

ORDINANCE 2025 - 19

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, BY AMENDING ARTICLE II OF CHAPTER 14 - ANIMALS; AMENDING SECTION 14-31, AMENDING DEFINITIONS; AMENDING SECTION 14-32, AMENDING PENALTIES; AMENDING SECTION 14-42, AMENDING PROVISIONS RELATING TO THE CLASSIFICATION OF A DOG AS DANGEROUS, OWNER REQUIREMENTS AND PENALTIES; AMENDING SECTION 14-43, TO ADD OWNER RESPONSIBILITIES; AMENDING SECTION 14-47, TO AMEND PROPER ENCLOSURE; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 1(g) of the Florida Constitution and Section 125.01, Florida Statutes, the Volusia County Council has broad home rule powers to govern the County, including the power to adopt ordinances as may be necessary to carry out both county and municipal powers and purposes; and

WHEREAS, Volusia County seeks to amend Article II, Chapter 14, Sections 14-31, 14-37, 14-42, and 14-43 of the Code of Ordinances, County of Volusia, pertaining to dogs classified as dangerous to comply with the Florida Legislatures' updates to Sections 767.10 through 767.13, Florida Statutes.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

SECTION I: Incorporation of Recitals. The above recitals represent the legislative findings of the Volusia County Council supporting the need for this ordinance.

SECTION II: Chapter 14, Article II, Section 14-31 of the Code of Ordinances of the County of Volusia is hereby amended to read as follows:

Section 14-31. – Definitions.

Dangerous dog means a ~~any~~ dog that according to the records of the Animal Control Authority:

Owner means ~~any~~ a person, a firm, a corporation, humane society, a public or private nonprofit organization controlling, harboring, keeping, possessing, boarding, or owning an animal. If the person purporting to own an animal is a minor, as defined by Florida Statutes, the minor's parent(s) or legal guardian(s), shall be deemed the owner of the animal for purposes of this Chapter. Any animal may be deemed to be owned by a person if the person feeds or shelters the animal for five (5) or more consecutive days.

Proper enclosure means, while on the owner's property, a dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the dog from escaping. The pen or structure must have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and must also provide protection from the elements.

SECTION III: Chapter 14, Article II, Section 14-32 of the Code of Ordinances of the County of Volusia is hereby amended to read as follows:

Section 14-32. – Penalty.

(b) A violation of this Article is a civil infraction which carries a maximum civil penalty not to exceed ~~\$500.00~~ \$1,000. The amount of said penalties shall be established by the Council by separate resolution or schedule.

SECTION IV: Chapter 14, Article II, Section 14-42 of the Code of Ordinances of the County of Volusia is hereby amended to read as follows:

Section 14-42. - Classification of dogs as dangerous; owner requirements; destruction.

(b) Enforcement. The Animal Services Division shall enforce the provisions of Sections 767.12, 767.13, 767.135, and 767.136, Florida Statutes, as may be amended from time to time, governing the classification of dangerous dogs and destruction of dangerous dogs, respectively. The Animal Services Division shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner of the dog and obtain a sworn affidavit from any person, including, but not limited to, any Animal Control Officer or law enforcement officer, desiring to have a dog classified as dangerous.

(1) An animal that is the subject of a dangerous dog investigation and that has killed a human being or has bitten a human being and left a bite mark that scores 5 or higher on the Dunbar bite scale must ~~because of severe injury to a human being may be~~ immediately confiscated by the Animal Services Division; placed in quarantine, if necessary, for the required length of time, ~~or impounded;~~ and held. The dog ~~may~~ must be held pending the outcome of the investigation and any hearings or appeals related to the

dangerous dog classification or any penalty imposed under this Section. If the dog is to be destroyed, the dog may not be destroyed while an appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the dog pending any hearing or appeal.

(2) A dog that is the subject of a any other dangerous dog investigation may be immediately confiscated by the Animal Services Division; placed in quarantine, if necessary, for the proper length of time; impounded; and held. A dog that is not impounded with the Animal Services Division, shall must be humanely and safely confined by the owner in a secure proper enclosure pending the outcome of the investigation and the resolution of any hearings or appeals related to the dangerous dog classification or any other penalties imposed under this Section. The use of an electronic or invisible dog fence shall not constitute a "securely fenced or enclosed area" for the purposes of this Section. ~~The dog shall be confined in such manner pending the outcome of the investigation and the resolution of any hearings or appeals related to the dangerous dog classification or any other penalties imposed under this Section.~~ The owner shall provide the address at which the dog resides ~~shall be provided~~ to the Animal Services Division. A dog that is the subject of a dangerous dog investigation may not be relocated or have its ownership transferred pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this Section. If a dog is to be destroyed, the dog may not be relocated or have its ownership transferred.

