



LAKE COUNTY
FLORIDA

ECONOMIC IMPACT STATEMENT

Contact Information

Date: 4/24/18 Contact Name: Whitney Boylston
Dept./Division: Animal Services Contact Phone: 352-343-9688

Ordinance Information

Describe the ordinance:

The purpose of this Ordinance is to amend Chapter 4 of the Lake County Code, entitled "Animals," to expand the purpose and scope of the Chapter; to modify penalties; to create a voluntary animal identification program; to prohibit the retail sale of dogs and cats; and to amend other provisions of the Chapter regarding Animal Services and the enforcement procedure.

Describe the direct economic impact of the ordinance upon the operation of the County:

The revenues received under the requirement of a county tag/license will be impacted under this Ordinance. This Ordinance modifies the county license requirement to a voluntary identification program run by Animal Services. There will no longer be a need for an agreement with a third-party vendor regarding licenses.

Describe the direct economic impact of the ordinance upon the property owner/taxpayers/citizens who are expected to be affected:

This Ordinance modifies the penalties and surcharge amount to be imposed if one violates the provisions of Chapter 4. Otherwise, this Ordinance does not impact the citizens of Lake County.

Identify any potential indirect economic impacts, positive or negative which might occur as a result of the ordinance:

None identified.

Staff Summary

The purpose of this Ordinance is to amend Chapter 4 of the Lake County Code, entitled “Animals,” to expand the purpose and scope of the Chapter; to modify penalties; to create a voluntary animal identification program; to prohibit the retail sale of dogs and cats; and to amend other provisions of the Chapter regarding Animal Services and the enforcement procedure.

Changes are shown as follows: Strikethrough for deletions and Underline for additions to existing Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or relettering that might be needed).

ORDINANCE 2018 - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, CHAPTER 4, ENTITLED “ANIMALS”; EXPANDING THE PURPOSE AND SCOPE; AMENDING DEFINITIONS; MODIFYING CIVIL PENALTIES AND IMPOSING A SURCHARGE; ESTABLISHING VOLUNTARY ANIMAL IDENTIFICATION; PROHIBITING THE RETAIL SALE OF DOGS AND CATS; ELIMINATING THE REQUIREMENT FOR A MANDATORY LOCAL LICENSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 767.14, Florida Statutes provides that a local government may adopt an ordinance to address the safety and welfare concerns caused by attacks on persons or domestic animals, placing further restrictions or additional requirements on owners of dogs that have bitten or attacked person or domestic animals, and developing procedures and criteria for animal control; and

WHEREAS, Section 828.27(2), Florida Statutes, authorizes a governing body of a county to enact ordinances related to animal control or cruelty and impose a civil penalty, plus a surcharge to be used to pay costs for training for Animal Control Officers; and

WHEREAS, the Lake County Board of County Commissioners (“Board”) as the owner and operator of the Lake County Animal Shelter seeks to promote community awareness of animal welfare; and

WHEREAS, the Board believes restricting the retail sale of dogs and cats will encourage the adoption of dogs and cats from an animal shelter or an animal rescue organization; and

WHEREAS, the Board seeks to amend Chapter 4, Lake County Code, entitled “Animals,” to update the Chapter by modifying provisions concerning impoundment, redemption, and registration, in order to benefit the health, safety and welfare of the citizens and animals of Lake County.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Lake County, Florida, as follows:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein.

Section 2. Amendment. The following sections of Chapter 4 of the Lake County Code, entitled “Animals,” are hereby amended as follows. All other sections of Chapter 4, not specifically referenced herein as being amended, shall remain the same. For purposes of Section 4-3, the amendment

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1 and inclusion of the definitions herein shall not affect the definitions already contained in Section 4-3. Any
2 amendments to section titles shall be reflected in the table of contents of the Lake County Code.

3
4 **Chapter 4 - ANIMALS**

5
6 **Article I. ADMINISTRATION**

7 **Sec. 4-1. Purpose and intent.**

8 This chapter is enacted pursuant to F.S. Chs. 828, 162, 588 and 767, Florida Statutes, as
9 amended, to regulate the possession, ownership, care, and custody of animals, including ~~licensure~~
10 ~~of animals~~, dangerous dogs, and seizure and impoundment of animals, in the interest of the health,
11 safety and welfare of the citizens and animals of Lake County. The Lake County Board of County
12 Commissioners hereby declares:

- 13 (a) Protecting animals is a legitimate and compelling public interest;
14 (b) Animals held in shelters deserve proper care and humane treatment including prompt veterinary
15 care, adequate nutrition, shelter, exercise, environmental enrichment, and water;
16 (c) Shelters should not Euthanize adoptable animals at the request of their owners;
17 (d) The Lake County Animal Shelter shall adopt and follow standard operating procedures that
18 include industry based best practices with regard to humane standards of care, which may
19 include following the principles outlined in “Guidelines for Standards of Care in Animal
20 Shelters,” published by the Association of Shelter Veterinarians;
21 (e) The Lake County Animal Shelter will not Euthanize any animal if a safe and appropriate life
22 outcome can be achieved with the available resources or with the willingness of a partner
23 organization to receive the animal;
24 (f) The Lake County Animal Shelter will not ban, bar, limit, or otherwise obstruct the adoption or
25 transfer of any animal based on arbitrary criteria, such as breed, age, color, or other criteria
26 except as to the individual animal’s medical condition and behavioral condition or the adopter’s
27 fitness to adopt; and
28 (g) Members of the community deserve full and complete disclosure about how the Lake County
29 Animal Shelter operates.
30 The Lake County Animal Shelter Director or designee must ensure that the purpose and intent of
31 this Chapter is implemented.

32 **Sec. 4-2. Scope.**

33 This chapter shall be applied and enforced within all unincorporated areas and within the
34 following incorporated areas: Astatula, Tavares, Eustis, Umatilla, Leesburg, Fruitland Park,
35 Mascotte, Groveland, Clermont, Minneola, Montverde, and Howey in the Hills.

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37 **Sec. 4-3. Definitions.**

38 Animal Services means the Lake County Office of Animal Services.

39 Animal Shelter means any facility, including any sub-shelter, run by Lake County and/or
40 its agent(s) devoted to the rescue, care and adoption of animals for the purpose of impounding
41 domestic animals.

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1 *Animal establishment* means any pet shop, grooming shop, flea market, ~~department store,~~
2 auction, riding school or stable, ~~zoological park, circus, performing animal exhibition,~~
3 boarding, ~~or breeding kennel,~~ or cattery, or any other premises or property where animals
4 are kept as part or whole of a business concern.

5 *Animal Rescue Organization* means a humane society or not for profit corporation
6 authorized to do business in the State of Florida who operates a charitable organization under
7 section 501(c)(3) of the Internal Revenue Code and whose mission includes the rescue, care,
8 or adoption of animals.

9 ~~*Division* means the Lake County Animal Services Division.~~

10 *Dangerous dog* means any dog that ~~according to the records of the division~~ has:

- 11 (1) Aggressively bitten, attacked, or endangered, or has inflicted severe injury on a
12 human being on public or private property;
- 13 (2) More than once severely injured or killed a domestic animal while off the owner's
14 property; or
- 15 (3) Been used primarily or in part for the purpose of dog fighting or is a dog trained
16 for dog fighting; or
- 17 (4) When unprovoked, chased or approached a person upon the streets, sidewalks, or
18 any public grounds in a menacing fashion or apparent attitude of attack, provided
19 that such actions are attested to in a sworn statement by one (1) or more persons
20 and dutifully investigated by the appropriate authority.

21 ~~*Manager/Director* means any person employed or appointed by Lake County as the~~
22 ~~manager or director of the Lake County Office of Animal Services Division.~~

23 *Euthanasia* is swift and merciful means whereby animals are destroyed in a humane and
24 proficient manner as set forth in F.S. § 828.058.

25 *Suffering Animal* means an animal with an illness, infection, disease, medical condition,
26 behavioral condition, or injury that has a grave prognosis for being able to live or grave
27 prognosis for rehabilitation.

28 ~~*Owner* means any person owning an animal. If an animal is in the possession of a person~~
29 ~~under the age of fifteen (15), the owner of such animal shall be responsible for any violation~~
30 ~~of this Code. If the owner of the animal can establish that he or she left such animal in the~~
31 ~~eustody of a responsible person over the age of fifteen (15) and provides an affidavit to Lake~~
32 ~~County setting forth the name and address of the person who had care, custody and control~~
33 ~~of the animal, the owner shall not be responsible for the violation and the person who had~~
34 ~~care, custody and control of the animal shall be considered the owner for purposes of any~~
35 ~~violation which occurred during such time who is eighteen (18) years of age or older who~~
36 ~~owns, possesses, has custody of, or control of an animal. If an animal is owned by a minor~~
37 ~~under the age of eighteen (18), a parent or guardian of the minor shall be considered the~~
38 ~~owner for purposes of this chapter.~~

39 *Proper restraint* means:

- 40 (1) Securely and humanely confined within a house, vehicle, building, fence, crate, pen,
41 or other enclosure to prevent escape; or
- 42 ~~(2) Caged or cross tethered in the open bed of a pick-up truck; or~~
- 43 (3) Leashed or otherwise controlled by a responsible person or is obedient to the voice
44 command of a person present with the animal at any time it is not secured as provided

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1 for in (1) ~~or (2)~~ above. The voice command must be demonstrated as an effective
2 restraint if requested.

3 * * *

4 **Sec. 4-6. Entry power of the ~~Manager and~~ Animal Control Officers.**

- 5 (a) For the purposes of discharging the duties imposed by this chapter and statute, including
6 investigation of possible violations and enforcement of any provision, Animal Control Officers
7 are hereby empowered to enter upon public property and private property with the consent of
8 the property owner or occupant or proper warrant or as otherwise provided by law within the
9 county, for the purposes of investigating possible violations and enforcement of any provision
10 of this chapter or statute, examining or capturing any animal, and issuing notices and citations.
11 Each Animal Control Officer shall have the power to enforce this chapter and the provisions
12 of state law, rules and regulations relating to animal cruelty and control.
- 13 (b) ~~The~~ Animal Control Officers shall have appropriate official identification with them when they
14 enter private property for the purpose of this section.
- 15 (c) Animal Control Officers shall have the same powers and limitations as code enforcement
16 officers prescribed by Chapter 8 of this Code and by F.S. Ch. 162.

