

ORDINANCE NO. 2016-_____

AN ORDINANCE OF CITRUS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, PERTAINING TO ANIMAL CONTROL, AMENDING SECTION 14-32 ENTITLED "DEFINITIONS"; AMENDING SECTION 14-33 ENTITLED "LICENSES"; AMENDING SECTION 14-37 ENTITLED "ADOPTION AND REDEMPTION OF ANIMALS"; AMENDING SECTION 14-45 ENTITLED "DANGEROUS DOGS"; AMENDING SECTION 14-49 ENTITLED "HUMANE TREATMENT OF ANIMALS; REPEALING SECTION 14-49(g) DEFINING "TETHERING"; CREATING SECTION 14-53 ESTABLISHING REQUIREMENTS FOR TETHERING OF ANIMALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Citrus County Board of County Commissioners ("Board") is the legislative and governing body of Citrus County, a political subdivision of the State of Florida, authorized to exercise governmental powers pursuant to Article VIII of the Constitution of the State of Florida and Section 125.01, Florida Statutes;

WHEREAS, in 2009, the Board of County Commissioners adopted Ordinance 2009-A13 amending various provisions of Part II, Chapter 14, Article II of the Citrus County Code pertaining to Animal Control;

WHEREAS, several amendments set forth in Ordinance 2009-A13 were inadvertently omitted from the Citrus County Code and should be readopted by the Board;

WHEREAS, several provisions within the Code conflicted with State Statutes requiring Amendments;

WHEREAS, the Board of County Commissioners of Citrus County, Florida, is charged with the responsibility of protecting the public by adopting and enforcing provisions related to animal control and cruelty;

WHEREAS, the tethering of animals can result in distress, injury and death to animals;

WHEREAS, the tethering of animals for extended periods of time may constitute animal cruelty;

WHEREAS, for these reasons, the Board hereby finds that the regulation of the tethering of animals is in the best interests of the citizens of the County; and,

WHEREAS, microchipping animals provides an effective method of identifying lost or stray animals assisting the County in reuniting lost animals with their owners.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Citrus County:

Section 1. Article II, Section 14-32 is amended to add the following definitions where they would properly be included therein in alphabetical order:

Sec. 14-32. Definitions.

- (a) *Animal control authority* means the Sheriff of Citrus County and his/her designated agents.
- (b) *Animal control officer* means any person employed by the Citrus County Sheriff's Office who is authorized to investigate, on public or private property, violations of state and local laws relating to animal care and management or cruelty, and to issue citations as provided in this section. An animal control officer is only authorized to bear arms or make arrests upon being certified as a law enforcement officer by the State pursuant to Ch. 943, F.S.
- (c) *Animal services* means the Animal Services Division of the Citrus County Community Services Department.
- (d) *Commercial breeder* means any person who engages in the breeding of dogs and/or cats for the purpose of sale or transfer of such dogs and/or cats for compensation. Hobby breeders are excluded from this definition.
- (e) *Enclosure* means any place where a domestic animal is maintained outdoors including, but is not limited to, a fenced yard, kennel, or run.
- (f) *Hobby breeder* means any person who breeds and/or raises on his/her property dogs, cats, and or companion animals, and who sells no more than two litters, or 20 dogs, cats and/or companion animals per year, whichever is greater.
- (g) *Hybrid* means a cross between a wild and domestic animal as defined by the Florida Fish and Wildlife Conservation Commission.
- (h) *Working dog* means a canine working animal that has been trained to perform specific tasks for the purpose of aiding its owner, harbinger or caretaker in that person's business functions. For example, but not by limitation, search and rescue dogs, protection dogs, and detection dogs are considered to be working dogs.

Section 2. Article II, Section 14-32 is amended by amending the definition of Shelter by replacing the existing definition with the following:

Sec. 14-32. Definitions.

- (a) *Shelter* means any structure which provides an animal with protection from the elements (weather).

Section 3. The provisions of Article II, Section 14-33 (a) (2), (3) and (4) are amended by replacing such provisions with the following:

Sec. 14-33. Licenses. Requirements.

- (a)(2) Except as provided for in subsection (c) of this section, all dogs, cats, and ferrets at least four months of age and older must have been issued a tag. A tag may be issued for either one or three years.

(a)(3) In order to register or renew registration for a dog, cat or ferret, a current complete rabies vaccine certification must be provided to Animal Services along with any and all applicable fees for the rabies vaccine certification and tag.

(a)(4) The tag may be obtained either from Animal Services or a veterinarian. Only rabies vaccination certificates signed by the veterinarian who administered the vaccine and tags approved for issuance by Animal Services shall be valid. Any rabies vaccination certification signed by any person other than a veterinarian licensed by the State of Florida will be considered invalid and a tag will not be approved for issuance by Animal Services.

