

ORDINANCE 17-18- 02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, AMENDING SECTION 2-383 OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA, PERTAINING TO SECTIONS OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA, THAT MAY BE ENFORCED PURSUANT TO DIVISION 4 OF ARTICLE XII OF CHAPTER 2 OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA; AMENDING SECTIONS 4.5-6, 4.5-21, 4.5-22, 4.5-24, 4.5-25, AND 4.5-28, OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA; AMENDING ARTICLE II OF CHAPTER 4.5 OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA, BY ADDING THERETO A NEW SECTION 4.5-29; AND AMENDING SECTIONS 4.5-41 AND 4.5-42 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 and amend procedures for animal control in 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 provide that the provisions of Chapter 4.5 of the Code of Ordinances, Highlands County, Florida (hereinafter referred to as "Code") may be enforced pursuant to Division 4 of Article XII of Chapter 2 of the Code and to adopt the Code violation classifications set forth in this Ordinance; and

WHEREAS, the Board has determined that the humane treatment of animals provisions of Section 4.5-6 of the Code should be amended to enhance enforcement and humane treatment of animals; and

WHEREAS, the Board has determined that the provisions of Sections 4.5-6, 4.5-21, 4.5-22, 4.5-24, and 4.5-25 of the Code, providing for impoundment of dogs should be amended; and

WHEREAS, the Board has determined that the dangerous dog determination provisions of Section 4.5-28 of the Code should be amended to provide for a dangerous dog determination appeal timeline that is consistent with the provisions of Section 767.12, Florida Statutes; and

WHEREAS, the Board has determined that penalties should be imposed to protect people and domestic animals that are, without provocation, attacked by a dangerous dog, as defined by Section 767.11, Florida Statutes, consistent with the provisions of Section 767.13, Florida Statutes; and

WHEREAS, the Board has determined that the provisions of Sections 4.5-41 and 4.5-42 of the Code, providing for impoundment of cats should be amended.

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

SECTION 1. Amendment and Adoption. Section 2-383 of the Code of Ordinances, Highlands County, Florida, is amended and adopted to read as follows:

Sec. 2-383. Applicable codes and ordinances.

The following county codes may be enforced pursuant to this division:

Code Section	Description	Class
2-360(k)	Code enforcement special magistrate	IV
2-362(b)	Conduct of hearing before the code enforcement special magistrate (ex parte communication)	IV
3-1(a)	Hours of sale, consumption and service of alcoholic or intoxicating beverages restricted (Monday through Saturday)	IV
3-1(b)	Hours of sale, consumption and service of alcoholic or intoxicating beverages restricted (Sunday)	IV
3-2	Indecent exposure in alcoholic beverage establishments prohibited	IV
3-4	Point-of-sale warning signs required (alcoholic beverage vendors)	IV
3-5(c)	Possession of open alcoholic beverage containers on county property prohibited	IV
4-18	Health department inspection and approval prerequisite to operation of food service for carnivals and exhibitions	IV
4-31	Permit required for carnival or exhibition	IV
4-51	Permit required for bingo games	IV
4.5- 12	Vaccination Required	I
4.5- 23	Animals to be registered	I
4.5- 34	Interference with Officers	I
4.5- 45	Feeding of feral cats	I

4.5- 56	Humane Treatment of Animals	I
4.5-21	Allowing a dog to run at large prohibited	I
4.5-22	Use of collar and leash on and control of dogs required	I
5-17	Unauthorized dumping or accumulation restricted	II
5-18	Abandonment of vessel/vehicle prohibited	I
5-19	Leaving partially dismantled, nonoperating, wrecked, junked or unlicensed vehicle on street prohibited	II
5-20	Storage of partially dismantled, nonoperating, wrecked, junked, discarded or unlicensed vessel or vehicle over 72 hours prohibited	I
5-28	Obstructing enforcement officer prohibited	IV
5-54	Certificate of public convenience and necessity required (emergency medical transport)	IV
5.6-3	Nuisance on property prohibited	I
5.6-104	Noise restriction in general	I
5.6-105	Specific noise prohibitions	I
5.6-106	Sound control standards	I
7-1(b)	Abandoned or discarded iceboxes, refrigerators, deep-freeze lockers, clothes washers, clothes dryers or similar airtight units prohibited	IV
7-1(d)	Unenclosed display of second hand refrigerators, deep-freeze lockers, clothes washers, clothes dryers or similar airtight units by junk-yard dealer or second hand furniture dealer prohibited unless doors removed	IV
7-3	Fortunetellers, clairvoyants, palmists, astrologers, phrenologists, character readers, spirit mediums, absent treatment healers, mental healers, and similar occupations—Failure to obtain permit	II
7-4	Prohibited activities in county parks	I