(3) Secure enclosure of a dangerous dog shall mean, while on the owner's or provider's property, a dangerous dog is securely confined indoors or in a securely

enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Such pen or structure shall must include a concrete base with a minimum of eight (8) inches of block above concrete base with secure fencing material that is tied into the base and secured behind the block and the enclosure shall must further include secure sides, a full, secure top and locking access door that must remain locked at all times while the dangerous dog is inside to prevent the dog from escaping over, under, or through the structure. The pen or structure shall also provide adequate ventilation and protection from the elements. The secure enclosure of a dangerous dog shall be located inside a secondary perimeter fence which creates a complete boundary around the area in which the secure enclosure is located. The owner shall post the premises with clearly visible warning signs measuring at least 8 1/2" x 11" in size conspicuously placed at all entry points that informs the public of the presence of a dangerous dog on the property.

(c) Defenses. A dog may not be declared dangerous if any of the following apply:

(1) The threat, injury, or damage was sustained by a human being who, at the time, was unlawfully on the property or, who while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member.

(2) The dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(d) Notice. Any written notification to an owner of a dog subject to a proceeding under Sections 767.12, 767.13, 767.135, or 767.136, Florida Statutes, and this Article, shall be by certified mail, with return receipt requested, or affidavit of hand delivery, or service in

conformance with the provisions of ~~F.S. ch.~~ Chapter 48, Florida Statutes, relating to service of process.

(e) Initial determination of sufficient cause. After the investigation, the Animal Services Division shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and, if sufficient cause is found, as to the appropriate penalty under Subsection (h). The Animal Services Division shall provide written notification of the sufficient cause finding and proposed penalty to the owner by certified registered mail with return receipt requested, or affidavit of hand delivery, or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process.

(f) Hearing. The Animal Services Division shall afford the owner an opportunity for a hearing ~~prior to~~ before a final determination regarding the classification or penalty. To request a hearing before a special magistrate regarding the dangerous dog classification, penalty, or both, the owner shall file a written request for the hearing with the Animal Services Division within seven (7) calendar days after receipt of the notification of the sufficient cause finding and proposed penalty. If the owner requests a hearing, the hearing ~~shall~~ must be held as soon as possible, but not later than twenty-one (21) calendar days and not sooner than five (5) days after receipt of the request from the owner. If a hearing is not timely requested regarding the dangerous dog classification or proposed penalty, the determination of the Animal Services Division as to such matter is ~~shall become~~ final.

(g) Final determination of sufficient cause. Upon a dangerous dog classification and penalty becoming final after a hearing or by operation of law pursuant to Subsection (f),

the Animal Services Division shall provide a written final order to the owner by certified mail with return receipt requested, or affidavit of hand delivery, or in conformance with the provisions of Chapter 48, Florida Statutes, related to service of process. The owner may appeal the determination, or penalty, or both to the Circuit Court of Volusia County, Florida in accordance with the Florida Rules of Appellate Procedure and Section 767.12(4), Florida Statutes, after receipt of the final order. Failure to file the appeal timely waives the owner's right to do so. If the dog is not held by the Animal Services Division, the owner must confine the dog in a proper ~~secure~~ enclosure as defined in this Section pending resolution of the appeal. If the owner files a written appeal under this Section, the dog must be held and may not be destroyed while the appeal is pending. The owner shall be responsible for payment of all fees, boarding costs, and other related expenses incurred by the County during the period a dog is quarantined or impounded under Section 767.12, Florida Statutes.

(h) Registration and restrictions.

(1) Except as otherwise provided in Paragraph (2) below, the owner of a dog classified as a dangerous dog shall do all of the following:

a. ~~Within fourteen (14) days after~~ Upon issuance of the final order classifying the dog as dangerous or the conclusion of any appeal that affirms such final order, obtain a certificate of registration for the dog from the Animal Services Division. The initial registration fee for the dangerous dog shall be \$1,500.00. The owner shall be required to renew the certificate at an annual cost of \$500.00. To obtain a certificate of registration or a renewal thereof the owner shall be at least eighteen (18) years of age and shall present to the Animal Services Division sufficient evidence of all of the following:

- i. A current certificate of rabies vaccination for the dog.
- ii. A proper enclosure to confine the dangerous dog as defined in section 14-42(b)(3).
- iii. The posting of the premises with a clearly visible warning sign measuring at least 8 1/2" x 11" in size conspicuously placed at all entry points that informs ~~the public~~ both children and adults of the presence of a dangerous dog on the property.
- iv. Permanent identification of the dog by, ~~such as a tattoo on the inside thigh or electronic implantation of a microchip.~~
- v. A certificate from a veterinarian that the dog has been spayed or neutered.
- vi. Proof of liability insurance coverage in an amount of at least \$500,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage to the animal control authority for the area in which the dog is kept. ~~for the premises where the dangerous dog shall be securely enclosed that includes coverage for dog bites or attacks.~~ The owner shall name the animal control authority as a certificate holder and notify the animal control authority of any cancellation, modification, expiration or termination of the liability policy required by this section.
- vii. If applicable, a notarized statement shall be submitted to the Animal Services Division by the landlord of the dog owner's premises where the dangerous dog shall be securely enclosed, which states that the landlord is aware of the dangerous dog classification and that the tenant must adhere to additional requirements, posting regulations and insurance requirements.
- b. Immediately notify the Animal Services Division when the dog:
 - i. Is loose or unconfined;

192 ii. Has bitten a human being or attacked another animal;

193 iii. Is sold, given away, or dies; or

194 iv. Is moved to another address.

195 Before selling or giving away the a dangerous dog ~~is sold or given away, the owner shall~~
196 provide the name, address, and telephone number of the new owner to the Animal
197 Services Division. The new owner must comply with ~~all of the requirements of~~ this Article
198 and Sections 767.10—767.16, Florida Statutes. If the dangerous dog is moved from this
199 jurisdiction to another within the State, the owner shall advise the new owner that he or
200 she is required to notify the animal control authority in the new jurisdiction and ~~shall advise~~
201 must notify the Animal Services Division that the dog has been relocated. The owner of
202 a dog classified as dangerous who establishes a residence in Volusia County and brings
203 the dangerous dog into Volusia County shall immediately notify the Animal Services
204 Division that the dog is in Volusia County and comply with this Article and applicable State
205 laws related to dangerous dogs.

206 c. Not permit allow the dangerous dog to be outside its secure enclosure unless the
207 dangerous dog is muzzled and restrained by a proper restraint with a minimum tensile
208 strength of three-hundred (300) pounds and not exceeding three (3) feet in length
209 attached to an approved harness, and under control of a competent person over the age
210 of eighteen (18) years. The muzzle must be made in a manner that will not cause injury
211 to the dog or interfere with its vision or respiration, but will prevent the dog from biting a
212 person or an animal. The owner may exercise the dog on the owner's property in a proper
213 enclosure ~~securely fenced or enclosed area that does not have a top~~, without muzzle or
214 leash, if the dangerous dog remains within his or her the owner's sight and only members

of the immediate household or persons eighteen (18) years of age or older, if applicable,
are allowed in the securely fenced or enclosed area when the dog is present. The use of
an electronic or invisible dog fence shall not constitute a "proper enclosure ~~securely~~
~~fenced or enclosed area~~" for the purposes of this Section. When being transported, such
dogs must be safely and securely restrained within a secure, marked carrier identifying
the dog as dangerous.

(2) If a dog is classified as a dangerous dog due to an incident that causes severe
injury to a human being, based upon the nature and circumstances of the injury and the
likelihood of a future threat to the public safety, health, and welfare, the dog may be
destroyed in an expeditious and humane manner. If a dangerous dog has killed a human
being or has bitten a human being and left a bite mark that scores 5 or higher on the
Dunbar bite scale and is surrendered to an animal control authority, the authority must
humanely euthanize the dog. For any other dangerous dog that is surrendered to an
animal control authority, the authority may humanely euthanize the dog. If the animal
control authority elects to place the animal for adoption, it must post signage on the dog's
enclosure to inform potential adopters that the dog has been declared dangerous and
inform any adopter of the dog owner's requirements under this section. The animal control
authority must provide a person who adopts a dangerous dog with a copy of the
declaration and must require them to sign a contract with the authority agreeing to abide
by the requirements of the declaration.

(3) Violations of this Part.

a. A violation of any provision of this Part ~~shall be a civil infraction punishable by a fine of \$500.~~ commits a non-criminal infraction, punishable by a fine not to exceed \$1,000 per violation.

(i) Attack or bite by dangerous dog; confiscation; destruction.

a. If a dog that has previously been declared dangerous attacks or bites a human being or a domestic animal without provocation, the dangerous dog shall must be immediately confiscated by the Animal Services Division; placed in quarantine, if necessary, for the proper length of time; or impounded; and held for ten (10) business days after the owner is given written notification of confiscation under Section 767.12, Florida Statutes, and thereafter destroyed in an expeditious and humane manner. ~~This ten (10) day time period shall allow~~ The owner ~~time to~~ may request a hearing under Subsection (f) above during the 10 business days after such notification. If the owner files a written appeal under Subsection (f) above or this Section, the dog must be held and may not be destroyed while the appeal is pending. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the dog during any appeal procedure.

b. If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the dangerous dog must be immediately confiscated by the Animal Services Division; placed in quarantine, if necessary, for the proper length of time; impounded; and held for ten (10) business days after the owner is given written notification of confiscation under Section 767.12, Florida Statutes, and thereafter destroyed in an expeditious and humane manner. The owner may request a hearing

under Subsection (f) above during the 10 business days after such notification. If the owner files a written appeal, the dog must be held and may not be destroyed while the appeal is pending. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the dog during any appeal procedure.

(j) Attack or bite by unclassified dog that causes death; confiscation; destruction. If a dog that has not been previously declared dangerous attacks and causes the death of a human being, the dog shall must be immediately confiscated by the Animal Services Division; placed in quarantine, if necessary, for the proper length of time; impounded; and ~~or~~ held for ten (10) business days after the owner is given written notification under Section 767.12, Florida Statutes, and thereafter destroyed in an expeditious and humane manner. ~~This ten (10) business day time period shall allow~~ The owner ~~to~~ may request a hearing under Subsection (f) above during the 10 business days after such notification. If the owner files a written appeal under Subsection (f) above or this Section, the dog must be held and may not be destroyed while the appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the dog during any appeal procedure.

SECTION V: Chapter 14, Article II, Section 14-43 of the Code of Ordinances of the County of Volusia is hereby amended to read as follows:

Section 14-43. - Duty of animal owners to be responsible owners.

(c) A dog owner is liable for any damage done by the owner's dog to a person or to any animal included in the definitions of "domestic animal" and "livestock" as provided by s. 585.01. 68

(d) If a dog owner has knowledge of the dog's dangerous propensities, the owner must securely confine the dog in a proper enclosure as defined in s. 767.11.

~~(e)~~ (e) Penalty. Any person found in violation of this Section is subject to the penalties prescribed in Section 14-32.

SECTION VI: Chapter 14, Article II, Section 14-47 of the Code of Ordinances of the County of Volusia is hereby amended to read as follows:

Section 14-47. - Restraint of animals while on property of owner.

(3) The animal is properly restrained by:

a. Securely and humanely confined within a proper ~~house, building, fence, crate, pen, or other~~ enclosure; or

b. Leash or otherwise controlled by a responsible person or is obedient to the commands of a person present with the animal at any time the animal is not secured and humanely confined within a ~~house, building, fence, crate, pen, or other~~ proper enclosure.

Any command shall be affirmatively demonstrated as an effective restraint upon request.

SECTION VII: AUTHORIZING INCLUSION IN CODE - The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Volusia, as additions or amendments thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code.

SECTION VIII: SEVERABILITY - Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or


unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION VIX: CONFLICTING ORDINANCES - All ordinances, or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

SECTION VX: EFFECTIVE DATE – A certified copy of this Ordinance shall be filed with the Department of State by the County Manager within ten (10) days after enactment by the County Council and this Ordinance shall take effect upon filing with the Department of State.

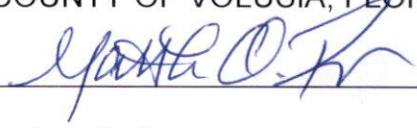
ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 17TH DAY OF JUNE 2025 A.D.

ATTEST:


George Recktenwald
County Manager

COUNTY COUNCIL

COUNTY OF VOLUSIA, FLORIDA


Jeffrey S. Brower
County Chair

