

Sec. 14-58. Mandatory spay and neuter.

(a) *Purpose.* The county has determined that the unintended or uncontrolled breeding of dogs and cats within the county leads to many dogs, cats, puppies, and kittens being unwanted, becoming strays, suffering privation and death, being impounded and euthanized at great expense to the community, and constituting a public nuisance and public health hazard. It is, therefore, declared that every feasible means of reducing the number of unwanted dogs, cats, puppies, and kittens be encouraged.

(b) *Spaying, neutering of dogs and cats.*

(1) *Requirement.* No person may harbor a dog or cat six months of age or older within the unincorporated areas of Volusia County that has not been spayed or neutered unless such person holds an unaltered animal permit for each unaltered dog or cat, unless the dog or cat is otherwise exempt under this section.

(2) *Unaltered animal permit.*

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

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

i. The dog or cat has competed in at least one show or sporting competition sanctioned by a bona fide national registry within the last 365 days;

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

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

2. *Medical fitness.* A 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 it spayed or neutered within 30 days.

3. *Law enforcement.* The dog 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 dog 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.

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.

c. *Microchipping.* As a condition to obtaining an unaltered animal permit, an eligible dog or cat must be implanted with an identifying microchip and the owner must provide the microchip number to the animal control division. 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. *Revocation.* Upon receipt of information of violation of this section, the animal control division 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 animal control officer, or upon posting of the property at the address listed in the permit application. Any request for hearing shall be filed by the permit holder with the animal control division within ten 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 officer within 30 days after the receipt of a request for hearing and in accordance with section 14-57. The original of the hearing officer's written decision shall be filed with the animal control division, and copies shall be mailed to the county attorney and the permit holder.

h. *Penalty.* Any person who violates any provision of this section is subject to

the enforcement procedures of section 14-39 and penalties prescribed in 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 section.

(3) *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.

(Ord. No. 2008-13, § III, 6-5-08; Ord. No. 2008-16, § I, 7-3-08)