



Animal Control Advisory Board Meeting  
April 26, 2022  
Agenda

- Call to Order
- Roll Call
- Approval of minutes from February 5, 2022 meeting
- Continued Discussion on Animal Services' Ordinance Revisions
- New business
- Public participation
- Set date and time for the next meeting
- Meeting adjourned

Volusia County Animal Control  
Advisory Board Meeting  
April 26, 2022

**Present:**

Cathy Driggers  
Karen K. Clark  
Jeannine Colletti  
Lorraine Ortiz  
Anne Daimler  
Ken Mullen

Adam Leath, Director, Volusia County Animal Services  
Sebrina Slack, Assistant County Attorney  
Alicia Dease, Field Supervisor, Volusia County Animal Services  
Shari Williams, Office Manager, Volusia County Animal Services  
Eitan Esposito, Volusia County Animal Services

Public Participation: Mark Driggers

This meeting was held at the Emergency Operations Center. Judith Gillett is absent.

A motion was made by Ms. Ortiz to approve the minutes for the February 5, 2022, meeting. Ms. Clark seconds the motion. The motion is carried.

The Board begins reviewing and discussing the Chapter 14 ordinance revisions, section by section. (Attachment 1).

Section 1: Line 324, change the word "or" to "and"

Motion to approve: Ms. Clark  
Second: Ms. Coletti  
Motion carried

Section 2:     Motion to accept: Mr. Mullen  
                  Second: Ms. Clark  
                  Motion carried

Section 3:     Motion to accept: Ms. Ortiz  
                  Second: Mr. Mullen  
                  Motion carried

Section 4:     Motion to accept: Mr. Mullen  
                  Second: Ms. Ortiz  
                  Motion carried

Section 5:     Motion to accept: Mr. Mullen  
                  Second: Ms. Ortiz  
                  Motion carried

Section 6:     Motion to accept: Ms. Colletti  
                  Second: Ms. Clark  
                  Motion carried

- Section 7: Motion to accept: Ms. Clark  
Second: Mr. Mullen  
Motion carried
- Section 8: Motion to accept: Ms. Clark  
Second: Mr. Mullen  
Motion carried
- Section 9: Motion to accept: Ms. Daimler  
Second: Mr. Mullen  
Motion carried
- Section 10: Line 837, add an “s” to “animal”  
Motion to accept with changes: Ms. Colletti  
Second: Ms. Colletti  
Motion carried
- Section 11: Motion to accept: Mr. Mullen  
Second: Ms. Clark  
Motion carried
- Section 12: Motion to accept: Mr. Mullen  
Second: Ms. Ortiz  
Motion carried
- Section 13: Motion to accept: Mr. Mullen  
Second: Ms. Colletti  
Motion carried
- Section 14: Motion to accept: Ms. Clark  
Second: Mr. Mullen  
Motion carried
- Section 15: Line 1446, reword to “Working dogs while engaged in a hunt or working, show dogs while engaged in showing or dogs engaged in obedience or canine training while under the command or presence of the owner or trainer or other custodian directly related to the working hunting, showing, or training activities respectively are exempt from wearing the license tag if microchipped.”
- Line 1417, will now say “license fees shall not be required for dogs identified as part of a Hobby Breeder program which is in compliance with all Hobby Breeder licensing requirements”.  
Motion to accept with changes: Ms. Colletti  
Second: Ms. Ortiz  
Motion carried
- Section 16: Motion to accept: Mr. Mullen  
Second: Ms. Clark  
Motion carried

- Section 17: Motion to accept: Mr. Mullen  
Second: Ms. Ortiz  
Motion carried
- Section 18: Motion to accept: Mr. Mullen  
Second: Ms. Ortiz  
Motion carried
- Section 19: Motion to accept: Mr. Mullen  
Second: Ms. Clark  
Motion carried
- Section 20: Motion to accept: Mr. Mullen  
Second: Ms. Ortiz  
Motion carried
- Section 21: Motion to accept: Mr. Mullen  
Second: Ms. Clark  
Motion carried
- Section 22: Motion to accept: Mr. Mullen  
Second: Ms. Ortiz  
Motion carried
- Section 23: Motion to accept: Mr. Mullen  
Second: Ms. Colletti  
Motion carried
- Section 24: Motion to accept: Ms. Clark  
Second: Mr. Mullen  
Motion carried
- Section 25: Motion to accept: Mr. Mullen  
Second: Ms. Daimler  
Motion carried
- Section 26: Motion to accept: Mr. Mullen  
Second: Ms. Clark  
Motion carried
- Section 27: Motion to accept: Mr. Mullen  
Second: Ms. Clark  
Motion carried
- Section 28: Line 1939, change to "A Hobby Breeder shall only be allowed to maintain one species and one breed of that species under his/her license for a Hobby Breeder facility."  
Motion to accept with changes: Mr. Mullen  
Second: Ms. Colletti  
Motion carried

- Section 29: Motion to accept: Ms. Clark  
Second: Ms. Ortiz  
Motion carried
- Section 30: Motion to accept: Mr. Mullen  
Second: Ms. Colletti  
Motion carried
- Section 31: Motion to accept: Mr. Mullen  
Second: Ms. Ortiz  
Motion carried
- Section 32: Motion to accept: Mr. Mullen  
Second: Ms. Clark  
Motion carried
- Section 33: Motion to accept: Ms. Clark  
Second: Mr. Mullen  
Motion carried
- Section 34: Motion to accept: Ms. Colletti  
Second: Ms. Clark  
Motion carried
- Section 35: Motion to accept: Mr. Mullen  
Second: Ms. Ortiz  
Motion carried
- Section 36: Line 2845 change "or" to "of"  
Motion to accept with changes: Mr. Mullen  
Second: Ms. Ortiz  
Motion carried
- Section 37: Motion to accept: Ms. Clark  
Second: Mr. Mullen  
Motion carried
- Section 38: Motion to accept: Mr. Mullen  
Second: Ms. Clark  
Motion carried
- Section 39: Motion to accept: Mr. Mullen  
Second: Ms. Colletti  
Motion carried
- Section 40: Motion to accept: Mr. Mullen  
Second: Ms. Colletti  
Motion carried
- Section 41: Motion to accept: Mr. Mullen  
Second: Ms. Colletti  
Motion carried

Section 42: Motion to accept: Mr. Mullen  
Second: Ms. Colletti  
Motion carried

Line 1155-Dangerous Dog Section: Mrs. Slack requests a motion to move the signage requirement into the definition of a secure enclosure.

Motion to accept: Ms. Ortiz  
Second: Ms. Colletti  
Motion carried

Line 2578- Mandatory Spay and Neuter Section: add exemption under subsection (a): a dog or cat which is registered and licensed as a species of a Hobby Breeder, and the Hobby Breeder is in compliance with all regulations.

Motion to accept: Ms. Clark  
Second: Ms. Colletti  
Motion carried

The Board discusses the proposed Fee Schedule (Attachment 2).

Motion to accept: Mr. Mullen  
Second: Ms. Ortiz  
Motion carried

The Board discusses the proposed Fine and Cost Schedule (Attachment 3).

Motion to accept: Mr. Mullen  
Second: Ms. Clark  
Motion carried

New Business: Ms. Clark requests documentation on the VCAS Foster and Adoption program, and the Wellness Wednesday programs to give out to citizens to help promote the programs. Director Leath explains the programs. He then explains that we do not want to release information about the Wellness days to the public until the VCAS clinic has the appropriate number of support staff. Right now, VCAS is offering Wellness days, but he does not wish to make a press release until the number of resources is increased to support it.

Ms. Colletti discusses her experience with fostering a cat for VCAS.

Meeting Adjourned.

**VOLUSIA COUNTY ANIMAL SERVICES**  
**ADVISORY BOARD MEETING 4/26/22**

**NAME**

1. Shari Williams
2. Adam Leath
3. Alicia Dease
4. BITAN ESPOSITO
5. Cathy Driggers
6. Karen K Clark
7. Aimee Dalton
8. Kenny Mullen
9. Jeannine Collette
10. Loraine Ortiz
11. \_\_\_\_\_
12. \_\_\_\_\_
13. SEBRINA SLACK - ASST. COUNTY ANIMAL

# Public Participant

14.

MARK DRIGGERS

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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

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 14-34  
PROHIBITING THE RETAIL SALE OF DOGS OR CATS;

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

WHEREAS, Volusia County seeks to update Chapter 14 of the Code of  
Ordinances, County of Volusia, pertaining to Animals and Animal Control;

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

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

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

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

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

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

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

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

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

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

The following words, terms, and phrases, when used in this ~~a~~Article, shall have the meanings ascribed to them in this ~~s~~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, ~~or~~ 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 aArticle 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 ~~e~~Control ~~a~~Authority means the ~~e~~County ~~m~~Manager, ~~and~~ the ~~a~~Animal ~~e~~Control ~~d~~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 ~~e~~itymunicipalities, ~~e~~County, or ~~s~~State. The Volusia Sheriff's Office may also carry out the duties of the Animal Control Authority under this Article.

185  
186 *Animal ~~control~~Services ~~e~~Division* means the enforcement and investigative agency  
187 of the ~~e~~County ~~relating~~designated to enforce the provisions of this ~~chapter~~Article.

188  
189 *Animal ~~e~~Control ~~e~~Officer* means any individual a person employed, ~~contracted with,~~  
190 ~~or appointed~~ by the aAnimal ~~e~~Control aAuthority ~~for the purpose of aiding in the~~  
191 ~~enforcement of this article, ordinance or any other law or act relating to the licensure of~~  
192 ~~animals, control of animals, or seizure and impoundment of animals and includes any~~  
193 ~~state or local law enforcement officer or other employee whose duties in whole or in part~~  
194 ~~include assignments that involve the seizure and impoundment of any animal who meets~~  
195 ~~the qualifications set forth in Section 828.27, Florida Statutes, as amended. Animal~~  
196 ~~Control Officers shall be authorized to investigate, on public or private property, civil~~  
197 ~~infractions relating to animal control or cruelty, to issue citations for violations of this~~  
198 ~~Chapter, and to assist in criminal investigations relating to animal control or cruelty.~~

199  
200 *Animal exposed to rabies* means any animal bitten by or that has associated with  
201 any animal determined by the ~~e~~County ~~h~~Health ~~e~~Officer, ~~or the an a~~Animal ~~e~~Control  
202 ~~e~~Officer, or other qualified health professional to be infected with rabies.