17 **Sec. 4-7. Administrative fees.**

18 A schedule of fees may be established by resolution of the Board of County Commissioners
19 to cover the cost of administration, services, appeals and any other expenses related to the
20 procedures found in this chapter.

21 **Sec. 4-8. Violations and enforcement.**

- 22 ~~(a) Any person who violates or fails to comply with the provisions of this chapter shall be subject~~
23 ~~to the enforcement procedures in Chapter 8 of the Lake County Code. If an Animal Control~~
24 ~~Officer has probable cause to believe that a person or owner has committed an act in violation~~
25 ~~of this chapter, such act is a civil infraction and the Animal Control Officer may issue a written~~
26 ~~notice to the owner of a hearing before the Special Master in the manner prescribed in Chapter~~
27 ~~8 of the Lake County Code. Any penalties imposed pursuant to this chapter are in addition to~~
28 ~~and shall not be deemed to supersede any other penalty as provided by law, including criminal~~
29 ~~penalties and injunctive relief.~~
- 30 (b) A violation of any provision of this chapter is a civil infraction which carries a penalty set forth
31 herein. Pursuant to F.S. § 828.27(4), a surcharge of five dollars (\$5.00) will be imposed in
32 addition to each penalty for a violation of this chapter and the funds shall be used to pay the
33 costs for training of Animal Control Officers.
- 34 (c) If a violator fails to pay the penalty or fails to appear at the hearing to contest the violation,
35 the violator shall be deemed to waive his or her right to contest the penalty and an order may
36 be entered by the Special Master for the penalty, plus surcharge.
- 37 (d) In addition to the penalties otherwise provided in this chapter, the county or law enforcement
38 agency shall have the right to enforce by injunction, or any other appropriate legal means,
39 compliance with the regulations and requirements of this chapter.

40 **Sec. 4-9. Impoundment of animals.**

- 41 (a) The Board of County Commissioners and its authorized agent(s) may construct, operate and
42 maintain the Animal Shelter or subshelter ~~for the purpose of impounding domestic animals.~~
43 ~~The Division~~ Animal Control Officers is authorized to impound any animal found in
44 violation of any provision of this chapter.

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1 (b) When an animal is impounded, it shall be held by the Animal Shelter for a period of at least one
2 hundred twenty (120) hours; with the exception that a cat with no method of identification shall
3 be held for at least seventy-two (72) hours. ~~During which this~~ period ~~the division~~Animal
4 Services shall make a reasonable effort to ascertain or notify the owner, except as provided in
5 subsection (c) below. ~~If the principles of humane treatment would be violated by the continued~~
6 ~~existence of an injured or sick animal, it may be humanely destroyed by a licensed veterinarian,~~
7 ~~or an authorized division employee after an attempt has been made to notify the owner.~~ This
8 section shall not apply to Community Cats diverted to a Trap-Neuter-Return program.

9 (c) When an animal appearing to be feral is impounded, it shall be held for a period of at least
10 twenty-four (24) hours, after which period ~~the Division~~Animal Services shall make a
11 determination of whether the animal is a feral animal. If ~~the division~~Animal Services
12 determines the animal is feral, the animal may be diverted to a Trap-Neuter-Return program,
13 or shall be humanely destroyed unless the owner requests a hearing pursuant to section 4-60,
14 below.

15 (d) The ~~Manager~~Director or designee may transfer ownership or custody to an humane
16 agencyAnimal Rescue Organization, place for adoption, or divert to a Trap-Neuter-Return
17 program, ~~or destroy in a humane manner~~, any animal impounded pursuant to this chapter
18 where:

- 19 (1) No owner exists;
- 20 (2) An owner cannot be identified;
- 21 (3) An owner is identified but cannot be notified;
- 22 (4) An owner is notified but, by his or her statements, actions, or failure to act, indicates an
23 intent to abandon the animal;
- 24 (5) An owner does not claim the animal within ~~one hundred twenty hours (120) hours~~the
25 holding time set in section 4-9(b) from the time of impoundment of the animal; or
- 26 (6) The animal is determined by ~~the Division~~Animal Services to be a feral animal or
27 Community Cat.

28 The Director may consider euthanasia if a safe and appropriate live outcome cannot be achieved
29 with the available resources or with the willingness of a partner organization to receive the
30 animal.

31 (e) Upon compliance with the provisions herein, the ~~Division~~county shall be deemed to have
32 complied fully with due process of law and the owner shall not be entitled to compensation for
33 loss of the animal.

34 (f) Live animals may not be disposed of to any medical school, college, university, person, firm,
35 association or corporation, for experimentation or vivisection purposes, or to any person
36 providing, selling, or supplying dogs and cats and other animals to any medical school, college,
37 university, person, firm, association or corporation for experimentation or vivisection purposes.

38 (g) The County may retain the services of a licensed veterinarian(s) to spay or neuter any
39 impounded fertile dog or cat, and/or to treat any sick or injured animal retained in ~~a~~ the Animal
40 Shelter. When the owner is identified, the owner shall be liable for payment of the veterinary
41 expenses or reimbursement of the county's expenses in treating the animal. ~~Division~~Animal
42 Services employees and Animal Control Officers may administer medication and veterinary
43 care as prescribed by a veterinarian. Neither the Animal Control Officers, nor the county, its
44 employees and agents, shall be liable for any act or omission in rendering care.

1 **Sec. 4-10. Redemption of animals.**

2 (a) No animal impounded pursuant to this article shall be released to its owner until:

3 (1) ~~The impounded rabies-susceptible animal which is not~~The owner provides proof of
4 vaccinated against rabies, or ~~which does not have a current tag~~the animal is vaccinated
5 by and issued a current rabies certificate tag from Animal Services at owner's expense~~the~~
6 ~~division spay/neuter clinic~~, or arrangements are made with the Director to accomplish such.
7 If arrangements are made with the Director for the animal to be vaccinated after the release
8 and the owner does not provide proof of vaccination within thirty (30) days of the date of
9 the release, the owner shall be in violation of section 4-35;

10 (2) The owner of an impounded animal pays all applicable fees due, including those for
11 impoundment, board and feed;

12 (3) The owner of an impounded animal pays any expenses incurred by the eCounty for
13 veterinary treatment;

14 (4) The owner of an impounded animal pays any current or outstanding penalties and fines
15 imposed by the special master, including surcharges;

16 (5) The owner of an impounded animal presents proof of ownership or executes a sworn
17 statement of ownership or responsibility; and

18 (6) If applicable, An animal being considered by ~~the Division~~Animal Services for possible
19 classification as a feral animal is determined ~~by the division~~ to be not feral, or if determined
20 to be feral and the owner appeals, the special master or county court orders the animal's
21 release; ;

22 ~~(7) An animal being considered by the Division for possible classification is declared not~~
23 ~~dangerous, or if declared dangerous, the owner complies with the requirements of the~~
24 ~~written notification of classification; and~~

25 ~~(8) The county court enters final judgment or issues an order releasing the animal pending final~~
26 ~~judgment if the animal was previously determined to be a dangerous animal or dangerous~~
27 ~~dog.~~

28 (b) Any fertile dog or cat impounded a second or successive time shall be spayed or neutered by
29 ~~the Division~~Animal Services, at the owner's expense, in accordance with the provisions of
30 subsection (1) below and prior to release of the dog or cat, unless the Manager~~Director~~ or
31 designee determines otherwise in accordance with subsection (2) below.

32 (1) If ownership of the dog or cat can be determined, written notification of intent to sterilize
33 the animal shall be given to the owner. The cost of the spay or neuter shall be charged to
34 the owner upon redemption, ~~but shall be deducted from impound/redemption fees~~
35 ~~otherwise required by resolution.~~

36 (2) Any owner of an impounded animal subject to mandatory spay/neuter may petition in
37 writing ~~for a hearing to be conducted by~~to the Manager~~Director~~ or designee. The petition
38 must be made by the owner within ~~three (3) days~~twenty-four (24) hours after ~~the~~
39 ~~Division~~Animal Services notifies the owner of the impoundment. ~~The hearing must be held~~
40 ~~within four (4) working days of receipt of the petition. After the hearing, the~~
41 ~~Manager~~Director or designee shall require the animal to be spayed or neutered unless the
42 ~~Manager~~Director or designee has determined that good cause exists for not requiring that
43 the animal be spayed or neutered.

44 (c) The County Manager or designee may waive fees or expenses for hardship or extenuating
45 circumstances.

1 **Sec. 4-11. Surrender of animals.**

2 (a) ~~Any owner or owner's agent~~An owner who shows proof of residence in Lake County, Florida
3 may, at the discretion of the Director or designee, surrendering an animal to ~~the Division~~Animal
4 Services or Animal Control Officer. Prior to acceptance of the animal, the owner shall sign an
5 ownership release statement and shall pay all applicable fees, as determined by the Director or
6 designee to be due, including the impound fee. ~~The Division~~Animal Services may permit the
7 adoption of the animal to a new owner, Animal Rescue Organization, or ~~may destroy~~Euthanize
8 the animal ~~in a humane manner and dispose of its remains.~~ In either event, the owner shall not
9 be entitled to compensation.

10 (b) Any person, other than an Animal Control Officer, surrendering an animal not his or her own,
11 shall disclose the identity of the owner, if known, or must sign a statement that he or she does
12 not know the identity of the owner of the animal. The animal may be diverted to a Trap-Neuter-
13 Return program if determined to be a feral cat; ~~or confined by the division~~ for one hundred
14 twenty (120) hours or seventy-two (72) hours if the animal is a cat with no method of
15 identification. At the expiration of the ~~one hundred twenty (120) hour~~holding time, the animal
16 shall be deemed abandoned and ~~the Division~~Animal Services may permit the adoption of the
17 animal to a new owner, Animal Rescue Organization, or ~~may destroy~~Euthanize the animal ~~in a~~
18 humane manner and dispose of its remains. ~~In either event, Neither the person surrendering the~~
19 animal nor the owner shall ~~not~~ be entitled to compensation. If a Community Cat is surrendered
20 to Animal Services, after a period of twenty-four (24) hours, the ~~Manager~~Director shall
21 determine whether the cat shall be returned to the Trap-Neuter-Return program or ~~destroyed in~~
22 a humane mannerEuthanized.

