinance is declared by any court of
34 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and
35 portions of this Ordinance shall remain in full force and effect.

36
37 **Section 7. Effective Date.**

38
39 This ordinance shall have effect upon becoming law.
40
41

1 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County,
2 Florida, this 28th day of April, 2020.


3
4 LEON COUNTY, FLORIDA

5
6 By: 
7
8 Bryan Desloge, Chairman
9 Board of County Commissioners

10
11 ATTESTED BY:
12 Gwendolyn Marshall, Clerk of Court
13 & Comptroller, Leon County, Florida

14
15 
16 By: _____

17
18 APPROVED AS TO FORM:
19 Leon County Attorney's Office

20
21 Chasity H.
22 By: O'Steen 
23 Chasity H. O'Steen, Esq.
24 County Attorney
25
26
27

Digitally signed by Chasity H. O'Steen
DN: cn=Chasity H. O'Steen, o=Leon County Board
of County Commissioners, ou=County Attorney's
Office, email=osteenc@leoncountycl.gov, c=US
Date: 2020.04.30 13:55:56 -04'00'

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