Section 4. Article II, Section 14-33 (b)(4) is amended by replacing such provision with the following:

Sec. 14-33. Licenses. Fees.

(b)(4) A reimbursement fee, as established by the Board of County Commissioners, may be available for a dog or cat sterilized within forty-five (45) days of vaccination.

Section 5. Article II, Section 14-37 is amended to add the following:

Sec. 14-37(1) Redemption.

(e) All animals shall be implanted with a microchip prior to being redeemed. The owner shall be responsible for the cost of implanting the microchip and shall pay the fee prior to redeeming the animal. The procedure shall be done by, or under the direct supervision of, a veterinarian currently licensed by the state.

Section 6. Article II, Section 14-37 is amended by replacing such provisions as follows:

Sec. 14-37(2) Adoption.

(c) All animals being adopted from animal services shall be implanted with a microchip for positive and permanent identification prior to release, and upon payment of fees for such service.

Section 7. Article II, Section 14-45(c) and (d)(4) is amended by replacing such provisions with the following:

Sec. 14-45 Dangerous Dogs.

(c) Notice and hearing requirements for determination of dangerous dog classification.

(1) After the investigation, 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 as to whether there is sufficient cause to classify the dog as dangerous and if so, the appropriate statutory penalty, i.e., 1) classify the dog as a dangerous subject to secure confinement by the owner; or, 2) destroy the dog if the dog caused severe injury to a human being and constitutes a likely future threat to public safety, health and welfare.

(2) 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 Chapter 48, Florida Statutes, relating to service of process.

(3) The owner may file a written request for a hearing with the Office of the County Administrator 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 21 calendar days and no sooner than five days after receipt of the request from the owner. If the owner does not timely request a hearing, the determination of animal control is final.

(4) The formal rules of evidence shall not apply at the hearing and hearsay is admissible, but the hearing officer may not base his decision solely upon hearsay testimony.

(5) Upon a dangerous dog classification becoming final after hearing or by operation of law, the animal control authority shall provide a written final order to the owner by registered mail, certified hand delivery or service pursuant to Chapter 48, Florida Statutes. The owner may appeal the final order in the county court within ten business days after receipt of the final order. If the dog is not held by animal control, the owners must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal. The appeal shall be the traditional record review applicable to other types of appeals from quasi-judicial decisions of administrative bodies or hearing officers.

(d)(4) Unless the statutory penalty requires that the animal be destroyed, a dog that has been impounded which is subsequently classified as dangerous shall remain impounded until the owner provides for its secure confinement in accordance with this section and a court order to return the animal to the owner. If the owner does not make such provisions within 14 days of the latter of:

- a. the final order of classification of dangerousness; or,
- b. the conclusion of any appeal which is decided adversely to the owner,

the County will seek an order to have the animal remanded to the custody of the County. The owner shall be responsible for boarding fees, veterinary and other costs incurred by the county to maintain the dog during such impoundment unless the owner prevails at the conclusion of all legal proceedings.

Section 8. Article II, Section 14-49(a)(1)(c) and (d) is hereby amended by replacing such provision with the following:

Sec. 14-49(a)(1)(c).

Adequate Shelter means a shelter that is suitable for the species, age, condition, size, and type of each companion animal, and provides adequate space for each companion animal, is safe and protects each companion animal from injury, direct sunlight, other weather elements, adverse effects of heat or cold, physical suffering, and impairment of health. The owner shall ensure that the shelter is properly lighted, is properly cleaned, enables each companion animal to be clean and dry, except when detrimental to the species, and for dogs and cats provides a solid surface and resting platform, pad, floor, mat or similar device that is large enough for the dog or cat to lie on in a normal manner and can be maintained in a sanitary manner. Examples of inadequate shelter include, but are not limited to, lean-tos, metal drums, wire or airline carrier crates, rabbit hutches, cardboard boxes, abandoned vehicles, or material that does not provide sufficient protection from the elements. The area shall be free of any accumulated waste or external parasites, so that the animal shall be free to walk or lay down without coming into contact with any such waste or parasites. Livestock are exempt from shelter requirements.

Sec. 14-49(a)(1)(d).

Adequate Space means a space that allows a companion animal to easily sit, stand, lie down, turnabout and make other normal body movements in a comfortable normal position for a companion animal. An enclosure shall provide each animal a minimum of eighty, (80) square feet of open space and shall be suitable to prevent the escape of the animal or the entry of young children.

Section 9. Article II, Section 14-49(g) is hereby repealed.

Section 10. Chapter 14, Animals, Article II, Animal Control, Section 53, Limitations on Tethering of Animals, of the Citrus County Code of Ordinances, is hereby created as follows:

Sec. 14-53. Title.

This article shall be titled Limitations on Tethering of Animals.

Sec. 14-53(a). Definitions.

Tether means to confine or restrain an animal by tying the animal to any stationary object or structure, including without limitation, a house, tree, fence, post, garage or shed, by any means including without limitation a chain, rope, cord, leash, cable or running line.

Sec. 14-53(b). Prohibitions.

- (1) No person, owner, harbinger or caretaker shall tether an animal unless such person is with the animal and the animal is at all times visible to such person.
- (2) A tethered animal must be at least six (6) months in age and free of illness and injury.
- (3) The tether must be constructed of material that will not place the animal in danger of injury or death.
- (4) The tether must be at least twenty feet in length and made of material sufficient in strength to prevent escape but that weighs no more than 1/8 of the weight of the animal.
- (5) The tether shall allow the animal ingress and egress to adequate shelter.
- (6) If a cable runner is used for tethering, the cable runner shall be at least 30 feet in length and the tether from the animal to the cable runner must be of sufficient length to maintain safety for the animal and allow the animal to move freely without entanglement on other stationary objects. If connected to a pulley, the running line must be at least fifteen (15) feet in length and less than seven feet above the ground.
- (7) All animals tethered shall be fitted with a restraint that prevents strangulation. The tether shall be attached to a properly fitted buckle-style collar or buckle-style harness and may not be attached to a stationary object at a height higher than the animal's neck in a standing position. The tether must swivel on both ends and be free of tangles.
- (8) A leash or lead may not be attached directly to the animal's neck in lieu of a manufactured collar or harness.
- (9) Choke, chain, slip or prong type collars shall not be used on an animal when such animal is tethered.
- (10) No animal may be tethered outside during extreme weather conditions, including but not limited to, extreme heat, freezing or near-freezing temperatures, during thunderstorms, lightning storms, tornado watches or warnings, or during tropical storm or hurricane watches or warnings.
- (11) No tether may extend any closer than six feet from the perimeter fence or lot line.

- (12) Multiple dogs must be tethered separately. Dogs may not share running lines or be near enough to each other that they may become entangled.
- (13) No animal shall be tethered in such a manner that it has access to public property, easements, rights of way or the real property of another.
- (14) When a tethered animal is transported in a pickup truck with a metal bed, the animal shall be provided protection from the metal bed.
- (15) No tether shall extend over an object or edge in such a manner that could result in entanglement or strangulation of, or injury to, the animal.

Sec. 14-53(c). Maintenance of Area in which Animal is Tethered.

- (1) A tethered animal shall at all times have access to adequate food, adequate water and adequate shelter.
- (2) The area in which the tethered animal is confined shall be clean and free of trash, standing water, waste material, junk, discarded material and vegetation that can entangle the animal. The area shall be regularly cleaned to remove animal waste, parasites, including fleas and ticks, and rodents.
- (3) The area in which an animal is tethered shall include a shaded area, whether by natural or artificial means, large enough to provide shade to the animal(s) without crowding.
- (4) Within the tethered area, structures with wire, grid, or slat floors which permit the animal's feet to pass through openings, sag under the animal's weight or which otherwise do not protect the animal's feet or toes from injury are prohibited.

Sec. 14-53(d). Removal of Improperly Tethered Animal.

- (1) Any member of the Citrus County Sheriff's Office, whether or not officially designated as an animal control officer, shall have the authority and duty to use any means, including use of reasonable force, to enter any private or public property for the purpose of removing a tethered animal when, at the discretion of the officer present, the animal's health and well-being are jeopardized as a result of a violation of the provisions of this Section. The enforcement officer removing the animal shall deliver it to animal services for impoundment or to a veterinarian if the officer deems the animal is in distress.
- (2) The enforcement officer shall post a notice in a prominent location at the property from which the animal was removed, bearing the name of the officer, the department's name and phone number and the location where the animal may be claimed.
- (3) The animal will not be returned to the owner until the owner is able to demonstrate that the animal will be kept in accordance with the provisions of this Section.
- (4) If the owner fails to demonstrate within five (5) days of impoundment that the animal will be properly tethered, County shall seek an order to have the animal remanded to the custody of the County.

Section 11. Severability. If any section, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 12. Codification. The publisher of the County's Code of Ordinances, the Municipal Code Corporation, is directed to incorporate the amendments to the provisions of Chapter 14, Article II of the Citrus County Code of Ordinances.

Section 13. Modification. The provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed with the Clerk.

Section 14. Effective Date. This Ordinance shall take effect as provided by law.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting, this ____ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

ATTEST:

ANGELA VICK, Clerk

RONALD E. KITCHEN, JR.

APPROVED AS TO FORM FOR THE
RELIANCE OF CITRUS COUNTY ONLY:

DENISE A. DYMOND LYN
County Attorney