23 (c) It is a violation of this section for any person to falsely identify himself or herself as an owner
24 or owner's agent. The recommended penalty for a violation of this section is a fine of five
25 hundred dollars (\$500.00)~~seven hundred and fifty dollars (\$750.00) for the first offense and a~~
26 fine of one thousand five hundred dollars (\$1,500.00) for any repeat violation within five (5)
27 years of any previous violation.

28 **Sec. 4-12. - Adoption of unsterilized animals.**

29 (a) The county ~~shall~~may, at the discretion of the Director, allow persons or ~~animal rescue~~
30 groupsAnimal Rescue Organizations to adopt unsterilized animals from the Animal Shelter
31 upon execution of a written agreement and payment of a refundable deposit pursuant to F.S.
32 § 823.15, as amended. The deposit amount shall be set in the schedule of fees established
33 ~~through~~by a resolution ~~enacted by~~of the board of county commissioners.

34 (b) ~~Each person or rescue group adopting unsterilized animals pursuant to this section shall have~~
35 ~~such animal(s) sterilized by a licensed veterinarian within thirty (30) days of the date the~~
36 ~~animal is released from the Animal Shelter. If the animal is too young to be sterilized within~~
37 ~~thirty (30) days, the animal shall be sterilized no later than six (6) months of age.~~

38 (c) ~~The person or rescue group shall provide to the county written evidence from a licensed~~
39 ~~veterinarian that the animal has been sterilized within the time frames stated in subsection~~
40 ~~(b). Upon provision of written evidence of sterilization, the county shall return the refundable~~
41 ~~deposit. If written evidence of sterilization is not provided within the time frames stated in~~
42 ~~subsection (c), the person or rescue group~~Animal Rescue Organization shall forfeit its deposit
43 to the county.

44 (d) ~~In addition to the forfeit of the deposit, the county manager or designee may prohibit any~~
45 ~~person or rescue group~~Animal Rescue Organization failing to provide the proper proof of
46 sterilization from adopting any other unsterilized animal until such proof is provided.

1 **Secs. 4-13—4-25. - Reserved.**
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3 **ARTICLE II. ANIMAL CONTROL**
4

5 **Sec. 4-26. Unlawful interference with Animal Control Officer.**

6 (a) It is a violation of this section for any person to:

- 7 (1) Interfere with, hinder, resist, obstruct, molest or threaten bodily injury to any Animal
8 Control Officer in the legal performance of his or her duties, or take or attempt to take an
9 animal from any Animal Control Officer or agent from any vehicle used by him or her to
10 transport the animal;
- 11 (2) Knowingly mislead, give false information, or provide a false report or statement to any
12 Animal Control Officer or agent;
- 13 (3) Take or attempt to take any animal from the Animal Shelter without proper authority; or
- 14 (4) Knowingly remove, without authorization, an animal from a trap placed by an Animal
15 Control Officer or agent; or, without authorization, to knowingly tamper with, damage, or
16 relocate a trap placed by an Animal Control Officer or agent.

17 (b) The recommended penalty for a violation of this section is a fine of five hundred dollars
18 ~~(\$500.00) one thousand dollars (\$1,000.00) for the first offense and five thousand dollars~~
19 ~~(\$5,000.00) for any repeat violation within five (5) years of any previous violation. Any person~~
20 ~~who willfully refuses to sign and accept a citation issued by an Animal Control Officer is guilty~~
21 ~~of a misdemeanor of the second degree pursuant to F.S. § 828.27(5).~~

22 **Sec. 4-27. - Nuisance animals.**

23 (a) It is a violation of this section for the owner of any animal to fail to exercise sufficient care and
24 control of his or her animal and the animal commits any of the following acts:

- 25 (1) Runs at large, other than hunting dogs in authorized areas during authorized hunting
26 seasons;
- 27 (2) Continuously or repeatedly barks, cries, howls, whines or causes any other objectionable
28 noise;
- 29 (3) Emits offensive odors which disturb the comfort, peace, or repose of any person(s) residing
30 in the vicinity;
- 31 (4) Damages, harms, or destroys the property of a person other than the animal owner or person
32 in custody of the animal; or
- 33 (5) Deposits solid excreta on public or private property other than the property of the owner or
34 person in custody of the animal, without the authorization or consent of the property owner,

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1 unless the animal owner or person in custody of the animal immediately removes and
2 properly disposes of the excrement.

3 (b) Animal Control Officers shall have the authority to trap, hold, and impound any animal that
4 commits any of the above described acts.

5 ~~(b)~~The recommended penalty for a violation of this section is a fine of one hundred and fifty
6 dollars (\$150.00) for the first offense and five hundred dollars (\$500.00) for any repeat
7 violation within five (5) years of a previous offense.

8 **Sec. 4-28. Attack or bite to persons and/or animals.**

9 (a) It is a violation of this section for the owner of any animal to fail to exercise due care and
10 control of his or her animal and the animal, when Unprovoked, attacks or bites any person or
11 animal.

12 (b) If a dog that has not been previously declared dangerous attacks, bites and causes the death of
13 person, the dog shall be immediately confiscated ~~by the division~~, placed in quarantine, if
14 necessary, for the proper length of time, or held for ten (10) business days after the owner is
15 given written notification, and thereafter ~~Euthanized~~~~destroyed in an expeditious and humane~~
16 ~~manner.~~ Animal Services shall provide written notification of the confiscation of
17 the dog by registered mail, return receipt requested, ~~certified~~ hand delivery by an Animal
18 Control Officer, or service in conformance with the provisions of F.S. Ch. 48, relating to service
19 of process, as amended. This ten (10) day time period shall allow the owner to file a written
20 request for a hearing with the special master. ~~The provisions of section 4-58 below shall apply.~~
21 If the owner files a written appeal, the dog must be held and may not be destroyed while the
22 appeal is pending. The owner is responsible for payment of all impound fees, boarding costs
23 and other fees as may be required to humanely and safely keep the animal during any appeal
24 procedure.

25 (c) If a dog that has not been declared dangerous attacks and causes Severe Injury to, or the death
26 of, a person, and the owner of the dog had knowledge of the dog's dangerous propensities, yet
27 demonstrated a reckless disregard for such propensities under the circumstances, the owner of
28 the dog commits a misdemeanor of the second degree, punishable as provided in F.S. § 775.082
29 or § 775.083.

30 (d) If the dog attacks or bites a person who is engaged in or attempting to engage in a criminal
31 activity at the time of the attack, the owner of the dog is not guilty of any crime under this
32 section.

33 (e) A police dog, as defined in F.S. § 843.19, shall be exempt from this section.

34 (f) The recommended penalty for a violation of this section is a fine of five hundred dollars
35 (\$500.00) ~~for the first offense and one thousand dollars (\$1,000.00) for any repeat violation~~
36 ~~within five (5) years of a previous offense. If injury or damage to the person or animal occurs~~
37 ~~such that care by a medical doctor or veterinarian is required, the recommended penalty shall~~
38 ~~be a fine of one thousand dollars (\$1,000.00) for the first offense and two thousand dollars~~
39 ~~(\$2,000.00) for any repeat violation within five (5) years of a previous offense. If Severe Injury~~
40 ~~or death to any person or animal results, the recommended penalty shall be two thousand five~~
41 ~~hundred dollars (\$2,500.00) for animal victims and five thousand dollars (\$5,000.00) for human~~
42 ~~victims for the first offense and five thousand dollars (\$5,000.00) for animal victims and ten~~
43 ~~thousand dollars (\$10,000.00) for human victims for any repeat violation within five (5) years~~
44 ~~of a previous offense.~~

1 **Sec. 4-29. Female dogs and female cats in heat.**

- 2 (a) It is a violation of this section for the owner of any female dog or cat to fail to restrain or confine
3 his or her animal when the animal is in heat in such a manner as to make the animal inaccessible
4 to any male dog or cat, except for intentional breeding purposes.
- 5 (b) The recommended penalty for a violation of this section is a fine of two hundred and fifty
6 dollars (\$250.00) for the first offense and ~~seven~~five hundred ~~and fifty hundred~~ dollars
7 (~~\$750~~0.00) for any repeat violation within five (5) years of a previous offense.

8 **Sec. 4-30. Wildlife hybrids prohibited.**

- 9 (a) It is a violation of this section to own, harbor, keep, transport, sell, or breed any wildlife hybrid
10 of the family canis or felis, or breed any wildlife with a dog or cat, unless the owner is in
11 possession of an appropriate permit issued by an agency of the state authorizing such activity.
- 12 (b) Any wildlife hybrid not exempted from the application of this section by virtue of being the
13 subject of a state permit described in subsection (a) is contraband. The wildlife hybrid shall be
14 delivered to an individual possessing an appropriate state permit, ~~the division, a humane~~
15 ~~society~~an Animal Rescue Organization, or be ~~humanely e~~Euthanized.
- 16 (c) The recommended penalty for a violation of this section is a fine of five hundred dollars
17 (\$500.00) ~~for the first offense and one thousand dollars (\$1,000.00) for any repeat violation~~
18 ~~within five (5) years of a previous offense.~~

19 **Sec. 4-31. Disposition of dead animals.**

- 20 (a) It is a violation of this section for any animal owner or private property owner, when any animal
21 dies on public or private property, to fail to immediately remove and dispose of the animal.
- 22 (b) If the owner is not aware of the dead animal, the following procedures shall be followed:
- 23 (1) When any dead animal is found on public property, the owner of the animal shall remove
24 and dispose of the animal, upon notification by an Animal Control Officer, or any other
25 law enforcement officer. If the owner of the animal fails to do so within a reasonable time,
26 Animal Control Officer shall remove and dispose of the animal and charge the cost of the
27 removal and disposal to the owner of the animal, if known; or
- 28 (2) When any dead animal is found on private property, the owner of the animal or the owner
29 of the property shall remove and dispose of the animal, upon notification by an Animal
30 Control Officer, or any other law enforcement officer. If the owner of the animal or the
31 owner of the property fails to do so within a reasonable time, an Animal Control Officer
32 shall remove and dispose of the animal and charge the cost of the removal and disposal to
33 the owner of the animal, if known, and if not known, then to the owner of the property.
- 34 (c) The recommended penalty for a violation of this section is a fine of one hundred and fifty
35 dollars (\$150.00) for the first offense and five hundred dollars (\$500.00) for any repeat
36 violation within five (5) years of a previous offense.

