

ORDINANCE 15-16- 11

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, AMENDING ARTICLE I AND SECTION 4.5-21, SECTION 4.5-22, SECTION 4.5-24, SECTION 4.5-25, SECTION 4.5-41 OF CHAPTER 4.5 OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA PERTAINING TO ANIMAL CONTROL; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Highlands County Board of County Commissioners (hereinafter referred to as “Board”), deems it necessary to adopt procedures for animal control in the County; and

WHEREAS, the Board has determined that Chapter 4.5 of the Code of Ordinances, Highlands County, Florida (hereinafter referred to as “Code”) should apply to the incorporated areas and unincorporated areas located within Highlands County, Florida, so that those provisions can be uniformly enforced throughout the County; and

WHEREAS, the Board deems it necessary for the purpose of promotion, protection and improvement of the public health, safety, comfort, good order, appearance, convenience, and general welfare of the County to adopt such procedures as are set forth in this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board, after due notice and public hearing that:

SECTION 1. Amendment and Adoption. Article I of Chapter 4.5 of the Code of Ordinances Highlands County, Florida is hereby amended and adopted to read as follows:

ARTICLE I. IN GENERAL

Sec. 4.5-1. Chapter Applicability.

This Chapter shall apply to all incorporated areas and unincorporated areas located within Highlands County, Florida.

Sec. 4.5-2. Vaccination Required.

- (a) All dogs, cats, and ferrets 4 months of age or older must be vaccinated by a licensed veterinarian against rabies with a vaccine that is licensed by the United States Department of Agriculture for use in those species. The owner of every dog, cat, and ferret shall have the animal revaccinated 12 months after the initial vaccination. Thereafter, the interval between vaccinations shall conform to the vaccine manufacturer’s directions. The cost of vaccination must be borne by the animal’s owner. Evidence of circulating rabies virus neutralizing antibodies shall not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations.

- (b) Upon vaccination against rabies, the licensed veterinarian shall deliver to the animal's owner a completed National Association of State Public Health Veterinarians Rabies Certificate (NASPHV Form 51) or equivalent form approved by the Highlands County Animal Control Director that contains all the information required by the NASPHV Rabies Vaccination Certificate, issued by the licensed veterinarian administering the vaccine, containing pertinent data for the owner, the vaccination, and the identification of the specific dog, cat or ferret and retain a copy of that rabies vaccination certificate in his or her files. No later than the 15th day of each month, each licensed veterinarian who has vaccinated a dog, cat or ferret in Highlands County during the previous month shall deliver to Highlands County Animal Control a copy of that completed rabies vaccination certificate for each domestic animal he or she vaccinated against rabies during that previous month. The veterinarian who administers the rabies vaccine to an animal as required under this section may affix his or her signature stamp in lieu of an actual signature.
- (c) Each ferret vaccinated according to this section must be quarantined, when necessary, according to rules of the Florida Department of Health.
- (d) A dog, cat or ferret is exempt from vaccination against rabies if the following requirements are satisfied:
 - (1) A licensed veterinarian examines the animal and certifies in writing that at the time of that examination, in his or her professional opinion, administering the vaccination would endanger the health or life of the animal because of its age, infirmity, disability, illness or other medical condition. The licensed veterinarian's certification must include the factual and medical basis of his or her opinion, specifying whether it be age, infirmity, disability, illness or other specifically identified medical condition, the anticipated duration of that condition, and the dates of administration for the last occurring series of vaccinations or a statement that this vaccination information was not available;
 - (2) The owner registers the animal with Highlands County Animal Control within thirty (30) days after the examination by submitting the licensed veterinarian's certification, completing any other forms required by Highlands County Animal Control, paying to Highlands County Animal Control the fee established by resolution of the Board of County Commissioners; and
 - (3) The animal is securely and humanely confined within private property.
- (e) An exempt animal must be vaccinated against rabies as soon as its health permits. In no event shall any exemption granted pursuant to subsection (d) of this section be in effect for more than one (1) year without re-certification by a licensed veterinarian pursuant to subsection (d) of this section. As soon as the animal's medical condition permits a vaccination, the exemption terminates, and the owner must have the animal vaccinated and otherwise brought into full compliance with this section. Within fourteen (14) days after expiration or termination of the exemption, the owner of the animal must contact Highlands County Animal Control and provide to Highlands County Animal Control proof of compliance with all vaccination requirements.

Sec. 4.5-2.3. Animals to be registered.

- (a) The owner of each dog, cat or ferret vaccinated pursuant to Section 4.5-4~~2~~ of this Article is required to register the vaccinated animal with Highlands County Animal Control within thirty (30) days after the animal is vaccinated and pay the registration fee established by resolution of the Board of County Commissioners. That registration shall be valid until the expiration date of the rabies vaccine administered by the licensed veterinarian. Upon payment of the registration fee, Highlands County Animal Control shall issue to the owner of the animal a registration tag for each vaccinated dog, cat, and ferret that has not been implanted with a radio frequency identification (RFID) microchip registered with Highlands County Animal Control.
- (b) The owner of the animal shall cause the dog, cat or ferret that has not been implanted with a RFID microchip registered with Highlands County Animal Control to either wear, at all times, a collar with an attached valid Highlands County Animal Control registration tag or a collar with an imprint of the information contained on that registration tag.
- (c) The fee established by resolution of the Board of County Commissioners shall be charged and collected for the issuance of a replacement registration tag when the original has been lost.
- (d) Animal rescue and animal adoption organizations that are recognized by the Internal Revenue Service as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, are exempt from the requirement to purchase a Highlands County rabies tag until the vaccinated dog, cat or ferret is adopted. Prior to delivery of that adopted dog, cat or ferret, the animal rescue or animal adoption organization shall provide a copy of the rabies vaccination certificate to Highlands County Animal Control and purchase a Highlands County rabies tag from Highlands County Animal Control for the tag fee established by resolution of the Board of County Commissioners.
- (e) The registration fees collected by Highlands County Animal Control pursuant to this section shall be used to offset the cost of operating the Highlands County Animal Control facility and training and equipping Animal Control Officers.

Sec. 4.5-3.4. Interference with Officers.

- (a) No individual shall interfere with an Animal Control Officer while in the performance of his or her duties.
- (b) For purposes of this section, interference includes, but is not limited to:
 - (1) Striking or attempting to strike an Animal Control Officer;
 - (2) Providing an Animal Control Officer with false information;
 - (3) Taking or attempting to take, without authorization of Highlands County Animal Control, any animal from any Animal Control Officer performing his or her duties or from any animal trap or official vehicle used by Highlands County Animal Control to transport animals or from the Highlands County Animal Control Facility; and

(4) Taking or damaging any County property used in conjunction with the performance of an Animal Control Officer's duties.

Sec. 4.5-4.5. Feeding of feral cats.

- (a) No person other than the property owner shall feed feral cats on public or private property unless authorized by the property owner in writing, a copy of which has been filed with Highlands County Animal Control.
- (b) Highlands County Animal Control shall investigate any complaint that any person other than the property owner or a person authorized in writing by the property owner placed or caused to be placed on public or private property a food source or a container meant to hold a food source for the purpose of feeding feral cats.
- (c) Highlands County Animal Control shall reduce the animal populations, by trap and removal, at locations where feral cats are being fed in violation of this section, if deemed necessary for public health and safety.

Sec. 4.5-5.6. Humane Treatment of Animals.

- (a) Any person owning, caring for, harboring or keeping an animal must treat the animal humanely at all times.
- (b) Any animal that is confined must be:
 - (1) Provided humane care and sufficient quantities of good, wholesome food, water, and exercise on a daily basis; and
 - (2) Kept in sanitary conditions; and
 - (3) Provided with sufficient room to stand up, turn around, and sit comfortably; and
 - (4) Provided proper air ventilation and quality of air; and
 - (5) Provided protection from the elements; and
 - (6) Provided protection from excessive exposure to fleas, ticks, other harmful insects or external parasites.

SECTION 2. Amendment and Adoption. Section 4.5-21 of the Code of Ordinances Highlands County, Florida is hereby amended and adopted to read as follows:

Sec. 4.5-21. - Running at large prohibited.

It is unlawful for any person, corporation, entity or individual who owns or harbors, keeps or maintains any dog, to allow the same to roam, wander or run at large in, on or about any public streets, rights-of-way or places ~~in the unincorporated area of the county or in~~, on or about the private property of a person or persons other than the person who owns, harbors or keeps the dog. For all purposes of this article, the term "dog" shall be deemed to include all animals of the family Canidae.

SECTION 3. Amendment and Adoption. Section 4.5-22 of the Code of Ordinances Highlands County, Florida is hereby amended and adopted to read as follows:

Sec. 4.5-22. - Use of collar and leash required.

All dogs, when on or about the public streets, roadways~~rights-of-way~~ or places ~~in the unincorporated areas of the county~~, shall be on a collar and leash, under the direct care, custody, control and supervision of a person sufficiently mature to care for, control and manage the dog. All dogs, when in, on or about the private property of any person or persons other than that of the person or entity who owns, harbors, maintains or keeps the dog, shall be under the direct care, custody, control and supervision of a person sufficiently mature to care for, control and manage the dog and shall also be on a collar and leash unless the owner of the private property otherwise permits.

SECTION 4. Amendment and Adoption. Section 4.5-24 of the Code of Ordinances Highlands County, Florida is hereby amended and adopted to read as follows:

Sec. 4.5-24. - Impoundment—Reasons for; time period.

Any dog found roaming, wandering or running at large in, on or about any public street, roadway~~right-of-way~~ or place ~~in the unincorporated areas of the county~~ or in, on or about the private property of any person other than that of the person who owns, harbors, keeps or maintains the dog shall be subject to impoundment and shall be held for at least ten days, during which time the owner shall be notified if possible.

SECTION 5. Amendment and Adoption. Section 4.5-25 of the Code of Ordinances Highlands County, Florida is hereby amended and adopted to read as follows:

Sec. 4.5-25. - Impoundment—Disposition of dog.

All dogs which have been impounded in accordance with the provisions of sections 4.5-21, 4.5-22, and 4.5-24 of this article may be disposed of in a humane manner when not redeemed within ten days by the owner or his agent. If the impounded dog is not redeemed by the owner or his agent within ten days, then the dog may be redeemed by any legally constituted humane society or responsible individual.

SECTION 6. Amendment and Adoption. Section 4.5-41 of the Code of Ordinances Highlands County, Florida is hereby amended and adopted to read as follows:

Sec. 4.5-41. - Impoundment—Reasons for; time period.

Any cat found roaming, wandering or running at large in, on or about any public street, roadway~~right-of-way~~ or place ~~in the unincorporated areas of the county~~ or in, on or about the private property of any person other than that of the person who owns, harbors, keeps or maintains the cat shall be subject to impoundment and shall be held for at least seven days, during which time the owner shall be notified if possible.

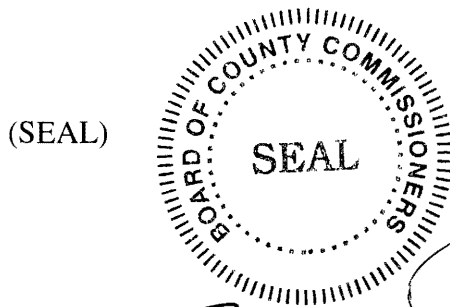
SECTION 7. Conflict. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 8. Inclusion in Code. When the text of this Ordinance is published for inclusion in the Code, the text included for deletion by strike-through text shall be deleted and the additions appearing as underlined shall be added so that the text of the Code shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made, and the sections of this Ordinance may be renumbered or re-lettered for such inclusion.

SECTION 9. Severability. The sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection or section of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, and sections of this Ordinance.

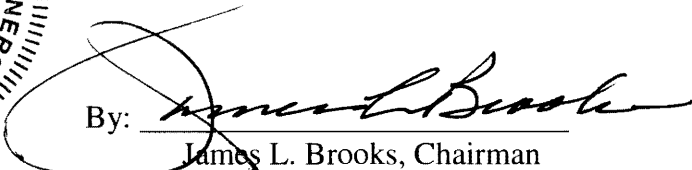
SECTION 10. Effective Date. This Ordinance shall take effect immediately upon filing with the Florida Department of State.

DONE AND ADOPTED this 3rd day of May, 2016.



BOARD OF COUNTY COMMISSIONERS
HIGHLANDS COUNTY, FLORIDA

By:


James L. Brooks, Chairman

ATTEST:


Robert W. Germaine, Clerk



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 4, 2016

Honorable Robert W. Germaine
Clerk of the Circuit Court
Highlands County
590 South Commerce Avenue
Sebring, Florida 33870-3867

Attention: Pamela Gamez, Deputy Clerk

Dear Mr. Germaine:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Highlands County Ordinance No. 15-16-11, which was filed in this office on May 4, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb