

ORDINANCE 2022-12

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, BY AMENDING ARTICLE II OF CHAPTER 14 – ANIMALS; AMENDING SECTION 14-31, INCORPORATING ADDITIONAL DEFINITIONS APPLICABLE TO CHAPTER 14, ARTICLE II; AMENDING SECTION 14-32, PROVIDING PENALTIES FOR VIOLATING CHAPTER 14, ARTICLE II; AMENDING SECTION 14-33, ADDRESSING CONFLICTS BETWEEN PROVISIONS; AMENDING SECTION 14-34, PROVIDING FOR JURISDICTION AND AUTHORIZING ENFORCEMENT; AMENDING SECTION 14-35, PROVIDING FOR ANIMAL CONTROL OFFICERS; AMENDING SECTION 14-36, PROVIDING FOR AN ANIMAL CONTROL BOARD; AMENDING SECTION 14-37, PROHIBITING INTERFERENCE WITH AN ANIMAL CONTROL OFFICER OR HUMANE SOCIETY PERSONNEL; RENUMBERING SECTION 14-38 AS SECTION 14-40 AND REPLACING IT WITH SECTION 14-38 PROHIBITING THE MISTREATMENT OR ABANDONMENT OF DOMESTIC ANIMALS; RENUMBERING SECTION 14-39 AS SECTION 14-41 AND REPLACING IT WITH SECTION 14-39 PROVIDING FOR TETHERING OF ANIMALS; AMENDING SECTION 14-38 AND RENUMBERING IT AS SECTION 14-40 PROVIDING FOR THE IMPOUNDMENT OF ANIMALS FOUND IN DISTRESS OR ABANDONED; AMENDING SECTION 14-39 AND RENUMBERING IT AS SECTION 14-41 PROVIDING FOR THE METHODS OF ENFORCEMENT AND INVESTIGATIONS; AMENDING SECTION 14-40 AND RENUMBERING IT AS SECTION 14-42 PROVIDING FOR CLASSIFICATION OF DANGEROUS DOGS; AMENDING SECTION 14-41 AND RENUMBERING IT AS SECTION 14-43 PROVIDING THE DUTY OF ANIMAL OWNERS TO BE RESPONSIBLE; AMENDING SECTION 14-42 AND RENUMBERING IT AS SECTION 14-44 PROVIDING FOR VACCINATION OF ANIMALS; AMENDING SECTION 14-43 AND RENUMBERING IT AS SECTION 14-45 PROVIDING FOR THE LICENSING OF ANIMALS AND FERAL CAT COLONY EXEMPTION FROM LICENSING; AMENDING SECTION 14-44 AND RENUMBERING IT AS SECTION 14-46 PROVIDING FOR RABIES CONTROL; AMENDING SECTION 14-45 AND RENUMBERING IT AS SECTION 14-47, PROVIDING FOR THE RESTRAINT OF ANIMALS ON

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**ITS OWNER'S PROPERTY; AMENDING SECTION 14-46 AND RENUMBERING IT AS SECTION 14-48 PROVIDING FOR RESTRAINT OF ANIMALS WHILE OFF ITS OWNER'S PROPERTY; DELETING SECTION 14-47 IN ITS ENTIRETY; AMENDING SECTION 14-48 AND RENUMBERING IT SECTION 14-49 PROVIDING FOR NUISANCE ANIMALS; AMENDING SECTION 14-49 AND RENUMBERING IT AS SECTION 14-50 PROVIDING FOR TRANSPORTING DOGS OR CATS FOR SALE IN VOLUSIA COUNTY; AMENDING SECTION 14-50 AND RENUMBERING IT AS SECTION 14-51 PROVIDING FOR SAFEGUARDING FEMALE DOGS OR CATS IN HEAT; AMENDING SECTION 14-51 AND RENUMBERING IT AS SECTION 14-52 PROVIDING FOR THE DISPOSITION OF DEAD ANIMALS; DELETING SECTION 14-52 IN ITS ENTIRETY; AMENDING SECTION 14-53 PROVIDING FOR DUTIES OF A DRIVER WHEN VEHICLE STRIKES AN ANIMAL; AMENDING SECTION 14-54 PROHIBITING THE DISPOSAL OF LIVE ANIMALS TO BE USED FOR EXPERIMENTATION OR VIVISECTION; AMENDING SECTION 14-55 PROHIBITING THE SALE OF DOGS OR CATS FOR HUMAN OR ANIMAL CONSUMPTION; AMENDING SECTION 14-56 PROVIDING FOR HOBBY BREEDER PERMITS AND REGULATIONS; AMENDING SECTION 14-57 PROVIDING FOR A SPECIAL MAGISTRATE TO HEAR MATTERS RELATED TO ANIMAL CONTROL; AMENDING SECTION 14-58 PROVIDING FOR MANDATORY SPAYING AND NEUTERING OF ANIMALS WITH EXCEPTIONS; DELETING SECTION 14-59 IN ITS ENTIRETY AND REPLACING IT WITH SECTION 14-59 PROVIDING FOR THE SURRENDER OF STRAY ANIMALS TO ANIMAL HOLDING FACILITIES; AMENDING CHAPTER 14, ARTICLE II BY ADDING SECTION 14-60 PROHIBITING PERSONS FROM CONCEALING UNOWNED OR FOUND ANIMALS; AMENDING CHAPTER 14, ARTICLE II BY ADDING SECTION 14-61 PROHIBITING CONFINING AN ANIMAL IN A MOTOR VEHICLE AND PROVIDING IMMUNITY FOR PERSONS WHO RESCUE ANIMALS FOUND IN DISTRESS IN A MOTOR VEHICLE; AMENDING CHAPTER 14, ARTICLE II BY ADDING SECTION 14-62 PROVIDING FOR THE REDEMPTION AND DISPOSITION OF IMPOUNDED OR UNWANTED ANIMALS; AMENDING CHAPTER 14, ARTICLE II BY ADDING SECTION 14-63 PROVIDING FOR THE REGULATION AND REGISTRATION OF GUARD DOGS; AMENDING CHAPTER 14, ARTICLE II BY ADDING SECTION 14-64 PROHIBITING THE RETAIL SALE OF DOGS OR CATS;**

93                   **AMENDING CHAPTER 14, ARTICLE II BY ADDING**  
94                   **SECTION 14-65 PROHIBITING THE SALE OF PETS**  
95                   **THROUGH PET LEASING OR PET COLLATERAL**  
96                   **CONTRACTS; AMENDING CHAPTER 14, ARTICLE II BY**  
97                   **ADDING SECTION 14-66 PROHIBITING PROCEDURES**  
98                   **WHICH DECLAW CATS; PROVIDING FOR INCLUSION IN**  
99                   **CODE; PROVIDING FOR SEVERABILITY; PROVIDING**  
100                   **FOR CONFLICTING ORDINANCES; AND PROVIDING FOR**  
101                   **AN EFFECTIVE DATE.**

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103                   WHEREAS, Volusia County seeks to update Chapter 14 of the Code of  
104 Ordinances, County of Volusia, pertaining to animals and animal control;

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106                   WHEREAS, Chapter 828, Florida Statutes, provides authorization for county  
107 agents to investigate violations of Chapter 828 regarding protecting children and animals  
108 or preventing any act of cruelty thereto; and

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110                   WHEREAS, Section 828.27, Florida Statutes, provides express authorization for  
111 the governing body of a county to enact ordinances relating to animal control or cruelty;  
112 and

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114                   WHEREAS, Section 828.28, Florida Statutes, provides express authorization for  
115 local animal licensing ordinances; and

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117                   WHEREAS, Section 828.30, Florida Statutes, requires all dogs, cats, and ferrets  
118 four (4) months of age or older to be vaccinated by a licensed veterinarian, unless  
119 exempted by statute; and

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121                   WHEREAS, Volusia County wishes to avail itself of the process provided in Section  
122 828.27, Florida Statutes, for the enforcement and violations of local animal control and  
123 cruelty ordinances;

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125                   WHEREAS, Chapter 767, Florida Statutes, authorizes the classification of  
126 dangerous dogs; and

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128                   WHEREAS, the County may enforce Chapter 14 of the Code of Ordinances of  
129 Volusia County through any other means, including, but not limited to, the procedures  
130 provided in Chapter 162, Florida Statutes.

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

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

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138                   **Sec. 14-31. Definitions.**

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The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Abandoned Animal means to give up possession of, to cease caring for, or to forsake an animal entirely, or to refuse to provide or perform care and support of an animal.

Adequate food means uncontaminated, wholesome, palatable food of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The food must be appropriate for the species, individual animal's age, and individual animal's condition.

Adequate health care means providing to an animal at a minimum immunizations and preventative care required to maintain good health and the provision to each sick, diseased, or injured animal veterinary care or humane euthanasia.

Adequate shelter means a structurally sound, properly ventilated, sanitary, and weather-proof shelter suitable for the species, condition, and age of the animal, which provides access to shade from direct sunlight and protection from exposure to inclement weather.

Adequate water means continual access to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species and in sufficient amounts to maintain good health. Such water shall be provided in a secure manner so that the container cannot be overturned.

Adult animal means any domesticated animal, including, dogs, cats, and ferrets, over the age of six four (4) months.

Animal for the purpose of enforcement by animal control officers acting pursuant to this Article in the unincorporated areas of the county and any included municipality, shall mean ~~dogs and cats~~ any dumb creature that is a member of the mammalian, avian, reptilian, or amphibian species, except that sections controlled by statute shall be governed by the statutory definition of animal.

Animal care facility means any person, group, or business that provides for the care, sustenance, housing, maintenance, or other necessary care of an animal, including, but not limited to, veterinary facilities, boarding facilities, groomers, animal sitters / foster care, animal rescues, and animal shelters.

Animal Control Authority means the County Manager, and the Animal Control Division, or its successors acting alone or in concert with other local governmental units and authorized by them to enforce the animal control laws of the

184 city municipalities, eCounty, or sState. The Volusia Sheriff's Office may also carry out the  
185 duties of the Animal Control Authority under this Article.

186  
187 Animal control Services dDivision means the enforcement and investigative agency  
188 of the eCounty relating designated to enforce the provisions of this ~~chapter~~ Article.

189  
190 Animal eControl eOfficer means any individual a person employed, contracted with,  
191 or appointed by the aAnimal eControl aAuthority for the purpose of aiding in the  
192 enforcement of this article, ordinance or any other law or act relating to the licensure of  
193 animals, control of animals, or seizure and impoundment of animals and includes any  
194 state or local law enforcement officer or other employee whose duties in whole or in part  
195 include assignments that involve the seizure and impoundment of any animal who meets  
196 the qualifications set forth in Section 828.27, Florida Statutes, as amended. Animal  
197 Control Officers shall be authorized to investigate, on public or private property, civil  
198 infractions relating to animal control or cruelty, to issue citations for violations of this  
199 Chapter, and to assist in criminal investigations relating to animal control or cruelty.

200  
201 Animal exposed to rabies means any animal bitten by or that has associated with  
202 any animal determined by the eCounty hHealth eOfficer, ~~or the an~~ aAnimal eControl  
203 eOfficer, or other qualified health professional to be infected with rabies.

204  
205 Animal holding facility means a public or private animal shelter or humane  
206 organization designed to house abandoned or lost domestic animals in a safe and secure  
207 holding area for a prescribed period of time to allow owners an opportunity to reclaim their  
208 animal control.

209  
210 Animal quarters means the area of a premises, including, but not limited to, and all  
211 buildings, pens, yards, and their appurtenances used for the keeping of dogs and  
212 eats animals.

213  
214 Approved standard means the standard by which a dog or cat is judged for  
215 conformation by the appropriate national or international breeders' organization.

216  
217 Caregiver for an animal means any person who provides food, water, or shelter to  
218 or otherwise cares for an animal, feral or domesticated, for a period of at least twenty-four  
219 (24) hours or more, whether of their own volition or by request of the owner of an animal.

220  
221 Cat means any feline animal of any age that is a member of the species  
222 scientifically known as Felius Catus, or any genetic hybridization of Felius Catus, which  
223 is not a species under the jurisdiction of the Florida Fish and Wildlife Conservation  
224 Commission.

225  
226 Chain, cable and trolley, rope or tether means a restraint of sufficient strength to  
227 hold the animal.

228

229 Commercial animal establishment means any pet shop, animal grooming shop,  
230 flea market, department store, guard dog training facility, riding school, any type of kennel,  
231 cattery, or any other premises or property where animals are available for sale as a part  
232 or whole of a business concern.

233  
234 Dangerous dog means any dog that according to the records of the aAnimal  
235 eControl aAuthority:

- 236  
237 (1) Has aggressively bitten, attacked, endangered, or has inflicted severe injury  
238 to or death of a human being on public or private property;  
239  
240 (2) Has more than once severely injured or killed a domestic animal while off  
241 its owner's property;  
242  
243 (3) Has been used primarily or in part for the purpose of dog fighting or is a dog  
244 trained for dog fighting; or  
245  
246 (4) Has, when unprovoked, chased, or approached a person upon the streets,  
247 sidewalks, or any public grounds in a menacing fashion or apparent attitude  
248 of attack, provided that such actions are attested to in a sworn statement by  
249 one or more persons and dutifully investigated by the aAnimal eControl  
250 aAuthority.

251  
252 Direct control of an animal means immediate and continuous physical control of  
253 an animal at all times, such as by means of a fence or leash not to exceed six (6) feet in  
254 length and of sufficient strength to restrain said animal. This definition shall not apply to  
255 herding dogs, dogs in the process of hunting, police dogs, dogs participating in a  
256 registered field trial, dogs participating in obedience training or trials, or dogs securely  
257 contained on its owner's property.

258  
259 Dog means any canine animal of any age that is a member of the species  
260 scientifically known as Canis Lupus Familiaris, or any generic hybridization of Canis  
261 Lupus Familiaris, which is not a species under the jurisdiction of the Florida Fish and  
262 Wildlife Conservation Commission.

263  
264 Dog under restraint shall mean any canine secured by a leash, chain, rope, tether  
265 or cable and trolley; securely and humanely confined within a vehicle, parked or in motion;  
266 caged or tethered in the open bed of a pickup truck; confined within a house, building,  
267 fence, crate, pen or other enclosure; or controlled by the voice command of a responsible  
268 person who is with the dog at all times.

269 Domestic animal means an animal kept for enjoyment or companionship rather  
270 than utility; an animal of a species that has been bred and raised to live in or about the  
271 habitation of people and is dependent upon people for food, shelter, and survival.

272

273 Ear-tipping means a straight line cut while the cat is anesthetized removing  
274 approximately a quarter-inch off the tip of the cat's left ear, which is a universal sign of a  
275 sterilized, unowned cat that has been spayed or neutered.

276  
277 Euthanasia of an animal means the humane and painless putting to death of an  
278 animal that is hopelessly sick, injured, or irredeemably dangerous, by means as  
279 prescribed in Chapter 828, Florida Statutes, as amended.

280  
281 Exotic species means any nondomestic animal whose natural habitat is outside of  
282 the State of Florida.

283  
284 Feral cat or dog, means a dog or cat whether it was born in the wild or reverted to  
285 a wild state due to abandonment or lack of domestication, which has: an uncared for  
286 condition, such as rough coat, underweight, or poor general health; cannot be handled  
287 without injury to a person or it; displays violent or aggressive behavior; or has no  
288 observable indication of ownership or identification, such as a tag, ear tag, microchip, or  
289 tattoo.

290  
291 Feral cat volunteer means a person who provides assistance to the County's feral  
292 cat trap-neuter/spay-return program. A feral cat volunteer shall not be considered the  
293 owner or caregiver of a feral cat so long as the feral cat remains free roaming and is not  
294 sheltered or fed in any way by the feral cat volunteer.

295  
296 Ferret means a domesticated usually albino, brownish, or silver-gray animal of the  
297 Mustela putorius furo species.

298  
299 Grooming shop means any commercial establishment where animals are bathed,  
300 clipped, plucked, or otherwise groomed.

301  
302 Guard dog means any type of dog used primarily for the purposes of defending,  
303 patrolling, or protecting business property or life, but shall not include any working stock  
304 dogs used primarily for handling and controlling livestock or farm animals.

305  
306 Guard dog registration means the process of registering a guard dog with the  
307 Animal Services Division for purposes of documenting pertinent data of the dog, which  
308 shall include name, address, and telephone number of the guard dog service, the  
309 service's manager, the owner (if other than the service), the handler, if any; the dog's  
310 breed, sex, color, microchip registration number, if applicable; certification of rabies  
311 vaccination; any other distinguishing physical characteristics of the dog, and any "stop  
312 attack/release" commands.

313  
314 Guard dog service means any person, firm, or corporation which trains, sells, rents,  
315 leases, or loans guard dogs for the purpose of defending, patrolling, or protecting  
316 properties or persons.

317

318 *Harbor* means to own, keep, or provide care, shelter, protection, refuge or  
319 nourishment to an dog or cat animal.

320  
321 ~~*Hearing officer* means a person appointed by the county in accordance with~~  
322 ~~section 14-57.~~

323  
324 *Hobby breeder* means a person ~~other than a pet dealer~~ who shelters, breeds,  
325 ~~or~~ and trains a single breed of dog or cat, to conform to an approved standard of  
326 competition. ~~The owner of a hobby breeder facility must~~ shall be in good standing and  
327 have active, current registration privileges ~~intact~~ with the appropriate national animal  
328 registry. ~~The owner must~~ hobby breeder shall have three (3) years' documented  
329 experience in show clubs and participation in show trials for the single breed of dog or cat  
330 being bred.

331  
332 *Hobby breeder facility* means kennels or catteries operated by a hobby breeder  
333 that conform to the standards set out in this ~~a~~ Article under section 14-56.

334  
335 *Humane manner* means a manner consistent with the physical and behavioral  
336 needs of a species, including but not limited, to adequate heat, ventilation, and sanitary  
337 shelter; wholesome food and water consistent with the normal requirements and feeding  
338 habits of the particular animal according to its size, species, and breed; and necessary  
339 veterinary care.

340  
341 *Impounding or holding facility* means any one or combination of a ~~pet shop,~~ kennel,  
342 cattery, or humane society facility or any facility or place the ~~e~~ County or city a municipality  
343 may so designate.

344  
345 *Kennel or cattery* means any premises where animals are kept for profit rather than  
346 enjoyment, by boarding, grooming, buying, training, selling, letting-for-hire, or offering of  
347 stud services. Animal hospitals maintained by a Florida licensed veterinarian, shelters  
348 operated by the Animal Services Division, or tax exempt animal care facilities shall not be  
349 considered kennels or catteries.

350  
351 ~~*Licensed veterinarians* means all veterinarians actively engaged in the practice of~~  
352 ~~that profession in the state, who are duly registered and licensed as such by the state,~~  
353 ~~and who are authorized to vaccinate dogs and cats against rabies and to execute~~  
354 ~~certificates of vaccination.~~

355 *Livestock* means all animals of the bovine, equine, capra, ovis, porcine, or avian  
356 species of domesticated poultry, or any other animals used in and for utility or preparation  
357 of products for commercial or private use.

358  
359 *Microchip or electronic implantation* means an electronic animal identification  
360 device (EAID) implanted into an animal.

361  
362 *Neuter* ~~means the medical procedure of rendering a male dog or cat permanently~~  
363 ~~incapable of breeding.~~



364 Nuisance animal means an animal that unreasonably annoys or harasses humans,  
365 endangers the life or health of other animals or persons, or substantially interferes with  
366 the rights of persons, other than their owners, to the reasonable, quiet enjoyment of life  
367 or property.

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369 Official health record means a certificate signed by a licensed veterinarian that  
370 shows the age, sex, breed, name, description, and health record of an animal, as well as  
371 the name, address, and phone number of the owner.

372  
373 Owner means any person, firm, corporation, humane society, public or private  
374 nonprofit organization who harbors a dog or catcontrolling, harboring, keeping,  
375 possessing, boarding, or owning an animal. If the person purporting to own a dog or catan  
376 animal is a minor, as defined by Florida Statutes, the minor's parent(s) or legal  
377 guardian(s), shall be deemed the owner of the dog or catanimal for purposes of this  
378 Chapter. Any animal may be deemed to be owned by a person if the person feeds or  
379 shelters the animal for five (5) or more consecutive days.

380  
381 Person means an ~~individual~~ a natural person or persons, firm, association,  
382 partnership, corporation, limited liability company, trust, or any association ~~of~~  
383 personsother entity, legal or otherwise.

384  
385 Pet dealer means any person who in the ordinary course of business engages in  
386 the sale of more than two litters, or 20 dogs or 20 cats, per year, whichever is greater, to  
387 the public. Such definition includes breeders of animals who sell such animals directly to  
388 a consumer.

389  
390 Primary enclosure means a structure used to immediately restrict one or more  
391 eatsanimals to a defined or limited amount ofenclosed space, such as a room, pen, run,  
392 cage, or compartment.

393  
394 Proper enclosure of a dangerous dog, while on the owner's property, means a  
395 dangerous dog is securely confined indoors or in a securely enclosed and locked pen or  
396 structure, suitable to prevent the entry of young children and designed to prevent the  
397 animal from escaping. Such pen or structure shall have secure sides and a secure top  
398 to prevent the dog from escaping over, under, or through the structure and shall also  
399 provide protection from the elements. A dangerous dog warning sign shall be posted on  
400 such pen or enclosure.

401  
402 Public nuisance animal means any animal to which any of the following conditions  
403 apply:

404  
405 (1) ~~Animals that are found within a residential zoned area and not under~~  
406 ~~restraint as defined in this article; or in areas zoned other than residential, are off~~  
407 ~~the premises of the owner and not under command of the owner;~~

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409 (2) ~~Animal that damages the property of anyone other than its owner;~~

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~~(3) — Animals that are dangerous animals;~~

~~(4) — Animals that cause unsanitary conditions of enclosures or surroundings as determined by the county health officer;~~

~~(5) — Animals that are diseased animals dangerous to human health;~~

~~(6) — Animals that bark excessively or make prolonged and disturbing noises interfering with the peace and quietude of the neighboring property; or~~

~~(7) — Animals that have been determined to be strays.~~

Quarantined animal means the strict indoor confinement, isolation, and observation of an animal for symptoms of a contagious or dangerous condition, including, but not limited to rabies. Such confinement shall prevent the animal from coming into unplanned contact with any other animal or human being for a period of ten (10) days from the date of its exposure to the contagious or dangerous agent.

Recognized animal club means any national, regional, or local dog club or cat club which is chartered, organized, and has by-laws, directors, and members.

Restraint means the control of an animal by leash not to exceed six (6) feet in length and of sufficient strength to restrain said animal, fence, building, cage, crate, or other secure enclosure that prevents the animal from roaming at large.

Sanitary means clean and free from infection causing elements, deleterious influences, odors, or vermin-harboring debris.

Secure enclosure means confinement of an animal in a building or other enclosure that is locked, enclosed, or otherwise secured so as to limit access to the animal only to authorized animals or persons.

Service animal means a dog or cat that has been individually trained to do work or perform tasks for an individual with a disability meeting the definition of service animal in as defined in 28 C.F.R. § 36.104 and F.S. § Section 413.08(1)(d), Florida Statutes, as may be amended from time to time. The task(s) performed by the dog must be directly related to the person's disability.

Severe injury means any physical injury that results in broken bones, multiple bits or disfiguring lacerations requiring sutures or reconstructive surgery.

Spay means the medical procedure of rendering a female dog or cat permanently incapable of breeding.

454 Stray animal or stray (used as a noun) means any ~~unlicensed and~~  
455 ~~unattended~~ domestic animal that is wandering at large, lost, or roaming off the premises  
456 without supervision of its owner or a person.

457  
458 Trap-Neuter/Spay-Release or TNR program means a program in which feral cats  
459 are trapped, neutered/spayed, ear tipped, vaccinated against rabies, and returned to the  
460 cat's original location of impoundment.

461  
462 ~~Unaltered~~ shall mean an animal that has not been spayed or neutered.

463  
464 Unprovoked behavior of an animal means that the victim who has been conducting  
465 himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion  
466 or attacked by a dog.

467  
468 ~~Without provocation~~ has the same meaning as unprovoked.

469 Wild animal means any living non-domesticated species defined as wildlife by the  
470 wildlife code of the Florida Fish and Wildlife Conservation Commission.

471  
472 **SECTION II:** Chapter 14, Article II, Section 14-32 of the Code of Ordinances,  
473 County of Volusia is hereby amended to read as follows:

474  
475 **Sec. 14-32. Penalty.**

476  
477 (a) It shall be a violation to fail to comply with any of the requirements or  
478 restrictions set forth in this Article.

479  
480 (b) A violation of this aArticle is a civil infraction which carries a maximum civil  
481 penalty not to exceed \$500.00. The amount of said penalties shall be  
482 established by the Council by separate resolution or schedule.

483  
484 (c) A citation from an Animal Control Officer or officer may be issued to any person  
485 believed to have committed a civil infraction of this Article, based on probable  
486 cause.

487  
488 (d) Any citation issued must contain the provisions required by Section 828.27,  
489 Florida Statutes, as may be amended. The Citation must clearly inform the  
490 person of any mandatory court appearance.

491  
492 (e) If a person who has committed such a civil infraction does not contest a citation  
493 issued to him or her, the any civil penalty imposed shall be less than the  
494 maximum civil penalty.

495  
496 (f) Pursuant to Section 828.27(4)(b), Florida Statutes, a surcharge of up to five  
497 dollars (\$5.00) shall be imposed upon each citation issued pursuant to this  
498 Article. The proceeds from such surcharge shall be used to pay the cost of  
499 training the Animal Control Officers.

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(a)(g) If a person fails to pay the civil penalty within the specified period, or fails to appear in court to contest the citation, that person shall be determined to have waived their right to contest the citation. A judgment may be entered against the person for an amount up to the maximum civil penalty.

(h) Any expenses imposed on the owner of an animal by operation of this aArticle which remain unpaid as of the time of judicial handling shall be ordered paid by the owner as a part of the court's disposition. The eCounty also may seek payment of outstanding expenses as restitution in any companion or related criminal prosecution. In the event of a violation of F.S. ch. Chapter 767, Florida Statutes, or F.S. §Section 828.29, Florida Statutes, the owner shall be subject to applicable criminal penalties in addition to any civil penalties. Further, nothing herein shall relieve the owner of civil liability for injuries or damage which result from actions or inactions that are violations of the provisions herein.

(b)(i) Notwithstanding any other provision of this Article, any person cited for a violation pursuant to this Article may have the citation dismissed if positive proof of compliance is presented to the Animal Control Authority.

**SECTION III:** Chapter 14, Article II, Section 14-33 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

**Sec. 14-33. Conflicting provisions.**

This aArticle shall supersede any and all other ordinances dealing with animal control within the unincorporated areas of the eCounty, except those ordinances prohibiting or regulating animals on the ocean beaches shall remain in full force and effect.

**SECTION IV:** Chapter 14, Article II, Section 14-34 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

**Sec. 14-34. Jurisdiction; persons authorized to enforce article.**

This aArticle shall apply to and be enforced in the unincorporated areas of the eCounty and in the incorporated areas of any municipality that contracts with the County to enforce this Article and the animal control laws of the State. Until the date Ordinance No. 2002-16 becomes effective, this article may be enforced by either animal control officers or law enforcement officers of the county and any municipality which contracts with the county to enforce this article and the animal control laws of the state. Upon Ordinance No. 2002-16 becoming effective, section 14-43 of this article shall apply to and be enforced in any municipality which has permitted Ordinance No. 2002-16 to be applicable in its jurisdiction. This Article may be enforced by either Animal Control Officers

545 or law enforcement officers of the County or of any municipality that contracts with the  
546 County to enforce this Article and the animal control laws of the State.

547  
548 **SECTION V:** Chapter 14, Article II, Section 14-35 of the Code of Ordinances,  
549 County of Volusia is hereby amended to read as follows:  
550

551 **Sec. 14-35. Animal eControl eOfficers.**  
552

553 (a) *Animal eControl aAuthority.* The authority and primary responsibility of the  
554 eCounty for enforcement of this aArticle and the animal control laws of the  
555 sState is hereby delegated to the eCounty mManager, the aAnimal  
556 eontrolServices eDivision, and each aAnimal eControl eOfficer who is certified  
557 according to the laws of the sState of Florida. Each aAnimal eControl eOfficer  
558 so certified shall have complete ~~police and law enforcement~~ power to enforce  
559 this aArticle and the provisions of sState law, rules and regulations relating to  
560 animal control in the unincorporated area of the eCounty and in any  
561 incorporated area of any municipality that contracts with the County to enforce  
562 this Article and the animal control laws of the State.  
563

564 (b) Animal eControl eOfficer training course.  
565

566 (1) County-employed aAnimal eControl eOfficers shall successfully complete  
567 a forty (40)-hour minimum standards training course. Such course shall  
568 include, but is not limited to, training for animal cruelty investigations,  
569 search and seizure, animal handling, courtroom demeanor, and civil  
570 citations. The course curriculum must be approved by the Florida Animal  
571 Control Association. An aAnimal eControl eOfficer who successfully  
572 completes ~~such a said~~ course shall be issued a certificate indicating that  
573 he or she has received a passing grade.  
574

575 (2) Any aAnimal eControl eOfficer who was authorized by a county or  
576 municipality to issue citations prior to January 1, 1990, is not required to  
577 complete the minimum standards training course.  
578

579 ~~(3) A surcharge of \$5.00 shall be collected upon each civil penalty imposed~~  
580 ~~for violation of this article. The proceeds from such surcharges shall be~~  
581 ~~used to pay the costs of training for animal control officers.~~  
582

583 **SECTION VI:** Chapter 14, Article II, Section 14-36 of the Code of Ordinances,  
584 County of Volusia is hereby amended to read as follows:  
585

586 **Sec. 14-36. Animal eControl bBoard.**  
587

588 (a) *Established.* There is hereby established a eCounty aAnimal eControl bBoard.  
589

590 (b) *Orientation.* The ~~county council~~ or eCounty staff will conduct a board orientation  
591 in the first quarter of the year in which appointments are to be made. The  
592 orientation will acquaint Animal Control bBoard members with ~~parliamentary~~  
593 procedures, including, Roberts Rules of Order, sSunshine LLaw, public records  
594 law, and eCounty staff that will be assigned to the Volusia County Animal  
595 Control Board.

596  
597 (c) *Membership; term of office.* The composition, appointment, and term of  
598 members of the Animal Control bBoard shall be as follows:  
599

600 (1) The aAnimal eControl bBoard shall consist of nine (9) members and may  
601 include, whenever possible, a licensed veterinarian, a humane society  
602 representative, a cat owner, a member of a kennel club, a hunter, a eCounty  
603 citizen from an unincorporated residential area, an owner of livestock, a  
604 eCounty citizen from an unincorporated agricultural area, and a eCounty citizen  
605 from any unincorporated area with an expressed interest in animal issues. All  
606 members shall be electors of Volusia County.  
607

608 (2) All members of the aAnimal eControl bBoard shall be appointed by and  
609 serve at the pleasure of the eCounty eCouncil. Any member of the Animal  
610 Control bBoard may be removed from office without cause by the eCounty  
611 eCouncil. The ~~chairman~~ person of the Animal Control bBoard shall be elected  
612 annually from among the appointed members of the Animal Control bBoard.  
613

614 (3) Terms of the aAnimal eControl bBoard shall be for two (2) years. ~~However,~~  
615 ~~the term of each member previously appointed to a two year pursuant to this~~  
616 ~~section shall continue automatically, but said term shall expire March 31, 2001.~~  
617 ~~Any member whose term expires before March 31, 2001, is hereby reappointed~~  
618 ~~to serve until March 31, 2001.~~ The eCounty eCouncil shall appoint each bBoard  
619 member, upon the nomination of a eCouncil-member. Each district eCouncil  
620 member ~~and the at large member~~ shall make one (1) nomination of an elector  
621 from within the eCounty. The eCounty eChair ~~and At-large-member~~ shall each  
622 make two (2) nominations of an elector from within the eCounty.  
623

624 (4) No elected official, member of two (2) or more other eCounty boards or  
625 commissions, or an employee of eCounty government shall be appointed to  
626 serve on the Animal Control bBoard. If any member fails to attend two (2)  
627 meetings in any calendar year, regardless of the reason, the member's seat  
628 shall be deemed vacant.  
629

630 (5) An Animal Control bBoard vacancy shall be filled upon nomination by the  
631 eCounty ecouncil-member who made the nomination to the vacated position or  
632 the successor to that eCouncil-member.  
633

634 (d) *Functions.* The functions of the aAnimal eControl bBoard shall be as follows:  
635

- 636 (1) Meet at least quarterly, but no more than six (6) times annually, unless  
637 otherwise needed.  
638  
639 (2) Recommend to the eCounty eCouncil rules and regulations pertaining to  
640 any of the following:  
641  
642 a. Operation of ~~the~~ any County animal control facilities.  
643  
644 b. Standards and procedures for the control, collection, care, custody,  
645 or disposal of animals not under restraint, and animals creating or causing  
646 a public nuisance.  
647  
648 c. Standards for the maintenance of regulated facilities.  
649  
650 ~~(3) Maintain a quorum of five members in attendance in order to conduct any~~  
651 ~~meeting of the animal control board~~

652  
653 (e) Quorum. Five (5) members in attendance at a duly noticed meeting shall  
654 constitute a quorum and be necessary to conduct any business of the Animal  
655 Control Board. The affirmative vote of a majority of the members present at a  
656 meeting of the Animal Control Board shall be necessary for any action taken  
657 by the Board.  
658

659 **SECTION VII:** Chapter 14, Article II, Section 14-37 of the Code of Ordinances,  
660 County of Volusia is hereby amended to read as follows:  
661

662 **Sec. 14-37. Interference with aAnimal eControl eOfficer or humane society**  
663 **personnel.**  
664

- 665 (a) No person shall interfere with, hinder, resist or obstruct ~~the~~ a Animal  
666 eControl eOfficer or humane society personnel in the lawful performance of  
667 their duties as set forth in this a Article or State law.  
668  
669 (b) It shall be unlawful for any person to willingly and knowingly provide false  
670 or misleading information to an Animal Control Officer or the Animal  
671 Services Division regarding animal ownership, licensing, rabies vaccination,  
672 medical treatment, condition, or other matters pertaining to the enforcement  
673 of State law or this Article.  
674  
675 ~~(b)~~ (c) No person shall, without proper authority, release, remove or attempt to  
676 release or remove any animal from the custody of ~~the~~ a Animal eControl  
677 eOfficer or humane society personnel.  
678  
679 ~~(e)~~ (d) No person shall tear down, burn, deface, destroy, or otherwise injure an  
680 impounding facility or enclosure.  
681

682 (de) Any person found in violation of this sSection is subject to the penalties  
683 prescribed in sSection 14-32.  
684

685 **SECTION VIII:** Chapter 14, Article II, Section 14-38 of the Code of Ordinances,  
686 County of Volusia is hereby renumbered as Section 14-40 and replaced with the a new  
687 Section 14-38 which reads as follows:  
688

689 **Sec. 14-38. – Mistreatment and abandonment of domestic animals.**  
690

691 (a) The following acts or omissions shall constitute mistreatment or  
692 abandonment of animals under this Article:  
693

694 (1) No person who has the care, custody, or control of a domestic animal  
695 shall fail to provide the domestic animal with adequate food, water, shelter,  
696 or veterinary care, or restrain the animal by any means other than those  
697 prescribed in this Article.  
698

699 (2) No domestic animal shall be kept in unsanitary conditions, or in areas  
700 where there is vermin-harboring debris, insect infestation, or other material  
701 which can provide an opportunity for injury or danger to the animal’s health  
702 or welfare.  
703

704 (3) No domestic animal in the care, custody, or control of a person shall  
705 be neglected, beaten, cruelly treated, tormented, overworked, overloaded,  
706 abused, mutilated, or inhumanely killed.  
707

708 (4) No person shall abuse, cause bloodletting, or death of a domestic  
709 animal, or procure an animal to abuse, cause bloodletting, or death.  
710

711 (5) No person other than a licensed veterinarian shall crop the ears or  
712 dock the tail of any dog.  
713

714 (i) It shall be a violation for a person to crop or cut off or cause to  
715 be cropped or cut off, the whole or part of the ear, ears, or tail of a  
716 dog, or procure an individual who is not a licensed veterinarian to  
717 crop, cut off or cause to be cropped or cut off, the whole or part of  
718 the ear, ears, or tail of a dog.  
719

720 (ii) The possession by any person of a dog with an ear or ears cut  
721 off or cropped, or tail docked where the wound resulting therefrom  
722 remains unhealed shall be prima facie evidence of a violation of this  
723 Section, unless the person has documented proof that the cropping  
724 or docking was performed by a licensed veterinarian.  
725

726 (b) No person shall abandon an animal in any public or private place.  
727



728 (1) If an Animal Control Officer has probable cause to suspect that an  
729 animal has been abandoned, but such animal does not appear to be in  
730 immediate distress or danger, the Animal Control Officer may leave notices  
731 posted in conspicuous places informing the owner or responsible person to  
732 contact said officer within twenty-four (24) hours and notifying them that  
733 failure to do so may result in the animal being removed from the premises  
734 by the Animal Services Division and that a citation may be issued to the  
735 owner or person responsible for abandoning the animal.

737 (2) An abandoned animal removed by an Animal Control Officer shall  
738 be deemed a stray animal and will become the property of the Animal  
739 Services Division if not claimed by the owner within three (3) business days  
740 of the animal being taken.

742 (c) *Penalty.* Any person found in violation of this Section is subject to the  
743 penalties prescribed in Section 14-32.

745 **SECTION IX:** Chapter 14, Article II, Section 14-39 of the Code of Ordinances,  
746 County of Volusia is hereby renumbered as Section 14-41 and replaced with the a new  
747 Section 14-39 which reads as follows:  
748

749 **Sec. 14-39. – Tethering.**

751 (a) No person shall tether an animal to a stationary or inanimate object as a  
752 means of confinement or restraint, unless such restraint is temporary and  
753 the person is within sight of the animal and the animal is at all times visible  
754 to such person.

756 (b) If a tether is used to temporarily restrain an animal, the tether shall be  
757 constructed of a material sufficient to restrain the animal, but may not place  
758 the animal in danger of injury or death. At no time shall the tether extend  
759 over an object or edge in such a manner that could result in strangulation,  
760 entanglement, or injury of or to the animal. Heavy chains, including, but not  
761 limited to, logging chains or vehicle tow chains, shall not be used to tether  
762 an animal. The addition of any weight to an animal's collar, harness, chain,  
763 or tether is prohibited.

765 (c) If a tether is used to temporarily restrain multiple dogs, each dog must be  
766 on a separate tether, be tethered with sufficient space between the dogs to  
767 avoid any entanglements, and not be secured to the same fixed object.

769 (d) Any temporary tether shall be of a length and weight to allow an animal to  
770 move at least ten (10) feet in all directions from the point of tethering.

772 (e) Any temporary tether shall be attached to a properly fitted buckle-style collar  
773 or buckle-style harness sufficient to restrain the animal. The temporary

774 tether must have an operative swivel attached to the collar or harness and  
775 shall not be attached to a stationary object at a height higher than the  
776 animal's neck when in a standing position. The temporary tether must  
777 swivel on both ends and be free of tangles. A leash or lead, in lieu of a  
778 properly fitted buckle-style collar or buckle-style harness, shall not be  
779 attached directly to the neck of the animal when tethered. Choke, chain,  
780 slip, or prong-type collars shall not be used on an animal when tethered.

781  
782 (f) Any tethered animals must be at least six (6) months of age and may not  
783 be sick, injured, in distress, or in the advanced stages of pregnancy.

784  
785 (g) No tether may extend any closer than six (6) feet from the perimeter fence  
786 or lot line. If the tether is connected to a pulley, the running line must be at  
787 least fifteen (15) feet in length and less than seven (7) feet above the  
788 ground. If multiple animals are temporarily tethered, the animals shall be  
789 tethered separately with no sharing of running lines, or near enough to each  
790 other that the animals may become tangled.

791  
792 (h) No animal shall be temporarily tethered so that the animal has access to  
793 public property, including easements and rights-of-way, or the property of  
794 another.

795  
796 (i) No animal shall be tethered in a manner that results in the animal being left  
797 in unsafe or unsanitary conditions or that forces the animal to sit, stand, or  
798 lie down in its own excrement or urine.

799  
800 (j) When a dog or cat is transported in the bed of a vehicle, the dog or cat shall  
801 be safely and properly transported in a box, kennel, crate, or similar  
802 enclosure specifically designed for transporting dogs or cats and the  
803 transportation enclosure must be secured to the vehicle bed so that it does  
804 not move during transport. Dogs and cats shall not be transported in the  
805 open bed of a vehicle unrestrained.

806  
807 (k) No animal shall be tethered during a natural disaster or weather related  
808 Governor Declared State of Emergency or Local State of Emergency  
809 regardless of whether a person is within sight of the animal or the animal is  
810 at all times visible to such person.

811  
812 (l) The provisions of this Section do not apply to a dog that is:

813  
814 (1) Tethered temporarily while it is receiving medical care or treatment  
815 under the supervision of a licensed veterinarian or is being groomed.

816  
817 (2) Participating temporarily in an exhibition, show, contest, or other  
818 event in which the skill, breeding, or stamina of the dog is judged or

819 examined. However, such dogs at all other times in all other respects  
820 shall be subject to this and other ordinances.

821  
822 (3) Being kept temporarily at a camping or recreation area.

823  
824 (4) Being trained or used by a Federal, State, or local law enforcement  
825 agency, or military or National Guard unit.

826  
827 (5) A hunting dog when engaged in any legal hunting activity or training  
828 procedure. However, such dogs at all other times in all other respects  
829 shall be subject to this and other ordinances.

830  
831 (m) *Penalty.* Any person found in violation of this Section is subject to the  
832 penalties prescribed in Section 14-32.

833  
834 **SECTION X:** Chapter 14, Article II, Section 14-38 of the Code of Ordinances,  
835 County of Volusia is hereby renumbered as Section 14-40 and amended to read as  
836 follows:

837  
838 **Sec. 14-3840. Impoundment of animals found or abandoned.**

839  
840 (a) ~~Animals subject to impoundment.~~

841  
842 ~~(1) Any unrestrained or unlicensed animal required to licensed may be~~  
843 ~~impounded by the animal control officer.~~

844  
845 ~~(2) Any animal creating a public nuisance as defined in this article may be~~  
846 ~~impounded by the animal control officer, except that hunting dogs shall be~~  
847 ~~exempt from the terms of subsections (1) and (6) of the definition of the term~~  
848 ~~“public nuisance animal” in section 14-31 when engaged in a hunt or not~~  
849 ~~under restraint as a result of a hunt during legally declared hunting seasons,~~  
850 ~~as designated from year to year by the state game and freshwater fish~~  
851 ~~commission.~~

852  
853 ~~(3) Any dog for which a final determination has been made that there is~~  
854 ~~sufficient cause to deem the dog as dangerous whose owner fails to comply~~  
855 ~~with the requirements of F.S. § 767.12, or its successor and subsections~~  
856 ~~14-40(g) and (h) of this article or its successor within the time period~~  
857 ~~provided therein. The dog shall remain impounded until the owner complies~~  
858 ~~with all of the provisions of subsections 14-40(g) and (h) of this article.~~  
859 ~~Should the owner continue to fail to comply with subsections 14-40(g) and~~  
860 ~~(h) of this article and the referenced statute for a period of 14 days from the~~  
861 ~~date of the impoundment, then the animal control division may seek~~  
862 ~~injunctive relief to enjoin the return of the dangerous dog to its owner and~~  
863 ~~such other relief as the court deems appropriate.~~ Authority. Animal Control  
864 Officers shall have the authority to impound any animal found or

865 abandoned. Any animal so impounded may be taken to a veterinarian  
866 without the owner's consent for examination and treatment, if necessary.  
867 The owner of said animal shall be liable for all costs incurred. Any animal  
868 impounded under the provision of this Section and not redeemed by its  
869 owner after three (3) business days shall become the property of the Animal  
870 Services Division.

871  
872  
873 (b) *Redemption of impounded animals.*  
874

875 (1) ~~Except for animals impounded pursuant to subsection (a)(3) of this~~  
876 ~~section, where an impounded animal bears an indicium of ownership, t~~The  
877 a~~Animal e~~Control o~~fficer shall notify the owner or keeper of said animal's~~  
878 ~~impoundment by direct conversation, telephone message, written notice~~  
879 ~~which is posted at the owner's last known address, or sent to the owner's~~  
880 ~~last known address by certified U.S. mail, return receipt requested. Said~~  
881 ~~animal shall only be required to be held for the owner for three (3)~~  
882 ~~workingbusiness days from the date of notification to the owner. At the~~  
883 ~~expiration of said three (3) business days, if no owner has appeared to claim~~  
884 ~~the impounded animal, said animal shall be deemed unowned and may be~~  
885 ~~disposed of as provided in sSubsection (c) of this sSection. An owner of an~~  
886 ~~animal impounded shall pay the impoundment fees before the animal will~~  
887 ~~be released to the owner.~~

888  
889 (2) ~~Animals impounded pursuant to subsection (a)(3) of this sSection~~  
890 ~~may only be redeemed upon full compliance with this article as~~  
891 ~~demonstrated satisfactorily to the appropriate animal control officer or~~  
892 ~~pursuant to a court's order and upon payment of all impoundment fees~~shall  
893 be spayed or neutered, unless the owner can demonstrate a valid  
894 exemption. No unclaimed animal shall be released for adoption without  
895 being sterilized prior to adoption.

896  
897 (3) ~~Working day shall mean a day in which the impounding facility is~~  
898 ~~open for normal operating activities.~~

899  
900 (4) ~~Any dog or cat impounded in accordance with this section shall be~~  
901 ~~spayed or neutered, or the owner shall obtain an unaltered animal permit~~  
902 ~~for that dog or cat within 30 days of being redeemed, unless the owner has~~  
903 ~~previously obtained an unaltered animal permit for that dog or cat in~~  
904 ~~accordance with section 14-58. Documentation evidencing completion of~~  
905 ~~the spay or neuter procedure shall be provided to the animal control division~~  
906 ~~within this 30 day period. Any application for an unaltered animal permit~~  
907 ~~filed to satisfy the terms of this section shall be filed with the animal control~~  
908 ~~division within 72 hours of the dog or cat being redeemed.~~

- 910 (c) *Disposition of impounded animals.* Any unclaimed animal shall become the  
 911 property of the ~~county~~Animal Services Division. ~~, and~~The Animal Services  
 912 Division shall determine the appropriate disposition of the animal, which  
 913 may include, but is not limited to, behumanely destroyed, transferred to a  
 914 humane society, or placed in the custody of some person deemed to be a  
 915 responsible and suitable owner who will agree to comply with all of the  
 916 provisions of this ~~a~~Article.
- 917
- 918 (d) *Fees.* Impounding agencies ~~shall~~may charge impoundment fees plus fees  
 919 for the animal's care, feeding, and maintenance. These fees shall be  
 920 established by ~~recommendation by the animal control board in cooperation~~  
 921 ~~with agreements between the Animal Services Division and the holding~~  
 922 ~~facilities, and subject to approval by resolution of the eCounty eCouncil.~~
- 923
- 924 (e) *Impounding facilities.* The eCounty may construct and operate impounding  
 925 or holding facilities or contract with organizations with such facilities to  
 926 provide adequate animal impounding for the ~~area~~county.
- 927

928 **SECTION XI:** Chapter 14, Article II, Section 14-39 of the Code of Ordinances,  
 929 County of Volusia is hereby renumbered as Section 14-41 and amended to read as  
 930 follows:

931 **Sec. 14-~~39~~41. Methods of enforcement; investigations.**

932 (a) *Procedures.*

933

934 (1) An ~~a~~Animal eControl eOfficer who has probable cause to believe that  
 935 a person has committed an act in violation of this ~~a~~Article or applicable State  
 936 law shall do one or more of the following:

937

938 a. Issue a ~~notice of violation~~citation to the person who is in  
 939 violation of this ~~a~~Article. Such ~~notice of violation~~citation ~~may be~~  
 940 ~~contested in the County Court for Volusia County.~~ shall state the date  
 941 and time of the issuance of the notice, the name and address of the  
 942 person in violation, the date of the offense, the offense committed, a  
 943 description of the animal involved, and a demand that the offense be  
 944 abated within 24 hours after the issuance of the notice. If the person  
 945 shall fail to abate the offense, then the animal control officer may  
 946 issue a citation to the person; and/or If a person fails to pay the civil  
 947 penalty or fails to appear in court to contest the citation, the court  
 948 may issue an order to show cause upon the request of the County  
 949 Manager or their designee. This order shall require such a person  
 950 to appear before the court to explain why action on the citation has  
 951 not been taken. If any person who is issued such an order fails to  
 952 appear in response to the court's directive, that person may be held  
 953 in contempt of court.

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b. ~~Impound the animal involved. Such animal may be redeemed as provided in subsection 14-38(b), unless said animal is impounded pursuant to subsection 14-38(a)(3); and/or~~ Persons in violation of Sections 14-39, 14-44, 14-45, 14-48, and 14-58 of this Article will receive a citation for the violation; however, a ten (10) day period will be provided to the owner to come into compliance. If said person comes into compliance within ten (10) days and pays any applicable administrative fee to the Animal Services Division, the citation shall be voided and shall not require a fine.

c. ~~Issue a citation to the person who is in violation of this article. Such a citation may be contested in the county court. If a person fails to pay the civil penalty or fails to appear in court to contest the citation, the court may issue an order to show cause upon the request of the county manager or his designee. This order shall require such a person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such an order fails to appear in response to the court's directive, that person may be held in contempt of court. Impound the animal involved. Such animal may be redeemed as provided in Subsection 14-40(b) of this Article.~~

(2) ~~Certain aggravated violations of this aArticle which result in the unprovoked biting, attacking, or wounding of a human beingperson or domestic animal; violations resulting in the destruction or loss of personal property; second or subsequent violations of section 14-59; or violations resulting in the issuance of a third or subsequent citation to a person wshall~~ require a mandatory court appearance.

(b) ~~Investigations. The aAnimal eControl eOfficer may request the owners of an animal to exhibit the animal, produce ownership records, produce records of current rabies vaccination, and, if applicable, the license of such animalcounty licensing, or produce proof of veterinary care.~~

(1) It shall be the duty of the Director of the aAnimal eControl officerDivision to keep the following records:

a. Accurate and detailed records of the licensing, impoundment, and disposition of all animals coming into his or her custody;

b. Accurate and detailed records of all reported dog bite cases and investigations in the unincorporated areas of the County;

c. Accurate and detailed records on all money collected and expended in the operation of the functions of his or her office; and

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d. Accurate records of all rabies certificates in the unincorporated areas of the County.

(2) All records required by this ~~s~~Section shall be subject to inspection by the ~~e~~County Manager or designee thereof.

**SECTION XII:** Chapter 14, Article II, Section 14-40 of the Code of Ordinances, County of Volusia is hereby renumbered as Section 14-42 and amended to read as follows:

**Sec. 14-402. Classification of dogs as dangerous; destruction.**

(a) *Authority.* The provisions of ~~F.S. §§Sections~~ 767.10—767.16, Florida Statutes, or their successor are hereby adopted and incorporated herein by reference. No provision of this ~~e~~Ordinance shall be construed to lessen any valid provisions of ~~F.S. §§Sections~~ 767.10—767.16, Florida Statutes, as such sections currently exist or may be amended from time to time.

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

(1) An animal that is the subject of a dangerous dog investigation because of severe injury to a human being may be immediately confiscated by the ~~a~~Animal ~~control~~Services ~~d~~Division, placed in quarantine, if necessary, for the ~~proper~~required length of time, or impounded and held. The dog may be held pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this ~~s~~Section. If the dog is to be destroyed, the dog may not be destroyed while an appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the ~~animal~~dog pending any hearing or appeal.

(2) An ~~animal~~dog that is the subject of a dangerous dog investigation, that is not impounded with the ~~a~~Animal ~~control~~Services ~~d~~Division, shall be humanely and safely confined by the owner in a ~~securely fenced or enclosed area~~ secure enclosure. The use of an electronic or invisible dog fence shall not constitute a "securely fenced or enclosed area" for the purposes of this ~~s~~Section. The ~~animal~~dog shall be confined in such manner

1048 pending the outcome of the investigation and the resolution of any hearings  
1049 or appeals related to the dangerous dog classification or any other penalties  
1050 imposed under this ~~s~~Section. The address at which the ~~animal~~dog resides  
1051 shall be provided to the ~~a~~Animal ~~control~~Services ~~d~~Division. A dog that is the  
1052 subject of a dangerous dog investigation may not be relocated or its  
1053 ownership transferred pending the outcome of the investigation and any  
1054 hearings or appeals related to the dangerous dog classification or any  
1055 penalty imposed under this ~~s~~Section. If a dog is to be destroyed, the dog  
1056 may not be relocated or its ownership transferred.  
1057

1058 (6) \_\_\_\_\_ Secure enclosure of a dangerous dog shall mean while on the  
1059 owner's or provider's property, a dangerous dog is securely confined  
1060 indoors or in a securely enclosed and locked pen or structure suitable to  
1061 prevent the entry of children and designed to prevent the dog from  
1062 escaping. Such pen or structure shall include a concrete base with a  
1063 minimum of eight (8) inches of block above concrete base with secure  
1064 fencing material that is tied into the base and secured behind the block and  
1065 the enclosure shall further include a full, secure top and locking access door  
1066 that must remain locked at all times while the dangerous dog is inside. The  
1067 pen or structure shall also provide adequate ventilation and protection from  
1068 the elements. The secure enclosure of a dangerous dog shall be located  
1069 inside a secondary perimeter fence which creates a complete boundary  
1070 around the area in which the secure enclosure is located. The owner shall  
1071 post the premises with clearly visible warning signs measuring at least 8  
1072 1/2" x 11" in size conspicuously placed at all entry points that informs the  
1073 public of the presence of a dangerous dog on the property.  
1074

1075 (c) *Defenses.* A dog may not be declared dangerous if:  
1076

1077 (1) The threat, injury, or damage was sustained by a ~~person~~human  
1078 being who, at the time, was unlawfully on the property or, who while lawfully  
1079 on the property, was tormenting, abusing, or assaulting the dog or its owner  
1080 or a family member.  
1081

1082 (2) The dog was protecting or defending a human being within the  
1083 immediate vicinity of the dog from an unjustified attack or assault.  
1084

1085 (d) *Notice.* Any written notification to an owner of a dog subject to a proceeding  
1086 under ~~F.S. §§~~Sections 767.12, 767.13, 767.135, or 767.136, Florida  
1087 Statutes, and this ~~a~~Article, shall be by ~~registered~~certified mail, with return  
1088 receipt requested, certified affidavit of hand delivery, or service in  
1089 conformance with the provisions of F.S. ~~ch.~~Chapter 48, Florida Statutes,  
1090 relating to service of process.  
1091

1092 (e) \_\_\_\_\_ ~~(e)~~ *Initial determination of sufficient cause.* After the investigation, the ~~a~~Animal  
1093 ~~control~~Services ~~d~~Division shall make an initial determination as to whether



1094 there is sufficient cause to classify the dog as dangerous and, if sufficient cause  
1095 is found, as to the appropriate penalty under sSubsection (gh). The Animal  
1096 Services Division shall provide written notification of the sufficient cause finding  
1097 and proposed penalty to the owner by certified registered mail with return  
1098 receipt requested, affidavit of hand delivery, or service in conformance with the  
1099 provisions of Chapter 48, Florida Statutes, relating to service of process.  
1100

1101 (e)(f) Hearing. ~~The aAnimal control~~Services dDivision shall afford the owner an  
1102 opportunity for a hearing prior to ~~the animal control authority's making a final~~  
1103 ~~determination regarding the classification or penalty. The animal control~~  
1104 ~~division shall provide written notification of the sufficient cause finding and~~  
1105 ~~proposed penalty to the owner by registered mail, certified hand delivery, or~~  
1106 ~~service in conformance with the provisions of Chapter 48, Florida Statutes,~~  
1107 ~~relating to service of process.~~ To request a hearing before a special magistrate  
1108 regarding the dangerous dog classification, penalty, or both, the owner shall  
1109 file a written request for the hearing with the aAnimal controlServices dDivision  
1110 within seven (7) calendar days after receipt of the notification of the sufficient  
1111 cause finding and proposed penalty. If the owner requests a hearing , the  
1112 hearing shall be held as soon as possible, but not later than twenty-one (21)  
1113 calendar days and not sooner than five (5) days after receipt of the request  
1114 from the owner. If a hearing is not timely requested regarding the dangerous  
1115 dog classification or proposed penalty, the determination of the aAnimal  
1116 controlServices dDivision as to such matter shall become final.  
1117

1118 (fg) *Final determination of sufficient cause.* Upon a dangerous dog classification  
1119 and penalty becoming final after a hearing or by operation of law pursuant to  
1120 sSubsection (ef), the ~~aAnimal control~~Services dDivision shall provide a written  
1121 final order to the owner by registered certified mail with return receipt  
1122 requested, certified affidavit of hand delivery, or in conformance with the  
1123 provisions of Chapter 48, Florida Statutes, related to service of process. The  
1124 owner may appeal the determination, penalty, or both to the eCircuit eCourt of  
1125 Volusia County, Florida in accordance with the Florida Rules of Appellate  
1126 Procedure and F.S. §Section 767.12(4), Florida Statutes, after receipt of the  
1127 final order. Failure to file the appeal timely waives the owner's right to do so. If  
1128 the dog is not held by the ~~aAnimal control~~Services dDivision, the owner must  
1129 confine the dog in a securely fenced or enclosed area enclosure as defined in  
1130 this Section pending resolution of the appeal. ~~The use of an electronic or~~  
1131 ~~invisible dog fence shall not constitute a "securely fenced or enclosed area" for~~  
1132 ~~the purposes of this section.~~ If the owner files a written appeal under this  
1133 Section, the dog must be held and may not be destroyed while the appeal is  
1134 pending. The owner shall be responsible for payment of all fees, boarding  
1135 costs, and other related expenses incurred by the eCounty during the period a  
1136 dog is quarantined or impounded under F.S. §Section 767.12, Florida Statutes.  
1137

1138 (gh) *Registration and restrictions.*  
1139

1140 (1) Except as otherwise provided in pParagraph (2) below, the owner of  
1141 a dog classified as a dangerous dog shall:

1142  
1143 a. Within fourteen (14) days after issuance of the final order  
1144 classifying the dog as dangerous or the conclusion of any appeal that  
1145 affirms such final order, obtain a certificate of registration for the dog  
1146 from the ~~aAnimal control~~Services ~~dDivision~~. ~~The owner shall be~~  
1147 ~~required to renew the certificate annually.~~The initial registration fee  
1148 for the dangerous dog shall be \$1,500.00. The owner shall be  
1149 required to renew the certificate at an annual cost of \$500.00. To  
1150 obtain a certificate of registration or a renewal thereof the owner shall  
1151 be at least eighteen (18) years of age and shall present to the  
1152 ~~aAnimal control~~Services ~~dDivision~~ sufficient evidence of:

1153  
1154 i. A current certificate of rabies vaccination for the dog.

1155  
1156 ii. A proper enclosure to confine a dangerous dog as  
1157 defined in section 14-~~3142~~(b)(3).

1158  
1159 iii. The posting of the premises with a clearly visible  
1160 warning sign measuring at least 8 1/2" x 11" in size  
1161 conspicuously placed at all entry points that informs ~~both~~  
1162 ~~children and adults~~the public of the presence of a dangerous  
1163 dog on the property.

1164  
1165 iv. Permanent identification of the dog, such as a tattoo on  
1166 the inside thigh or electronic implantation.

1167  
1168 v. A certificate from a veterinarian that the dog has been  
1169 spayed or neutered.

1170  
1171 vi. Proof of liability insurance for the premises where the  
1172 dangerous dog shall be securely enclosed that includes  
1173 coverage for dog bites or attacks.

1174  
1175 vii. If applicable, a notarized statement shall be submitted  
1176 to the Animal Services Division by the landlord of the dog  
1177 owner's premises where the dangerous dog shall be securely  
1178 enclosed, including, a statement confirming that the landlord  
1179 shall adhere to all posting regulations and insurance  
1180 requirements.

1181  
1182 b. Immediately notify the ~~aAnimal control~~Services ~~dDivision~~  
1183 when the dog:

1184  
1185 i. Is loose or unconfined.

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- ii. Has bitten a human being or attacked another animal.
- iii. Is sold, given away, or dies.
- iv. Is moved to another address.

Before a dangerous dog is sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the ~~a~~Animal Control Services ~~d~~Division. The new owner must comply with all of the requirements of this ~~a~~Article and ~~F.S.~~Sections 767.10—767.16, Florida Statutes. If the dangerous dog is moved from this jurisdiction to another within the ~~s~~State, the owner shall advise the new owner that he or she is required to notify the animal control authority in the new jurisdiction and shall be notified~~advise the Animal Services Division that the dog has been relocated~~. The owner of a dog classified as dangerous who ~~comes~~interestablishes a residence in Volusia County and brings the dangerous dog into Volusia County shall immediately notify the ~~a~~Animal Control Services ~~d~~Division that the dog is in Volusia County and comply with this Article and applicable State laws related to dangerous dogs.

c. Not permit the dangerous dog to be outside ~~a properly secure enclosure unless the dangerous dog is muzzled and restrained by a substantial chain or leash~~proper restraint with a minimum tensile strength of three-hundred (300) pounds and not exceeding three (3) feet in length attached to an approved harness, and under control of a competent person over the age of eighteen (18) years. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, ~~but will prevent the dog from biting a person or animal~~. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without muzzle or leash, if the dangerous dog remains within his or her sight and only members of the immediate household or persons eighteen (18) years of age or older are allowed in the enclosure~~securely fenced or enclosed area~~ when the dog is present. The use of an electronic or invisible dog fence shall not constitute a "securely fenced or enclosed area" for the purposes of this ~~s~~Section. When being transported, such dogs must be safely and securely restrained within ~~a vehicle~~ a secure, marked carrier identifying the dog as dangerous.

(2) If a dog is classified as a dangerous dog due to an incident that causes severe injury to a human being, based upon the nature and circumstances of the injury and the likelihood of a future threat to the public

1232 safety, health, and welfare, the dog may be destroyed in an expeditious and  
1233 humane manner.

1234  
1235 (hi) *Attack or bite by dangerous dog; confiscation; destruction.* If a dog that has  
1236 previously been declared dangerous attacks or bites a human being or a  
1237 domestic animal without provocation, the dangerous dog shall be  
1238 immediately confiscated by the ~~a~~Animal Control Services ~~d~~Division, placed  
1239 in quarantine, if necessary, for the proper length of time, or impounded and  
1240 held for ten (10) business days after the owner is given written notification  
1241 of confiscation under ~~F.S. §~~Section 767.12, Florida Statutes, and thereafter  
1242 destroyed in an expeditious and humane manner. This ten (10)-day time  
1243 period shall allow the owner time to request a hearing under ~~s~~Subsection  
1244 (ef) above. If the owner files a written appeal under Subsection (f) above or  
1245 this Section, the dog must be held and may not be destroyed while the  
1246 appeal is pending. The owner shall be responsible for payment of all  
1247 boarding costs and other fees as may be required to humanely and safely  
1248 keep the ~~animal~~dog during any appeal procedure.

1249  
1250 (ij) *Attack or bite by unclassified dog that causes death; confiscation;*  
1251 *destruction.* If a dog that has not been previously declared dangerous  
1252 attacks and causes the death of a human being, the dog shall be  
1253 immediately confiscated by the ~~a~~Animal Control Services ~~d~~Division, placed  
1254 in quarantine, if necessary, for the proper length of time or held for ten (10)  
1255 business days after the owner is given written notification under ~~F.S.~~  
1256 ~~§§~~Section 767.12, Florida Statutes, and thereafter destroyed in an  
1257 expeditious and humane manner. This ten (10) business- day time period  
1258 shall allow the owner to request a hearing under ~~s~~Subsection (ef) above. If  
1259 the owner files a written appeal under ~~s~~Subsection (f) above or this  
1260 ~~s~~Section, the dog must be held and may not be destroyed while the appeal  
1261 is pending. The owner is responsible for payment of all boarding costs and  
1262 other fees as may be required to humanely and safely keep the ~~animal~~dog  
1263 during any appeal procedure.

1264  
1265 (jk) *Exceptions; hunting dogs; sports/show dogs; law enforcement; service dog.*  
1266  
1267 (1) Hunting dogs are exempt from the provisions of this ~~a~~Article when  
1268 engaged in any legal hunt or training procedure. Dogs engaged in training  
1269 or exhibiting in legal sports such as obedience trials, conformation shows,  
1270 field trials, hunting/retrieving trials, and herding trials are exempt from the  
1271 provisions of this ~~a~~Article when engaged in any legal procedures. However,  
1272 such dogs at all other times in all other respects shall be subject to this and  
1273 other ordinances. Dogs that have been classified as dangerous ~~may~~  
1274 ~~not~~shall be expressly forbidden from being used-utilized for ~~hunting~~these  
1275 exempt purposes.

1276  
1277

1278 (2) Any dog that is owned, or the service of which is employed, by a law  
1279 enforcement agency is exempt from this aArticle.

1280  
1281 (3) Any dog used as a service dog for blind, hearing impaired, or  
1282 disabled persons that bites another animal or a human is exempt from any  
1283 quarantine requirement following such bite if the dog has a current rabies  
1284 vaccination that was administered by a licensed veterinarian.

1285  
1286 (4) Any dog declared dangerous shall not be eligible for use as a guard  
1287 dog.

1288  
1289 **SECTION XIII:** Chapter 14, Article II, Section 14-41 of the Code of Ordinances,  
1290 County of Volusia is hereby renumbered as Section 14-43 and amended to read as  
1291 follows:

1292  
1293 **Sec. 14-413. Duty of animal owners to be responsible owners.**

- 1294  
1295 (a) It shall be the duty of every owner of any animal, or anyone having any  
1296 animal in his or her possession or custody, to exercise reasonable care and  
1297 to take all necessary steps and precautions to protect other people,  
1298 property, and animals from injuries or damage which might result from his  
1299 or her animal's behavior, regardless of whether such behavior is motivated  
1300 by mischievousness, playfulness, or ferocity.
- 1301  
1302 (b) In the event that the owner or keeper of any animal is a minor, the parent  
1303 or guardian of such minor shall be responsible to ensure that all provisions  
1304 of this aArticle are complied with.
- 1305  
1306 (c) Penalty. Any person found in violation of this sSection is subject to the  
1307 penalties prescribed in sSection 14-32.

1308  
1309 **SECTION XIV:** Chapter 14, Article II, Section 14-42 of the Code of Ordinances,  
1310 County of Volusia is hereby renumbered as Section 14-44 and amended to read as  
1311 follows:

1312  
1313 **Sec. 14-424. Vaccination of ferrets, dogs, and cats, and ferrets.**

- 1314  
1315 (a) Required. Every owner of any adult ferret, All dogs, or cats, and ferrets  
1316 within the county shall have such ferret, cat or dog be vaccinated against  
1317 rabies in compliance with F.S. §Section 828.30, Florida Statutes, as  
1318 amended, by a licensed veterinarian of his choice with a vaccine that is  
1319 licensed for use in such species and in the following manner. Evidence of  
1320 such vaccination shall consist of a current certificate issued and signed by  
1321 the veterinarian administering the vaccine, or other reasonable proof.  
1322 However, except as it may be otherwise required by F.S. § 828.30, as  
1323 amended, no ferret, dog or cat need be vaccinated where:

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- ~~(1) A licensed veterinarian has examined the animal and certified that, at such time, vaccination would endanger its health because of its age, infirmity, debility, illness or other medical consideration; and~~
- ~~(2) Such exception certificate is presented to the animal control officer within five days of such examination. However, the animal shall be vaccinated against rabies as soon as its health and age permit. Unvaccinated animals must be confined to owner's property or a veterinary facility.~~

~~The cost of the rabies vaccination shall be borne by the owner of the animal.~~

(1) The animal shall be vaccinated for the first time at four (4) months of age;

(2) The animal shall be revaccinated at least once every twelve (12) months after the initial vaccination, except as provided otherwise in Subsection (3);

(3) For any subsequent vaccinations, the interval between vaccinations may conform to the vaccine manufacturer's directions for the specific species of animal; and

(4) Evidence of circulating rabies virus neutralizing antibodies shall not be used as a substitute for annual vaccinations in managing rabies exposure or determining the need for booster vaccinations.

- ~~(b) Certificate of vaccination. Upon vaccination, the~~A licensed veterinarian administering the vaccine shall provide the owner of the animal with a rabies vaccination certificate at the time of vaccination. The licensed veterinarian shall provide~~execute, deliver to the a~~Animal Control Services officer~~Division and furnish to the owner of the animal, as evidence thereof, a copy of the rabies vaccination certificate in the form required by F.S. § 828.30, as amended within thirty (30) days of the vaccination or immediately upon demand for the purpose of investigation, public safety, or other reason of enforcement.~~

(1) Each veterinarian shall use the form, "Rabies Vaccination Certificate" of the National Association of State Public Health Veterinarians (NASPHV) or an equivalent form approved by the Animal Services Division.

(2) Failure to provide the rabies vaccination certificate as required by this Section shall be deemed a separate and distinct violation by the veterinarian for each certificate not issued or provided to the Animal Services Division.

1370 (3) The County shall not use rabies vaccination certificate information  
1371 submitted to the Animal Services Division by veterinarians for any purpose  
1372 other than enforcement of the licensing and rabies ordinances and  
1373 programs.

1374  
1375 (c) Citation for violation. Any person owning, keeping, possessing, or  
1376 harboring any dog, cat, or ferret without proof of a current vaccination shall  
1377 be in violation of this Section. Any such person who is not a licensed  
1378 veterinarian claiming to have performed or administered a vaccination for  
1379 rabies shall be deemed in violation of this Section. The cost of the rabies  
1380 vaccination shall be borne by such person.

1381  
1382 (d) Exception. Except as it may be otherwise required by Section 828.30,  
1383 Florida Statutes, as amended, no dog, cat, or ferret need be vaccinated  
1384 where:

1385  
1386 (1) A licensed veterinarian has examined the animal and certified that,  
1387 at such time, vaccination would endanger the animal's health because of  
1388 its age, infirmity, debility, illness, or other medical condition; and

1389  
1390 (2) Such exception certificate is presented to the Animal Services  
1391 Division within five (5) days of such examination. However, the animal  
1392 shall be vaccinated against rabies as soon as its health and age permit.

1393  
1394 (3) Unvaccinated animals shall be confined to the owner's property or a  
1395 veterinary facility.

1396  
1397 (e) Penalty. Any person found in violation of this Section is subject to the  
1398 penalties prescribed in Section 14-32.

1399  
1400 **SECTION XV:** Chapter 14, Article II, Section 14-43 of the Code of Ordinances,  
1401 County of Volusia is hereby renumbered as Section 14-45 and amended to read as  
1402 follows:

1403

1404 **Sec. 14-435. Licensing of dogs, and cats and ferrets.**

1405

1406 (a) Required; payment of license fee. Except as specifically exempted in this  
1407 Section, every ferret, dog, and cat, and ferret that is four (4) months of age  
1408 or older, kept by an owner in any municipality over which Volusia County  
1409 has animal control jurisdiction or in the unincorporated area of Volusia  
1410 County shall be licensed annually. All owners shall be issued a county  
1411 license certificate and tag for their animal by the Animal Control Services  
1412 Division upon presentation of reasonable proof of current rabies  
1413 inoculation or an exception certificate from a licensed veterinarian, or by a  
1414 licensed veterinarian at the time of inoculating or issuing an exception  
1415 certificate for an animal. The owner shall pay to the Animal Control

1416 ~~s~~Services ~~d~~Division, or a person or entity designated by the ~~e~~County to  
1417 receive such funds, a license fee in an amount ~~recommended by the animal~~  
1418 ~~control board and established by resolution of the eCounty eCouncil, which~~  
1419 the Animal Services dDivision or ~~e~~County designee shall collect  
1420 immediately and issue a receipt. License fees shall not be required for  
1421 seeing eye dogs dogs identified as part of a hobby breeder program which  
1422 is in compliance with all hobby breeder licensing requirements or working  
1423 dogs actively being utilized by a governmental agency~~police dogs.~~  
1424

1425 (b) *Duration; renewal.* Any license issued pursuant to this ~~s~~Section shall expire,  
1426 and become null and void, one (1) year after the date of issuance. The  
1427 license shall be renewed annually by the ~~person~~owner of the ~~ferret, dog,~~  
1428 ~~or cat, or ferret~~ or annually exempted therefrom by other sections of this  
1429 Aarticle.  
1430

1431 (c) *Issuance of tag.* The ~~e~~County license tag issued by the ~~a~~Animal  
1432 ~~control~~Services dDivision or a veterinarian shall be serially numbered, bear  
1433 the year of issuance, and be attached to the collar or harness of the animal.  
1434

1435 (d) *Use of fees collected.* The license fees collected from the owners of  
1436 ~~sterilized and unsterilized animals~~ may be used on a first come, first  
1437 serve ~~an~~ as available basis, by the ~~a~~Animal controlServices dDivision or  
1438 ~~e~~County designee for purposes of the ~~e~~County's mobile spay/neuter clinic  
1439 program.  
1440

1441 (e) *Duplicate tag.* In the event of loss or destruction of an original tag, the owner  
1442 of the animal may obtain a duplicate tag from the Animal Control Division  
1443 upon payment of the fee for a duplicate tag.  
1444

1445 (f) *Issued licenses.* A license tag issued to an animal shall not be valid for or  
1446 transferable to any other animal. Any person that owns, keeps, harbors,  
1447 provides for, or possesses an animal wearing the license tag of another  
1448 animal shall be in violation of this Section, even if the animal has a valid  
1449 license of its own.  
1450

1451 (g) *Animals exempt from wearing license tag.* ~~Racing — greyhounds; hunting~~  
1452 Working dogs, while engaged in a hunt or working; show dogs, while  
1453 engaged in showing; or dogs engaged in obedience or K-9 training, while  
1454 under the command or presence of the owner, trainer, or other responsible  
1455 custodian directly related to the ~~racing~~working, hunting, showing, or training  
1456 activities, respectively, are exempt from wearing the license tag, if  
1457 ~~tattooed~~microchipped. ~~A dog having an identifying tattoo registered with~~  
1458 ~~the animal control officer is also exempt from the requirement of wearing a~~  
1459 ~~license tag.~~ The licensing provisions of this Article shall not apply to animals  
1460 remaining in the County for a period of less than thirty (30) days, provided,  
1461 however, that nothing in this Section shall prohibit an Animal Control Officer



1462 or other law enforcement officer from demanding proof of rabies vaccination  
1463 from another state or county, and failure to provide said proof upon demand  
1464 shall require said animal to be vaccinated under the provisions of this Article  
1465 within ten (10) days of being issued a citation.

1466  
1467 (h) *Feral cat colony; exemption.* Volunteers who assist with a feral cat colony  
1468 shall be exempt from licensing requirements if the following conditions are  
1469 strictly adhered to by the volunteer:

1470  
1471 (1) Regularly and frequently trap feral cats over the age of twelve (12)  
1472 weeks for purposes of sterilization.

1473  
1474 (2) Identify all feral cats by having their ears tipped and regularly and  
1475 frequently trapping any un-tipped feral cats for the purposes of compliance  
1476 with this Article, including sterilization, vaccination, and ear-tipping.

1477  
1478 (3) All feral cats with illnesses or injuries that cannot be provided with  
1479 treatment shall be humanely euthanized to prevent pain and suffering.

1480  
1481 (4) Never taking a feral cat into the volunteer's home, any other home,  
1482 or otherwise possess a feral cat except for the purposes specifically  
1483 enumerated herein.

1484  
1485 (5) Never purposefully release a domestic cat into the wild with the  
1486 hopes that the cat will join or become a part of an existing cat colony.

1487  
1488 ~~(3)~~(6) Never feeding or fostering cats such that the volunteer creates  
1489 a colony of outdoor, domestic cats.

1490  
1491 ~~(f) Duplicate tag. In the event of loss or destruction of the original tag, the~~  
1492 ~~owner of the domesticated animal may obtain a duplicate tag from the~~  
1493 ~~animal control officer at the established fee for same.~~

1494  
1495 ~~(g) Animals exempt from licensing. The licensing provisions of this article shall~~  
1496 ~~not apply to greyhounds kept, maintained or brought into the county for the~~  
1497 ~~purpose of racing at licensed greyhound tracks; to animals used as part of~~  
1498 ~~entertainment acts when properly controlled; to animals remaining in the~~  
1499 ~~county for a period of less than 30 days; or to purebreds kept, maintained~~  
1500 ~~or brought into the county for the purposes of training or competition;~~  
1501 ~~provided, however, that nothing in this section shall prohibit the demand for~~  
1502 ~~proof of vaccination done in another state or county; and failure to provide~~  
1503 ~~said proof upon demand shall require said animal to be vaccinated under~~  
1504 ~~the provisions of this article.~~

1505  
1506 ~~(h) Conflict. An ordinance of any municipality covering the same subject matter~~  
1507 ~~as this section shall be considered in conflict herewith.~~

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- (i) *Penalty.* Any person who violates a provision of this sSection is subject to the penalties prescribed in sSection 14-32. If a person violates the regulations related to feral cat colonies, he or she may be permanently banned from being recognized as a volunteer for feral cats or feral cat colonies.
- ~~(j) Enforcement procedures. Subject to approval of the county council, the animal control division or county designee shall establish procedures for the enforcement of this section.~~
- ~~(k) Intent. The county shall not use the rabies vaccination certificate information submitted to the animal control division by licensed veterinarians for any purpose other than enforcement of the licensing and rabies programs.~~

**SECTION XVI:** Chapter 14, Article II, Section 14-44 of the Code of Ordinances, County of Volusia is hereby renumbered as Section 14-46 and amended to read as follows:

**Sec. 14-446. Rabies control.**

- (a) *Report of animals infected with or showing symptoms of rabies.* It shall be the duty of the owner or of any person knowing of an animal infected with or showing suspicious symptoms of rabies or any unusual behavior to report the same within twelve (12) hours to the eCounty hHealth eOfficer or thean animal eControl eOfficer.
- (b) *Duties of ~~county health~~reporting officer.*
  - (1) The eCounty hHealth eOfficer or animal eControl eOfficer shall enforce the applicable sState statutes and the applicable rules of the stateFlorida department of hHealth and rehabilitative services regarding rabies control.
  - (2) Whenever the eCounty hHealth eOfficer or animal eControl eOfficer is informed that an animal has bitten or scratched a person or is suspected of having or showing suspicious symptoms of rabies or other infectious or contagious disease, the eCounty hHealth eOfficer or animal eControl eOfficer may capture such animal, alive, if possible, and quarantine it under observation for a period of at least ten (10) days from the date of bite or scratch.
  - (3) The quarantine shall be in the holding facility designated by the eCounty or, at the owner's request and with approval of the eCounty hHealth eOfficer or animal eControl eOfficer, in a licensed veterinary hospital. Quarantined animals shall be released only upon approval of the eCounty

1554            ~~h~~Health ~~e~~Officer or ~~a~~Animal ~~e~~Control ~~e~~Officer. The owner shall bear the cost  
1555 of the care, feeding, and maintenance of a quarantined animal.  
1556

1557            (4) If a quarantined animal dies, the ~~e~~County ~~h~~Health ~~e~~Officer, ~~the~~  
1558 ~~a~~Animal ~~e~~Control ~~e~~Officer, the bite victim, and the owner of the animal shall  
1559 be notified by the operators of the quarantine facility; ~~and t~~The head of the  
1560 animal shall be removed and forwarded to one of the ~~s~~State board of health  
1561 laboratories for pathological examination.  
1562

1563            (5) In the event rabies exists in any given area of the County to the extent  
1564 that circumstances indicate necessity of quarantine and if such quarantine  
1565 is ordered by the ~~e~~County ~~h~~Health ~~e~~Officer or ~~a~~Animal ~~e~~Control  
1566 ~~officer~~Services Division, the following requirements shall be enforced by the  
1567 ~~e~~County ~~h~~Health ~~e~~Officer or ~~a~~Animal ~~e~~Control ~~officer~~Services Division in the  
1568 area of quarantine:  
1569

1570            a. All animals, vaccinated as well as unvaccinated, must be  
1571 confined to their owners' premises and will be permitted to be away  
1572 from the premises only when under proper restraint ~~as required in~~  
1573 ~~section 14-32~~. Confinement to an owners' premises may be by  
1574 means of secure fencing, cage or appropriate enclosure, or chain  
1575 attached to a stake or animal run ~~keeping the animal indoors~~.  
1576

1577            b. All animals found not under proper restraint are to be  
1578 impounded. Animals may be released to their owners or agents upon  
1579 payment of impounding fees. No animals will be released from the  
1580 holding facility except to owners or agents. Unvaccinated animals  
1581 which have been impounded will not be released to the owners ~~or~~  
1582 ~~agents~~ until said animals have been vaccinated or until  
1583 arrangements have been made with the ~~a~~Animal ~~e~~Control ~~officer~~Services  
1584 Division to vaccinate the animals.  
1585

1586            c. Animals will not be adopted by any facilities during a  
1587 quarantine period.  
1588

1589            (6) The owner of any ~~ferret, dog, or cat, or ferret~~ vaccinated with an  
1590 approved anti-rabies vaccine as set forth in ~~F.S. §~~Section 828.30, Florida  
1591 Statutes, as amended, except such ~~ferret, dog, or cat, or ferret~~ exempted  
1592 from the vaccination in ~~s~~Subsection 14-4424(ac)(4) after receiving approval  
1593 of the ~~e~~County ~~h~~Health ~~e~~Officer or ~~a~~Animal ~~e~~Control ~~officer~~Services Division,  
1594 may have such ~~ferret, dog, or cat, or ferret~~ quarantined and confined in a  
1595 place other than the places specified in ~~s~~Subsection (b)(3) of this ~~s~~Section.  
1596 However, if at any time during the quarantine it is determined by the  
1597 ~~e~~County ~~h~~Health ~~e~~Officer or ~~a~~Animal ~~e~~Control ~~officer~~Services Division that  
1598 the quarantine is not properly maintained in order to ensure isolation of the

1599 animal, this exemption shall be void, and the animal shall be impounded at  
1600 the owner's expense.

1601  
1602 (7) Quarantined animals may, with the ~~e~~County ~~H~~Health ~~e~~Officer's or  
1603 ~~a~~Animal ~~control officer~~Services Division's permission, be quarantined at or  
1604 on the owner's property.

1605  
1606 (8) Any animal subject to quarantine shall not be vaccinated before the  
1607 quarantine period has expired.

1608  
1609 (c) *Penalty.* Any person found in violation of this ~~s~~Section is subject to the  
1610 penalties prescribed in ~~s~~Section 14-32.

1611  
1612 **SECTION XVII:** Chapter 14, Article II, Section 14-45 of the Code of Ordinances,  
1613 County of Volusia is hereby renumbered as Section 14-47 and amended to read as  
1614 follows:

1615  
1616 **Sec. 14-457. Restraint of animals while on property of owner.**

1617  
1618 (a) *Required.* It shall be the duty of every owner of any animal, or anyone  
1619 having any animal in his or her possession or custody, to ensure that:

1620  
1621 (1) The animal is kept under restraint at all times;

1622  
1623 (2) Reasonable care and precautions are taken to prevent the animal  
1624 from ~~leaving, while unattended, roaming unrestrained outside~~ the real  
1625 property limits of its owner, possessor, or custodian; and

1626  
1627 (3) The animal is properly restrained by:

1628  
1629 a. Securely and humanely confined within a house, building,  
1630 fence, crate, pen, or other enclosure; or

1631  
1632 b. ~~Humanely secured by chain, cable and trolley, rope or tether~~  
1633 ~~of sufficient strength to prevent escape. If the animal is secured for~~  
1634 ~~more than three consecutive hours a day, the restraint device must~~  
1635 ~~be at least three times the length of the animal and free from~~  
1636 ~~stationary objects and other entanglements at all times; or~~

1637  
1638 c. ~~Leashed or otherwise controlled by a responsible person or is~~  
1639 ~~obedient to the commands of a person present with the animal at any~~  
1640 ~~time ~~if the animal is not secured and humanely confined as provided~~~~  
1641 ~~for in subsections (a)(3)a. or b., of this section within a house,~~  
1642 ~~building, fence, crate, pen, or other enclosure. ~~The~~Any voice~~  
1643 ~~command ~~must~~shall be affirmatively demonstrated as an effective~~  
1644 ~~restraint ~~if upon~~ requested.~~

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(b) ~~Dangerous animals. In addition to the requirements in subsection (a) of this section, an owner who maintains any dangerous dog as defined in F.S. § 767.11(1), or its successor, out of doors must fence a portion of his or her property with a perimeter or area fence. Within this perimeter fence, the dangerous dog must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides and the sides must be either buried two feet into the ground, sunk into a concrete pad, or securely attached to a wire bottom. The gate to the kennel must be locked.~~

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

**SECTION XVIII:** Chapter 14, Article II, Section 14-46 of the Code of Ordinances, County of Volusia is hereby renumbered as Section 14-48 and amended to read as follows:

**Sec. 14-468. Restraint of animals while off property of owner.**

(a) *Required.* It shall be the duty of the owner of any animal or anyone having an animal in his or her possession to keep the animal under restraint and control at all times while the animal is off the ~~real~~ property limits of ~~theits~~ owner, possessor, or custodian. For the purpose of this sSection, an animal is deemed under control when it is:

- (1) Securely confined within a vehicle, parked or in motion; or
- (2) Caged ~~or tethered~~ in the ~~open~~ bed of a pickup truck; or
- (3) Securely and humanely confined within a house, building, fence, crate, pen, or other enclosure with the property owner's consent; or
- (4) ~~Humanely secured by a chain, cable and trolley, rope or tether of sufficient strength to prevent escape with the permission of the owner of the property where the restraint is being used; or~~
- ~~(5) —Leashed or otherwise controlled by a responsible person or is obedient to the commands of a person present with the animal at any time~~ the animal is not secured as provided for in sSubsections (a)(1), (2), or (3) ~~or (4), of this sSection. The~~ Any voice command ~~must shall~~ be affirmatively demonstrated as an effective restraint ifupon requested.

(b) *Public parks (excluding the Atlantic Ocean beach).* It shall be the duty of the owner of any animal or anyone having an animal in his or her possession

1691 to keep the animal leashed, under secure restraint within a vehicle parked  
1692 or in motion, or caged ~~or tethered~~ in the ~~open~~-bed of a pickup truck, at all  
1693 times when visiting any public park, except in an area of a public park  
1694 designated as a "leash free dog park".

1695  
1696 (c) *Penalty.* Any person found in violation of this ~~s~~Section is subject to the  
1697 penalties prescribed in ~~s~~Section 14-32.  
1698

1699 **SECTION XIX:** Chapter 14, Article II, Section 14-47 of the Code of Ordinances,  
1700 County of Volusia is hereby deleted in its entirety.  
1701

1702 ~~Sec. 14-47. Warning signs of premises where guard dogs or dangerous dogs are kept~~  
1703

1704 ~~(a) All owners, keepers or harborers of any guard dog or dangerous dog shall~~  
1705 ~~display in a prominent place on their premises, and at each entrance or exit~~  
1706 ~~to the area where such dog is confined, a sign easily readable by the public~~  
1707 ~~using the words "BAD DOG".~~  
1708

1709 ~~(b) Any person found in violation of this section is subject to the penalties~~  
1710 ~~prescribed in section 14-32.~~  
1711

1712 **SECTION XX:** Chapter 14, Article II, Section 14-48 of the Code of Ordinances,  
1713 County of Volusia is hereby renumbered as Section 14-49 and amended to read as  
1714 follows:  
1715

1716 **Sec. 14-489. Nuisance animals.**  
1717

1718 ~~Any owner whose animal is determined to be a public nuisance is subject to the penalties~~  
1719 ~~prescribed in section 14-32.~~

1720 (a) Required. It shall be the duty of every owner of an animal, or anyone having  
1721 an animal in his or her possession or custody, to ensure that the animal is  
1722 not a nuisance to the public.  
1723

1724 (b) For the purpose of this Section, an animal is deemed in violation and a  
1725 nuisance when:  
1726

1727 (1) Any animal that makes unreasonable disturbing noises that are  
1728 persistent and consistent, including, but not limited to, barking, howling,  
1729 whining, screeching, or other utterances causing annoyance, discomfort, or  
1730 disturbance of the peace or sleep of a reasonable person. For the purposes  
1731 of this Subsection, persistently or continuously shall mean nonstop  
1732 utterances for twenty (20) consecutive minutes with individual interruptions  
1733 of less than twenty (20) seconds at any time during the twenty (20) minute  
1734 utterances. This Subsection shall not apply to animals maintained on land  
1735 zoned for agricultural purposes, nor shall it apply to a properly permitted  
1736 animal shelter established for the care and/or placement of unwanted or

1737 stray animals, nor a properly zoned commercial boarding kennel or other  
1738 animal facility.

1739  
1740 (2) Any animal that damages the property of anyone other than its  
1741 owner.

1742  
1743 (3) Any animal that roams on school grounds or in the area of school  
1744 transportation vehicles.

1745  
1746 (4) Any animal that causes unsanitary conditions in enclosures or  
1747 surrounds where the animal is kept or confined.

1748  
1749 (5) Any person that keeps animals that are dangerous to public health,  
1750 safety, or welfare by virtue of the number or types of animals maintained.

1751  
1752 (6) Any animal that disturbs or turns over any garbage containers other  
1753 than its owner.

1754  
1755 (7) Any person owning or in possession of an animal that fails to remove  
1756 any excreta deposited by the animal on public walks, recreation areas,  
1757 private property other than its owner's, or any other place where such  
1758 excreta deposits may create a nuisance injurious to public health.

1759  
1760 (c) No person shall offer a bounty for the collection or elimination of an animal  
1761 determined to be a nuisance under the provisions of this Article.

1762  
1763 (d) *Penalty.* Any person whose animal is determined to be a public nuisance  
1764 shall be subject to the penalties prescribed in Section 14-32.

1765  
1766 **SECTION XXI:** Chapter 14, Article II, Section 14-49 of the Code of Ordinances,  
1767 County of Volusia is hereby renumbered as Section 14-50 and amended to read as  
1768 follows:

1769  
1770 **Sec. 14-4950. Dogs and cats transported into county for sale or gift; ~~sale of animals~~**  
1771 **~~at outdoor markets.~~**

1772  
1773 (a) Each dog or cat transported into or within the eCounty for sale and each  
1774 dog or cat offered in the eCounty for sale or gift shall be subject to the  
1775 provisions of F.S. §Section 828.29, Florida Statutes, or its successors as  
1776 amended, which is hereby adopted and incorporated herein by reference.

1777  
1778 (b) County-operated or city/municipality-operated animal control agencies and  
1779 registered, nonprofit humane organizations shall be exempt from the  
1780 provisions of this sSection.

1781

1782 (c) ~~The sale, transfer or display of all live animals at flea markets or related~~  
1783 ~~outdoor markets shall be subject to the following restrictions and/or~~  
1784 ~~limitations:~~

1785  
1786 ~~(1) A permit will be obtained by the vendor from the animal control board~~  
1787 ~~through the animal control authority, upon presentation of a valid county~~  
1788 ~~occupational license, prior to any sale, transfer or display.~~

1789  
1790 ~~(2) All animals must be displayed in crates which meet current minimum~~  
1791 ~~United States Department of Agriculture requirements regarding crating of~~  
1792 ~~live animals. There shall be no more than two animals per crate.~~

1793  
1794 ~~(3) Crates will allow for a free flow of air. The crates shall be displayed~~  
1795 ~~in such a manner that access to the animals is controlled by the vendor.~~

1796  
1797 ~~(4) A source of heat and mechanical ventilation shall be available at the~~  
1798 ~~side for use as necessary.~~

1799  
1800 ~~(5) All animals must be kept in a clean and sanitary environment.~~

1801  
1802 ~~(6) All animals must be located under a permanent roofed structure and~~  
1803 ~~be in a shaded area.~~

1804  
1805 ~~(7) All animals shall be provided with adequate water and food which is~~  
1806 ~~available to them at all times.~~

1807  
1808 ~~(8) The owner or manager of the flea market or related outdoor market~~  
1809 ~~shall inspect the site of all animal vendors on a daily basis and shall report~~  
1810 ~~any violations that he or she is aware of to the appropriate agencies.~~

1811  
1812 ~~(9) A valid health certificate shall accompany the sale or transfer of all~~  
1813 ~~animals.~~

1814  
1815 (dc) Penalty. Any person found in violation of this sSection is subject to the  
1816 penalties prescribed in sSection 14-32.

1817  
1818 **SECTION XXII:** Chapter 14, Article II, Section 14-50 of the Code of Ordinances,  
1819 County of Volusia is hereby renumbered as Section 14-51 and amended to read as  
1820 follows:

1821  
1822 **Sec. 14-501. Female dogs and female cats in heat.**

1823  
1824 (a) The owner of female dogs or cats shall confine said animals when they are  
1825 in heat in such a manner as to make said animals inaccessible to any male  
1826 dog or cat, except for intentional breeding purposes.

1827



1828 (b) Penalty. Any person who violates this ~~provision~~Section, either willfully or  
1829 through failure to exercise due care and control, is subject to the penalties  
1830 prescribed in ~~s~~Section 14-32.  
1831

1832 **SECTION XXIII:** Chapter 14, Article II, Section 14-51 of the Code of Ordinances,  
1833 County of Volusia is hereby renumbered as Section 14-52 and amended to read as  
1834 follows:  
1835

1836 **Sec. 14-542. Disposition of dead animals.**  
1837

1838 (a) When any animal dies on public or private property, it shall be the  
1839 responsibility of the owner of ~~said~~the animal or the owner of ~~said~~the private  
1840 property to remove and dispose of ~~said~~the dead animal immediately  
1841 pursuant to ~~state codes~~the provisions of Section 823.041, Florida Statutes,  
1842 as amended from time to time. Should the owner not be aware of said  
1843 animal's presence, the following procedures shall be followed:  
1844

1845 (1) When ~~any~~ dead animal ~~shall be~~is found upon public property, the  
1846 owner of said animal shall remove and dispose of said animal upon  
1847 notification by ~~the~~an ~~a~~Animal eControl eOfficer or any other law  
1848 enforcement officer, so as not to constitute a nuisance. If the owner of said  
1849 animal shall fail to do so within a reasonable time, the ~~e~~County shall remove  
1850 and dispose of said animal and charge the cost of said removal and disposal  
1851 to the owner of said animal, if known.  
1852

1853 (2) When ~~any~~ dead animal shall be found upon private property, the  
1854 owner of said animal or the owner of said property shall immediately remove  
1855 and dispose of said animal, upon notification by ~~the~~an ~~a~~Animal eControl  
1856 eOfficer or any other law enforcement officer.  
1857

1858 (b) Penalty. Any person found in violation of this ~~s~~Section is subject to the  
1859 penalties prescribed in ~~s~~Section 14-32.  
1860

1861 **SECTION XXIV:** Chapter 14, Article II, Section 14-52 of the Code of Ordinances,  
1862 County of Volusia is hereby deleted in its entirety.  
1863

1864 ~~Sec. 14-52. Removal of animal waste.~~  
1865

1866 ~~(a) The owner of every animal shall be responsible for the removal of any~~  
1867 ~~excreta deposited by his or her animal(s) on public walks, recreation areas~~  
1868 ~~or private property other than his or her own.~~  
1869

1870 ~~(b) Any person found in violation of this section is subject to the penalties~~  
1871 ~~prescribed in section 14-32.~~  
1872

1873           **SECTION XXV:** Chapter 14, Article II, Section 14-53 of the Code of Ordinances,  
1874 County of Volusia is hereby amended to read as follows:

1875  
1876 **Sec. 14-53. Duties of driver when vehicle strikes animal.**  
1877

- 1878           (a) Any person who, as the operator of a motor vehicle, strikes a domestic  
1879 animal with his or her vehicle shall stop as soon as safely possible and  
1880 render such assistance as may be possible, ~~and~~ Said person shall  
1881 immediately report such injury or death to the animal's owner, if known. ~~If~~  
1882 ~~the event~~ identity of the owner cannot be ascertained ~~and~~ or the owner  
1883 cannot be located, such operator/said person shall at once report the  
1884 accident to the appropriate law enforcement agency or ~~to the local humane~~  
1885 ~~society~~ Animal Services Division.  
1886  
1887           (b) Penalty. Any person who violates any provision of this ~~s~~Section is subject  
1888 to the penalties prescribed in ~~s~~Section 14-32.  
1889

1890  
1891           **SECTION XXVI:** Chapter 14, Article II, Section 14-54 of the Code of Ordinances,  
1892 County of Volusia is hereby amended to read as follows:

1893  
1894 **Sec. 14-54. Disposal of live animals to be used for experimentation or vivisection**  
1895 **prohibited.**  
1896

- 1897           (a) Live animals may not be disposed of to any school, college, university,  
1898 person, firm, association, laboratory, or corporation for experimentation or  
1899 vivisection purposes, or to any person providing, selling, or supplying dogs,  
1900 ~~and~~ cats, and other animals to any school, college, university, person, firm,  
1901 association, or corporation for experimentation or vivisection purposes.  
1902  
1903           (b) Penalty. Any person who violates any provision of this ~~s~~Section is subject  
1904 to the penalties prescribed in ~~s~~Section 14-32.  
1905

1906           **SECTION XXVII:** The Chapter 14, Article II, Section 14-55 of the Code of  
1907 Ordinances, County of Volusia is hereby amended to read as follows:

1908  
1909 **Sec. 14-55. Selling or obtaining dogs or cats for purpose of human or animal**  
1910 **consumption.**  
1911

- 1912           (a) Dogs or cats may not be obtained, sold, or purchased in the unincorporated  
1913 areas of the ~~e~~County for the purpose of human or animal consumption.  
1914  
1915           (b) Penalty. Any person who violates any provisions of this ~~s~~Section is subject  
1916 to the penalties prescribed in ~~s~~Section 14-32.  
1917

1918           **SECTION XXVIII:** Chapter 14, Article II, Section 14-56 of the Code of Ordinances,  
1919 County of Volusia is hereby amended to read as follows:

1920  
1921 **Sec. 14-56. Hobby breeders.**

1922  
1923           (a)    *Generally.*

1924  
1925           (1)    ~~License~~Permit ~~required; fee.~~ No person shall establish or maintain a  
1926 hobby breeder facility without first obtaining an annual ~~license~~permit from  
1927 the ~~a~~Animal Control Services ~~d~~Division. The ~~license~~permit fee for ~~such a~~  
1928 hobby breeder facility ~~will~~shall be set by resolution of the ~~e~~County ~~e~~Council  
1929 and not be based on the number of animals maintained at the facility. A  
1930 ~~license~~permit shall be issued only after an inspection by the Animal  
1931 Services Division that determines ~~confirming~~ that the minimum requirements  
1932 and standards, as set forth herein, have been met and upon obtaining  
1933 approval by the County Council of a special exception for a kennel or animal  
1934 shelter in accordance with Ordinance 72-293(25), as may be amended. The  
1935 ~~license~~permit shall be valid for a period of one (1) year from the date of  
1936 issue, unless otherwise stated or revoked. Renewal applications shall be  
1937 made within thirty (30) days prior to the expiration date.

1938  
1939           (2)    *Sale of animals.* The offspring of the dogs or cats bred at a hobby  
1940 breeder facility to enhance or perpetuate a given breed, may be sold by  
1941 the owner. Such sales shall not be considered commercial breeding for the  
1942 purpose of this ~~a~~Article provided that such sale is not the primary function  
1943 of the hobby breeder facility.

1944  
1945           (3)    *Permitted animals; identification of animals.* ~~There~~A hobby breeder  
1946 ~~shall be only be allowed to maintain one (1) species and one (1) breed of~~  
1947 ~~either dog or cat bred that species or kept at any individual under his or her~~  
1948 ~~licensed for a hobby breeder facility. There~~ hobby breeder facility shall be  
1949 produce no more than two (2) litters or twenty (20) puppies or kittens,  
1950 ~~whichever is greater, produced per hobby breeder facility per year. Dogs~~  
1951 ~~or cats~~Puppies or kittens maintained at a licensed hobby breeder facility  
1952 are exempt from the individual ~~licensing~~permitting provisions of this  
1953 ~~a~~Article, except as otherwise provided in this ~~a~~Article. For protection and  
1954 identification, all dogs and cats ~~will~~shall be licensed and identifiable by  
1955 either a tattoo or implant device. An implant scanner must be on the  
1956 premises if using an implant device. At no time will the total number of adult  
1957 dogs or cats exceed the following limitations:

- 1958  
1959                   a. Miniature or toy breeds ~~15~~of dogs ..... 15  
1960  
1961                   b. Standard or large breeds ~~10~~of dogs ..... 10  
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1963                   c. All breeds of ~~C~~cats ..... 25

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(4) *Return of animals by new owners.* If a ~~new owner~~person who obtains a dog or cat from a hobby breeder becomes unable or unwilling to continue ownership and responsibility for a dog or cat, the license holder shall assist in placement of the dog or cat, the hobby breeder permit holder shall assist in finding another placement for the dog or cat. If no suitable placement can be found within six (6) months, the ~~license~~permit holder shall accept return of the dog or cat, if healthy, and shall become fully responsible for its care.

(5) *Personal pet exemption.* A hobby breeder permit holder may keep a combined total of no more than four (4) dogs or cats of any breed may be kept as personal pets at his or her hobby breeder facility in addition to the animals permitted under ~~s~~Subsection (a)(3), above.

(b) *Facilities.* The following are required for all hobby breeder facilities:

(1) Hobby breeder facility owners shall live on the premises.

(2) The hobby breeder facility, whether it be a private residence, portion of a private residence, or a separate structure not physically connected to a private residence, shall be structurally sound and maintained in good repair to protect the animals from injury, to protect the animals against overexposure to the elements, to contain the animals, and to restrict the entrance of other animals.

~~(23)~~ Food shall be transported, handled, and stored in a manner that ensures against the introduction of parasites, disease vectors (such as insects), or chemical contaminants. Supplies of dry food shall be stored in areas that are cool, dry, clean, and free of vermin and other potential contaminants. Refrigeration shall be provided for supplies of perishable food. Conditions affecting the shelf life of food such as date of manufacture, exposure to extremes in temperature and humidity, exposure to moisture, unsanitary conditions, exposure to light, exposure to oxygen, and exposure to insects shall be monitored to prevent deterioration of the nutrient value of food. ~~Food receptacles shall be accessible to all animals and shall be located to prevent contamination by excreta. Feeding dishes shall be kept clean. Self-feeders may be used for the feeding of dry food and shall be sanitized regularly to prevent molding, deterioration or caking of food.~~

(4) Food must be fresh, wholesome, palatable, nutritionally adequate, and offered to each animal at least once daily. Water must be fresh and available at all times. Food and water receptacles shall be accessible to all animals and shall be located to prevent contamination by excreta. Feeding dishes shall be kept clean. Self-feeders may be used for the feeding of dry food and shall be sanitized regularly to prevent molding, deterioration, or caking of food.

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(5) All cages shall be constructed of impervious porous materials. All cages shall have floors of either solid construction or metal grid construction. Cages with metal grid floors may be used provided the grid size is no greater than a measurement which is one-quarter (1/4) the width of the pads of the feet of the animals confined therein. No cages shall be enclosed by four (4) solid surfaces. Stack cages shall have solid floors.

(6) All primary enclosures for cats shall be constructed and maintained so that cats therein have convenient access to clean food, water, and litter. The number of cats in a primary enclosure shall not exceed the number which would prevent proper ventilation and sanitation. A primary enclosure shall not be constructed or maintained with an exposed wire mesh bottom, or any other material that will injure the feet or legs of a cat. If the primary enclosure is not of sufficient size to allow the cats to express their specialized locomotor patterns, then an area shall be made available for the cats to exercise and scratch at least thirty (30) minutes once per day.

(37) Access to shelter shall be provided for the animals to allow them to remain dry at all times. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow the animals to protect themselves from direct rays of the sun.

(8) The hobby breeder facility must provide adequate shelter from the elements and be kept clean and dry. The hobby breeder facility shall be provided with a source of fresh air by means of windows, doors, or vents and shall be ventilated in a manner that minimizes drafts, odors, and moisture conditions.

(9) Excreta shall be removed from enclosures as often as necessary to prevent contamination of the animals contained therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning an enclosure commonly known as a cage, any animal contained therein shall be removed from such enclosure during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and waste. A suitable method of drainage shall be provided to rapidly eliminate any excess water and waste from the enclosure.

(10) Cages, rooms, and hard-surfaced pens or runs shall be sanitized by washing them with hot water and soap or detergent, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam. Pens or runs using gravel, sand, or dirt shall be sanitized by removing the soiled gravel, sand, or dirt and replacing it as necessary. Feces and soiled litter material shall be removed from all litter pans at least once per day. Absorbent litter

2056 and any other material used to absorb urine shall be changed when the litter  
2057 becomes thirty (30%) percent or more saturated with urine.

2058  
2059 (11) Prior to the introduction of animals into empty enclosures previously  
2060 occupied, the enclosures shall be sanitized. Enclosures occupied by  
2061 animals shall be sanitized often enough to prevent an accumulation of  
2062 debris or excreta or disease hazards; provided, however, such enclosures  
2063 shall be sanitized at a minimum once per week.

2064  
2065 (12) An effective program for the control of insects, ectoparasites, and  
2066 avian and mammalian pests shall be established and maintained for the  
2067 premises. Appropriate measures must be taken to control and restrict the  
2068 presence of rodents.

2069  
2070 (13) Animals shall be provided proper and necessary veterinary care.

2071  
2072 (c) Indoor facilities. In addition to the requirements of Section (b), indoor  
2073 facilities shall require:

2074  
2075 (1) a.—A source of heat and mechanical ventilation shall be available  
2076 at the hobby breeder facility for use as necessary in preventing  
2077 extremes in temperatures in any indoor facilities. Buildings must be  
2078 maintained with suitable temperatures, ventilation, and lighting. The  
2079 ambient temperature shall be maintained in a range that ensures that  
2080 the animals will not suffer from neither heat stress, such as {heat  
2081 stroke or hyperthermia}, nor from cold stress, such as {frostbite or  
2082 hypothermia}.

2083  
2084 ~~(2)b.—The facility must provide adequate shelter from the elements and be~~  
2085 ~~kept clean and dry. Food must be fresh, wholesome, palatable,~~  
2086 ~~nutritionally adequate and offered to each animal at least once daily.~~  
2087 ~~Water must be fresh and available at all times. Animals shall be~~  
2088 ~~provided proper and necessary veterinary care. Facility owners must~~  
2089 ~~live on the premises.~~

2090  
2091 e.—The interior building surfaces of any indoor housing facilities shall be  
2092 constructed and maintained so that they are impervious to moisture and can  
2093 be readily sanitized.

2094  
2095 d.—(3) A primary indoor enclosure shall provide sufficient space  
2096 appropriate to the size and species of animal as follows:

2097  
2098 ~~(a) to allow each~~An enclosed cat shall have sufficient space to turn  
2099 freely and to easily stand, sit, and lie in a comfortable position. The  
2100 minimum primary enclosure space for a single four (4) pound or

2101 greater cat is to be thirty (30) cubic feet. When a primary enclosure  
2102 is used for more than one (1) cat, resting perches shall be provided.

2103  
2104 ~~(a)~~(b) An enclosed dog shall be in Ccages, kennels, and runs must  
2105 havewith enough space for dogs to lie down, stand, sit, and stretch  
2106 without touching the sides or top. Dogs shall be exercised outside  
2107 of their enclosures a minimum of thirty (30) minutes twice daily.

2108  
2109 e. ~~—(4) Concrete floors and runs must have a resting board, and cages~~  
2110 ~~must have sanitary bedding. Easily accessible litter pans shall be provided~~  
2111 ~~for all cats at all times.~~

2112  
2113 f. ~~—The animal care facilities shall be structurally sound and shall be~~  
2114 ~~maintained in good repair to protect the animals from injury. Appropriate~~  
2115 ~~measures must be taken to control and restrict the entrance of rodents.~~

2116  
2117 g. ~~—The facility shall have~~  
2118 (5) Aample light of good quality by natural or artificial means or both. The  
2119 lighting shall provide uniformly distributed illumination of sufficient intensity  
2120 to permit routine inspection, cleaning, and provide for the well-being of the  
2121 animals. The animals shall be protected from excessive illumination.

2122  
2123 h. ~~—All cages shall be constructed of impervious porous materials.~~  
2124 ~~All cages shall have floors of either solid construction or metal grid~~  
2125 ~~construction. Cages having metal grid floors can be used provided~~  
2126 ~~the grid size is smaller than the pads of the feet of the dogs confined~~  
2127 ~~therein. No cages shall be enclosed entirely by solid walls. Stack~~  
2128 ~~cages must have solid floors. All primary enclosures shall be~~  
2129 ~~constructed and maintained so that cats therein have convenient~~  
2130 ~~access to clean food, water and litter. The number of cats in a~~  
2131 ~~primary enclosure shall not exceed the number which would prevent~~  
2132 ~~proper ventilation and sanitation. A primary enclosure shall not be~~  
2133 ~~constructed or maintained with an exposed wire mesh bottom, or any~~  
2134 ~~other material that will injure the feet or legs of a cat. If the primary~~  
2135 ~~enclosure is not of sufficient size to allow the cat(s) to express their~~  
2136 ~~specialized locomotor patterns, then an area shall be made available~~  
2137 ~~for the cat(s) to exercise and scratch at least once a day.~~

2138  
2139 (6)i. ~~—If drains are used, they shall be properly constructed and kept in~~  
2140 ~~good repair to avoid foul odors in any enclosed areas.~~

2141  
2142 (7)j. ~~In allAny primary enclosures for cats with a solid floor, a receptacle~~  
2143 ~~containing sufficient clean litter shall be provided to contain excreta.~~  
2144 ~~Each primary enclosure shall be provided with ainclude a solid~~  
2145 ~~resting board and shall be of adequate size to comfortably hold all~~  
2146 ~~occupants of the enclosure at the same time. Such resting surface~~

2147 or surfaces shall be elevated in primary indoor enclosures housing  
2148 two (2) or more cats.

2149  
2150 (5d) Outdoor facilities. In addition to the requirements of Section (b), outdoor  
2151 facilities shall require:

2152  
2153 ~~a(1). Shelter. Sufficient shade shall be provided to afford all animals~~  
2154 ~~protection from direct sunlight. Sufficient cover shall be provided to protect~~  
2155 ~~all animals from rain. Shelter shall be provided for all animals when the~~  
2156 ~~ambient temperature falls below fifty (50) degrees Fahrenheit. Sufficient~~  
2157 ~~clean bedding material or other means of protection from the weather~~  
2158 ~~elements shall be provided when the ambient temperature falls below that~~  
2159 ~~temperature to which the dogs are acclimated appropriate to weather~~  
2160 ~~conditions. The facility shall be adequately ventilated to provide for the~~  
2161 ~~health and comfort of the animals at all times. The facility shall be provided~~  
2162 ~~with a source of fresh air by means of windows, doors, or vents and shall~~  
2163 ~~be ventilated in a manner that minimizes drafts, odors and moisture~~  
2164 ~~conditions.~~

2165  
2166 ~~b. Cleaning of enclosures. Excreta shall be removed from~~  
2167 ~~enclosures as often as necessary to prevent contamination of the~~  
2168 ~~animals contained therein and to reduce disease hazards and odors.~~  
2169 ~~When a hosing or flushing method is used for cleaning an enclosure~~  
2170 ~~commonly known as a cage, any animal contained therein shall be~~  
2171 ~~removed from such enclosure during the cleaning process, and~~  
2172 ~~adequate measures shall be taken to protect the animals in other~~  
2173 ~~such enclosures from being contaminated with water and other~~  
2174 ~~waste. A suitable method shall be provided to rapidly eliminate any~~  
2175 ~~excess water.~~

2176  
2177 ~~c. Sanitation of enclosures required. Prior to the introduction of~~  
2178 ~~animals into empty enclosures previously occupied, such enclosures~~  
2179 ~~shall be sanitized. Enclosures for animals shall be sanitized often~~  
2180 ~~enough to prevent an accumulation of debris or excreta or a disease~~  
2181 ~~hazard; provided, however, such enclosure shall be sanitized at least~~  
2182 ~~once a week.~~

2183  
2184 ~~d. Method of sanitation. Cages, rooms and hard surfaced pens~~  
2185 ~~or runs shall be sanitized by washing them with hot water and soap~~  
2186 ~~or detergent, or by washing all soiled surfaces with a detergent~~  
2187 ~~solution followed by a safe and effective disinfectant, or by cleaning~~  
2188 ~~all soiled surfaces with live steam. Pens or runs using gravel, sand~~  
2189 ~~or dirt shall be sanitized by removing the soiled gravel, sand or dirt~~  
2190 ~~and replacing it as necessary. Feces and soiled litter material shall~~  
2191 ~~be removed from all litter pans at least once a day. Absorbent litter~~



2192 and/or any other material used to absorb urine shall be changed  
2193 when it becomes 30 percent saturated with urine.

2194  
2195 e. ~~Maintenance of buildings and grounds.~~  
2196 (2) Premises, including, ~~(all buildings and grounds)~~, shall be kept clean and  
2197 in good repair in order to protect the dogs or cats from injury and to facilitate  
2198 the prescribed husbandry practices set forth in this ~~s~~Subsection. Premises  
2199 shall remain free of accumulations of trash.

2200  
2201 f. ~~Pest control. An effective program for the control of insects,~~  
2202 ~~ectoparasites and avian and mammalian pests shall be established and~~  
2203 ~~maintained.~~

2204  
2205 g. ~~Distance of animal facilities from adjoining property.~~ (3) All runs,  
2206 exercise areas, and primary enclosures shall meet the minimum setback  
2207 requirements provided for the property in the zoning code.

2208  
2209 h. ~~Containment of animals.~~ (4) Outdoor areas for dogs must be double-  
2210 fenced in order to ensure all dogs are contained and do not escape. If cats  
2211 are allowed outdoors they must be kept in an enclosure that has four (4)  
2212 sides and an attached solid or wire mesh top or roof to prevent the cats from  
2213 escaping the enclosure.

2214  
2215 (ee) *Inspections and enforcement.* It shall be a condition of the issuance of a  
2216 hobby breeder license permit that an ~~a~~Animal ~~e~~Control ~~e~~Officer shall be  
2217 allowed, at any reasonable time, to inspect without notice all ~~domestic~~  
2218 animals and all premises where animals are kept. The ~~a~~Animal  
2219 ~~control~~Services ~~d~~Division shall give a hobby breeder license permit holder  
2220 ~~at~~twenty-four (24)-hours advance notice of ~~the~~annual inspection. However,  
2221 no notice is required for ~~routine~~ investigations of complaints. Any alleged  
2222 violations of this ~~s~~Section ~~will~~shall be investigated by the ~~a~~Animal  
2223 ~~control~~Services ~~d~~Division. Upon receipt of information of violation of this  
2224 ~~s~~Section, the ~~a~~Animal ~~control~~Services ~~d~~Division may issue a notice of  
2225 revocation to a hobby breeder license permit holder. The notice of  
2226 revocation shall provide a summary of the information of the violation and  
2227 shall be sent to the address listed in the ~~licensee~~permittee's application. No  
2228 hobby breeder license permit shall be renewed if an applicant has had ~~it~~this  
2229 or her license permit revoked within the prior two (2) years of the date of the  
2230 application or has outstanding and unsatisfied civil penalties imposed due  
2231 to violations of this Article or any Volusia County Ordinance.

2232  
2233 (d) *Hearing.* Any challenge ~~to~~of a notice of revocation must be in the  
2234 form of a request for hearing and filed by the hobby breeder license permit  
2235 holder with the ~~a~~Animal ~~control~~Services ~~d~~Division within ten (10) days after  
2236 the hobby breeder license permit holder's receipt of ~~said~~the notice of  
2237 revocation. The hobby breeder license permit holder shall set forth the

2238 reasons why ~~the license holder~~ he or she believes the revocation would be  
2239 an error. The challenge to a notice of revocation shall be accompanied by  
2240 a filing fee of \$250.00 to cover administrative cost involved in the challenge.  
2241 Failure to timely request a hearing shall render the revocation final.  
2242

2243 (ef) *Hearing on revocation.* All hearings shall be open to the public,  
2244 conducted by a ~~hearing officer~~ special magistrate within thirty (30) days after  
2245 the receipt of a request for hearing by the hobby breeder license permit  
2246 holder and in accordance with ~~s~~Section 14-57.  
2247

2248 (fg) *Filing of decision.* No later than sixty (60) days after the conclusion  
2249 of the hearing, ~~the original of the hearing officer's~~ special magistrate's written  
2250 decision shall be filed with the ~~a~~ Animal Control Services ~~d~~ Division, and  
2251 copies shall be mailed to the ~~e~~ County ~~a~~ Attorney and the hobby breeder  
2252 license permit holder.  
2253

2254 (gh) *Notice.* Any written notification to the hobby breeder license permit  
2255 holder subject to a proceeding under this ~~s~~Section shall be by certified  
2256 registered mail with return receipt requested, ~~certified~~ affidavit of hand  
2257 delivery, or service in conformance with the provisions of F.S. ch. Chapter  
2258 48, Florida Statutes, relating to service of process.  
2259

2260 (hi) *Penalty.* In addition to any revocation proceeding under this  
2261 ~~s~~Section, any person who violates any provision of this ~~s~~Section is subject  
2262 to the penalties prescribed in ~~s~~Section 14-32.  
2263

2264 **SECTION XXIX:** Chapter 14, Article II, Section 14-57 of the Code of Ordinances,  
2265 County of Volusia is hereby amended to read as follows:  
2266

2267 **Sec. 14-57. ~~Hearing officer~~ Special Magistrate.**  
2268

2269 (a) *Appointment of ~~hearing officer~~ special magistrate.* The ~~e~~ County shall appoint  
2270 and retain one (1) or more ~~hearing officer's~~ special magistrates to:  
2271

2272 (1) Conduct hearings and make determinations arising out of requests  
2273 for hearing by recipients of notices of revocation of hobby breeder permits  
2274 in accordance with ~~s~~Section 14-56;  
2275

2276 (2) Hold hearings and make determinations regarding dangerous dog  
2277 classifications pursuant to ~~F.S. §Sections~~ 767.12, 767.13, 767.135, or  
2278 767.136, Florida Statutes, or its successor as amended from time to time,  
2279 ~~and this a~~ Article, ~~and regarding dog confiscations for destruction pursuant~~  
2280 ~~to F.S. § 767.13, or its successor, and this article;~~ and  
2281

2282 (3) Conduct hearings and make determinations arising out of requests  
2283 for hearing by recipients of notices of revocation of unaltered animal permits  
2284 in accordance with sSection 14-58.  
2285

2286 (b) *Qualifications.* Each ~~hearing officer~~special magistrate shall be a licensed  
2287 attorney with the Florida Bar who has practiced law in the sState for at least  
2288 five (5) years, and who has experience in local government law or  
2289 administrative law. No ~~hearing officer~~special magistrate shall represent  
2290 clients against the County before the aAnimal eControl bBoard during the  
2291 period in which they serve as a ~~hearing officer~~special magistrate. No  
2292 ~~hearing officer~~special magistrate or law firms with which he or she may be  
2293 associated shall represent a client in any judicial or administrative  
2294 proceeding in which the eCounty is an adverse party ~~in any proceeding~~  
2295 under ~~F.S. ch.~~Chapter 828, Florida Statutes; F.S. §§Sections 767.12 or  
2296 767.13, Florida Statutes; or ch.Chapter 14, Code of Ordinances, County of  
2297 Volusia.  
2298

2299 (c) *Term, compensation.* Each ~~hearing officer~~special magistrate shall serve at  
2300 the pleasure of the eCounty eCouncil and shall be compensated at a rate or  
2301 rates to be fixed by the eCounty eCouncil.  
2302

2303 (d) *Ex parte communication.*  
2304

2305 (1) No county employee, elected official, or other person who is or may  
2306 become a party to a proceeding before a ~~hearing officer~~special magistrate  
2307 shall engage in an ex parte communication with the ~~hearing officer~~special  
2308 magistrate. However, the foregoing does not prohibit discussions between  
2309 the ~~hearing officer~~special magistrate and eCounty staff that pertain solely to  
2310 scheduling and other administrative matters unrelated to the merits of the  
2311 applicationcase.  
2312

2313 (2) If a person engages in an ex parte communication with the ~~hearing~~  
2314 ~~officer~~special magistrate, the ~~hearing officer~~special magistrate shall place  
2315 on the record of the pending case all ex parte written communications  
2316 received, all written responses to such communications, a memorandum  
2317 stating the substance of all oral communications received, and all oral  
2318 responses made, and shall advise all parties that such matters have been  
2319 placed on the record. Any party desiring to rebut the ex parte  
2320 communications shall be entitled to do so, but only if such party requests  
2321 the opportunity for rebuttal within ten (10) days after notice of such  
2322 communication. If the hearing officer deems it necessary due to the effect  
2323 of an ex parte communication received by him, the ~~hearing officer~~special  
2324 magistrate may withdraw from the case.  
2325

2326 (3) Any person who makes an ex parte communication prohibited by this  
2327 sSection and any ~~hearing officer~~special magistrate who fails to place in the

2328 record any such communication, shall render the proceeding void to the  
2329 extent the communication effected the proceedings.

2330  
2331 (e) *Prohibited from acting as agent or attorney for subject matter.* A ~~hearing~~  
2332 ~~officer~~special magistrate, any firm with which he or she is or may become  
2333 associated, is prohibited for a period of three (3) years after rendition of a  
2334 decision from acting as an agent or attorney on any matter involving  
2335 persons or property which was the subject of the proceeding in which the  
2336 ~~hearing officer~~special magistrate presided.

2337  
2338 (f) *Hearing procedures.*

2339 (1) Each party to a proceeding shall have the opportunity to:

2340 a. Be represented by counsel at his or her own expense;

2341 b. Call and examine witnesses;

2342 c. Introduce exhibits and evidence relevant to the matter; and

2343 d. ~~Examine opposing witnesses on any relevant matter, even~~  
2344 ~~though the matter was not covered under direct examination;~~

2345 e.——Impeach any witness regardless of which party first called the  
2346 witness to testify.

2347  
2348 (2) ~~All hearings shall be conducted, insofar as is practicable, in~~  
2349 ~~accordance with the Florida Rules of Civil Procedure and the Florida~~  
2350 ~~Evidence Code. However, the general nature of the hearing shall be~~  
2351 ~~conducted in an informal manner.~~All testimony shall be under oath. Failure  
2352 of the alleged violator to attend the hearing shall be deemed an admission  
2353 of the violation.

2354  
2355 (3) ~~Evidence~~c. A party shall be permitted to conduct cross  
2356 examination when testimony is taken or documents are made a part of the  
2357 record.d.——The rules of privilege shall be effective to the same extent that  
2358 they are now or hereafter may be recognized in civil actions.e.——The  
2359 hearing officer shall ensure that a tape recording of the hearing is  
2360 preserved, which record shall be public and open to inspection and  
2361 transcription by any person. A party wishing to have a court reporter record  
2362 the proceedings must retain and compensate the court reporter for his or  
2363 her services.The hearing need not be conducted in accordance with the  
2364 formal rules relating to evidence and witnesses. Any relevant evidence shall  
2365 be admitted if the special magistrate finds it competent and reliable,  
2366 regardless of the existence of any common law or statutory rule to the  
2367 contrary.

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(4) ~~Written determinations of the hearing officer.~~

~~a. After the hearing, the hearing officer shall issue a determination based upon the preponderance of the evidence. The animal control division shall bear the burden of establishing the elements sufficient to support a written notification under F.S. §§ 767.12 or 767.13 or notice of revocation under section 14-56.~~

~~b. All determinations of the hearing officer shall be in writing, signed and dated by the hearing officer, shall contain findings of fact and conclusions of law. The special magistrate shall conduct a de novo hearing, determine whether to uphold or reverse the decision of the Animal Control Officer on the applicable ordinance or law and make findings of fact based on evidence in the record. The burden of proof which shall be met by the County is preponderance of the evidence. The fact-finding determination of the special magistrate for purposes of a violation notice shall be limited to whether the violation alleged did occur and, if so, whether the person named in the violation notice can be held responsible for that violation. The special magistrate shall either affirm or reverse the decision of the Animal Control Officer at the conclusion of the hearing. If the special magistrate reverses the decision of the Animal Control Officer and finds the named violator not responsible for the violation alleged in the violation notice, the named violator shall not be liable for the payment of any civil penalty. If the decision of the special magistrate is to affirm, then the following shall be included in the final administrative order:~~

~~(i) Amount of civil penalty.~~

~~(ii) Administrative costs of hearing.~~

~~(iii) Date by which the violation must be corrected to prevent imposition of continuing violation penalties, if applicable.~~

~~(5) Costs. In the event the special magistrate upholds the notice of violation, he or she may impose the reasonable costs of the administrative hearing and the costs and expenses of the County for investigation and enforcement, in addition to the civil penalty, as part of the final administrative order. The County shall provide proof of said costs at the hearing.~~

**SECTION XXX:** Chapter 14, Article II, Section 14-58 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

2420 **Sec. 14-58. Mandatory spay and neuter.**

2421  
2422 (a) *Purpose; declaration of irreparable harm.* The eCounty has determined that  
2423 the unintended or uncontrolled breeding of dogs and cats within the eCounty  
2424 ~~leads to results in~~ many dogs, cats, puppies, and kittens being unwanted,  
2425 becoming strays, suffering privation and death, being impounded and  
2426 euthanized at great expense to the community, and constituting a public  
2427 nuisance and public health hazard. ~~It is, therefore, the County Council~~  
2428 hereby finds and declares that overpopulation of dogs and cats due to  
2429 unregulated breeding presents a serious threat to the public health, safety,  
2430 and welfare, is irreparable or irreversible in nature, and constitutes a public  
2431 nuisance by overburdening the community and injuring the health of citizens  
2432 in general every feasible means of reducing the number of unwanted dogs,  
2433 cats, puppies, and kittens by encouraged.

2434  
2435 (b) ~~Spaying, neutering of dogs and cats.~~

2436  
2437 (1) ~~Requirement.~~ No person may harbor a dog or cat six (6) months of age or  
2438 older within the unincorporated areas of Volusia~~the~~ County that has not  
2439 been spayed or neutered unless ~~such person~~ the owner holds ~~has obtained~~  
2440 an unaltered animal permit for each unaltered dog or cat, ~~unless the dog or~~  
2441 ~~cat is otherwise exempt under this section~~ from the Animal Services  
2442 Division. A dog or cat governed by this Section shall be spayed or neutered  
2443 by its owner within thirty (30) days of the dog or cat becoming six (6) months  
2444 of age or, by the effective date of this Ordinance, whichever is later in time,  
2445 or, in the case of an owner who acquired a dog or cat after the animal  
2446 attained the age of six (6) months of age within thirty (30) days of  
2447 acquisition, unless the owner obtained an unaltered animal permit.

2448  
2449 (12) *Unaltered animal permit.*

2450  
2451 a. *Qualifications.* An owner of an unaltered dog or cat shall  
2452 qualify for an unaltered animal permit if one of the following is  
2453 satisfied:

2454  
2455 1. *Shows and competitions.* The dog or cat is used to show, to  
2456 compete or to breed, ~~which is of a and the breed is~~ recognized by and  
2457 registered with the American Kennel Club (AKC), United Kennel Club  
2458 (UKC), American Dog Breeders Association (ADBA), Cat Fanciers'  
2459 Association (CFA), or other bona fide registry, ~~and~~ A dog or cat used  
2460 to show, to compete, or to breed shall further meets one of the  
2461 following requirements:

2462  
2463 i. The dog or cat has competed in at least one (1) show  
2464 or sporting competition sanctioned by a bona fide national  
2465 registry within the last three-hundred-sixty-five (365) days;

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ii. The dog earned conformation, obedience, agility, carting, herding, hunting, protection, rally, sporting, working, or other title from a purebred dog registry, referenced above, or other registry or dog sport association; or

iii. The owner of the dog or cat is a member of, and the dog or cat is registered with a bona fide purebred dog breed club or cat fancier's association, which maintains and enforces a code of ethics for dog or cat breeding that includes restrictions from breeding dogs or cats with genetic defects and life threatening health problems that commonly threaten the breed, or the owner signs a statement under oath attesting that the dog or cat is being trained to comply with Subsections i. or ii., above.

2. ~~Medical fitness.~~ A Florida licensed veterinarian ~~licensed in the State of Florida~~ certifies in writing that a dog or cat is medically unfit to undergo the required spay or neuter procedure because ~~of a medical condition, including but not limited to age,~~ would be substantially aggravated by the procedure or would likely result in the death of the dog or cat. The certification must state the date, if any, by which the dog or cat may be spayed or neutered. As soon as the medical condition that prevents a dog or cat from being spayed or neutered ceases to exist, it shall be the duty of the owner to have ~~the dog or cat~~ spayed or neutered within thirty (30) days.

3. ~~Law enforcement.~~ TheA dog that is currently used by a law enforcement agency for law enforcement purposes or is part of a bona fide law enforcement animal breeding program.

4. ~~Service animals.~~ ~~A dog or cat that is a service animal as defined in section 14-31 or is part of a bona fide service animal breeding program.~~

5. ~~Breeders.~~ ~~The owner demonstrates to the animal control division proof of a breeding contract for a particular dog or cat, membership in a bona fide national, state or local organization, for the perpetuation of a given breed of dog or cat or proof of a litter produced by breeding of the dog or cat within the last 365 days.~~

6. ~~Hunting and herding dogs.~~ TheA dog that is currently used as, or trained to be, a hunting or herding dog and the dog is registered with a bona fide national, state, or local hunting or herding dog association. ~~Alternatively, the owner of the dog signs a statement under oath attesting that the dog is used, trained, or will be trained~~

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~~to be a hunting or herding dog or with the Florida Fish and Wildlife Conservation Commission.~~

~~None of the aforementioned qualifications shall be construed to authorize the breeding or harboring of dogs or cats in violation of the Zoning Code of Volusia County, or exempt the owner or his dog or cat from any other provision of this chapter.~~

~~b. Deadline. A dog or cat governed by this section shall be spayed or neutered by its owner or, if eligible, the owner shall obtain an unaltered animal permit within 30 days of the dog or cat becoming six months of age or, by September 1, 2008, whichever is later in time, or, in the case of an owner whom acquired a dog or cat after it becoming six months of age, 30 days of acquisition.~~

~~(2) Permits, application, term, deadline. A request for an unaltered permit shall be provided on a form prepared and furnished by the Animal Services Division. Permits shall be valid for one (1) year from the date of issue and shall be renewed annually by the owner. An administrative fee shall be assessed by the Animal Services Division upon the approval of the permit.~~

~~e.(3) Microchipping. As a condition to obtaining an unaltered animal permit, the owner shall have any eligible dog or cat must be implanted with an identifying microchip and the owner must shall provide the microchip number to the aAnimal control Services dDivision. This requirement shall not apply to hunting or herding dogs.~~

~~d. Place of residence. The address of the owner shall be presumed to be the residence of the dog or cat. All changes of address must be reported to the animal control division within 30 calendar days following such change.~~

~~e. Change in ownership. A permit holder shall notify the animal control division and the national registry applicable to the implanted microchip in writing of any change in ownership of a dog or cat within 30 calendar days.~~

~~f. Term of permit. An unaltered animal permit shall be valid for the life of the dog or cat.~~

~~g. (4) Revocation. Upon receipt of information of violation of this sSection, the aAnimal control Services dDivision may issue a notice of revocation to a permit holder. The notice of revocation shall provide a summary of the information of the violation and shall be sent by certified mail, return receipt requested, by hand delivery by the sheriff, or aAnimal eControl eOfficer, or upon posting of the property in a conspicuous place at the address listed in the permit application. Any request for hearing shall be filed by the permit holder with the aAnimal control Services dDivision within~~



2557 ten (10) days after the permit holder's receipt of said notice. The permit  
2558 holder shall set forth the reasons why the permit holder believes the  
2559 revocation would be an error. Failure to timely request a hearing shall  
2560 render the revocation final. All hearings shall be conducted by the hearing  
2561 officer ~~special magistrate~~ within thirty (30) days after the receipt of a request  
2562 for hearing and in accordance with ~~s~~Section 14-57. The original of the  
2563 ~~hearing officer~~ special magistrate's written decision shall be filed with the  
2564 ~~a~~Animal Control Services ~~e~~Division, and copies shall be mailed to the  
2565 ~~e~~County ~~a~~Attorney and the permit holder.

2566  
2567 (5) Compliance with zoning regulations and ordinances. Qualifying for  
2568 an unaltered permit for a dog or cat shall not be construed to authorize the  
2569 breeding or harboring of dogs or cats in violation of the Zoning Code of  
2570 Volusia County, or exempt the owner or his or her dog or cat from any other  
2571 provisions of this Article.

2572  
2573 (6) \_\_\_\_\_  
2574 h. ~~Penalty.~~ Any person who violates any provision of this section is  
2575 subject to the enforcement procedures of ~~s~~Section 14-3941 and penalties  
2576 prescribed in ~~s~~Section 14-32. These penalties shall not preclude the  
2577 issuance of a notice of revocation to a holder of an unaltered animal permit  
2578 for violations of this ~~s~~Section.

2579  
2580  
2581 (37) ~~Exemptions.~~ A dog or cat that meets the following criteria shall be exempt  
2582 from this section and not be required to obtain an unaltered animal permit:

2583  
2584 ~~a. A dog or cat temporarily harbored within the unincorporated areas of~~  
2585 ~~Volusia County for less than 120 days within a calendar year.~~

2586  
2587 a. A dog or cat which is registered and licensed as a species of a hobby  
2588 breeder and the hobby breeder is in compliance with all regulations.

2589  
2590 ~~b. The dog or cat is being harbored by a lawful humane society/animal~~  
2591 ~~shelter under the provisions of the Zoning Code of Volusia County, Florida,~~  
2592 ~~whether public or private, whose principal purpose is securing the adoption~~  
2593 ~~of Dogs or cats or offering sanctuary for dogs or cats~~  
2594 ~~and certifies in writing to the animal control division that it does not engage~~  
2595 ~~in the breeding of dogs or cats, provided that the requirements of F.S. §~~  
2596 ~~823.15, are satisfied.~~  
2597 b. A dog or cat that is being harbored by a lawful  
2598 humane society or animal shelter, whether public or private, whose principal  
2599 purpose is securing the adoption of dogs or cats or offering sanctuary for  
2600 dogs or cats and certifies in writing to the Animal Services Division that it  
2601 does not engage in the breeding of dogs or cats, shall be exempt from this  
2602 Section, provided that the requirements of Section 823.15, Florida Statutes,  
as amended from time to time, are satisfied.

2603  
2604           **SECTION XXXI:** Chapter 14, Article II, Section 14-59 of the Code of Ordinances,  
2605 County of Volusia is hereby deleted in its entirety and amended to read as follows:  
2606

2607 **Sec. 14-59. Humane care Surrender of Stray Animals to Animal Holding Facilities.**  
2608

2609 ~~Prohibition. It shall be unlawful and a civil infraction for any person owning or responsible~~  
2610 ~~for caring for, confining or impounding an animal to fail to provide the animal with proper~~  
2611 ~~shelter, protection from the weather or humanely clean conditions as prescribed in this~~  
2612 ~~section.~~

2613  
2614           (1) ~~Indoor standards. The following standards shall apply to the sheltering of~~  
2615           ~~animals within a fully enclosed structure:~~

2616  
2617           a. ~~The ambient temperature shall be maintained in a range that ensures that the~~  
2618           ~~animal will not suffer from heat stress (heat stroke or hyperthermia), nor from~~  
2619           ~~cold stress (frost bite or hypothermia).~~

2620  
2621           b. ~~Indoor housing facilities shall be adequately ventilated by natural or~~  
2622           ~~mechanical means to provide clear and fresh air to the animal.~~

2623  
2624           (2) ~~Outdoor standards. The following standards shall apply to the sheltering of~~  
2625           ~~animals outdoors or within a structure which is not fully enclosed:~~

2626           a. ~~Animals shall have sufficient shelter for refuge and protection from~~  
2627           ~~the elements and sufficient shade by natural or artificial means to protect~~  
2628           ~~the animal from direct sunlight.~~

2629  
2630           b. ~~An outdoor housing facility shall be provided that is an artificial~~  
2631           ~~structure with at least three sides, a bottom and a roof. The structure shall~~  
2632           ~~provide refuge and protection from the elements, be of sufficient size to~~  
2633           ~~allow the animals to sit, stand and lie in a normal manner and turn about~~  
2634           ~~freely and must allow for an exchange of fresh air.~~

2635  
2636           (3) ~~Food and water. No animal shall be deprived of sufficient good and~~  
2637           ~~wholesome food and fresh water. Provisions shall be made available and~~  
2638           ~~refreshed daily, be suitable for the species and age of the animal and~~  
2639           ~~maintain a reasonable level of nutrition. Water shall be made available to~~  
2640           ~~the animal at all times.~~

2641  
2642           (4) ~~Medical care. No animal shall suffer from the following untreated conditions:~~  
2643           ~~Open sores, lacerations, broken or dislocated bones, eye injury or infection,~~  
2644           ~~abnormally low body weight, nasal discharge caused by infection,~~  
2645           ~~poisoning, animal bites or life threatening trauma or injury. Proof that the~~  
2646           ~~animal is under medical supervision shall be a defense under this~~  
2647           ~~subsection.~~

2648 Stray animals shall be surrendered by the finder to an animal holding facility within  
2649 twenty-four (24) hours of being found to provide owners the opportunity to reclaim their  
2650 animal during the stray holding period. A finder may adopt the found animal if unclaimed  
2651 by the owner at the expiration of the stray holding period with a completed and approved  
2652 adoption application through the respective animal holding facility. A finder may be  
2653 allowed to foster such pet if identifying information on the pet is listed on the lost pets  
2654 website of the Animal Services Division.

2655  
2656 **SECTION XXXII:** Chapter 14, Article II, Code of Ordinances, County of Volusia is  
2657 hereby amended to include Section 14-60 which reads as follows:  
2658

2659 **Sec. 14-60. – Concealment of animals.**

2660  
2661 (a) It shall be unlawful for any person to confine, hide, or conceal any animal to which  
2662 the person does not have proof of ownership such as, but not limited to, vaccination  
2663 certificate, microchip, license, or registration with a recognized club; or any animal  
2664 which has been involved in a bite or scratch or rabies exposure incident for which  
2665 formal investigation is pending, or to conceal any other animal that is subject to an  
2666 investigation by the Animal Services Division or law enforcement.

2667  
2668 (b) Penalty. Any person who violates any provisions of this Section is subject to the  
2669 penalties prescribed in Section 14-32.

2670  
2671 **SECTION XXXIII:** Chapter 14, Article II, Code of Ordinances, County of Volusia is  
2672 hereby amended to include Section 14- 61 which reads as follows:  
2673

2674 **Sec. 14-61. – Animals in motor vehicles.**

2675  
2676 (a) The owner or operator of a motor vehicle shall not place or confine an animal, nor  
2677 allow an animal to be placed or confined in an unattended motor vehicle without  
2678 sufficient ventilation or under conditions which may endanger the health or well-  
2679 being of the animal due to heat, lack of water, or any other circumstances which  
2680 may cause suffering, disability, or death.

2681  
2682 (b) It shall be unlawful to transport any animal in any vehicle if such vehicle is of open-  
2683 air design, unless the animal is safely and humanely restrained.

2684  
2685 (c) Any person who enters a motor vehicle, by force or otherwise, for the purpose of  
2686 removing a domestic animal is immune from civil liability for damage to the motor  
2687 vehicle if the person:

2688  
2689 (1) Determines the motor vehicle is locked or there is otherwise no reasonable  
2690 method for the domestic animal to exit the motor vehicle without assistance.  
2691

- 2692           (2) Has a good faith and reasonable belief, based upon the known  
2693           circumstances, that entry into the motor vehicle is necessary because the  
2694           domestic animal is in imminent danger of suffering harm.
- 2696           (3) Ensures that law enforcement or the Animal Services Division is notified or  
2697           911 has been called before entering the motor vehicle or immediately  
2698           thereafter.
- 2700           (4) Uses no more force to enter the motor vehicle and remove the domestic  
2701           animal than is necessary.
- 2703           (5) Remains with the domestic animal in a safe location, in reasonable  
2704           proximity to the motor vehicle, until law enforcement, Animal Services  
2705           Division, or other first responder arrives.
- 2707           (d) *Penalty.* Any person who violates any provisions of this Section is subject to the  
2708           penalties prescribed in Section 14-32.

2710           **SECTION XXXIV:** Chapter 14, Article II, Code of Ordinances, County of Volusia is  
2711 hereby amended to include Section 14-62 which reads as follows:

2712  
2713           **Sec. 14-62. – Redemption and disposition of impounded and unwanted animals.**

- 2714  
2715           (a) Any animal impounded under the provisions of this Article and not redeemed by  
2716           its owner after three (3) business days shall become the property of the Animal  
2717           Services Division or authorized animal housing facility. The three (3) day period  
2718           does not apply to sick, injured, diseased, or orphaned neonates; or wild animals  
2719           regulated by State wildlife agencies. Litters of animals or individual members of a  
2720           litter of animals, including the nursing mother and un-weaned animals that do not  
2721           possess a valid county license or microchip may be transferred immediately upon  
2722           impoundment to a private sheltering agency, rescue group, or individuals for the  
2723           purpose of adoption. Individual members of litters of animals who are at least six  
2724           (6) weeks of age, including the mother, may be adopted immediately upon  
2725           impoundment.
- 2726  
2727           (b) This time period may be extended or reduced at the discretion of the Animal  
2728           Services Division to relieve animal suffering or to limit diseases contagious to  
2729           humans and animals housed at an animal housing facility.
- 2730  
2731           (c) The Animal Services Division may utilize the services of a veterinarian to treat sick,  
2732           injured, or diseased animals. The owner shall be responsible for all such costs  
2733           incurred.
- 2734  
2735           (d) Feral animals that do not possess a valid County license or microchip may be  
2736           humanely euthanized upon impoundment.
- 2737

- 2738 (e) Any person seeking to redeem or reclaim an animal impounded under the  
2739 provisions of this Article shall pay the impoundment fees, boarding fees, license  
2740 fees, and all other fees resulting from impounding and caring for the animal. Any  
2741 animal to be released from the Animal Services Division or authorized animal  
2742 holding facility must have a rabies vaccination and license, or a license and rabies  
2743 vaccination must be obtained by the owner. If a rabies vaccination is not available  
2744 at the Animal Services Division or an authorized animal holding facility for any  
2745 reason, the person seeking to redeem or reclaim the animal must pre-pay the  
2746 license fee for the animal to be released to its owner, who then must have the  
2747 animal vaccinated for rabies by a licensed veterinarian. The certificate of  
2748 vaccination must be provided to the Animal Services Division as a prerequisite to  
2749 the issuance of the license.
- 2750
- 2751 (f) An owner whose animal has been impounded more than one (1) time during a  
2752 twelve (12) month period shall be charged increasing fees for each subsequent  
2753 impoundment. Fees will be set by resolution of the County Council.
- 2754
- 2755 (g) When the ownership of an animal is deemed to be in question, the Animal Services  
2756 Division shall require proof of ownership. Proof of ownership may include a valid  
2757 County license, veterinary records, registered microchip identification, or other  
2758 reliable and verifiable documentary evidence. If ownership cannot be proven by  
2759 the required information, the animal in question must be adopted rather than  
2760 redeemed. The person claiming unproven ownership may be afforded the  
2761 opportunity to adopt the animal prior to the public at the discretion of the Animal  
2762 Services Division or authorized animal holding facility.
- 2763
- 2764 (h) All impounded animals must be microchipped prior to release from the Animal  
2765 Services Division shelter or authorized animal holding facility. The microchip shall  
2766 be registered to the animal's owner.
- 2767
- 2768 (i) Exotic invasive animal species found at large that are impounded and not  
2769 redeemed by its owner upon proof of proper licensing or permitting shall be  
2770 humanely euthanized. The only exception to this Subsection is if the animal is  
2771 released to an educational facility for study to assist in the control and removal of  
2772 the species or if the animal is to be used for educational purposes to inform the  
2773 public of the dangers of the invasive exotic animal species.
- 2774

2775 **SECTION XXXV:** Chapter 14, Article II, Code of Ordinances, County of Volusia is  
2776 hereby amended to include Section 14-63 which reads as follows:

2777

2778 **Sec. 14-63. – Guard dogs.**

2779

- 2780 (a) All dogs used for the purpose of guarding a business shall be registered with the  
2781 Animal Services Division. The registration shall be on a form prepared and  
2782 provided by the Animal Services Division and shall include the name, address, and  
2783 telephone number of the property owner or business manager; the breed, sex,

2784 weight, age, color, tattoo registration number of the guard dog, and other  
2785 distinguishing physical characteristic of the dog; and certification of a current rabies  
2786 vaccination. Registration fees will be set by resolution of the County Council.  
2787

2788 (b) Guard dogs newly acquired shall be vaccinated for rabies and registered with the  
2789 Animal Services Division no later than seventy-two (72) hours after acquisition.  
2790

2791 (c) Each guard dog shall be issued a registration number by the Animal Services  
2792 Division. The registration number shall be posted in a conspicuous place at the  
2793 entrance of any property using that guard dog service. At the time of registration,  
2794 each dog shall be microchipped and receive an identification tag that must be  
2795 affixed to the dog at all times.  
2796

2797 (d) Animal Services Division shall maintain a guard dog registry which shall contain  
2798 all data required by this Section. Within two (2) business days of a transfer of  
2799 ownership, death, disappearance, or annual rabies inoculation of a guard dog,  
2800 each guard dog service or guard dog owner shall notify the Animal Services  
2801 Division. The Animal Services Division shall maintain an up to date registry. If a  
2802 guard dog has disappeared, an entry will be made to reflect the locale and reason  
2803 of such disappearance.  
2804

2805 (e) Animal Control Officers shall have the right to enter and inspect all kennels housing  
2806 guard dogs and other premises where such dogs are in use for determination of  
2807 owner registration compliance.  
2808

2809 (f) It shall be unlawful for any person, firm, or corporation to own or harbor any guard  
2810 dog in the County that has not been inoculated, registered, and microchipped as  
2811 provided by this Section.  
2812

2813 (g) Any vehicle utilized to transport a guard dog shall be clearly marked with signage  
2814 indicating that the vehicle is transporting a guard dog. Each guard dog being  
2815 transported shall be in a compartment separate from the driver and separate from  
2816 any other dog being transported. All compartments shall be arranged to ensure  
2817 maximum ventilation for the dogs.  
2818

2819 (h) Requirements of businesses using dogs for the purpose of guarding:  
2820

2821 (1) Persons who hire or use a guard dog service to patrol their premises shall  
2822 provide adequate fencing or some other confining structure to keep the  
2823 guard dog within the enclosed area being protected.  
2824

2825 (2) Persons who hire or use a guard dog service to patrol their premises during  
2826 the business' operating hours shall have said dog confined in such a  
2827 manner so as not to pose a danger to the public.  
2828

2829 (3) At each entry point and at fifty (50') foot intervals along any fence, wall, or  
2830 perimeter, signs measuring at a minimum 8 1/2" x 11" shall be posted and  
2831 shall include the words "Bad Dog" or "Guard Dog", with a picture depicting  
2832 a dog.

2833  
2834 (4) All signs at the entry points shall include the guard dog registration number.

2835  
2836 (5) Dogs used for guarding businesses shall be provided with humane living  
2837 conditions, including, but not limited to, adequate shelter, food, water, and  
2838 exercise.

2839  
2840 (6) No dog which has been classified as dangerous by any animal services  
2841 division or any State shall be used as a guard dog in Volusia County.

2842  
2843 (i) *Penalty.* Any person who violates any provisions of this Section is subject to the  
2844 penalties prescribed in Section 14-32.

2845  
2846 **SECTION XXXVI: Chapter 14, Article II, Code of Ordinances, County of Volusia is hereby**  
2847 **amended to include Section 14-64 which reads as follows:**

2848  
2849  
2850 **Sec. 14-64. – Prohibition of retail sale of dogs and cats.**

2851  
2852 (a) No commercial animal establishment shall, for the purposes of resale or retail,  
2853 display, sale, deliver, offer for sale, barter, auction, or otherwise transfer or dispose  
2854 of dogs or cats in Volusia County on or after the effective date of this Section. No  
2855 commercial animal establishment shall consummate a sale of dogs or cats in  
2856 Volusia County on and after the effective date of this Section. Commercial animal  
2857 establishments existing as of the effective date of this Section may not  
2858 consummate sales of dogs and cats more than thirty (30) days thereafter.

2859  
2860 (b) This Section shall not apply to:

2861  
2862 (1) The sale, barter, adoption, or gift of a dog or cat made necessary because  
2863 its owner can no longer care for it.

2864  
2865 (2) A publicly operated animal control facility or animal shelter.

2866  
2867 (3) A private, charitable, nonprofit humane society or animal rescue  
2868 organization.

2869  
2870 (4) A publically operated animal control agency, nonprofit humane society, or  
2871 nonprofit animal rescue organization that operates out of or in connection  
2872 with a commercial animal establishment.

2873

2874 (c) Nothing in this Section shall prevent a commercial animal establishment from  
2875 providing space and appropriate care for animals owned by a publically operated  
2876 animal control agency, nonprofit humane society, or nonprofit animal rescue  
2877 agency and maintained at the commercial animal establishment for the purpose of  
2878 adopting those animals to the public.

2879  
2880 (d) Penalty. Any person who violates any provisions of this Section is subject to the  
2881 penalties prescribed in Section 14-32.

2882  
2883 **SECTION XXXVII:** Chapter 14, Article II, Code of Ordinances, County of Volusia  
2884 is hereby amended to include Section 14-65 which reads as follows:

2885  
2886 **Sec. 14-65. – Prohibition of pet leasing and pet collateral transactions.**

2887  
2888 (a) The County Council finds that the practice of pet leasing and pet collateral  
2889 transactions can be financially predatory and emotionally distressing to families.  
2890 Animals that are subject to pet leases and pet-collateral transactions are cruel in  
2891 that the animal undergoes emotional distress upon being removed from the  
2892 families with whom they may have been living for an extended period of time  
2893 causing emotional distress which may develop into behavioral issues, which in turn  
2894 makes them less adoptable to new families. Prohibition of pet leasing and pet-  
2895 collateral transactions are appropriate for the health, safety, and welfare of the  
2896 residents of the County and their pets.

2897  
2898 (b) It shall be unlawful to finance the purchase of an animal through a lease-to-own  
2899 contract, pet-collateral contract, or similar contract in which the animal is collateral  
2900 for payment. Any such contract entered into after the effective date of this Article  
2901 shall be void as against public policy, and the person who took possession of the  
2902 animal under such a contract shall be deemed the legal owner of the animal.

2903  
2904 (c) No contract for the sale or transfer of an animal or the financing of such sale or  
2905 transfer shall include any provision that authorizes the use of an animal as security  
2906 or collateral, by which such animal may be repossessed if the purchaser defaults  
2907 under such contract. Any such contract or financing arrangement entered into after  
2908 the effective date of this Article shall be void as against public policy, and the  
2909 person who took possession of the animal under such contract shall be deemed  
2910 to remain the legal owner of the animal regardless of any default.

2911  
2912 (d) Penalty. Any seller or transferor of animals who violates provisions of this Section  
2913 shall be subject to the penalties prescribed in Section 14-32. Each prohibited  
2914 transaction shall subject the violator to a separate civil penalty.

2915  
2916 (e) Nothing in this Section shall be construed to prohibit:

2917  
2918 (1) The purchase of an animal through an unsecured personal loan or a loan  
2919 secured by collateral other than an animal.



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(2) Adoption or sale contracts involving public or private animal shelters, animal rescue organizations, breeders, or other persons or entities that provide that animals may be reclaimed because the adopter or purchaser is not providing appropriate care for the animal or because the animal was lost or stray or because the original owner has been located and wishes to reclaim the animal, provided that such reclamation provisions are clearly set out in the agreement.

(f) Exemptions. This Section shall not apply to agreements involving provision of animals for lawful breeding purposes; lawful use in professional shows and exhibitions; and working purposes, such as service animals, guard dogs in compliance with Section 14-64, or law enforcement dogs.

(g) Applicability. This Section shall be prospective only, and shall not impair any existing contracts.

**SECTION XXXVIII:** Chapter 14, Article II, Code of Ordinances, County of Volusia is hereby amended to include Section 14-66 which reads as follows:

**Sec. 14-66. – Prohibition of the declawing of cats.**

(a) No person shall perform onychectomy (declawing), partial or complete phalangectomy, or tendonectomy procedure by any means on a cat, except when deemed necessary by a veterinarian for therapeutic purposes. “Therapeutic purposes” means the necessity to address the physical medical condition of the cat, such as an existing or recurring illness, infection, disease, injury, or abnormal condition in the claw that compromises the cat’s health. “Therapeutic purposes” shall not include cosmetic or aesthetic reasons or for the convenience of the owner in keeping or handling the cat.

(b) Penalty. Any person who performs an onychectomy, partial or complete phalangectomy, or tendonectomy procedure on any cat shall be subject to the penalties prescribed in Section 14-32.

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

**SECTION XL:** SEVERABILITY - Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

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

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

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 7TH DAY OF JUNE 2022 A.D.

ATTEST:	COUNTY COUNCIL COUNTY OF VOLUSIA, FLORIDA
_____ George Recktenwald County Manager	_____ Jeffrey S. Brower County Chair