37 **Sec. 4-32. Housing and care of animals.**

- 38 (a) It is a violation of this section for any ~~e~~Owner, Animal Rescue Organization, or for any person
39 who has, owns, conducts, manages, or operates any ~~a~~Animal ~~e~~Establishment or Kennel or
40 Cattery to fail to comply with the following:
- 41 (1) Housing facilities for animals shall be structurally sound and meet all provisions of the
42 Lake County Code and shall be maintained in good repair, to contain the animals, to protect
43 the animals from injury, and to restrict the entrance of other animals. All animal rooms,
44 cages, kennels, shipping containers, and runs shall be of sufficient size to provide adequate

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1 and proper accommodations and protection from the weather for the animals kept within.
2 All areas of housing and confinement, ~~display, and sales and storage areas~~ shall be
3 maintained in a healthful and sanitary condition. These areas shall be cleaned and
4 disinfected regularly as conditions warrant. All areas in which animals are confined shall
5 be connected to an outside ventilating system or some other appropriate means of
6 ventilation, or air filtration shall be provided. The area shall be illuminated during the
7 daylight hours but not directly into cages;

8 (2) All cages shall be constructed of a nonabsorbent material. All cages, except bird cages,
9 shall have floors of either solid construction or woven or wire mesh construction, or any
10 combination thereof. Cages having woven or wire mesh floors may be used to confine
11 animals provided that the spaces between the wire mesh or weave are smaller than the pads
12 of the feet of the animals confined therein. Cages having wire construction shall be
13 constructed of wire which is of sufficient thickness so as to preclude injury to the animals
14 confined therein. Cages shall be of sufficient height to permit each animal to sit erect with
15 at least four (4) inches clearance above the head, and of sufficient width to permit each
16 animal to turn around with at least four (4) inches clearance beyond the length of the body,
17 and of sufficient length for each animal to walk to the equivalent of its body length. No
18 cages shall be enclosed entirely by solid walls. Stacked cages shall have solid floors. ~~Each~~
19 ~~cat, if crated, shall have minimum floor space of five hundred seventy six (576) square~~
20 ~~inches, and a height of twenty four (24) inches.~~ Each cat crate shall have a litter pan. Each
21 bird cage shall contain at least two (2) horizontal perches and provide sufficient perch space
22 for every bird confined therein. Perches shall not be aligned vertically. Parrots and other
23 large birds shall not be confined in a cage with smaller birds, or in a cage smaller than their
24 wing span. Pigeon lofts are exempt from this section;

25 (3) No animal shall be transported ~~by an animal establishment~~, whether by private or public
26 means, unless housed in a container designed for that purpose and provided with adequate
27 ventilation and food and water or unless transported compliance with section 4-41. ~~The~~
28 ~~container must be open at one (1) end, having a solid top and bottom, and a minimum of~~
29 ~~fifteen (15) percent (15%) of the total accumulated side and end area shall incorporate an~~
30 ~~open grill for air circulation. The provisions of this section do not apply to greyhound~~
31 ~~owners who are transporting their dogs to and from the racetrack;~~

32 (4) Any bedding utilized shall be clean and dry;

33 (5) ~~Animals, except fish of different species, may not be confined or displayed in the same~~
34 ~~cage.~~ All animals which are natural enemies, temperamentally unsuited, or otherwise
35 incompatible shall not be quartered ~~confined~~ together or so near each other as to cause
36 injury, fear, or torment. If two (2) or more animals are so trained or inclined by nature that
37 they can be placed together and do not attack each other or perform or attempt any hostile
38 act to the others, the animals shall be deemed not to be natural enemies and shall not be
39 required to be kept in separate runs or accommodations or otherwise segregated. Any
40 animal which exhibits symptoms of disease or illness shall be separated to the greatest
41 extent possible from other healthy animals. No animal which is known to have, or may
42 reasonably be suspected of having, a disease contagious or communicable to humans may
43 be exposed to or offered for sale to the public;

44 (6) All animals requiring the daily intake of food shall be fed at least once every twenty-four
45 (24) hour period, including Sundays and holidays. The type of food provided shall be
46 appropriate for each particular species and shall be of sufficient nutritive content for the
47 health and well-being of the species. Dogs and cats under six (6) months of age shall be
48 fed twice each twenty-four (24) hours, including Sundays and holidays. The food
49 containers shall be emptied and cleaned daily. In addition to birdseed and water, each bird

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1 cage shall contain an amount of fresh gravel needed for digestion sufficient for the number
2 of birds confined therein;

3 (7) Fresh water shall be continuously available to all animals and replenished whenever
4 necessary during each day, including Sundays and holidays. The water containers shall be
5 emptied and cleaned daily;

6 (8) Dogs which have been weaned shall be taken from cages and allowed to exercise each and
7 every day, including Sundays and holidays;

8 (9) All animals exhibiting symptoms of illness or disease shall be treated under the supervision
9 of a licensed veterinarian. ~~If required, diseased~~ A Suffering a ~~Animals shall~~ may be
10 Euthanized ~~humanely destroyed under the supervision of a licensed veterinarian or animal~~
11 control officer. Every ~~licensed facility~~ Animal Establishment and Kennel shall keep a
12 permanent record of the deaths of any warm-blooded animals under its control. The record
13 shall state the species of the deceased animal and the date and the cause of death, if known.
14 These records shall be open to inspection by ~~the director and~~ any Animal Control Officer;

15 (10) All animals in an ~~a~~ Animal e ~~Establishment~~ and Kennel shall be properly fed and cared for
16 at all times and the ~~a~~ Animal e ~~Establishment~~ and Kennel shall be maintained in a clean and
17 sanitary condition so that the facility is not allowed to emit any offensive odors or noises
18 as shall disturb the comfort, peace, quietude, or repose of any person residing in the vicinity
19 of the establishment. The premises of the ~~a~~ Animal e ~~Establishment~~ and Kennel may be
20 periodically inspected during reasonable hours by ~~an~~ the director or a ~~Animal e~~ Control
21 e ~~Officer~~. Failure to maintain ~~an animal establishment in a clean and sanitary condition in~~
22 compliance with this section may result in the closing of the ~~a~~ Animal e ~~Establishment or~~
23 Kennel and the revocation of any county license held by the ~~a~~ Animal e ~~Establishment or~~
24 Kennel; and

25 ~~(11) Whenever an animal is left unattended at an animal establishment, the name and telephone~~
26 ~~number of the responsible person shall be posted in a conspicuous place at the front of the~~
27 ~~property, visible from outside the facility; and~~

28 ~~(12)~~ Every ~~a~~ Animal e ~~Establishment, or Kennel~~ shall keep on record a medical statement from
29 or notation of consultation with a licensed veterinarian, if for any reason an animal in its
30 care would need to be exempted from any requirement of this section.

31 (b) The recommended penalty for a violation of this section is a fine of five hundred dollars
32 ~~(\$500.00) two hundred and fifty dollars (\$250.00) for the first offense and seven hundred and~~
33 ~~fifty hundred dollars (\$750.00) for any repeat violation within five (5) years of a previous~~
34 ~~offense.~~

35 **Sec. 4-33. Animal cruelty or neglect.**

36 (a) It is a violation of this section for any owner, either willfully or negligently, to deprive any
37 animal of food, water, shelter, or protection, or abandon any animal; or for any person to poison,
38 beat, whip, mutilate, overdrive, overload, overwork, torment, torture, or otherwise cruelly ill-
39 use any animal, including but not limited to, animal fighting; or for any person to kill any
40 animal other than for humane or lawful purposes.

41 (b) The recommended penalty for a violation of this section is a fine of five hundred dollars
42 (\$500.00). The owner may in addition be subject to prosecution or guilt under Chapter 828,
43 Florida Statutes ~~for the first offense and one thousand dollars (\$1,000.00) for any repeat~~
44 ~~violation within five (5) years of a previous offense. If injury or damage to the animal occurs~~
45 ~~such that care by a veterinarian is required, the recommended penalty shall be a fine of one~~
46 ~~thousand dollars (\$1,000.00) for the first offense and two thousand dollars (\$2,000.00) for any~~
47 ~~repeat violation within five (5) years of a previous offense. If severe injury or death of the~~

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~~animal results, the recommended penalty shall be two thousand five hundred dollars (\$2,500.00) for the first offense and five thousand dollars (\$5,000.00) for any repeat violation within five (5) years of a previous offense.~~

Sec. 4-34. Confinement of animal in vehicle.

(a) It is a violation of this section for any owner to place or confine an animal, or allow it to be placed or confined or to remain, in an unattended vehicle without sufficient ventilation or under conditions for a period of time as may reasonably be expected to endanger the health or well-being of the animal due to heat, cold, lack of water or other circumstances as may reasonably be expected to cause suffering, debility or death.

(b) Any Animal Control Officer or law enforcement officer who finds an animal maintained in a vehicle in violation of this section may enter the vehicle by using the amount of force reasonably necessary to remove the animal, and the officer shall have no civil or criminal liability for his or her action pursuant to F.S. § 768.139. The officer removing the animal shall take the animal to, or arrange to have the animal delivered to, a veterinary facility or a shelter. The officer shall leave in a prominent place in or upon the vehicle a written note bearing the address of the facility or shelter where the animal may be claimed by the owner. The animal shall be surrendered to its owner if the owner claims the animal within one hundred twenty (120) hours from the time the animal was removed from the vehicle, and pays all reasonable charges and fees which have accrued for the impoundment, maintenance and care of the animal, and penalty plus surcharge. The facility or shelter having custody of the animal shall make reasonable efforts to contact the owner and provide notice that the animal is in its custody and may be reclaimed by the owner upon payment of the reasonable charges ~~for maintenance and care and fees~~. If the owner fails to reclaim the animal within the specified time, the facility or shelter having custody of the animal shall provide for the animal to be adopted or humanely disposed of.

(c) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00) ~~for the first offense and one thousand dollars (\$1,000.00) for any repeat violation within five (5) years of a previous offense. If injury or damage to the animal occurs such that care by a veterinarian is required, the recommended penalty shall be a fine of one thousand dollars (\$1,000.00) for the first offense and two thousand dollars (\$2,000.00) for any repeat violation within five (5) years of a previous offense. If severe injury or death of the animal results, the recommended penalty shall be two thousand five hundred dollars (\$2,500.00) for the first offense and five thousand dollars (\$5,000.00) for any repeat violation within five (5) years of a previous offense.~~

Sec. 4-35. Rabies vaccination required.

(a) Pursuant to F.S. § 828.30, the owner of a dog, cat or ferret that is four (4) months of age or older shall have the animal vaccinated against rabies at all times.

(b) Evidence of vaccination shall consist of a rabies vaccination certificate of the National Association of State Public Health Veterinarians (NASPHV), or an equivalent form that contains all of the same information, signed by the licensed veterinarian administering the vaccine. The veterinarian administering the vaccine shall retain one (1) copy of the certificate and shall provide one (1) copy of the certificate to the owner, and one (1) copy to the division Animal Services. ~~For their services provided in the handling of the certificates, veterinarians may be allowed to retain a portion of the certificate fee as shall be established by the board of county commissioners by duly adopted resolution.~~

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- 1 (c) A dog, cat, or ferret is exempt from vaccination against rabies if a licensed veterinarian has
2 examined the animal and certified in writing that vaccination would endanger the animal's
3 health at that time because of its age, infirmity, disability, illness or other medical
4 consideration, and the certificate is presented to ~~the division~~Animal Services or an Animal
5 Control Officer within five (5) days of the examination; provided that the certificate shall not
6 be valid for more than twelve (12) months from the date of issuance, or as soon as the animal
7 loses its exempt status, whichever occurs first. An exempt animal must be vaccinated against
8 rabies as soon as its health permits.
- 9 (d) All animals subject to this section shall be vaccinated with a vaccine that is licensed by the
10 U.S. Department of Agriculture, and each ferret vaccinated according to this section must be
11 quarantined, when necessary, according to rules of the Florida ~~d~~Department of h~~H~~Health.
- 12 (e) The recommended penalty for a violation of this section is a fine of one hundred and fifty dollars
13 (\$150.00) for the first offense and five hundred dollars (\$500.00) for any repeat violation within
14 five (5) years of a previous offense.

15 **Sec. 4-36. ~~Rabies certificate and county tag~~Voluntary identification program.**

- 16 ~~(a) The owner of a dog, cat or ferret that is four (4) months of age or older shall obtain a county~~
17 ~~license for the animal within thirty (30) days of the initial rabies vaccination and within thirty~~
18 ~~(30) days of each subsequent vaccination. Community Cat Caregivers are not subject to this~~
19 ~~section. It is a violation of this section for any owner of a dog, cat that is not a Community Cat,~~
20 ~~or ferret four (4) months of age or older to fail to have and/or display in an appropriate manner~~
21 ~~the animal's rabies certificate and county tag.~~
- 22 ~~(b) A county license shall consist of a rabies vaccination, a license certificate, and a tag for the~~
23 ~~animal's collar. The division shall design and issue license certificates and tags. Only license~~
24 ~~certificates and tags approved by the Manager shall be valid in the county.~~
- 25 ~~(c) Each license certificate and tag shall be valid for the period of time corresponding to the type~~
26 ~~of rabies vaccination administered, and shall only be valid for the animal for which it was~~
27 ~~issued. No license certificate or tag shall be valid for a period in excess of three (3) years, and~~
28 ~~no license certificate or tag shall be valid after the expiration of the rabies vaccination~~
29 ~~regardless of the date of issuance. The county shall provide notice to owners of animals licensed~~
30 ~~under this section at least forty five (45) days prior to the licensure renewal deadline. The~~
31 ~~county issued notice shall describe the licensing requirements and any associated penalties.~~
- 32 ~~(d) The owner of an animal that is vaccinated against rabies shall obtain a tag for the animal upon~~
33 ~~each vaccination unless the animal that has been vaccinated is a Community Cat. The tag shall~~
34 ~~be attached to the collar of the animal and shall be worn at all times except:~~
- 35 ~~(1) When the animal is participating in a sanctioned animal show;~~
- 36 ~~(2) When the animal is confined inside the owner's home, an animal establishment, or is being~~
37 ~~bathed or groomed, in which case the tag number shall be recorded and readily identifiable~~
38 ~~with the animal to which it belongs, or, if the animal does not have a tag, the absence of a~~
39 ~~tag shall be clearly indicated on the records of the animal establishment; or~~
- 40 ~~(3) When a licensed veterinarian orders in writing that the collar and tag be removed from the~~
41 ~~animal for health reasons, in which case the animal shall be confined in an enclosed~~
42 ~~building or a kennel at all times until a licensed veterinarian permits the collar and tag to~~
43 ~~be placed on the animal.~~
- 44 ~~(e) The board of county commissioners shall establish by resolution the fees to be charged for~~
45 ~~licenses to be issued.~~

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1 ~~(f) Any owner who brings a dog, cat or ferret four (4) months of age or older into the county with~~
2 ~~the intent to reside in the county permanently, or to reside in the county temporarily for more~~
3 ~~than six (6) months, shall comply with this section no later than thirty (30) days after arrival.~~
4 ~~A person who has had their animal vaccinated in another county or state and then relocates the~~
5 ~~animal to the county may obtain a county license and tag upon paying appropriate licensing~~
6 ~~fees and presenting written proof of rabies vaccination meeting the criteria of section 4-35.~~

7 ~~(g) If a tag is lost or destroyed, a replacement tag shall be issued upon presentation of the~~
8 ~~corresponding certificate.~~

9 ~~(h) A police dog, as defined in F.S. § 843.19, shall be exempt from wearing a license tag while~~
10 ~~being used by a law enforcement agency.~~

11 ~~(i) Fees, late fees and penalties for violation of this section shall be established by resolution of~~
12 ~~the board of county commissioners. The recommended penalty for a violation of this section is~~
13 ~~a fine of fifty dollars (\$50.00) for the first offense and one hundred fifty dollars (\$150.00) for~~
14 ~~any repeat violation within five (5) years of a previous offense.~~

15 ~~(a) The Director is hereby authorized to establish a voluntary animal identification program. Every~~
16 ~~ferret, dog and cat, four months of age or older, kept by an owner in the unincorporated Lake~~
17 ~~County or in a municipality which Lake County has animal control jurisdiction may voluntarily~~
18 ~~identify an animal with the county. A program fee may be set in the schedule of fees established~~
19 ~~by resolution the board of county commissioners.~~

20 ~~(b) Each animal identified with the county will be issued a tag from Animal Services or its agent~~
21 ~~to be attached to the collar or harness of the animal, unless otherwise declined by the owner. In~~
22 ~~the event of loss or destruction of the original tag, the owner of the animal may obtain a~~
23 ~~duplicate tag from Animal Services at the established fee.~~

24 **Sec. 4-37. Impoundment, quarantine when suspected of having rabies.**

25 (a) Any rabies-susceptible animal suspected of having rabies shall be impounded and placed in
26 quarantine at the owner's expense at a place designated by the Florida Department of Health in
27 Lake County or, in the event the ~~s~~State lacks jurisdiction over the incident, the
28 ~~Manager~~Director, or placed at the owner's expense in the custody of a licensed veterinarian.
29 The period of impoundment or custody shall be based on the incubation period for rabies in the
30 species of animal concerned.

31 (b) Any rabies-susceptible animal bitten by a known rabid animal shall be placed under the
32 surveillance of the Florida Department of Health in Lake County, or its authorized
33 representative, and shall be handled pursuant to state law and the Florida Department of Health
34 rules and regulations.

35 **Sec. 4-38. Reporting and confinement of rabies-susceptible animals that have bitten**
36 **people or animals, or appear to have rabies.**

37 (a) It is a violation of this section for any attending practitioner licensed to practice medicine,
38 osteopathic medicine, or veterinary medicine or any other person knowing of or in attendance
39 on a case to fail to promptly report to the Florida Department of Health in Lake County every
40 instance in which a rabies-susceptible animal has bitten, scratched, or its saliva has come in
41 contact with the mucous membrane or an open lesion of another animal or human.

42 (b) All reporting requirements provided in Florida Administrative Code Section 64D-3 shall
43 remain in effect.

44 (c) Any rabies susceptible domestic animal which bites any person or animal or appears to have
45 rabies shall be impounded or confined for the required quarantine period under suitable
46 observation or may be destroyed according to the direction of the state health officer or his or

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1 her duly authorized representative. Any expense incurred in handling the rabies-susceptible
2 animal during this period shall be borne by the owner.

- 3 (d) The recommended penalty for a violation of this section is a fine of ~~one hundred and fifty~~
4 ~~dollars (\$150.00) for the first offense and~~ five hundred dollars (\$500.00) ~~for any repeat~~
5 ~~violation within five (5) years of a previous offense.~~

6 **Sec. 4-39. Treatment ~~or destruction and Euthanasia~~ of ~~infected~~ animals.**

7 (a) ~~If any animal is impounded because it is infected or carrying, or believed to be infected or~~
8 ~~carrying, an infectious or contagious disease, the Division~~The county may shall have authority
9 ~~to hire or procure the services of a licensed veterinarian to assist in providing vaccinations,~~
10 ~~medical treatment and care~~treat the animal if, in the opinion of the veterinarian, it can be treated
11 ~~successfully. The Owner, if identified, shall be responsible to pay the county for cost of~~
12 ~~veterinary care, including boarding fees.~~

13 (b) ~~If the health or safety of the citizens of the county would be jeopardized, or the principles of~~
14 ~~humane treatment would be violated by the continued existence of an infected animal, it may~~
15 ~~be destroyed by a licensed veterinarian or an authorized Division employee after an attempt~~
16 ~~has been made to notify the owner. The animal or its remains will be disposed of without~~
17 ~~compensation being paid to the owner. A veterinarian, authorized Animal Services employee,~~
18 ~~or Animal Control Officer, after an effort to locate the Owner, may without delay Euthanize a~~
19 ~~Suffering Animal, destroy a Suffering Animal by shooting the animal, or injecting the Suffering~~
20 ~~Animal with a barbiturate drug. The hold period under section 4-9 does not apply to a Suffering~~
21 ~~Animal. The veterinarian, employee, or Officer acting in good faith and with due care pursuant~~
22 ~~to this section shall not be liable either criminally or civilly for such act, nor will any civil or~~
23 ~~criminal liability attach to the employer of the veterinarian, employee, or Officer. This section~~
24 ~~does not prohibit an owner from destroying his or her own animal in a humane and proficient~~
25 ~~manner when the owner's animal is suffering.~~

26 (c) ~~If determined to be the animal's best interest, the Director or designee, without loss of owner~~
27 ~~to redeem the animal, may transfer a Suffering Animal to an Animal Rescue Organization~~
28 ~~immediately after intake and without application of the hold period under section 4-9.~~

29
30 **Sec. 4-40. Livestock at large or straying.**

31 (a) It is a violation of this section for the owner of livestock to intentionally, willfully, carelessly,
32 or negligently suffer or permit livestock to run at large or stray on public or private property.
33 Any livestock found at large or straying shall be impounded by an Animal Control Officer, or
34 any other law enforcement officers of the county, or state highway patrol officers, and disposed
35 of in accordance with the requirements of F.S. Ch. 588.

36 (b) Lake County shall be entitled to the recovery of a fee, which fee shall be set by resolution of
37 the Board of County Commissioners, for the following services:

- 38 (1) For the impoundment of each individual animal;
39 (2) For the serving of any notice and making return thereon;
40 (3) For the feed and care of impounded animals;
41 (4) For advertising or posting of notices of sale of impounded animals;
42 (5) For the sale or other disposition of impounded animals; and
43 (6) For the report of sale of impounded animals.

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- 1 (c) ~~The Division~~Animal Services, upon making a sale or other lawful disposal, shall make a written
2 return to the county finance department, with a full and accurate description of the livestock
3 sold or disposed of, to whom the livestock was sold, and the sale price. At the time of making
4 this report, ~~the Division~~Animal Services shall pay over to the finance department the entire
5 proceeds of the sale. The finance department shallwill pay all costs and fees allowed herein to
6 ~~the Division~~Animal Services, and if there is any balance remaining, the balance shall be paid
7 to the owner of the livestock, provided the owner makes satisfactory proof of ownership to the
8 board of county commissioners within ninety (90) days from the date ~~the division~~Animal
9 Services reports the sale. If proof of ownership cannot be made within the time allowed, the
10 finance department shallwill pay the proceeds into the Lake County Animal Shelter Trust Fund.
11 The finance department shallwill keep a permanent record of all sales, disbursements, and
12 distributions made under this section. If the amount realized from the sale or other disposition
13 of the animal is insufficient to pay all fees, costs and expenses as provided in this section, the
14 deficit shall be paid from the ~~division's~~ general fund.
- 15 (d) The recommended penalty for a violation of this section is a fine of two hundred and fifty
16 dollars (\$250.00) for the first offense and ~~sevenfive~~ hundred ~~and fifty hundred~~ dollars
17 (~~\$7500~~.00) for any repeat violation within five (5) years of a previous offense.

18 **Sec. 4-41. Prohibition of tethering dogs.**

- 19 (a) It is a violation of this section for any owner to tether a dog or to confine a dog on a tether,
20 except when:
- 21 (1) The dog is in visual range of the owner who must also be physically present with the dog
22 and attending to it while it is tethered; and
- 23 i. The tether is connected to the dog by a commercially available buckle-type collar or a
24 body harness made of nylon or leather that is of sufficient size to adequately and safely
25 restrain the dog; and
- 26 ii. The tether is of a size and weight that is reasonably necessary to safely restrain the dog
27 without placing excessive strain or weight on the dog; and
- 28 iii. The dog is not tethered outside in periods of extreme weather, including but not limited
29 to extreme heat or cold, thunderstorms, lightning, tornadoes, tropical storms or
30 hurricanes.
- 31 (2) A dog is tethered in a manner and under conditions that do not jeopardize its health, safety
32 or well-being and the dog is:
- 33 i. In attendance at, or participating in, any legal, organized publicly attended event in
34 which both dog and owner are permitted attendees or participants; or
- 35 ii. Actively engaged in conduct that is directly related to the business of shepherding or
36 herding cattle or livestock or related to the business of cultivating agricultural products,
37 as long as the restraint is reasonably necessary for the safety of the dog; or
- 38 iii. Tethered, chained, tied, or restrained by a veterinarian or groomer while attending to
39 the dog; or
- 40 iv. Trained or being trained, to act in a law enforcement capacity; or
- 41 v. Being lawfully used to actively hunt a species of wildlife in this state, during the
42 hunting season, for that species of wildlife; or
- 43 vi. Tethered temporarily while being kept in a bonafide humane shelter or at a commercial
44 boarding facility; or

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- vii. Tethered in accordance with the regulations of a camping or recreational area; or
- viii. Being cared for as part of a rescue operation during a natural or man-made disaster; or
- ix. Being transported inside a vehicle.

(3) Notwithstanding the exceptions provided above, a dog that is sick or injured cannot be tethered as a means of confinement by the owner nor may a puppy under the age of six (6) months be tethered at any time unless the owner is present and attending to the puppy during the entire time the puppy is tethered.

(b) Any animal being transported in the open bed of a truck shall be confined inside a crate or cage, or must be restrained by a tether attached to the truck so as to prevent the animal from falling, jumping or being thrown while the truck is in motion. It is a violation for an owner or the driver of the vehicle to fail or refuse to confine and restrain the animals as required by this section.

(c) The recommended penalty for a violation of this section is a fine of one hundred and fifty dollars (\$150.00) for the first offense and five hundred dollars (\$500.00) for any repeat violation within five (5) years of a previous offense. ~~If injury or damage to the dog occurs such that care by a veterinarian is required, the recommended penalty shall be a fine of five hundred dollars (\$500.00) for the first offense and one thousand dollars (\$1,000.00) for any repeat violation within five (5) years of a previous offense. If Severe Injury or death of the dog results, the recommended penalty shall be one thousand dollars (\$1,000.00) for the first offense and five thousand dollars (\$5,000.00) for any repeat violation within five (5) years of a previous offense.~~

1 **Section 4-42. Retail sale of dogs and cats.**

2 (a) No Owner, person, Kennel, or Animal Establishment may sell, display, trade, barter, or auction
3 dogs or cats in unincorporated Lake County and the municipalities listed in section 4-3,
4 including, but not limited to, on or within a flea market, yard sale, median, park, recreation
5 area, right-of-way, outdoor market, or parking lot, regardless of whether access is authorized
6 by the property owner; provided, however, that an Owner may enter into a private sale with
7 another individual so long as a health certificate from a licensed veterinarian is provided to
8 the new Owner. Owners selling a dog or cat as part of a private sale shall be required to
9 maintain copies of the health certificate for a period of three (3) years from the date of the
10 transfer of ownership, and shall present a copy of the health certificate upon request by an
11 Animal Control Officer.

12 (b) This section shall not apply to the display, sale or give away of animals by the county or its
13 agents, the Animal Shelter, an Animal Rescue Organization, or as part of a 4-H program,
14 National FFA Organization, livestock auction, or governmental program.

15 (d) The recommended penalty for a violation of this section is a fine of five hundred dollars
16 (\$500.00).

17 **Sec. 4-423 - 4.55. Reserved.**

18
19 **ARTICLE III. - DANGEROUS DOGS AND ANIMALS**

20 **Sec. 4-56. - Investigation and classification of dangerous dogs.**

21 (a) ~~The Division~~Animal Control Officers shall investigate reported incidents involving any dog
22 that may be dangerous and if possible, shall interview the owner and require a sworn affidavit
23 from any person, ~~including any Animal Control Officer~~ or law enforcement officer desiring
24 to have a dog declared dangerous.

25 (1) An animal that is the subject of a dangerous dog investigation because of Severe Injury
26 to a human being may be immediately confiscated by an Animal Control Officer ~~or the~~
27 ~~Division~~, placed in quarantine, if necessary, for the proper length of time, or impounded
28 and held. The animal may be held pending the outcome of the investigation and any
29 hearings or appeals related to the dangerous dog classification or any penalty imposed
30 under this section. If the dog is to be destroyed, the dog may not be destroyed while an
31 appeal is pending. The owner is responsible for payment of all boarding costs and other
32 fees as may be required to humanely and safely keep the animal pending any hearing or
33 appeal.

34 (2) An animal that is the subject of a dangerous dog investigation which is not impounded
35 at the Animal Shelter must be humanely and safely confined by the owner in a securely
36 fenced or enclosed area. The animal shall be confined in such manner pending the
37 outcome of the investigation and the resolution of any hearings or appeals related to the
38 dangerous dog classification or any penalty imposed under this section. The address at
39 which the animal resides shall be provided to the ~~division~~county. A dog that is the subject
40 of a dangerous dog investigation may not be relocated or its ownership transferred
41 pending the outcome of the investigation and any hearings or appeals related to the
42 dangerous dog classification or any penalty imposed under this section. If a dog is to be
43 destroyed, the dog may not be relocated or its ownership transferred.

44 (b) A dog may not be declared dangerous if:

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

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

6 (c) After the investigation, ~~the Division~~Animal Services shall make an initial determination as
7 to whether there is sufficient cause to classify the dog as dangerous, and if sufficient cause
8 is found, as to the appropriate penalty. ~~The Division~~Animal Services shall afford the owner
9 an opportunity for a hearing prior to making a final determination regarding the classification
10 or penalty. ~~The Division~~Animal Services shall provide written notification of the sufficient
11 cause finding and proposed penalty to the owner by registered mail, return receipt requested,
12 certified hand delivery, or service in conformance with the provisions of F.S. Ch. 48, relating
13 to service of process. The owner may file a written request with ~~the Division~~Animal Services
14 for a hearing regarding the dangerous dog classification, penalty, or both within seven (7)
15 calendar days after receipt of the sufficient cause finding and proposed penalty. If the owner
16 requests a hearing, the hearing shall be held as soon as possible, but not later than twenty-
17 one (21) calendar days ~~and not sooner than five (5) days after receipt of the request from the~~
18 ~~owner~~. If a hearing is not timely requested regarding the dangerous dog classification or
19 proposed penalty, the determination of ~~the Division~~Animal Services as to such matter shall
20 become final.

21 (d) Upon timely receipt of the owner's written request for a hearing, the special master shall hold
22 a hearing to decide if the dog should be declared dangerous. At the hearing the dog owner or
23 his or her representative and any other interested person may present any evidence relevant
24 to a determination of whether the dog is dangerous. The special master shall hear and
25 consider the evidence presented at the hearing and make a determination as to whether the
26 dog should be declared dangerous.

27 (e) Upon a dangerous dog classification and penalty becoming final after a hearing or by
28 operation of law pursuant to subsection (c), the ~~Division~~county shall provide a written final
29 order to the owner by registered mail, return receipt requested, certified hand delivery or
30 service. The owner may appeal the classification, penalty, or both, to the circuit court in
31 accordance with the Florida Rules of Appellate Procedure after receipt of the final order. If
32 the dog is not held at the Animal Shelter, the owner must confine the dog in a securely fenced
33 or enclosed area pending resolution of the appeal.

34 (f) This section does not apply to dogs used by law enforcement officers for law enforcement
35 work.

36 (g) Hunting dogs are exempt from this section when engaged in any legal hunt or training
37 procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials,
38 conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from
39 the provisions of this section when engaged in any legal procedures. However, such dogs at
40 all other times in all other respects are subject to this and local laws. Dogs that have been
41 classified as dangerous may not be used for hunting purposes.

42 **Sec. 4-57. Dangerous dog requirements.**

43 (a) Exempt as otherwise provided in section (b) below, the owner of a dog classified as a dangerous
44 dog shall:

45 (1) Within fourteen (14) days after issuance of the final order classifying the dog as dangerous
46 or the conclusion of any appeal that affirms such order, the owner of the dog shall obtain a
47 certificate of registration for the dog from ~~the Division~~Animal Services, and renew the

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1 certificate annually. ~~The Division~~Animal Services is authorized to issue the certificate of
2 registration, and renewals thereof, only to persons who are at least eighteen (18) years of
3 age and who present ~~to the division~~ sufficient evidence of:

- 4 (i) A current rabies vaccination certificate and county tag for the dog;
- 5 (ii) A proper enclosure to confine a dangerous dog and the posting of the premises at all
6 entry points with a clearly visible warning sign ~~provided by the division~~ which informs
7 both children and adults of the presence of a dangerous dog on the property;
- 8 (iii) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic
9 implantation;
- 10 ~~(iv) The current county issued dangerous dog tag identifying the dog as a dangerous dog,
11 which tag shall be worn by the dog at all times;~~
- 12 (iv) Sterilization within thirty (30) days of being declared dangerous; and
- 13 (vi) Payment of the appropriate fee ~~imposed by the Division~~ for the issuance of required
14 certificates of registration, which fee shall be set by resolution of the Board of County
15 Commissioners.

16 (2) Immediately notify the ~~division~~county when the dog:

- 17 (i) Is loose or unconfined;
- 18 (ii) Has bitten a human being or attacked another animal;
- 19 (iii) Is sold or given away, or dies; or
- 20 (iv) Is moved to another address.

21 Before a dangerous dog is sold or given away, the owner shall provide the name, address, and
22 telephone number of the new owner to ~~the Division~~Animal Services. The new owner shall
23 comply with all of the requirements of this chapter.

24 (3) Not permit a dangerous dog to be outside a proper enclosure unless the dog is muzzled and
25 restrained by a substantial chain or leash and under control of a competent person. The
26 muzzle shall be made in a manner which will not cause injury to the dog or interfere with
27 its vision or respiration, but shall prevent it from biting person or animal. The owner may
28 exercise the dog in a securely fenced or enclosed area that does not have a top, without a
29 muzzle or leash, if the dog remains within his or her sight and only members of the
30 immediate household or person eighteen (18) years of age or older are allowed in the
31 enclosure when the dog is present. When being transported, the dog must be safely and
32 securely restrained and muzzled within a vehicle.

33 (4) Not remove, destroy or deface a dangerous dog tag. If the dangerous dog tag is lost, the
34 owner shall immediately replace it at the owner's expense.

35 (b) If a dog is classified as a dangerous dog due to an incident that causes Severe Injury to a human
36 being, based upon the nature and circumstances of the injury and likelihood of a future threat
37 to the public safety, health, and welfare, the dog may be destroyed in an expeditious and
38 humane manner.

39 (c) An owner who brings into the county a dog declared dangerous in any other jurisdiction, with
40 the intent to reside permanently or temporarily for more than six (6) months in the county, shall
41 comply with the requirements of this section no later than fourteen (14) days after arrival.

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1 (d) The recommended penalty for a violation of this section is a fine of five hundred dollars
2 ~~(\$500.00) one thousand dollars (\$1,000.00) for the first offense and five thousand dollars~~
3 ~~(\$5,000.00) for any repeat violation within five (5) years of any previous violation.~~

4 **Sec. 4-58. Attack or bite by dangerous dog.**

5 (a) It is a violation of this section for the owner of any dog previously declared dangerous to fail
6 to exercise due care and control of his or her animal, and the animal attacks or bites any person
7 or animal.

8 (b) If a dog that has previously been declared dangerous attacks or bites a person or animal without
9 provocation, the dog shall be immediately confiscated by an Animal Control Officer and placed
10 in quarantine, if necessary, for the proper length of time, or impounded and held for 10 business
11 days after the owner is given written notification, and thereafter destroyed in an expeditious
12 and humane manner. The ~~Animal Control Officer~~county shall provide written notification of
13 the confiscation of the dog by registered mail, return receipt requested, certified hand delivery,
14 or service in conformance with the provisions of F.S. Ch. 48, relating to service of process, as
15 amended. This ten (10) day time period shall allow the owner to file a written request for a
16 hearing with the special master to determine whether the dog should be destroyed. The owner
17 shall be responsible for payment of all boarding costs and other fees as may be required to
18 humanely and safely keep the animal during any appeal procedure.

19 (c) If a dog that has previously been declared dangerous attacks and causes Severe Injury to or
20 death of any human, the dog shall be immediately confiscated by an Animal Control Officer,
21 placed in quarantine, if necessary, for the proper length of time, or held for ten (10) business
22 days after the owner is given written notification and thereafter destroyed in an expeditious and
23 humane manner. The ~~Animal Control Officer~~county shall provide written notification of the
24 confiscation of the dog by registered mail, return receipt requested, certified hand delivery, or
25 service, in conformance with the provisions of F.S. Ch. 48, relating to service of process. This
26 ten (10) day time period shall allow the owner to file a written request for a hearing with the
27 special master to determine whether the dog should be destroyed.

28 (d) Upon timely receipt of the owner's written request for a hearing under section (b) or (c) above,
29 the special master shall hold a hearing to decide ~~if the dog should be destroyed. At the hearing~~
30 ~~the dog owner or his or her representative and any other interested person may present any~~
31 ~~evidence relevant to a determination of whether the dog should be destroyed. The special~~
32 ~~master shall hear and consider the evidence presented at the hearing, including~~ whether the
33 owner is able to safely confine and control the dog, and shall make a determination as to
34 whether the dog should be destroyed. If the special master determines that the dog should be
35 destroyed, the owner may file a written request for a hearing in the county court to appeal the
36 decision within ten (10) business days after entry of the order of the special master. If the
37 special master determines that the dog should be released to the owner, the special master may
38 impose additional conditions for secure keeping of the dog. The owner shall be responsible for
39 payment of all boarding costs and other fees as may be required to humanely and safely keep
40 the animal during any hearing.

41 (e) Any order which provides for the destruction of a dog shall include a date before which the
42 destruction of the dog shall not take place. All decisions of the special master shall be final and
43 subject to review only by the county court. If the special master determines that the dog should
44 be destroyed, the owner may file a written request for a hearing in the county court to appeal
45 the decision within ten (10) business days after entry of the order of the special master. The
46 destruction shall be stayed pending court review, but the owner of the dog shall be responsible
47 for confining the dog in accordance with subsection 5-56(a)(2) pending a resolution of the
48 appeal regarding destruction for the payment of all impoundment and other fees incurred to the
49 date specified in the order and, in the event the dog is being confined at the animal shelter,

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1 ~~advanced payment of any fees as would accrue in the succeeding six (6) month period shall be~~
2 ~~required. If court review should exceed six (6) months, the owner shall be required to pay, at~~
3 ~~the expiration of the initial six (6) month period, and every month thereafter, one (1) month~~
4 ~~fees in advance. At the time the dog is released from the Animal Shelter by court order or~~
5 ~~destroyed, any excess fees shall be refunded to the owner. The owner of the dog shall be~~
6 ~~responsible for all impoundment and other fees incurred regardless of the final determination~~
7 ~~of the special master or the court unless custody of the animal is relinquished to the Division.~~
8 ~~If custody of the animal is relinquished to the Division the fees may be waived the court or the~~
9 ~~Manager. All costs of impounding the dog shall be paid by the owner prior to the release of the~~
10 ~~dog.~~

- 11 (f) The recommended penalty for a violation of this section is a fine of five hundred dollars
12 (\$500.00) ~~for the first offense and one thousand dollars (\$1,000.00) for any repeat violation~~
13 ~~within five (5) years of a previous offense. If injury or damage to the person or animal occurs~~
14 ~~such that care by a medical doctor or veterinarian is required, the recommended penalty shall~~
15 ~~be a fine of one thousand dollars (\$1,000.00) for the first offense and five thousand dollars~~
16 ~~(\$5,000.00) for any repeat violation within five (5) years of a previous offense. If Severe Injury~~
17 ~~or death of a person or animal results, the recommended penalty shall be five thousand dollars~~
18 ~~(\$5,000.00) for animal victims and ten thousand dollars (\$10,000.00) for human victims for the~~
19 ~~first offense and ten thousand dollars (\$10,000.00) for animal victims and fifteen thousand~~
20 ~~dollars (\$15,000.00) for human victims for any repeat violation within five (5) years of a~~
21 ~~previous offense.~~