203  
204 *Animal holding facility* means a public or private animal shelter or humane  
205 organization designed to house abandoned or lost domestic animals in a safe and secure  
206 holding area for a prescribed period of time to allow owners an opportunity to reclaim their  
207 animal control.

208  
209 *Animal quarters* means the area of a premises, including, but not limited to, and all  
210 buildings, pens, yards, and their appurtenances used for the keeping of ~~dogs and~~  
211 ~~eats~~animals.

212  
213 *Approved standard* means ~~the standard by which a dog or cat is judged for~~  
214 ~~conformation by the appropriate national or international breeders' organization.~~

215  
216 *Caregiver for an animal* means any person who provides food, water, or shelter to  
217 or otherwise cares for an animal, feral or domesticated, for a period of at least twenty-four  
218 (24) hours or more, whether of their own volition or by request of the owner of an animal.

219  
220 *Cat* means ~~any feline~~ any animal of any age that is a member of the species  
221 scientifically known as *Felius Catus*, or any genetic hybridization of *Felius Catus*, which  
222 is not a species under the jurisdiction of the Florida Fish and Wildlife Conservation  
223 Commission.

224  
225 *Chain, cable and trolley, rope or tether* means ~~a restraint of sufficient strength to~~  
226 ~~hold the animal.~~

227  
228 *Commercial animal establishment* means any pet shop, animal grooming shop,  
229 flea market, department store, guard dog training facility, riding school, any type of kennel,

cattery, or any other premises or property where animals are available for sale as a part or whole of a business concern.

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

- (1) Has aggressively bitten, attacked, endangered, or has inflicted severe injury to or death of a human being on public or private property;
- (2) Has more than once severely injured or killed a domestic animal while off its owner's property;
- (3) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or
- (4) Has, when unprovoked, chased, or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the ~~a~~Animal ~~e~~Control ~~a~~Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Microchip or electronic implantation~~ means an electronic animal identification device (EAID) implanted into an animal.

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

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



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

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

Person means an individual a natural person or persons, firm, association, partnership, corporation, limited liability company, trust, or any association of persons other entity, legal or otherwise.

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

Primary enclosure means a structure used to immediately restrict one or more cats animals to a defined or limited amount of enclosed space, such as a room, pen, run, cage, or compartment.

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

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

- (1) — Animals that are found within a residentially zoned area and not under restraint as defined in this article; or, in areas zoned other than residential, are off the premises of the owner and not under command of the owner;
- (2) — An animal that damages the property of anyone other than its owner;
- (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 ~~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 bites or disfiguring lacerations requiring sutures or reconstructive surgery.

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

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

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

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

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

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

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

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

**Sec. 14-32. Penalty.**

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

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

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

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

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

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

~~(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 ~~a~~Article 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 ~~e~~County 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)~~ (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 ~~a~~Article shall supersede any and all other ordinances dealing with animal control within the unincorporated areas of the ~~e~~County, 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 ~~a~~Article shall apply to and be enforced in the unincorporated areas of the ~~e~~County 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 or law enforcement officers of the County or of any municipality that contracts with the County to enforce this Article and the animal control laws of the State.~~

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

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

(a) *Animal eControl aAuthority.* The authority and primary responsibility of the eCounty for enforcement of this aArticle and the animal control laws of the eState is hereby delegated to the eCounty mManager, the aAnimal eControl Services dDivision, and each aAnimal eControl eOfficer who is certified according to the laws of the eState of Florida. Each aAnimal eControl eOfficer so certified shall have complete ~~police and law enforcement~~ power to enforce this aArticle and the provisions of eState law, rules and regulations relating to animal control in the unincorporated area of the eCounty and in any incorporated area of any municipality that contracts with the County to enforce this Article and the animal control laws of the State.

(b) Animal eControl eOfficer training course.

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

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

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

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

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

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

(b) *Orientation.* The ~~county council or eCounty~~ staff will conduct a board orientation in the first quarter of the year in which appointments are to be made. The orientation will acquaint Animal Control bBoard members with ~~parliamentary~~ procedures, including, Roberts Rules of Order, eSunshine lLaw, public records

law, and eCounty staff that will be assigned to the Volusia County Animal Control Board.

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

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

(2) All members of the aAnimal eControl bBoard shall be appointed by and serve at the pleasure of the eCounty eCouncil. Any member of the Animal Control bBoard may be removed from office without cause by the eCounty eCouncil. The chairmanperson of the Animal Control bBoard shall be elected annually from among the appointed members of the Animal Control bBoard.

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

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

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

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

(1) Meet at least quarterly, but no more than six (6) times annually, unless otherwise needed.

(2) Recommend to the ~~e~~County ~~e~~Council rules and regulations pertaining to any of the following:

- a. Operation of ~~the~~any County animal control facilities.
- b. Standards and procedures for the control, collection, care, custody or disposal of animals not under restraint, and animals creating or causing a public nuisance.
- c. Standards for the maintenance of regulated facilities.

~~(3) Maintain a quorum of five members in attendance in order to conduct any meeting of the animal control board.~~

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

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

**Sec. 14-37. Interference with ~~a~~Animal ~~e~~Control ~~e~~Officer or humane society personnel.**

~~(a)~~ ~~(a)~~ No person shall interfere with, hinder, resist or obstruct ~~thean~~ ~~a~~Animal ~~e~~Control ~~e~~Officer or humane society personnel in the lawful performance of their duties as set forth in this ~~a~~Article or State law.

~~(a)(b)~~ -It shall be unlawful for any person to willingly and knowingly provide false or misleading information to an Animal Control Officer or the Animal Services Division regarding animal ownership, licensing, rabies vaccination, medical treatment, condition, or other matters pertaining to the enforcement of State law or this Article.

~~(b)~~ No person shall, without proper authority, release, remove or attempt to release or remove any animal from the custody of ~~thean~~ ~~a~~Animal ~~e~~Control ~~e~~Officer or humane society personnel.

~~(e)~~ No person shall tear down, burn, deface, destroy, or otherwise injure an impounding facility or enclosure.

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



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

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

689       (a) The following acts or omissions shall constitute mistreatment or  
690 abandonment of animals under this Article:

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

695               (2) No domestic animal shall be kept in unsanitary conditions, or in areas  
696 where there is vermin-harboring debris, insect infestation, or other material  
697 which can provide an opportunity for injury or danger to the animal's health  
698 or welfare.

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

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

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

706                       (i) It shall be a violation for a person to crop or cut off or cause to  
707 be cropped or cut off, the whole or part of the ear, ears, or tail of a  
708 dog, or procure an individual who is not a licensed veterinarian to  
709 crop, cut off or cause to be cropped or cut off, the whole or part of  
710 the ear, ears, or tail of a dog.

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

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

717               (1) If an Animal Control Officer has probable cause to suspect that an  
718 animal has been abandoned, but such animal does not appear to be in  
719 immediate distress or danger, the Animal Control Officer may leave notices



730 posted in conspicuous places informing the owner or responsible person to  
731 contact said officer within twenty-four (24) hours and notifying them that  
732 failure to do so may result in the animal being removed from the premises  
733 by the Animal Services Division and that a citation may be issued to the  
734 owner or person responsible for abandoning the animal.

735  
736 (2) An abandoned animal removed by an Animal Control Officer shall  
737 be deemed a stray animal and will become the property of the Animal  
738 Services Division if not claimed by the owner within three (3) business days  
739 of the animal being taken.

740  
741 (c) *Penalty.* Any person found in violation of this Section is subject to the  
742 penalties prescribed in Section 14-32.

743  
744 **SECTION IX:** Chapter 14, Article II, Section 14-39 of the Code of Ordinances,  
745 County of Volusia is hereby renumbered as Section 14-41 and replaced with the a new  
746 Section 14-39 which reads as follows:  
747

748 **Sec. 14-39. – Tethering.**

749  
750 (a) No person shall tether an animal to a stationary or inanimate object as a  
751 means of confinement or restraint, unless such restraint is temporary and  
752 the person is within sight of the animal and the animal is at all times visible  
753 to such person.

754  
755 (b) If a tether is used to temporarily restrain an animal, the tether shall be  
756 constructed of a material sufficient to restrain the animal, but may not place  
757 the animal in danger of injury or death. At no time shall the tether extend  
758 over an object or edge in such a manner that could result in strangulation,  
759 entanglement, or injury of or to the animal. Heavy chains, including, but not  
760 limited to, logging chains or vehicle tow chains, shall not be used to tether  
761 an animal. The addition of any weight to an animal's collar, harness, chain,  
762 or tether is prohibited.

763  
764 (c) If a tether is used to temporarily restrain multiple dogs, each dog must be  
765 on a separate tether, be tethered with sufficient space between the dogs to  
766 avoid any entanglements, and not be secured to the same fixed object.

767  
768 (d) Any temporary tether shall be of a length and weight to allow an animal to  
769 move at least ten (10) feet in all directions from the point of tethering.

770  
771 (e) Any temporary tether shall be attached to a properly fitted buckle-style collar  
772 or buckle-style harness sufficient to restrain the animal. The temporary  
773 tether must have an operative swivel attached to the collar or harness and  
774 shall not be attached to a stationary object at a height higher than the  
775 animal's neck when in a standing position. The temporary tether must

swivel on both ends and be free of tangles. A leash or lead, in lieu of a properly fitted buckle-style collar or buckle-style harness, shall not be attached directly to the neck of the animal when tethered. Choke, chain, slip, or prong-type collars shall not be used on an animal when tethered.

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

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

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

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

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

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

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

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

(2) Participating temporarily in an exhibition, show, contest, or other event in which the skill, breeding, or stamina of the dog is judged or examined. However, such dogs at all other times in all other respects shall be subject to this and other ordinances.

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

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

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

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

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

**Sec. 14-~~38~~40. Impoundment of animal found or abandoned.**

(a) Animals subject to impoundment.

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

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

~~(3) Any dog for which a final determination has been made that there is sufficient cause to deem the dog as dangerous whose owner fails to comply with the requirements of F.S. § 767.12, or its successor and subsections 14-40(g) and (h) of this article or its successor within the time period provided therein. The dog shall remain impounded until the owner complies with all of the provisions of subsections 14-40(g) and (h) of this article. Should the owner continue to fail to comply with subsections 14-40(g) and (h) of this article and the referenced statute for a period of 14 days from the date of the impoundment, then the animal control division may seek injunctive relief to enjoin the return of the dangerous dog to its owner and such other relief as the court deems appropriate. Authority. Animal Control Officers shall have the authority to impound any animal found or abandoned. Any animal so impounded may be taken to a veterinarian without the owner's consent for examination and treatment, if necessary. The owner of said animal shall be liable for all costs incurred. Any animal impounded under the provision of this Section and not redeemed by its~~

owner after three (3) business days shall become the property of the Animal Services Division.

(b) *Redemption of impounded animals.*

(1) ~~Except for animals impounded pursuant to subsection (a)(3) of this section, where an impounded animal bears an indicium of ownership, the~~ Animal Control Officer shall notify the owner ~~or keeper~~ of said animal's impoundment by direct conversation, telephone message, written notice which is posted at the owner's last known address, or sent to the owner's last known address by certified U.S. mail, return receipt requested. Said animal shall only be required to be held for the owner for three (3) workingbusiness days from the date of notification to the owner. At the expiration of said three (3) business days, if no owner has appeared to claim the impounded animal, said animal shall be deemed unowned and may be disposed of as provided in sSubsection (c) of this sSection. An owner of an animal impounded shall pay the impoundment fees before the animal will be released to the owner.

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

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

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

(c) *Disposition of impounded animals.* Any unclaimed animal shall become the property of the ~~county~~Animal Services Division. ~~and The Animal Services Division shall determine the appropriate disposition of the animal, which may include, but is not limited to, be~~ humanely destroyed, transferred to a humane society, or placed in the custody of some person deemed to be a

responsible and suitable owner who will agree to comply with all of the provisions of this ~~a~~Article.

- (d) Fees. Impounding agencies ~~shall~~may charge impoundment fees plus fees for the animal's care, feeding, and maintenance. These fees shall be established by ~~recommendation by the animal control board in cooperation with agreements between the Animal Services Division and the holding facilities, and subject to approval by resolution of the e~~County ~~e~~Council.
- (e) *Impounding facilities.* The ~~e~~County may construct and operate impounding or holding facilities or contract with organizations with such facilities to provide adequate animal impounding for the ~~area~~county.

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

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

- (a) *Procedures.*

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

- a. Issue a ~~notice of violation~~citation to the person who is in violation of this ~~a~~Article. Such ~~notice of violation~~citation may be contested in the County Court for Volusia County, shall state the date and time of the issuance of the notice, the name and address of the person in violation, the date of the offense, the offense committed, a description of the animal involved, and a demand that the offense be abated within 24 hours after the issuance of the notice. If the person shall fail to abate the offense, then the animal control officer may issue a citation to the person; and/or 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 their 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.
- 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~~

960 receive a citation for the violation; however, a ten (10) day period will  
961 be provided to the owner to come into compliance. If said person  
962 comes into compliance within ten (10) days and pays any applicable  
963 administrative fee to the Animal Services Division, the citation shall  
964 be voided and shall not require a fine.

965  
966 c. ~~Issue a citation to the person who is in violation of this article.~~  
967 ~~Such a citation may be contested in the county court. If a person fails~~  
968 ~~to pay the civil penalty or fails to appear in court to contest the~~  
969 ~~citation, the court may issue an order to show cause upon the~~  
970 ~~request of the county manager or his designee. This order shall~~  
971 ~~require such a person to appear before the court to explain why~~  
972 ~~action on the citation has not been taken. If any person who is issued~~  
973 ~~such an order fails to appear in response to the court's directive, that~~  
974 ~~person may be held in contempt of court. Impound the animal~~  
975 ~~involved. Such animal may be redeemed as provided in Subsection~~  
976 ~~14-40(b) of this Article.~~

977  
978 (2) Certain aggravated violations of this ~~a~~Article which result in the  
979 unprovoked biting, attacking, or wounding of a ~~human-being~~person or  
980 domestic animal; violations resulting in the destruction or loss of personal  
981 property; second or subsequent violations ~~of section 14-59~~; or violations  
982 resulting in the issuance of a third or subsequent citation to a person ~~wi~~shall  
983 require a mandatory court appearance.

984  
985 (b) *Investigations.* The ~~a~~Animal ~~e~~Control ~~e~~Officer may request the owners of  
986 an animal to exhibit the animal, produce ownership records, produce  
987 records of current rabies vaccination, and, if applicable, the license of such  
988 animal county licensing, or produce proof of veterinary care.

989  
990 (1) It shall be the duty of the Director of the aAnimal eControl  
991 officerDivision to keep the following records:

- 992  
993 a. Accurate and detailed records of the licensing, impoundment,  
994 and disposition of all animals coming into his or her custody;  
995  
996 b. Accurate and detailed records of all reported dog bite cases  
997 and investigations in the unincorporated areas of the County;  
998  
999 c. Accurate and detailed records on all money collected and  
1000 expended in the operation of the functions of his or her office; and  
1001  
1002 d. Accurate records of all rabies certificates in the  
1003 unincorporated areas of the County.  
1004

(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 ~~require~~obtain 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 pending the outcome of the investigation and the resolution of any hearings or appeals related to the dangerous dog classification or any other penalties imposed under this ~~s~~Section. The address at which the animal~~dog~~ resides shall be provided to the ~~a~~Animal ~~control~~Services ~~d~~Division. A dog that is the



subject of a dangerous dog investigation may not be relocated or its ownership transferred pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this ~~s~~Section. If a dog is to be destroyed, the dog may not be relocated or its ownership transferred.

(6) Secure enclosure of a dangerous dog shall mean while on the owner's or provider's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children and designed to prevent the dog from escaping. Such pen or structure shall include a concrete base with a minimum of eight (8) inches of block above concrete base with secure fencing material that is tied into the base and secured behind the block and the enclosure shall further include a full, secure top and locking access door that must remain locked at all times while the dangerous dog is inside. The pen or structure shall also provide adequate ventilation and protection from the elements. The secure enclosure of a dangerous dog shall be located inside a secondary perimeter fence which creates a complete boundary around the area in which the secure enclosure is located.

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

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

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

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

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



1097 ~~(e)(f)~~ Hearing. The ~~a~~Animal ~~control~~Services ~~d~~Division shall afford the owner an  
1098 opportunity for a hearing prior to ~~the animal control authority's making a final~~  
1099 determination regarding the classification or penalty. ~~The animal control~~  
1100 ~~division shall provide written notification of the sufficient cause finding and~~  
1101 ~~proposed penalty to the owner by registered mail, certified hand delivery, or~~  
1102 ~~service in conformance with the provisions of Chapter 48, Florida Statutes,~~  
1103 ~~relating to service of process.~~ To request a hearing ~~before a special magistrate~~  
1104 regarding the dangerous dog classification, penalty, or both, the owner shall  
1105 file a written request for the hearing with the ~~a~~Animal ~~control~~Services ~~d~~Division  
1106 within seven (7) calendar days after receipt of the notification of the sufficient  
1107 cause finding and proposed penalty. If the owner requests a hearing , the  
1108 hearing shall be held as soon as possible, but not later than twenty-one (21)  
1109 calendar days and not sooner than five (5) days after receipt of the request  
1110 from the owner. If a hearing is not timely requested regarding the dangerous  
1111 dog classification or proposed penalty, the determination of the ~~a~~Animal  
1112 ~~control~~Services ~~d~~Division as to such matter shall become final.

1113  
1114 ~~(fg)~~ Final determination of sufficient cause. Upon a dangerous dog classification  
1115 and penalty becoming final after a hearing or by operation of law pursuant to  
1116 ~~s~~Subsection ~~(ef)~~, the ~~a~~Animal ~~control~~Services ~~d~~Division shall provide a written  
1117 final order to the owner by registered certified mail with return receipt  
1118 requested, certified affidavit of hand delivery, or in conformance with the  
1119 provisions of Chapter 48, Florida Statutes, related to service of process. The  
1120 owner may appeal the determination, penalty, or both to the ~~e~~Circuit ~~e~~Court of  
1121 Volusia County, Florida in accordance with the Florida Rules of Appellate  
1122 Procedure and F.S. §Section 767.12(4), Florida Statutes, after receipt of the  
1123 final order. Failure to file the appeal timely waives the owner's right to do so. If  
1124 the dog is not held by the ~~a~~Animal ~~control~~Services ~~d~~Division, the owner must  
1125 confine the dog in a securely fenced or enclosed area enclosure as defined in  
1126 this Section pending resolution of the appeal. ~~The use of an electronic or~~  
1127 ~~invisible dog fence shall not constitute a "securely fenced or enclosed area" for~~  
1128 ~~the purposes of this section. If the owner files a written appeal under this~~  
1129 ~~Section, the dog must be held and may not be destroyed while the appeal is~~  
1130 pending. The owner shall be responsible for payment of all fees, boarding  
1131 costs, and other related expenses incurred by the ~~e~~County during the period a  
1132 dog is quarantined or impounded under F.S. §Section 767.12, Florida Statutes.

1133  
1134 ~~(gh)~~ Registration and restrictions.

1135  
1136 (1) Except as otherwise provided in ~~p~~Paragraph (2) below, the owner of  
1137 a dog classified as a dangerous dog shall:

- 1138  
1139 a. Within fourteen (14) days after issuance of the final order  
1140 classifying the dog as dangerous or the conclusion of any appeal that  
1141 affirms such final order, obtain a certificate of registration for the dog  
1142 from the ~~a~~Animal ~~control~~Services ~~d~~Division. ~~The owner shall be~~

1143 ~~required to renew the certificate annually. The initial registration fee~~  
1144 ~~for the dangerous dog shall be \$1,500.00. The owner shall be~~  
1145 ~~required to renew the certificate at an annual cost of \$500.00. To~~  
1146 obtain a certificate of registration or a renewal thereof the owner shall  
1147 be at least eighteen (18) years of age and shall present to the  
1148 ~~a~~Animal Services ~~Division~~ sufficient evidence of:

- 1149
- 1150 i. A current certificate of rabies vaccination for the dog.
- 1151
- 1152 ii. A proper enclosure to confine a dangerous dog as
- 1153 defined in section 14-~~3142(b)(3)~~.
- 1154
- 1155 iii. The posting of the premises with a clearly visible
- 1156 warning sign measuring at least 8 1/2" x 11" in size
- 1157 conspicuously placed at all entry points that informs ~~both~~
- 1158 ~~children and adults~~ the public of the presence of a dangerous
- 1159 dog on the property.
- 1160
- 1161 iv. Permanent identification of the dog, such as a tattoo on
- 1162 the inside thigh or electronic implantation.
- 1163
- 1164 v. A certificate from a veterinarian that the dog has been
- 1165 spayed or neutered.
- 1166
- 1167 vi. Proof of liability insurance for the premises where the
- 1168 dangerous dog shall be securely enclosed that includes
- 1169 coverage for dog bites or attacks.
- 1170
- 1171 vii. If applicable, a notarized statement shall be submitted
- 1172 to the Animal Services Division by the landlord of the dog
- 1173 owner's premises where the dangerous dog shall be securely
- 1174 enclosed, including, a statement confirming that the landlord
- 1175 shall adhere to all posting regulations and insurance
- 1176 requirements.

1177

1178 b. Immediately notify the ~~a~~Animal Services ~~Division~~

1179 when the dog:

- 1180
- 1181 i. Is loose or unconfined.
- 1182
- 1183 ii. Has bitten a human being or attacked another animal.
- 1184
- 1185 iii. Is sold, given away, or dies.
- 1186
- 1187 iv. Is moved to another address.
- 1188

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 into~~establishes 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~~ its secure enclosure unless the dangerous dog is muzzled and retrained 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 safety, health, and welfare, the dog may be destroyed in an expeditious and humane manner.

(h) *Attack or bite by dangerous dog; confiscation; destruction.* If a dog that has previously been declared dangerous attacks or bites a human being or a domestic animal without provocation, the dangerous dog shall be immediately confiscated by the ~~a~~Animal ~~control~~Services ~~d~~Division, placed

in quarantine, if necessary, for the proper length of time, or impounded and held for ten (10) business days after the owner is given written notification of confiscation under F.S. §Section 767.12, Florida Statutes, and thereafter destroyed in an expeditious and humane manner. This ten (10)-day time period shall allow the owner time to request a hearing under sSubsection (ef) above. If the owner files a written appeal under Subsection (f) above or this Section, the dog must be held and may not be destroyed while the appeal is pending. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal-dog during any appeal procedure.

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

(jk) *Exceptions; hunting dogs; sports/show dogs; law enforcement; service dog.*

(1) Hunting dogs are exempt from the provisions of this aArticle when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from the provisions of this aArticle when engaged in any legal procedures. However, such dogs at all other times in all other respects shall be subject to this and other ordinances. Dogs that have been classified as dangerous may notshall be expressly forbidden from being used-utilized for huntingthese exempt purposes.

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

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

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

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

**Sec. 14-43. Duty of animal owners to be responsible owners.**

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

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

**Sec. 14-44. Vaccination of ~~ferrets, dogs, and cats, and ferrets.~~**

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

1327 against rabies as soon as its health and age permit. Unvaccinated animals  
1328 must be confined to the owner's property or a veterinary facility.  
1329

1330 ~~The cost of the rabies vaccination shall be borne by the owner of the animal.~~  
1331

1332 (1) The animal shall be vaccinated for the first time at four (4) months of  
1333 age;

1334  
1335 (2) The animal shall be revaccinated at least once every twelve (12)  
1336 months after the initial vaccination, except as provided otherwise in  
1337 Subsection (3);  
1338

1339 (3) For any subsequent vaccinations, the interval between vaccinations  
1340 may conform to the vaccine manufacturer's directions for the specific  
1341 species of animal; and  
1342

1343 (4) Evidence of circulating rabies virus neutralizing antibodies shall not  
1344 be used as a substitute for annual vaccinations in managing rabies  
1345 exposure or determining the need for booster vaccinations.  
1346

1347 (b) ~~Certificate of vaccination. Upon vaccination, the~~ A licensed veterinarian  
1348 ~~administering the vaccine~~ shall provide the owner of the animal with a  
1349 rabies vaccination certificate at the time of vaccination. The licensed  
1350 veterinarian shall provide~~execute, deliver to the~~ a Animal control Services  
1351 officer~~Division~~ and furnish to the owner of the animal, as evidence thereof,  
1352 a copy of the rabies vaccination certificate ~~in the form required by F.S. §~~  
1353 ~~828.30, as amended~~ within thirty (30) days of the vaccination or  
1354 immediately upon demand for the purpose of investigation, public safety,  
1355 or other reason of enforcement.  
1356

1357 (1) Each veterinarian shall use the form, "Rabies Vaccination Certificate"  
1358 of the National Association of State Public Health Veterinarians (NASPHV)  
1359 or an equivalent form approved by the Animal Services Division.  
1360

1361 (2) Failure to provide the rabies vaccination certificate as required by  
1362 this Section shall be deemed a separate and distinct violation by the  
1363 veterinarian for each certificate not issued or provided to the Animal  
1364 Services Division.  
1365

1366 (3) The County shall not use rabies vaccination certificate information  
1367 submitted to the Animal Services Division by veterinarians for any purpose  
1368 other than enforcement of the licensing and rabies ordinances and  
1369 programs.  
1370

1371 (c) Citation for violation. Any person owning, keeping, possessing, or  
1372 harboring any dog, cat, or ferret without proof of a current vaccination shall

be in violation of this Section. Any such person who is not a licensed veterinarian claiming to have performed or administered a vaccination for rabies shall be deemed in violation of this Section. The cost of the rabies vaccination shall be borne by such person.

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

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

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

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

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

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

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

- (a) Required; payment of license fee. Except as specifically exempted in this ~~s~~Section, every ~~ferret, dog, and cat, and ferret that is~~ four (4) months of age or older, kept by an owner in any municipality over which Volusia County has animal control jurisdiction or in the unincorporated area of Volusia County shall be licensed annually. All owners shall be issued a county license certificate and tag for their animal by the ~~a~~Animal ~~control~~ ~~s~~Services ~~d~~Division upon presentation of reasonable proof of current rabies inoculation or an exception certificate from a licensed veterinarian, or by a licensed veterinarian at the time of inoculating or issuing an exception certificate for an animal. The owner shall pay to the ~~a~~Animal ~~control~~ ~~s~~Services ~~d~~Division, or a person or entity designated by the ~~e~~County to receive such funds, a license fee in an amount ~~recommended by the animal control board and~~ established by resolution of the ~~e~~County ~~e~~Council, which the Animal Services dDivision or ~~e~~County designee shall collect immediately and issue a receipt. License fees shall not be required for ~~seeing eyeservice~~ dogs or working dogs actively being utilized by a governmental agency police dogs.



- 1419
- 1420 (b) *Duration; renewal.* Any license issued pursuant to this ~~s~~Section shall expire,
- 1421 and become null and void, one (1) year after the date of issuance. The
- 1422 license shall be renewed annually by the ~~person-owninger of~~ the ~~ferret, dog,~~
- 1423 ~~or~~ cat, or ferret or annually exempted therefrom by other sections of this
- 1424 Article.
- 1425
- 1426 (c) *Issuance of tag.* The ~~e~~County license tag issued by the ~~a~~Animal
- 1427 ~~control~~Services ~~d~~Division or a veterinarian shall be serially numbered, bear
- 1428 the year of issuance, and be attached to the collar or harness of the animal.
- 1429
- 1430 (d) *Use of fees collected.* The license fees collected from the owners of
- 1431 ~~sterilized and unsterilized~~ animals may be used on a first-come, first-
- 1432 serveas available basis, by the ~~a~~Animal ~~control~~Services ~~d~~Division or
- 1433 ~~e~~County designee for purposes of the ~~e~~County's mobile spay/neuter clinic
- 1434 program.
- 1435
- 1436 (e) *Duplicate tag.* In the event of loss or destruction of an original tag, the owner
- 1437 of the animal may obtain a duplicate tag from the Animal Control Division
- 1438 upon payment of the fee for a duplicate tag.
- 1439
- 1440 *(f) Issued licenses.* A license tag issued to an animal shall not be valid for or
- 1441 transferable to any other animal. Any person that owns, keeps, harbors,
- 1442 provides for, or possesses an animal wearing the license tag of another
- 1443 animal shall be in violation of this Section, even if the animal has a valid
- 1444 license of its own.
- 1445
- 1446 *(g) Animals exempt from wearing license tag.* Racing greyhounds; hunting
- 1447 dogs, while engaged in a hunt; show dogs; or dogs engaged in obedience
- 1448 or K-9 training, while under the command or presence of the owner, trainer
- 1449 or other responsible custodian directly related to the racing, hunting, show
- 1450 or training activities, respectively, are exempt from wearing the license tag,
- 1451 if tattooed. A dog having an identifying tattoo registered with the animal
- 1452 control officer is also exempt from the requirement of wearing a license tag.
- 1453 The licensing provisions of this Article shall not apply to animals remaining
- 1454 in the County for a period of less than thirty (30) days, provided, however,
- 1455 that nothing in this Section shall prohibit an Animal Control Officer or other
- 1456 law enforcement officer from demanding proof of rabies vaccination from
- 1457 another state or county, and failure to provide said proof upon demand shall
- 1458 require said animal to be vaccinated under the provisions of this Article
- 1459 within ten (10) days of being issued a citation.
- 1460
- 1461 *(h) Feral cat colony; exemption.* Volunteers who assist with a feral cat colony
- 1462 shall be exempt from licensing requirements if the following conditions are
- 1463 strictly adhered to by the volunteer:
- 1464



1465 (1) Regularly and frequently trap feral cats over the age of twelve (12)  
1466 weeks for purposes of sterilization.

1467 (2) Identify all feral cats by having their ears tipped and regularly and  
1468 frequently trapping any un-tipped feral cats for the purposes of compliance  
1469 with this Article, including sterilization, vaccination, and ear-tipping.  
1470

1471 (3) All feral cats with illnesses or injuries that cannot be provided with  
1472 treatment shall be humanely euthanized to prevent pain and suffering.  
1473

1474 (4) Never taking a feral cat into the volunteer's home, any other home,  
1475 or otherwise possess a feral cat except for the purposes specifically  
1476 enumerated herein.  
1477

1478 (5) Never purposefully release a domestic cat into the wild with the  
1479 hopes that the cat will join or become a part of an existing cat colony.  
1480

1481 ~~(3)~~(6) Never feeding or fostering cats such that the volunteer creates  
1482 a colony of outdoor, domestic cats.  
1483

1484 ~~(f) Duplicate tag. In the event of loss or destruction of the original tag, the~~  
1485 ~~owner of the domesticated animal may obtain a duplicate tag from the~~  
1486 ~~animal control officer at the established fee for same.~~  
1487

1488 ~~(g) Animals exempt from licensing. The licensing provisions of this article shall~~  
1489 ~~not apply to greyhounds kept, maintained or brought into the county for the~~  
1490 ~~purpose of racing at licensed greyhound tracks; to animals used as part of~~  
1491 ~~entertainment acts when properly controlled; to animals remaining in the~~  
1492 ~~county for a period of less than 30 days; or to purebreds kept, maintained~~  
1493 ~~or brought into the county for the purposes of training or competition;~~  
1494 ~~provided, however, that nothing in this section shall prohibit the demand for~~  
1495 ~~proof of vaccination done in another state or county; and failure to provide~~  
1496 ~~said proof upon demand shall require said animal to be vaccinated under~~  
1497 ~~the provisions of this article.~~  
1498

1499 ~~(h) Conflict. An ordinance of any municipality covering the same subject matter~~  
1500 ~~as this section shall be considered in conflict herewith.~~  
1501

1502  
1503 (i) *Penalty.* Any person who violates a provision of this ~~s~~Section is subject to  
1504 the penalties prescribed in ~~s~~Section 14-32. If a person violates the  
1505 regulations related to feral cat colonies, he or she may be permanently  
1506 banned from being recognized as a volunteer for feral cats or feral cat  
1507 colonies.  
1508

~~(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. 14-46. 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 aAnimal eControl eOfficer.

(b) *Duties of county healthreporting officer.*

(1) The eCounty hHealth eOfficer or aAnimal eControl eOfficer shall enforce the applicable sState statutes and the applicable rules of the stateFlorida eDepartment of hHealth and rRehabilitative sServices regarding rabies control.

(2) Whenever the eCounty hHealth eOfficer or aAnimal 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 aAnimal 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 aAnimal eControl eOfficer, in a licensed veterinary hospital. Quarantined animals shall be released only upon approval of the eCounty hHealth eOfficer or aAnimal eControl eOfficer. The owner shall bear the cost of the care, feeding, and maintenance of a quarantined animal.

(4) If a quarantined animal dies, the eCounty hHealth eOfficer, the aAnimal eControl eOfficer, the bite victim, and the owner of the animal shall be notified by the operators of the quarantine facility, and t The head of the

animal shall be removed and forwarded to one of the ~~s~~State board of health laboratories for pathological examination.

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

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

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

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

(6) The owner of any ~~ferret, dog, or cat, or ferret~~ vaccinated with an approved anti-rabies vaccine as set forth in ~~F.S. §~~Section 828.30, Florida Statutes, as amended, except such ~~ferret, dog, or cat, or ferret~~ exempted from the vaccination in ~~s~~Subsection 14-424~~(a)~~(1) after receiving approval of the ~~e~~County ~~h~~Health ~~e~~Officer or ~~a~~Animal ~~control officer~~Services Division, may have such ~~ferret, dog, or cat, or ferret~~ quarantined and confined in a place other than the places specified in ~~s~~Subsection (b)(3) of this ~~s~~Section. However, if at any time during the quarantine it is determined by the ~~e~~County ~~h~~Health ~~e~~Officer or ~~a~~Animal ~~control officer~~Services Division that the quarantine is not properly maintained in order to ensure isolation of the animal, this exemption shall be void, and the animal shall be impounded at the owner's expense.

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

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

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

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

**Sec. 14-47. Restraint of animals while on property of owner.**

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

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

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

(3) The animal is properly restrained by:

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

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

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

- (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 ~~s~~Section is subject to the penalties prescribed in ~~s~~Section 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. 14-46~~8~~. 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 ~~the~~its owner, possessor, or custodian. For the purpose of this ~~s~~Section, 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 ~~s~~Subsections (a)(1), (2), ~~or~~ (3) ~~or (4)~~, of this ~~s~~Section. ~~The~~Any voice command ~~must shall~~ be affirmatively demonstrated as an effective restraint ~~if upon~~ 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 to keep the animal leashed, under secure restraint within a vehicle parked or in motion, or caged ~~or tethered~~ in the ~~open~~-bed of a pickup truck, at all times when visiting any public park, except in an area of a public park designated as a "leash free dog park".

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

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

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

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

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

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

**Sec. 14-49. Nuisance animals.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) ~~— A source of heat and mechanical ventilation shall be available at the site for use as necessary.~~

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

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

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

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

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

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

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

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

- (a) The owner of female dogs or cats shall confine said animals when they are in heat in such a manner as to make said animals inaccessible to any male dog or cat, except for intentional breeding purposes.
- (b) ~~Penalty.~~ Any person who violates this ~~provision~~Section, either willfully or through failure to exercise due care and control, is subject to the penalties prescribed in ~~S~~section 14-32.

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



1829  
1830 **Sec. 14-54~~2~~. Disposition of dead animals.**  
1831

- 1832 (a) When any animal dies on public or private property, it shall be the  
1833 responsibility of the owner of ~~said~~the animal or the owner of ~~said~~the private  
1834 property to remove and dispose of ~~said the dead~~ animal immediately  
1835 pursuant to ~~state codes~~the provisions of Section 823.041, Florida Statutes,  
1836 as amended from time to time. Should the owner not be aware of said  
1837 animal's presence, the following procedures shall be followed:

1838  
1839 (1) When ~~any~~ dead animal ~~shall be~~is found upon public property, the  
1840 owner of said animal shall remove and dispose of said animal upon  
1841 notification by ~~the an~~ aAnimal eControl eOfficer or any other law  
1842 enforcement officer, so as not to constitute a nuisance. If the owner of said  
1843 animal shall fail to do so within a reasonable time, the eCounty shall remove  
1844 and dispose of said animal and charge the cost of said removal and disposal  
1845 to the owner of said animal, if known.

1846  
1847 (2) When ~~any~~ dead animal shall be found upon private property, the  
1848 owner of said animal or the owner of said property shall immediately remove  
1849 and dispose of said animal, upon notification by ~~the an a~~ aAnimal eControl  
1850 eOfficer or any other law enforcement officer.

- 1851  
1852 (b) Penalty. Any person found in violation of this ~~s~~eSection is subject to the  
1853 penalties prescribed in ~~s~~eSection 14-32.  
1854

1855 **SECTION XXIV:** Chapter 14, Article II, Section 14-52 of the Code of Ordinances,  
1856 County of Volusia is hereby deleted in its entirety.

1857  
1858 ~~Sec. 14-52. Removal of animal waste.~~  
1859

1860 ~~(a) The owner of every animal shall be responsible for the removal of any~~  
1861 ~~excreta deposited by his or her animal(s) on public walks, recreation areas~~  
1862 ~~or private property other than his or her own.~~

1863  
1864 ~~(b) Any person found in violation of this section is subject to the penalties~~  
1865 ~~prescribed in section 14-32.~~

1866  
1867 **SECTION XXV:** Chapter 14, Article II, Section 14-53 of the Code of Ordinances,  
1868 County of Volusia is hereby amended to read as follows:

1869  
1870 **Sec. 14-53. Duties of driver when vehicle strikes animal.**  
1871

- 1872 (a) Any person who, as the operator of a motor vehicle, strikes a domestic  
1873 animal with his or her vehicle shall stop as soon as safely possible and  
1874 render such assistance as may be possible. ~~and~~Said person shall

immediately report such injury or death to the animal's owner, if known. ~~If~~  
the ~~event~~identity of the owner cannot be ascertained ~~and/or the owner~~  
~~cannot be~~ located, ~~such operator said person~~ shall at once report the  
accident to the appropriate law enforcement agency or ~~to the local humane~~  
~~society~~Animal Services Division.

- (b) Penalty. Any person who violates any provision of this ~~s~~Section is subject  
to the penalties prescribed in ~~s~~Section 14-32.

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

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

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

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

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

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

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

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

- (a) *Generally.*
- (1) License/Permit required; fee. No person shall establish or maintain a  
hobby breeder facility without first obtaining an annual ~~license/permit~~ from

1921 the ~~a~~Animal ~~control~~Services ~~e~~Division. The ~~license~~permit fee for ~~such a~~  
1922 hobby breeder facility ~~will~~shall be set by resolution of the ~~e~~County ~~e~~Council  
1923 and not be based on the number of animals maintained at the facility. A  
1924 licensepermit shall be issued only after an inspection by the Animal  
1925 Services Division ~~that determines~~confirming that the minimum requirements  
1926 and standards, as set forth herein, have been met and upon obtaining  
1927 approval by the County Council of a special exception for a kennel or animal  
1928 shelter in accordance with Ordinance 72-293(25), as may be amended. The  
1929 licensepermit shall be valid for a period of one (1) year from the date of  
1930 issue, unless otherwise stated or revoked. Renewal applications shall be  
1931 made within thirty (30) days prior to the expiration date.

1932  
1933 (2) *Sale of animals.* The offspring of the dogs or cats bred at a hobby  
1934 breeder facility to enhance or perpetuate a given breed, may be sold by  
1935 the owner. Such sales shall not be considered commercial breeding for the  
1936 purpose of this ~~a~~Article provided that such sale is not the primary function  
1937 of the hobby breeder facility.

1938  
1939 (3) *Permitted animals; identification of animals.* ~~There-A hobby breeder~~  
1940 ~~shall be only~~ be allowed to maintain one (1) species and one (1) breed of  
1941 ~~either dog or cat bred that species or kept at any individual at his or her~~  
1942 ~~licensed hobby breeder facility. There~~ hobby breeder facility shall ~~be~~  
1943 produce no more than two (2) litters or twenty (20) puppies or kittens,  
1944 ~~whichever is greater, produced per hobby breeder facility per year. Dogs~~  
1945 ~~or cats~~ Puppies or kittens maintained at a licensed hobby breeder facility  
1946 are exempt from the individual ~~licensing~~permitting provisions of this  
1947 ~~a~~Article, except as otherwise provided in this ~~a~~Article. For protection and  
1948 identification, all dogs and cats ~~will~~shall be licensed and identifiable by  
1949 either a tattoo or implant device. An implant scanner must be on the  
1950 premises if using an implant device. At no time will the total number of adult  
1951 dogs or cats exceed the following limitations:

- 1952  
1953 a. Miniature or toy breeds ~~45 of~~ dogs ..... 15  
1954  
1955 b. Standard or large breeds ~~40 of~~ dogs ..... 10  
1956  
1957 c. All breeds of ~~C~~cats ..... 25  
1958

1959 (4) *Return of animals by new owners.* If a ~~new owner~~person who obtains  
1960 a dog or cat from a hobby breeder becomes unable or unwilling to continue  
1961 ownership and responsibility for a dog or cat, the license holder shall assist  
1962 in placement of the dog or cat, the hobby breeder permit holder shall assist  
1963 in finding another placement for the dog or cat. If no suitable placement can  
1964 be found within six (6) months, the licensepermit holder shall accept return  
1965 of the dog or cat, if healthy, and shall become fully responsible for its care.  
1966

(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.

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

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

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

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

(4c) Indoor facilities. In addition to the requirements of Section (b), indoor facilities shall require:

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

(2)b. The facility must provide adequate shelter from the elements and be kept clean and dry. 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. Animals shall be provided proper and necessary veterinary care. Facility owners must live on the premises.

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

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

(a) ~~to allow each~~An enclosed cat shall have sufficient space to turn freely and to easily stand, sit, and lie in a comfortable position. The minimum primary enclosure space for a single four (4) pound or greater cat is to be thirty (30) cubic feet. When a primary enclosure is used for more than one (1) cat, resting perches shall be provided.

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

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

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

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

h. ~~All cages shall be constructed of impervious porous materials. All cages shall have floors of either solid construction or metal grid construction. Cages having metal grid floors can be used provided the grid size is smaller than the pads of the feet of the dogs confined therein. No cages shall be enclosed entirely by solid walls. Stack cages must have solid floors. All primary enclosures 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 cat(s) to express their specialized locomotor patterns, then an area shall be made available for the cat(s) to exercise and scratch at least once a day.~~

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

(7)j. ~~In all~~Any primary enclosures ~~for cats with a solid floor, a receptacle containing sufficient clean litter shall be provided to contain excreta.~~ ~~Each primary enclosure shall be provided with~~ include a solid resting board and shall be of adequate size to comfortably hold all occupants of the enclosure at the same time. Such resting surface or surfaces shall be elevated in primary indoor enclosures housing two (2) or more cats.

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

a(1). ~~Shelter.~~ Sufficient shade shall be provided to afford ~~all~~ animals protection from direct sunlight. Sufficient cover shall be provided to protect



all animals from rain. Shelter shall be provided for all animals when the ambient temperature falls below fifty (50) degrees Fahrenheit. Sufficient clean bedding material or other means of protection from the weather elements shall be provided ~~when the ambient temperature falls below that temperature to which the dogs are acclimated appropriate to weather conditions. The facility shall be adequately ventilated to provide for the health and comfort of the animals at all times. The 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.~~

b. ~~Cleaning of enclosures. 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 other waste. A suitable method shall be provided to rapidly eliminate any excess water.~~

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

d. ~~Method of sanitation. 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 a day. Absorbent litter and/or any other material used to absorb urine shall be changed when it becomes 30 percent saturated with urine.~~

e. ~~Maintenance of buildings and grounds.~~

(2) Premises, including, {all buildings and grounds}, shall be kept clean and in good repair in order to protect the dogs or cats from injury and to facilitate the prescribed husbandry practices set forth in this sSubsection. Premises shall remain free of accumulations of trash.



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

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

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

(ee) *Inspections and enforcement.* It shall be a condition of the issuance of a hobby breeder license permit that an aAnimal eControl eOfficer shall be allowed, at any reasonable time, to inspect without notice all domestic animals and all premises where animals are kept. The aAnimal eControl Services eDivision shall give a hobby breeder license permit holder at twenty-four (24)-hour advance notice of the annual inspection. However, no notice is required for routine investigations of complaints. Any alleged violations of this sSection will shall be investigated by the aAnimal eControl Services eDivision. Upon receipt of information of violation of this sSection, the aAnimal eControl Services eDivision may issue a notice of revocation to a hobby breeder license permit holder. The notice of revocation shall provide a summary of the information of the violation and shall be sent to the address listed in the license permittee's application. No hobby breeder license permit shall be renewed if an applicant has had #this or her license permit revoked within the prior two (2) years of the date of the application or has outstanding and unsatisfied civil penalties imposed due to violations of this Aarticle or any Volusia County Ordinance.

(d) *Hearing.* Any challenge to of a notice of revocation must be in the form of a request for hearing and filed by the hobby breeder license permit holder with the aAnimal eControl Services eDivision within ten (10) days after the hobby breeder license permit holder's receipt of said the notice of revocation. The hobby breeder license permit holder shall set forth the reasons why the license holder he or she believes the revocation would be an error. The challenge to a notice of revocation shall be accompanied by a filing fee of \$250.00 to cover administrative cost involved in the challenge. Failure to timely request a hearing shall render the revocation final.

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

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

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

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

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

**Sec. 14-57. Hearing officerSpecial Magistrate.**

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

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

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

(3) Conduct hearings and make determinations arising out of requests for hearing by recipients of notices of revocation of unaltered animal permits in accordance with ~~s~~Section 14-58.

(b) *Qualifications.* Each ~~hearing officer's~~ special magistrate shall be a licensed attorney with the Florida Bar who has practiced law in the ~~s~~State for at least five (5) years, and who has experience in local government law or administrative law. No ~~hearing officer's~~ special magistrate shall represent clients against the County before the ~~a~~Animal ~~e~~Control ~~b~~Board during the period in which they serve as a hearing officer's special magistrate. No ~~hearing officer's~~ special magistrate or law firms with which he or she may be

associated shall represent a client in any judicial or administrative proceeding in which the eCounty is an adverse party ~~in any proceeding~~ under ~~F.S. ch. Chapter~~ 828, Florida Statutes; ~~F.S. §§Sections~~ 767.12 or 767.13, Florida Statutes; or ~~ch. Chapter~~ 14, Code of Ordinances, County of Volusia.

(c) *Term, compensation.* Each ~~hearing-officerspecial magistrate~~ shall serve at the pleasure of the eCounty eCouncil and shall be compensated at a rate or rates to be fixed by the eCounty eCouncil.

(d) *Ex parte communication.*

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

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

(3) Any person who makes an ex parte communication prohibited by this ~~sSection~~ and any ~~hearing-officer special magistrate~~ who fails to place in the record any such communication, shall render the proceeding void to the extent the communication effected the proceedings.

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

(f) *Hearing procedures.*

- (1) Each party to a proceeding shall have the opportunity to:
- Be represented by counsel at his or her own expense;
  - Call and examine witnesses;
  - Introduce exhibits and evidence relevant to the matter; and
  - ~~Examine opposing witnesses on any relevant matter, even though the matter was not covered under direct examination;~~
  - ~~Impeach any witness regardless of which party first called the witness to testify.~~
- (2) ~~All hearings shall be conducted, insofar as is practicable, in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an informal manner. All testimony shall be under oath. Failure of the alleged violator to attend the hearing shall be deemed an admission of the violation.~~
- (3) ~~Evidence.~~
- ~~A party shall be permitted to conduct cross-examination when testimony is taken or documents are made a part of the record.~~
  - ~~The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.~~
  - ~~The hearing officer shall ensure that a tape recording of the hearing is preserved, which record shall be public and open to inspection and transcription by any person. A party wishing to have a court reporter record the proceedings must retain and compensate the court reporter for his or her services. The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses. Any relevant evidence shall be admitted if the special magistrate finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary.~~
- (4) ~~Written determinations of the hearing officer.~~
- ~~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~~

2378 written notification under F.S. §§ 767.12 or 767.13 or notice of revocation  
2379 under section 14-56.

2380  
2381 ~~b. All determinations of the hearing officer shall be in writing, signed~~  
2382 ~~and dated by the hearing officer, shall contain findings of fact and~~  
2383 ~~conclusions of law. The special magistrate shall conduct a *de novo*~~  
2384 ~~hearing, determine whether to uphold or reverse the decision of the Animal~~  
2385 ~~Control Officer on the applicable ordinance or law and make findings of~~  
2386 ~~fact based on evidence in the record. The burden of proof which shall be~~  
2387 ~~met by the County is preponderance of the evidence. The fact-finding~~  
2388 ~~determination of the special magistrate for purposes of a violation notice~~  
2389 ~~shall be limited to whether the violation alleged did occur and, if so, whether~~  
2390 ~~the person named in the violation notice can be held responsible for that~~  
2391 ~~violation. The special magistrate shall either affirm or reverse the decision~~  
2392 ~~of the Animal Control Officer at the conclusion of the hearing. If the special~~  
2393 ~~magistrate reverses the decision of the Animal Control Officer and finds~~  
2394 ~~the named violator not responsible for the violation alleged in the violation~~  
2395 ~~notice, the named violator shall not be liable for the payment of any civil~~  
2396 ~~penalty. If the decision of the special magistrate is to affirm, then the~~  
2397 ~~following shall be included in the final administrative order:~~

2398  
2399 (i) Amount of civil penalty.

2400  
2401 (ii) Administrative costs of hearing.

2402  
2403 (iii) Date by which the violation must be corrected to  
2404 prevent imposition of continuing violation penalties, if  
2405 applicable.

2406  
2407 (5) Costs. In the event the special magistrate upholds the notice of  
2408 violation, he or she may impose the reasonable costs of the administrative  
2409 hearing and the costs and expenses of the County for investigation and  
2410 enforcement, in addition to the civil penalty, as part of the final  
2411 administrative order. The County shall provide proof of said costs at the  
2412 hearing.

2413  
2414  
2415 **SECTION XXX:** Chapter 14, Article II, Section 14-58 of the Code of Ordinances,  
2416 County of Volusia is hereby amended to read as follows:

2417  
2418 **Sec. 14-58. Mandatory spay and neuter.**

- 2419  
2420 (a) Purpose: declaration of irreparable harm. The eCounty has determined that  
2421 the unintended or uncontrolled breeding of dogs and cats within the eCounty  
2422 ~~leads to results in~~ many dogs, cats, puppies, and kittens being unwanted,  
2423 becoming strays, suffering privation and death, being impounded and

2424 euthanized at great expense to the community, and constituting a public  
2425 nuisance and public health hazard. ~~It is, therefore,~~ the County Council  
2426 hereby finds and declares that overpopulation of dogs and cats due to  
2427 unregulated breeding presents a serious threat to the public health, safety,  
2428 and welfare, is irreparable or irreversible in nature, and constitutes a public  
2429 nuisance by overburdening the community and injuring the health of citizens  
2430 in general every feasible means of reducing the number of unwanted dogs,  
2431 cats, puppies, and kittens be encouraged.

2432  
2433 (b) ~~Spaying, neutering of dogs and cats.~~

2434  
2435 ~~(1)~~ Requirement. No person may harbor a dog or cat six (6) months of age or  
2436 older within the unincorporated areas of ~~Volusia~~the County that has not  
2437 been spayed or neutered unless ~~such person~~the owner holds has obtained  
2438 an unaltered animal permit ~~for each unaltered dog or cat, unless the dog or~~  
2439 ~~cat is otherwise exempt under this section~~from the Animal Services  
2440 Division. A dog or cat governed by this Section shall be spayed or neutered  
2441 by its owner within thirty (30) days of the dog or cat becoming six (6) months  
2442 of age or, by the effective date of this Ordinance, whichever is later in time,  
2443 or, in the case of an owner who acquired a dog or cat after the animal  
2444 attained the age of six (6) months of age within thirty (30) days of  
2445 acquisition, unless the owner obtained an unaltered animal permit.

2446  
2447 (12) Unaltered animal permit.

2448  
2449 a. Qualifications. An owner of an unaltered dog or cat shall  
2450 qualify for an unaltered animal permit if one of the following is  
2451 satisfied:

2452  
2453 1. Shows and competitions. The dog or cat is used to show, to  
2454 compete or to breed, ~~which is of a and the~~ breed is recognized by and  
2455 registered with the American Kennel Club (AKC), United Kennel Club  
2456 (UKC), American Dog Breeders Association (ADBA), Cat Fanciers'  
2457 Association (CFA), or other bona fide registry. ~~and~~A dog or cat used  
2458 to show, to compete, or to breed shall further ~~meets~~ one of the  
2459 following requirements:

2460  
2461 i. The dog or cat has competed in at least one (1) show  
2462 or sporting competition sanctioned by a bona fide national  
2463 registry within the last three-hundred-sixty-five (365) days;

2464  
2465 ii. The dog earned conformation, obedience, agility,  
2466 carting, herding, hunting, protection, rally, sporting, working,  
2467 or other title from a purebred dog registry, referenced above,  
2468 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.* ~~The A~~ 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.* ~~The A~~ 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 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.

~~c.(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 controlServices 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 controlServices 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 controlServices dDivision within ten (10) days after the permit holder's receipt of said notice. The permit holder shall set forth the reasons why the permit holder believes the revocation would be an error. Failure to timely request a hearing shall render the revocation final. All hearings shall be conducted by the hearing officersspecial magistrate within thirty (30) days after the receipt of a request for hearing and in accordance with \_sSection 14-57. The original of the hearing-officersspecial magistrate's written decision shall be filed with the~~



~~a~~Animal ~~control~~Services ~~d~~Division, and copies shall be mailed to the  
~~e~~County ~~a~~Attorney and the permit holder.

(5) Compliance with zoning regulations and ordinances. Qualifying for an unaltered permit for a dog or cat shall not 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 or her dog or cat from any other provisions of this Article.

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

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

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

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

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

**Sec. 14-59. ~~Humane care~~Surrender of Stray animals to animal holding facilities.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Has a good faith and reasonable belief, based upon the known circumstances, that entry into the motor vehicle is necessary because the domestic animal is in imminent danger of suffering harm.

(3) Ensures that law enforcement or the Animal Services Division is notified or 911 has been called before entering the motor vehicle or immediately thereafter.

(4) Uses no more force to enter the motor vehicle and remove the domestic animal than is necessary.

(5) Remains with the domestic animal in a safe location, in reasonable proximity to the motor vehicle, until law enforcement, Animal Services Division, or other first responder arrives.

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

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

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

(a) Any animal impounded under the provisions of this Article and not redeemed by its owner after three (3) business days shall become the property of the Animal Services Division or authorized animal housing facility. The three (3) day period does not apply to sick, injured, diseased, or orphaned neonates; or wild animals regulated by State wildlife agencies. Litters of animals or individual members of a litter of animals, including the nursing mother and un-weaned animals that do not possess a valid county license or microchip may be transferred immediately upon impoundment to a private sheltering agency, rescue group, or individuals for the purpose of adoption. Individual members of litters of animals who are at least six (6) weeks of age, including the mother, may be adopted immediately upon impoundment.

(b) This time period may be extended or reduced at the discretion of the Animal Services Division to relieve animal suffering or to limit diseases contagious to humans and animals housed at an animal housing facility.

(c) The Animal Services Division may utilize the services of a veterinarian to treat sick, injured, or diseased animals. The owner shall be responsible for all such costs incurred.

(d) Feral animals that do not possess a valid County license or microchip may be humanely euthanized upon impoundment.

(e) Any person seeking to redeem or reclaim an animal impounded under the provisions of this Article shall pay the impoundment fees, boarding fees, license fees, and all other fees resulting from impounding and caring for the animal. Any animal to be released from the Animal Services Division or authorized animal holding facility must have a rabies vaccination and license, or a license and rabies vaccination must be obtained by the owner. If a rabies vaccination is not available at the Animal Services Division or an authorized animal holding facility for any reason, the person seeking to redeem or reclaim the animal must pre-pay the license fee for the animal to be released to its owner, who then must have the animal vaccinated for rabies by a licensed veterinarian. The certificate of

vaccination must be provided to the Animal Services Division as a prerequisite to the issuance of the license.

(f) An owner whose animal has been impounded more than one (1) time during a twelve (12) month period shall be charged increasing fees for each subsequent impoundment. Fees will be set by resolution of the County Council.

(g) When the ownership of an animal is deemed to be in question, the Animal Services Division shall require proof of ownership. Proof of ownership may include a valid County license, veterinary records, registered microchip identification, or other reliable and verifiable documentary evidence. If ownership cannot be proven by the required information, the animal in question must be adopted rather than redeemed. The person claiming unproven ownership may be afforded the opportunity to adopt the animal prior to the public at the discretion of the Animal Services Division or authorized animal holding facility.

(h) All impounded animals must be microchipped prior to release from the Animal Services Division shelter or authorized animal holding facility. The microchip shall be registered to the animal's owner.

(i) Exotic invasive animal species found at large that are impounded and not redeemed by its owner upon proof of proper licensing or permitting shall be humanely euthanized. The only exception to this Subsection is if the animal is released to an educational facility for study to assist in the control and removal of the species or if the animal is to be used for educational purposes to inform the public of the dangers of the invasive exotic animal species.

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

**Sec. 14-63. – Guard dogs.**

(a) All dogs used for the purpose of guarding a business shall be registered with the Animal Services Division. The registration shall be on a form prepared and provided by the Animal Services Division and shall include the name, address, and telephone number of the property owner or business manager; the breed, sex, weight, age, color, tattoo registration number of the guard dog, and other distinguishing physical characteristic of the dog; and certification of a current rabies vaccination. Registration fees will be set by resolution of the County Council.

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

(c) Each guard dog shall be issued a registration number by the Animal Services Division. The registration number shall be posted in a conspicuous place at the entrance of any property using that guard dog service. At the time of registration,

each dog shall be microchipped and receive an identification tag that must be affixed to the dog at all times.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 14-64. – Prohibition of retail sale or dogs and cats.**

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

(b) This Section shall not apply to:

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

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

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

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

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

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

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

**Commented [PS1]:** Can we find out if this would impact any existing businesses in Volusia County? SB 620 would make it such that the County would be responsible for the business damages if this went into place. However, we can grand-father in existing businesses and apply only to new ones.



2881 **Sec. 14-65. – Prohibition of pet leasing and pet collateral transactions.**

2882  
2883 (a) The County Council finds that the practice of pet leasing and pet collateral  
2884 transactions can be financially predatory and emotionally distressing to families.  
2885 Animals that are subject to pet leases and pet-collateral transactions are cruel in  
2886 that the animal undergoes emotional distress upon being removed from the  
2887 families with whom they may have been living for an extended period of time  
2888 causing emotional distress which may develop into behavioral issues, which in turn  
2889 makes them less adoptable to new families. Prohibition of pet leasing and pet-  
2890 collateral transactions are appropriate for the health, safety, and welfare of the  
2891 residents of the County and their pets.

2892  
2893 (b) It shall be unlawful to finance the purchase of an animal through a lease-to-own  
2894 contract, pet-collateral contract, or similar contract in which the animal is collateral  
2895 for payment. Any such contract entered into after the effective date of this Article  
2896 shall be void as against public policy, and the person who took possession of the  
2897 animal under such a contract shall be deemed the legal owner of the animal.

2898  
2899 (c) No contract for the sale or transfer of an animal or the financing of such sale or  
2900 transfer shall include any provision that authorizes the use of an animal as security  
2901 or collateral, by which such animal may be repossessed if the purchaser defaults  
2902 under such contract. Any such contract or financing arrangement entered into after  
2903 the effective date of this Article shall be void as against public policy, and the  
2904 person who took possession of the animal under such contract shall be deemed  
2905 to remain the legal owner of the animal regardless of any default.

2906  
2907 (d) Any seller or transferor of animals who violates provisions of this Section shall be  
2908 subject to the penalties prescribed in Section 14-32. Each prohibited transaction  
2909 shall subject the violator to a separate civil penalty.

2910  
2911 (e) Nothing in this Section shall be construed to prohibit:

2912  
2913 (1) The purchase of an animal through an unsecured personal loan or a loan  
2914 secured by collateral other than an animal.

2915  
2916 (2) Adoption or sale contracts involving public or private animal shelters, animal  
2917 rescue organizations, breeders, or other persons or entities that provide that  
2918 animals may be reclaimed because the adopter or purchaser is not  
2919 providing appropriate care for the animal or because the animal was lost or  
2920 stray or because the original owner has been located and wishes to reclaim  
2921 the animal, provided that such reclamation provisions are clearly set out in  
2922 the agreement.

2923  
2924 (f) Exemptions. This Section shall not apply to agreements involving provision of  
2925 animals for lawful breeding purposes; lawful use in professional shows and

**Commented [PS2]:** Do we know of any business that currently does this? SB 620 would also make the county liable for business damages to existing businesses that have been here for at least 3 years.



exhibitions; and working purposes, such as service animals, guard dogs in compliance with Section 14-64, or law enforcement dogs.

**SECTION XXXVIII:** Chapter 14, Article II, Code of Ordinances, County of Volusia is hereby amended to include Section 14-67 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) 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.

**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 \_\_\_\_\_ DAY OF MAY 2022 A.D.

**Commented [PS3]:** What type of businesses are engaged in this? If it would cause more a loss of 15% or more of profit to a business, the County may be liable for business damages if SB 620 is signed.

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ATTEST:

COUNTY COUNCIL  
COUNTY OF VOLUSIA, FLORIDA

\_\_\_\_\_  
George Recktenwald  
County Manager

\_\_\_\_\_  
Jeffrey S. Brower  
County Chair

DRAFT

**DEPARTMENT:** Public Protection

**EXTERNAL FEE NUMBER:** EX-XXX

**DIVISION:** Animal Services

**PURPOSE:** Domestic Animal Services Fees and Fines

**BASIS FOR FEE** Volusia County Ordinance Chapter 14

**DATE APPROVED:**

**Note:** \*May Not Be Changed Without Council Approval

**A. COUNTY PET LICENSING**

	<b>1-Year</b>	<b>3-Year</b>
1. Sterilized and Microchipped Dog or Cat	\$4.00	\$10.00
2. Sterilized Dog or Cat	\$8.00	\$22.00
3. Unsterilized Dog or Cat	\$16.00	\$42.00
4. Duplicate License or Change of Ownership	\$ 5.00	\$ 5.00
5. Ferret	\$ 8.00	N/A
6. Late Registration or Renewal Fee (+License Fee) 30 or more days past due renewal or original purchase	\$25.00	\$25.00

Note: The maximum fee permitted to be charged by licensing sellers is \$5.00 per license.

**B. OTHER ANNUAL REGISTRATION FEES**

1. Guard Dog (1 year - Includes Inspection)	\$ 250.00
2. Dangerous Dog License Fee (Includes Inspection)	\$ 500.00
3. Dangerous Dog Initial Registration Fee	\$ 1,500.00
4. Hobby Breeder Permit (1 year - Includes Annual Inspection)	\$ 150.00
5. Unaltered Permit Per Pet (1 year)	\$ 100.00
6. Guard Dog, Dangerous Dog, Hobby Breeder, Unaltered Permit Late Fee 30 or more days past due renewal or original purchase]	\$ 100.00

**C. LOW-COST COMMUNITY SPAY/NEUTER PROGRAM**

Felines and canines, at the discretion of the Animal Services Director, may be eligible for free pet sterilization to include microchipping and rabies vaccination. This service is available for Volusia County residents and participating cities only. Citizens providing proof of public assistance are eligible for a 50% discount on surgery fees.

Female Dog (0 to 50 lbs.)	\$ 75.00
Female Dog (51 to 100+ lbs.)	\$ 115.00
Male Dog (0 to 50 lbs.)	\$ 50.00
Male Dog (51 to 100+ lbs)	\$ 65.00
Female Cat	\$ 50.00
Male Cat	\$ 25.00
TNR Surgeries for Unincorporated Citizens	FREE
TNR Surgeries for Cities with Signed Inter-local Agreements	\$ 45.00
Heartworm Test	\$ 10.00
Rabies Vaccine	\$ 10.00
FelV/FIV Test	\$ 15.00
Parvo Test	\$ 15.00
FVRCP	\$ 10.00

**D. ADOPTION FEES**

Kitten	\$ 50.00
Cat	\$ 50.00
Cat Senior	\$ 25.00
Puppy	\$ 75.00
Dog	\$ 75.00
Dog Senior	\$ 25.00

Senior Citizen [and Active or Retired Military Personnel] Discount:

Senior citizens (age 65 or older) [and active or retired military personnel] will receive a discount of \$25 off the non-promotional adoption pricing of adult cats and dogs or free adoption of cats and dogs six years or older.

**E. SPAY/NEUTER DEPOSIT (PER ANIMAL)**

1. Volusia County Resident	\$ 250.00
2. Non-Volusia County Resident	\$ 500.00

**F. TRAP RENTALS**

	CAT	DOG
1. Refundable Deposit (must be returned in good condition)	\$ 75.00	\$250.00
2. Daily late fee for traps not returned by the date specified	\$ 10.00	\$ 10.00
3. Replacement or Repair of Damaged Trap	\$ 75.00	\$250.00

**K. OWNER SURRENDER FEES (Pets Deemed Adoptable by VCAS)**

1. Dog or Cat	\$ 50.00
2. Litter of Puppies or Kittens	\$100.00
3. Litter of Puppies or Kittens with Adult Mother or Father	\$ 50.00

**L. PROPERTY MANAGEMENT/RENTAL AGENCY  
PET RELINQUISHMENT**

ACO Pick-Up in Field	\$150.00
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**M. COMPLIANCE FEE FOR AMENDED CITATIONS** \$ 40.00

**NOTE: FEES MAY BE REDUCED AND/OR WAIVED AT THE DISCRETION OF THE VCAS DIRECTOR FOR SPECIAL CIRCUMSTANCES OR FOR PROMOTIONAL REASONS.**

**COUNTY OF VOLUSIA ORDINANCE VIOLATION**  
**ANIMAL SERVICES FINE AND COST SCHEDULE**

CHAPTER	CODE	DESCRIPTION OF OFFENSE	FINE
Animals	14-37	Interference with animal control officer or humane society personnel	\$250
	14-38	Cruelty to Animals	\$250
	14-39	Tethering	\$150
	14-42	Classification of Dogs as Dangerous; Infractions	\$500
	14-43	Duty of animal owners to be responsible owners	\$150
	14-44	Vaccination of dogs and cats	\$100
	14-45	Licensing of dogs and cats	\$100
	14-46	Rabies control	\$150
	14-47	Restraint of animals while on property of owner	\$150; \$250 fine for second violation
	14-48	Restraint of animals while off property of owner	\$150; \$250 fine for second violation
	14-49	Nuisance animals	\$105
	14-50	Dogs and cats transported into county for sale or gift, sale of animal at outdoor markets	\$150
	14-51	Female dogs and female cats in heat	\$150
	14-52	Disposition of dead animals	\$100
	14-53	Duties of driver when vehicle strikes animal	\$105
	14-54	Disposal of live animals to be used for experimentation or vivisection prohibited	\$250
	14-55	Selling or obtaining dogs or cats for purpose of human or animal consumption	\$250
	14-56	Canine hobby breeders	\$150
	14-58	Mandatory spay and neuter	\$250; \$500 for second violation ; mandatory court appearance for third or subsequent violation involving same animal
	14-59	Surrender of Stray Animals to Animal Holding Facilities	\$150
	14-60	Concealment of Animals	250; \$500 for second offense
	14-61	Animals in Motor Vehicles	\$250
	14-64	Guard Dogs	\$250
	14-65	Prohibition on Retail Sale of Dogs and Cats	\$500
	14-66	Prohibition of pet leasing and pet collateral transactions	\$500
	14-67	Prohibition of the declawing of cats	\$500