7-5	Importation, transportation, sale, propagation, planting, and use of certain plant species prohibited	II
7-6(c)	Transportation of noxious aquatic weeds prohibited	III
7-20	Violation of water use restrictions or water conservation measures prohibited	I
7-122	Off-premises sales of motor vehicles by dealers without permit or in violation of permit conditions prohibited	IV
8.5-21	Mandatory disposal of municipal solid waste	IV
8.5-23	Regulation of collectors of solid waste	IV
8.5-24	Standards of collection of solid waste	IV
8.5-25	Responsibility of property owners in collection of solid waste	I
8.5-27	Hazardous waste or bio-hazardous waste	IV
8.5-28	Collection, recycling, and disposal of construction and demolition debris regulated	IV
8.5-32	Prohibited acts concerning solid waste	IV
9-35	Posting of street addressing numbers on buildings	I
11-2	Traffic along beaches and shorelines and within county waterways	II
11-105	Response to calls	II
11-106	Wrecker classifications and required equipment	I
11-107	Storage lot	I
11-108	Wrecker service requirements	II
11-109	Insurance requirements	I
11-112	Maximum fees	I
11-113	Inspection	I

11-114	Documentation	I
12.03.101	Building permit required	II
12.03.110	Permits required	II
12.04.117.B	Maintenance by Condominium, Owners' Association, or Co-op	II
12.04.202	Development Order Required to be on File	II
12.04.206	Existing Mobile Home Parks and Campgrounds	II
12.04.215	Antennas and Ground Mounted Towers — Site plan application requirements	II
12.05.200	AU Agricultural district zoning regulations	I
12.05.201	EU estate district zoning regulations	I
12.05.210	R-1A residential district zoning regulations	I
12.05.211	R-1 residential district zoning regulations	I
12.05.212	R-2 two-family dwelling district zoning regulations	I
12.05.213	R-3 multiple family dwelling including motel and hotel district zoning regulations	I
12.05.214	R-3 NC non-commercial multiple family district zoning regulations	I
12.05.220	M-I mobile home subdivisions district zoning regulations	I
12.05.221	M-1-S mobile home and residential subdivisions district zoning regulations	I
12.05.222	M-2 mobile home parks district zoning regulations	I
12.05.223	RV park (FUD) district zoning regulations	I
12.05.224	CG-1 campground district zoning regulations	I
12.05.225	CG-2 campground district zoning regulations	I
12.05.226	CG-3 campground district zoning regulations	I

12.05.240	B-1 neighborhood business district zoning regulations	I
12.05.241	B-2 limited business district zoning regulations	I
12.05.242	B-3 business district zoning regulations	I
12.05.243	B-4 business district zoning regulations	I
12.05.244	O office district zoning regulations	I
12.05.245	BC-1 business campus, research and light manufacturing park district zoning regulations	I
12.05.246	BC-2 business campus, research, and light manufacturing park district zoning regulations	I
12.05.251	I-1 industrial district zoning regulations	I
12.05.252	I-2 industrial district zoning regulations	I
12.05.260	TND: traditional neighborhood development district zoning regulations	I
12.05.280	P public and quasi-public lands district zoning regulations	I
12.05.281	PW public water supply district zoning regulations	I
12.05.282	CM conservation/management lands district zoning regulations	I
12.05.283	A-1 airport district zoning regulations	I
12.05.290	PD planned development district zoning regulations	I
12.05.291	Flexible unit development (FUD) zoning regulations	I
12.05.292	Conditional use district zoning regulations	I
12.05.300	Single-family uses in the AU district on lots which are one acre or less in size and accessory uses and detached accessory structures in residential districts	I
12.05.301	Uses and structures used for accessory purposes in nonresidential districts	I
12.05.303	Use of residentially zoned property for access	I