22 **Sec. 4-59. Confinement of dangerous animals.**

- 23 (a) It is a violation of this section for the owner of any dangerous animal to fail to confine the
24 animal within a building, cage or other secure enclosure, or to take the animal from the building,
25 cage or secure enclosure unless the animal is securely leashed, tethered, chained, muzzled,
26 anesthetized and/or otherwise restrained so as to protect persons and other animals.
- 27 (b) This section shall not apply to law enforcement or rescue animals actually engaged in law
28 enforcement or rescue operations.
- 29 (c) Any animal of wild or exotic nature, so classified by the Florida Fish and Wildlife Conservation
30 Commission as requiring a specific pen or enclosure, shall be caged in accordance with the
31 commission's regulations.
- 32 (d) The recommended penalty for a violation of this section is a fine of ~~one thousand dollars~~
33 ~~(\$1,000.00) for the first offense and five thousand~~hundred dollars (\$5,000.00) ~~for any repeat~~
34 ~~violation within five (5) years of any previous violation.~~

35 **Sec. 4-60. Disposal of dangerous animals found at large.** When any dangerous animal is found
36 at large anywhere within the county, whether licensed or otherwise, and whether owned or
37 otherwise, the animal shall be taken into custody by an Animal Control Officer, or any other law
38 enforcement officer, to be impounded at the Animal Shelter and disposed of as follows:

- 39 (a) Where the animal bears no indicia of ownership, it shall be confined ~~by the Division for at~~
40 ~~least seventy-two (72)one hundred twenty (120)~~ hours. At the expiration of ~~seventy-two~~
41 ~~(72)one hundred twenty (120)~~ hours, if the ~~Division~~Director determines that the animal is
42 dangerous, and if no owner has appeared to claim the animal, the animal shall be deemed
43 abandoned and ~~destroyed in a humane fashion or otherwise safely disposed of~~
44 ~~alive~~euthanized.
- 45 (b) Where the animal bears indicia of ownership, ~~the Division~~Animal Services shall notify the
46 owner of the animal's impoundment by registered mail, return receipt requested, certified
47 hand delivery, or service, in conformance with the provisions of F.S. Ch. 48, relating to

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1 service of process. The animal shall be confined by ~~the Division~~ for at least one hundred
2 twenty (120) hours ~~from the date the notification is received by the owner~~. At the expiration
3 of one hundred twenty (120) hours, if the ~~Division~~Director determines that the animal is
4 dangerous and if no one has appeared to claim the animal, the animal shall be deemed
5 abandoned and ~~destroyed in a humane fashion or otherwise safely disposed of~~
6 alive~~Euthanized~~.

7 (c) Where the animal is claimed in writing by its owner, the animal shall remain confined by
8 ~~the Division~~ at the Animal Shelter, or, at the owner's request and expense, at some other
9 secure quarters subject to the sole discretion of the ~~Division~~Director, pending a hearing.
10 An owner may file a written request for a hearing to determine whether the animal is
11 dangerous within seven (7) calendar days from the date of the animal's impoundment. The
12 owner shall be responsible for payment of all boarding costs and other fees as may be
13 required to humanely and safely keep the animal during ~~this time~~any hearing. If the owner
14 fails to timely file a written request for a hearing, Animal Services may deem the animal
15 abandoned and may Euthanize the animal.

16 (d) Upon timely receipt of the owner's written request for a hearing, the special master shall
17 hold a hearing to decide if the animal is dangerous and impose penalties. The hearing shall
18 be held as soon as possible, but not more than twenty-one (21) days ~~and no sooner than~~
19 ~~five (5) days after receipt of the request from the owner. At the hearing, the owner or his~~
20 ~~or her representative and any other interested person may present any evidence relevant to~~
21 ~~a determination of whether the animal is dangerous. The special master shall hear and~~
22 ~~consider the evidence presented at the hearing and make a determination as to whether the~~
23 ~~animal is dangerous. If the animal is found to be dangerous, the special master shall enter~~
24 ~~an order requiring that the dangerous animal be destroyed in a humane fashion or otherwise~~
25 ~~safely disposed of alive. Any order providing for the disposal of the animal alive, whether~~
26 ~~through release to the owner or otherwise, shall be subject to any conditions the special~~
27 ~~master imposes to ensure the secure and safe confinement of the animal. Violation of any~~
28 ~~conditions imposed by the special master shall be sufficient grounds for the Division to~~
29 ~~obtain a pick up order from a court of competent jurisdiction. Unless the owner of the~~
30 ~~animal consents, the animal shall only be destroyed upon a finding that no reasonable~~
31 ~~alternative other than the destruction of the animal is sufficient to adequately protect the~~
32 ~~public. Any order which provides for the destruction of the animal shall include a date~~
33 ~~before which the destruction of the animal shall not take place which date shall be no sooner~~
34 ~~than ten (10) calendar days from the date of the order. All decisions of the special master~~
35 ~~shall be final and subject to review only by a court of competent jurisdiction upon petition~~
36 ~~of the owner.~~

37 (e) The owner may file a written request for a hearing in the county court to appeal the order
38 of the special master within ten (10) days from the date of the order. The destruction shall
39 be stayed pending court review, but the owner shall be responsible for confining the animal
40 in accordance with subsection 5-56(a)(2) pending a resolution of the appeal. Orders of
41 the special master shall be stayed pending court review. The owner shall be responsible for
42 payment of all impoundment, and other fees incurred to the date specified and, in the event
43 the animal is being confined at the Animal Shelter, advanced payment of any fees as would
44 accrue in the succeeding six-month period. If court review should exceed six (6) months,
45 the owner shall be required to pay, at the expiration of the initial six-month period, and
46 every month thereafter, one (1) month's fees in advance. At the time the animal is released
47 from the Animal Shelter by court order or destroyed or transferred to other secure quarters,
48 as provided above, any excess fees shall be refunded to the owner. The owner of the animal
49 shall be responsible for all impoundment and other fees incurred regardless of the final
50 determination of the special master or the court. If the animal is destroyed, the fees may be

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~~waived by the court or the Manager.~~ All costs of impounding, boarding and veterinary care of the animal shall be paid by the owner prior to release of the animal.

Sec. 4-61. Attack or bite by dangerous animal.

- (a) It is a violation of this section for the owner of a dangerous animal to fail to exercise due care and control of his or her animal and the animal attacks or bites any person or animal.
- (b) Upon the written, sworn complaint of any person alleging that an animal has actually bitten, mauled, attacked, or otherwise injured any person or any animal, an Animal Control Officer shall take the animal into custody with the owner's consent, or shall require that the owner confine the animal in a securely fenced or enclosed area. Lake County Sheriff's Office may apply to a court of competent jurisdiction for an order permitting the pickup and impoundment of the animal. In entering its order, the court shall make a preliminary finding that probable cause exists to believe the animal to be dangerous under this chapter and a threat to public safety. The court may order impoundment at the Animal Shelter or, at the request and expense of the owner, may in its discretion require impoundment to be at some other secure quarters. If the animal has been taken into custody and quarantined pursuant to section 4-37 above, the animal shall remain in the custody of ~~the Division~~Animal Services until a determination has been made with regard to the dangerousness of the animal. All costs of impounding, boarding and veterinary care of the animal shall be paid by the owner prior to release of the animal.
- (c) ~~The Division~~Animal Services shall make a determination of the animal's dangerousness in accordance with the procedure set forth in section 4-60 above. If an animal is determined to be dangerous, it shall thereafter be ~~destroyed in an expeditious and humane manner~~Euthanized, pending any further appeal of the owner.
- (d) Nothing in this section shall be deemed to affect any criminal proceeding, nor shall any determination or deliberation by the special master be admissible in evidence in any criminal proceeding against the owner of the impounded animal.
- (e) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00) ~~for the first offense and one thousand dollars (\$1,000.00) for any repeat violation within five (5) years of a previous offense. If damage or injury to a person or animal occurs such that care by a medical doctor or veterinarian is required, the recommended penalty shall be a fine of one thousand dollars (\$1,000.00) for the first offense and five thousand dollars (\$5,000.00) for any repeat violation within five (5) years of a previous offense. If Severe Injury or death of a person or animal results, the recommended penalty shall be five thousand dollars (\$5,000.00) for animal victims and ten thousand dollars (\$10,000.00) for human victims for the first offense and ten thousand dollars (\$10,000.00) for animal victims and fifteen thousand dollars (\$15,000.00) for human victims for any repeat violation within five (5) years of a previous offense.~~

Section 3. Fee Schedule. It is the intent of the Board of County Commissioners that the fees listed in the most current Lake County Fee Schedule shall be considered amended in order to be consistent with the fees listed in the Ordinance.

Section 4. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Severability. If any section, sentence, clause, or phrase or word of this Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by any court

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1 of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of
2 this Ordinance; and it shall be construed to have been the Commissioner’s intent to pass this Ordinance
3 without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after
4 the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been
5 included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person,
6 groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not
7 affect the applicability thereof to any other person, property or circumstances.
8

9 **Section 6. Filing with the Department of State.** The Clerk shall be and is hereby directed
10 forthwith to send an electronic copy of this Ordinance to the Secretary of State for the State of Florida in
11 accordance with Section 125.66, Florida Statutes.
12

13 **Section 7. Effective Date.** This ordinance shall become effective as provided for by law.
14

15
16 ENACTED this day of _____ day of _____, 2018.
17

18 FILED with the Secretary of State the ____ day of _____, 2018.
19

20 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

21
22
23 _____
24 Neil Kelly, Clerk of the
25 Board of County Commissioners of
26 Lake County, Florida
27

28 _____
29 Timothy I. Sullivan, Chairman

This ____ day of _____, 2018.

30 Approved as to form and legality:
31
32

33 _____
34 Melanie Marsh, County Attorney
35