12.05.304	Grade of residential buildings	I
12.05.306	Fences, walls and hedges	I
12.05.307	Base building lines established	I
12.05.310	Boats, boathouses and docks	I
12.05.311	Tents	I
12.05.313	Utility trailers areas	I
12.05.314	Storage or display of used or secondhand merchandise	I
12.05.316	Keeping and maintaining animals including exotic and wild animals	I
12.05.401	Encroachment into yards	I
12.05.402	Provision of yard on district boundary lines where a residential district adjoins a business or industrial district	I
12.05.403	Provision of yards for residential uses in nonresidential districts	I
12.05.404	Provision of yards for lots without buildings	I
12.05.405	Provision of yards for group housing	I
12.06.102	Nonconforming lots of record; replatting of lots	II
12.06.103	Nonconforming uses of land and elimination of such uses	II
12.06.104	Nonconforming structures; amortization of structures designed for certain uses	II
12.06.105	Nonconforming uses of structures	II
12.07.101	Off-site signs	I
12.07.102	Off-site sign regulations	I
12.07.103	Snipe signs prohibited	I
12.07.104	Political signs, advertisements, handbills, snipe signs and billboards prohibited on	I

	government property	
12.07.105	Obscene, indecent, lewd or immoral signs prohibited	I
12.07.106	Strip lighting prohibited	I
12.07.107	Illumination of signs prohibited	I
12.07.108	Bus benches regulation	I
12.07.109	Nonconforming advertising signs	I
12.08.101	Alcoholic beverage establishments requirements	III
12.08.103	Bingo games zoning regulations	I
12.08.105	Camping grounds additional zoning regulations	I
12.08.106	Carnivals and exhibitions zoning regulations	I
12.08.108	Flea market (open) regulations	I
12.08.109	Home occupations regulations	I
12.08.111	Special accessory uses associated with hotels, apartment hotels, motels and multiple family dwellings as special accessory uses, additional zoning regulations	I
12.08.113	Junk yards established after January 1, 1971, additional zoning regulations	II
12.08.115	Junk yards in existence/operating on January 1, 1971, additional zoning regulations	II
12.08.117	Mobile homes as accessory uses, offices or temporary residences, additional zoning regulations	I
12.08.119	Mobile home storage and parking in residential zoning districts prohibited	I
12.08.120	Recreation/disaster shelter building zoning regulations	II
12.08.123	Service stations, additional zoning regulations	I
12.08.125	Sexually oriented businesses/adult establishments zoning regulations	I

12.08.127	Solid waste, additional zoning regulations	II
12.08.128	TND land development regulations	I
12.08.129	Water facilities (potable water facilities) covered or included by Florida Administrative Code 40D-2 or 40E-2, additional zoning regulations	I
12.08.131	Wastewater treatment facilities or structures or water treatment facilities or structures, additional zoning regulations	I
12.08.134	Wireless communication facilities — Antennas and towers as accessory uses, additional zoning regulations	II
12.08.135	Wireless communication facilities (WCF), additional zoning regulations	II
12.09.103.E.	Clear visibility triangle at street intersections	I
12.09.103.F.	Clear visibility triangle at driveways	I
12.09.104	Roadway Design Standards	II
12.09.106.A.	Driveway Permit Required	I
12.09.107	Permit Conditions	II
12.09.109	Commercial Driveways	II
12.09.111	Ten Acre Parcel Road Connections	II
12.09.112	Residential Driveways	I
12.09.113	Existing Driveways	I
12.09.115	Design and Specifications	I
12.10.101	Applicability	I
12.10.102	Maintenance	I
12.10.200	Parking spaces required	I
12.10.211	Handicapped access	II

12.10.212.A.	Loading area requirements	I
12.10.212.C.	Use of loading spaces	I
12.10.213	Off-street loading requirements	I
12.10.217	Parking of commercial vehicles in residential zoning districts	I
12.10.218	Storage and parking of recreational vehicles, travel trailers and camping trailers	I
12.11.102.C.	Existing plant communities	I
12.11.102.D.	Cultivated landscapes	I
12.11.102.F.	Security for plat recording and issuing a certificate of occupancy	I
12.11.102.G.	Pruning	I
12.11.102.H.	Maintenance	I
12.11.103	Plant material standards and installation standards	I
12.11.105	Landscaping required in interior or vehicular surface areas	I
12.11.106	Green space requirements in shopping centers and freestanding retail establishments with floor areas of 40,000 square feet or greater	II
12.11.111	Types of Transitional protective yards	II
12.11.112	Open space requirements and standards	I
12.12.203	Setback from natural surface water bodies and wetlands regulations	IV
12.12.301	Ground water and well head protection general regulations	IV
12.12.400.B.	Stormwater Management	II
12.12.402	Standards for stormwater management systems	II
12.12.403	Stormwater management plan	II
12.12.503.D.	Establishment of Flood Hazard Development Permit — Compliance	II

12.12.504.B.	Flood Hazard Development Permitting Procedure — Elevation Certificate	II
12.12.508	Provisions for flood hazard reduction	II
12.12.603	Environmental clearance report required	I
12.12.604	Environmental mitigation fee for existing lots and small sites	I
12.12.614	Environmental clearance report (ECR)	I
12.12.620.C.	Land clearing permits required	IV
12.12.701.A.	Procedure and Requirements for Obtaining a Final Development Order	IV
12.12.703.C.	Permit extension	II
12.12.703.D.	Permit transfer	II
12.12.707	Standards for location and operation of mine	II
12.13.101.A.	Procedure	II
12.14.100	Potable water system requirements for manufactured home and seasonal parks	IV
12.14.101	Potable water system requirements for new development and redevelopment	IV
12.14.104	Water storage capacity requirements or new development and redevelopment	IV
12.14.200	Central sewer system requirements for manufactured home and seasonal parks	IV
12.14.201	Central sewer system requirements for new development	IV
12.14.300.B.	Right of way permit required	II
12.14.303	Prohibited use of county right of way	II
12.14.307	Installations Requiring Utility Permits	II
12.14.309	Blanket Utility Service Drop-Permits — Purpose of permit	I
12.14.310	Blanket Utility Maintenance Permits — Purpose of Permit	I

12.14.312	Special requirements for installation, restoration of right of way and Maintenance of Utility	II
12.14.313	Maintenance of Vegetation	I
12.14.314	Tree Trimming	I
12.14.315	Removal of Vegetation	I
12.14.316	Chemical Control of Vegetation	I
12.14.317	Maintenance of Traffic	IV
12.14.318	Location Criteria for Utilities	I
12.14.319	General Requirements	I
12.14.320	Jacking and Boring	I
12.14.321	Bridge attachment, corrosion certification guidelines	I
12.16.101	Maintenance of buildings, structures, electrical, gas, mechanical, and plumbing systems required — Vacant and secured	I
12.16.101	Maintenance of buildings, structures, electrical, gas, mechanical, and plumbing systems required — Vacant and unsecured	III
12.16.101	Maintenance of buildings, structures, electrical, gas, mechanical, and plumbing systems required — Occupied	IV
12.16.400	Registration of contractors	III
12.16.403	Handypersons	II
12.16.409	Signs, advertising, and contracts by contractors, prohibited conduct	IV
12.17.102.E.3.	Maintenance required under fire code	IV
12.17.200	Permit required	IV
12.17.206	Certificate of Occupancy — Building occupancy	I

12.17.207.A.	Connection of permanent service utilities	I
12.19.106	Maintenance of buildings, structures, and premises	I
12.19.301	Minimum standards for basic equipment and facilities — General	II
12.19.302	Facilities required	II
12.19.303	Minimum requirements for light and ventilation	II
12.19.304	Minimum requirements for electrical systems	II
12.19.305	General requirements for the exterior and interior of structures	II
12.19.306	Minimum dwelling space requirements	II
12.19.307	Sanitation requirements	II
12.19.400	Rooming houses	III
12.19.500	Designation of unfit dwellings	III

SECTION 2. Amendment and Adoption. Section 4.5-6 of the Code of Ordinances, Highlands County, Florida, is hereby amended and adopted to read as follows:

Sec. 4.5-6. Humane Treatment of Animals.

- (a) Any person ~~owning, caring for, harboring or keeping~~ who owns, harbors, keeps, or maintains an animal ~~must~~shall treat the animal humanely at all times.
- (b) ~~Any animal that is confined must be:~~ It shall be unlawful for any person who owns, harbors, keeps, or maintains any animal to confine or allow the animal to be confined in a manner that does not provide the animal with the following:

- (1) ~~Provided humane~~Humane care and sufficient quantities of good, wholesome food, water, and exercise on a daily basis; ~~and~~
- (2) ~~Kept in sanitary~~Provide Sanitary conditions; ~~and~~
- (3) ~~Provided with sufficient~~Sufficient room to stand up, turn around, and sit comfortably; ~~and~~
- (4) ~~Provided proper~~Proper air ventilation and quality of air; ~~and~~
- (5) ~~Provided protection~~Protection from the elements; and
- (6) ~~Provided protection~~Protection from excessive exposure to fleas, ticks, other harmful insects or external parasites.

- (b) Any animal found to be treated inhumanely under this Section may be impounded and, if impounded, shall be held for at least five (5) calendar days, during which time the owner shall be

notified of the impoundment, if possible, and the animal shall be available for the owner to redeem. If the fifth (5th) calendar day of impoundment is a day on which the Animal Services Department is not open, then the next calendar day in which the Animal Services Department is open shall be counted as the fifth (5th) day.

SECTION 3. 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 shall be 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 other public places; or in, on or about the private property of a person or persons other than the person who owns, harbors ~~or keeps the dog~~, keeps, or maintains the dog. Any dog found in violation of this section may be impounded and, if impounded, shall be held for at least five (5) calendar days, including the day of impoundment, during which time the owner shall be notified of the impoundment, if possible, and the animal shall be available for the owner to redeem. If the fifth (5th) calendar day of impoundment is a day on which the Animal Services Department is not open, then the next calendar day in which the Animal Services Department is open shall be counted as the fifth (5th) day. For all purposes of this article, the term “dog” shall be deemed to include all animals of the family Canidae.

SECTION 4. Amendment and Adoption. Section 4.5-22 of Chapter 4.5 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 ~~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~~, when on or about the public streets, rights-of-way or other public places shall be on a collar and leash, under the direct care, custody, control and supervision of a person who has sufficient maturity and strength to care for, control and manage the dog. All dogs, when in, or about the private property of any person or persons other than that of the person who owns, harbors, maintains or keeps the dog, shall be under the direct care, custody, control and supervision of a person who has sufficient maturity and strength 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. Any dog found in violation of this section may be impounded and, if impounded, shall be held for at least five (5) calendar days, including the day of impoundment, during which time the owner shall be notified of the impoundment, if possible, and the animal shall be available for the owner to redeem. If the fifth (5th) calendar day of impoundment is a day on which the Animal Services Department is not open, then the next calendar day in which the Animal Services Department is open shall be counted as the fifth (5th) day.

SECTION 5. 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, right-of-way or other public place 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,~~ may be impounded and, if a dog is impounded, it shall be held for at least five (5) calendar days, including the day of impoundment, during which time the owner shall be notified of the impoundment, if possible, and the dog shall be available for the owner to redeem. If the fifth (5th) calendar day of impoundment is a day on which the Animal Services Department is not open, then the next calendar day in which the Animal Services Department is open shall be counted as the fifth (5th) day.

SECTION 6. 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 that~~ have been impounded in accordance with the provisions of sections 4.5-6, 4.5-21, 4.5-22, and 4.5-24 of this article may be disposed of in a humane manner when not chapter may be redeemed within ten days five (5) calendar days, including the day of impoundment, by the owner or his the owner's agent. If the impounded dog is not redeemed by the owner or his the owner's agent within ten days, then the five (5) calendar day period, the dog may be redeemed by any legally constituted humane society, animal rescue organization or responsible individual. If the impounded dog is not redeemed within ten (10) calendar days after impoundment, the dog may be disposed of in a humane manner.

All dogs redeemed from animal control under this section by anyone other than the owner shall be spayed or neutered and have an RFID microchip implanted prior to leaving the animal control shelter. The costs for having the dog surgically spayed or neutered and for implantation of the RFID microchip, including the cost of the RFID microchip, must be paid prior to performance of those procedures. All applicable fees and all costs incurred by animal control during impoundment must be paid prior to release of the dog.

All dogs redeemed from animal control under this section by an owner shall have an RFID microchip surgically implanted prior to leaving the animal control shelter. All dogs redeemed more than once in any twelve (12) month period from animal control under this section by an owner shall be surgically spayed or neutered prior to leaving the animal control shelter. The costs for having the dog surgically spayed or neutered and for implantation of the RFID microchip, including the cost of the RFID microchip, must be paid prior to performance of those procedures. All applicable fees and all costs incurred by animal control during impoundment must be paid prior to release of the dog.

SECTION 7. Amendment and Adoption. Section 4.5-28 of the Code of Ordinances Highlands County, Florida is hereby amended and adopted to read as follows:

Sec. 4.5-28. - Dangerous dog determinations.

- (a) The words and terms used in this section shall have meanings provided by F.S. ~~§ 767.11.~~ Section 767.11, Florida Statutes.
- (b) After investigating any reported incident involving any dog that may be dangerous, the animal control authority shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall afford the owner an opportunity for a hearing prior to making a final determination. The animal control authority shall provide written notification of the sufficient cause finding, to the owner, by registered mail, certified hand delivery, or service in conformance with the provisions of F.S. ~~ch.~~ Chapter 48, Florida Statutes, relating to service of process. The owner may file a written request for a hearing within seven calendar days from the date of receipt of the notification of the sufficient cause finding and, if requested, the hearing shall be held as soon as possible, but not more than ~~24~~ twenty-one calendar days and no sooner than five calendar days after receipt of the request from the owner.
- (c) The dangerous dog hearing board is hereby created and established. The members of the dangerous dog hearing board shall be appointed by the board of county commissioners for three year terms and may be reappointed for subsequent terms. The dangerous dog hearing board shall consist of five members. The dangerous dog hearing board shall not conduct a hearing unless a quorum is present. Three members shall constitute a quorum. The membership of the dangerous dog hearing board shall include the following:
 - (1) Two citizens who are licensed veterinarians.
 - (2) One citizen who is an officer or director of the Highlands County Humane Society, Inc., a Florida corporation not-for-profit.
 - (3) Two citizens, at large.
 - (4) Appointment of two additional alternate veterinarians in case of a conflict.
- (d) The dangerous dog hearing board shall conduct hearings pursuant to this section using the procedures established by division 3 of article VI of chapter 2 of this Code.
- (e) Once a dog is classified as a dangerous dog by the dangerous dog hearing board, the animal control authority shall provide written notification to the owner by registered mail, certified hand delivery or service, and the owner may file a written request for a hearing in the county court to appeal the classification within ten business days after receipt of a written determination of dangerous dog classification and must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal. appeal in accordance with, and pursuant to, Section 767.12, Florida Statutes.
- (f) When a dog is classified as a dangerous dog by the dangerous dog hearing board, the owner shall comply with all requirements of Section 767.12, Florida Statutes.
- (g) As a condition precedent to the owner of a dangerous dog obtaining a certificate of registration from animal control mandated by Section 767.12(5)(a), Florida Statutes, the dangerous dog shall be surgically spayed or neutered and have an RFID microchip implanted prior to leaving the animal control shelter. The costs for having the dog surgically spayed or neutered and for implantation of the RFID microchip, including the cost of the RFID microchip, must be paid prior to performance of those procedures. All applicable fees

and all costs incurred by animal control during impoundment must be paid prior to release of the dog.

SECTION 8. Amendment and Adoption. Article II of Chapter 4.5 of the Code of Ordinances Highlands County, Florida is hereby amended by adding thereto a new Section 4.5-29, which is adopted to read as follows:

Sec. 4.5-29. – Attack or bite by dangerous dog.

- (a) If a dog that has been previously declared dangerous pursuant to Section 767.12, Florida Statutes, is reported to have attacked or bitten a person or a domestic animal without provocation, animal control shall report the incident to the States Attorney and the Highlands County Sheriff and investigate and make an initial determination as to whether there is sufficient cause to determine that the dangerous dog has attacked or bitten a person or domestic animal without provocation.
- (b) Upon making a determination that there is sufficient cause to determine that the dangerous dog has attacked or bitten a person or domestic animal without provocation animal control shall immediately confiscate the dangerous dog and place the dog in quarantine, if necessary, for the proper length of time, or impound the dog and hold it for ten (10) business days after the owner is given written notification by registered mail, certified hand delivery or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process or the conclusion of all hearings and appeals pursuant to Sections 767.12 and 767.13, Florida Statutes, and thereafter destroyed in an expeditious and humane manner. The ten (10) day time period shall allow the owner to request a hearing and appeal in the same manner as provided in Sec. 4.5-28 of this article. The dog may not be destroyed while a hearing or an appeal is pending.
- (c) If the dog owner requests a hearing within ten (10) business days after being provided written notification, challenging animal control's initial determination that the dangerous dog attacked or bit a person or domestic animal without provocation or timely files a subsequent appeal of the determination of the dangerous dog hearing board, the dangerous dog shall be held by animal control and shall not be destroyed while the hearing or appeal is pending. If the dog owner fails to request a hearing within ten (10) business days after being provided written notification, challenging animal control's initial determination that the dangerous dog attacked or bit a person or domestic animal without provocation, the county shall provide notification to the owner by registered mail, certified hand delivery or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process, of the hearing to determine if the dangerous dog attacked or bit a person or domestic animal without provocation. The dog owner shall be responsible for the payment of all boarding costs and other fees as may be required to humanely and safely keep the dog during any hearing and appeal requested by the owner.
- (d) The dangerous dog hearing board shall conduct hearings pursuant to this section using the procedures established by division 3 of article VI of chapter 2 of this Code.

SECTION 9. 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, right-of-way or other public place; 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~~five (5) calendar days, including the day of impoundment, during which time the owner shall be notified, if possible, and the cat shall be available for the owner to redeem. If the fifth (5th) calendar day of impoundment is a day on which the Animal Services Department is not open, then the next calendar day in which the Animal Services Department is open shall be counted as the fifth (5th) day.

SECTION 10. Amendment and Adoption. Section 4.5-42 of the Code of Ordinances Highlands County, Florida is hereby amended and adopted to read as follows:

Sec. 4.5-42. - Impoundment—Disposition of cat.

All cats which have been impounded in accordance with the provisions of ~~sections~~section 4.5-5 and 4.5-41 of this article may be disposed of in a humane manner when notchapter may be redeemed within seven days by the owner or his agent. by the owner or the owner's agent within five (5) calendar days, including the day of impoundment, during which time the owner shall be notified of the impoundment, if possible. If the fifth (5th) calendar day of impoundment is a day on which the Animal Services Department is not open, then the next calendar day in which the Animal Services Department is open shall be counted as the fifth (5th) day. If the impounded cat is not redeemed by the owner or his agent within seven days, then the owner's agent within five (5) calendar days, the cat may be redeemed by any legally constituted humane society, animal rescue organization or responsible individual. If the cat is not redeemed within five (5) calendar days after impoundment, the cat may be disposed of in a humane manner.

All feral cats which have been impounded in accordance with the provisions of Section 4.5-41 of this chapter, shall be held for three (3) calendar days, including the day of impoundment, during which time the feral cat may be redeemed by any legally constituted humane society, animal rescue organization, or responsible individual. If the impounded feral cat is not redeemed within three (3) calendar days after impoundment, the feral cat may be disposed of in a humane manner. If the third (3rd) calendar day of impoundment is a day on which the Animal Services Department is not open, then the next calendar day in which the Animal Services Department is open shall be counted as the third (3rd) day.

All cats redeemed from animal control under this section by anyone other than the owner shall be surgically spayed or neutered and have an RFID microchip implanted prior to leaving the animal control shelter. The costs for having the cat surgically spayed or neutered and for implantation of the RFID microchip, including the cost of the RFID microchip, must be paid prior to performance of those procedures. All applicable fees and all costs incurred by animal control during impoundment must be paid prior to release of the cat.

All cats redeemed from animal control under this section by an owner shall have an RFID microchip implanted prior to leaving the animal control shelter. All cats redeemed more than once in any twelve (12) month period from animal control under this section by an owner shall be surgically spayed or neutered prior to leaving the animal control shelter. The costs for having the cat surgically spayed or neutered and for implantation of the RFID microchip, including the cost of the RFID microchip, must be paid prior to performance of those procedures. All applicable fees and all costs incurred by animal control during impoundment must be paid prior to release of the cat.

SECTION 11. 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 12. 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 13. 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 14. Effective Date. This Ordinance shall take effect immediately upon filing with the Florida Department of State.

DONE AND ADOPTED this 3rd day of October, 2017.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
HIGHLANDS COUNTY, FLORIDA

By:

Don Elwell, Chairman

ATTEST:

Robert W. Germaine, Clerk





FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 4, 2017

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. 17-18-02, which was filed in this office on October 4, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb