



ANIMAL CONTROL ADVISORY BOARD MEETING

APRIL 24, 2019

AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES FROM JANUARY 9, 2019

INTRODUCTION OF NEW BOARD MEMBERS-ADAM LEATH

NEW BUSINESS:

- Discussion on New Proposed County Ordinance
 - ADAM LEATH will provide a draft copy of the proposed changes during meeting.

PUBLIC PARTICIPATION

SET DATE & TIME FOR NEXT MEETING

MEETING ADJOURNED

VOLUSIA COUNTY ANIMAL CONTROL
ADVISORY BOARD MEETING
APRIL 24, 2019

PRESENT: CATHY DRIGGERS
KAREN K. CLARK
BOB BELT
ROBERT BAIRD
PAT MIHALIC
DEBBIE DARINO
KENNETH MULLEN
JEANNINE COLLETTI
SUZANNE GRUBBS-VC DEPARTMENT OF HEALTH

ADAM LEATH, VCAS DIRECTOR
DEE FERGUSON, VCAS FIELD SUPERVISOR
SHARI WILLIAMS, VCAS OFFICE MANAGER

The meeting was called to order. Kara Keef has an excused absence.

Motion by Karen Clark to approve minutes of the January 9, 2019 Board meeting.
The motion was seconded by Jeannine Colletti
Motion carried

The members take turns introducing themselves.

Mr. Leath starts discussion of the proposed ordinance changes. He informs the Board that this ordinance has currently not gone before our Legal Department for review and has not been put out for public disclosure. As the Advisory Board, he wants them to have the opportunity to review what it is we would like to see Volusia County be able to do. Because it is in draft form, anything on there is up for discussion. He took the current ordinance, Chapter 14 and added any changes. Anything you see in red is added or deleted. Laws are the only way to uniformly protect all of the pets within our jurisdiction. In order to do that we need to make sure we have laws that are effectively going to be able to do that.

Mr. Leath starts discussion on the changes that are being proposed.

14-32: Anytime a citation is issued for an infraction within Volusia County, there is a filing fee associated with it. We believe that filing fee should go toward the education of those that are doing the enforcement.

Up for discussion is that we are going to be referring to ourselves as "Domestic Animal Services" due to our officers being asked to respond to situations outside that scope. We are getting calls for snakes, bats and all sort of things. We want to streamline to Domestic Animals Services and that's the best way to effectively use the resources that the tax-payers give us. It's very difficult for us to respond to situations of neglect and cruelty if we're removing all sorts of wildlife that don't really fit in to the focus of prevention of cruelty and suffering.

14-37: It's important to recognize the adoption of Florida Statutes. It's already something that we do, but it wasn't specifically in our ordinance.

14-38: I did add some verbiage to "Interference with an Animal Control Officer.

14-39: Our previous ordinance talked mainly about "humane care". We've found there are situations where people have neglected their pets that fall outside the scope of the language that is in the current ordinance.

What we envision this section to be is the meat and potatoes of what it is that we do at Animal Services and protecting pets.

Mrs. Colletti raises her concerns regarding providing fresh water and adequate shelter. Mr. Leath directs her to a section that was added, 14-39 (a).

14-40: This is something that we want to include in the ordinance. The language is up for discussion. There would be a grace period of time where we can get resources to individuals to be able to come into compliance. It's going to require a lot of public education and outreach so that people understand. I do feel like, especially in Florida, that we should be seriously considering as a Board. There are so many counties that have it.

Ms. Darino questions whether this will be for only unincorporated Volusia County. Mr. Leath responds by telling her that we currently have jurisdiction in unincorporated Volusia County as well as the city of Oak Hill. That may change in the future. A lot of counties actually contract with the county to do enforcement, to do sheltering. Those are all things to be thinking about moving forward. I believe this ordinance is very inclusive. But you are correct, if this is approved and passed this will be only in the unincorporated area of Volusia County and the City of Oak Hill.

Mr. Leath states we don't want to be pushing this forward in a manner which restricts the personal property rights of individuals. Animals are considered property. We have to make sure we are not infringing upon them but also making perimeters. We find that in issues with tethering, especially in the hot sun, there is often times no appropriate shelter.

Mrs. Colletti raised the issue of leaving a dog tethered outside enables other dogs to come into the yard and attack the dog. The dog also has no opportunity to get away from snakes or predators.

Mrs. Mihalic speaks about Ormond Beach is in the process of adding a tethering ordinance and if the cities and County could get together make everybody's the same, that would be good. Maybe have a meeting with the cities.

Mr. Leath states we are working with getting a Mutual Aid Agreement with all sixteen individual municipalities. We are getting a number of requests from cities for us to help their animal control departments. One of the carrots I'm dangling in front of them, is if we provide spay/neuter services to your city, and we provide our direct mutual aid, might you be willing to accept the new and updated revision of our ordinance to also protect the pets that are in your city?

Mr. Belt states New Smyrna Beach just changed and updated their ordinance. They recommended changes to tethering. The City, at their meeting, decided not to go with the recommendations that the Animal Control Advisory Board put forth. We are now going back and looking at changes. The changes that the County does will help the city to make better decisions too.

Mr. Leath states we want to ensure that we're providing maximum protection for all of the pets, not just those in the County.

Mr. Belt: The City of New Smyrna basically stated that if we ban tethering altogether, then we were being discriminatory against lower income individuals. That's exactly what they said.

Mr. Leath states if you're providing people with no options and then you're penalizing them that has shown to increase animals being dropped at shelters. We don't want to force people into a corner and provide them with no resources. We should be advocates in the community, providing those resources or connecting people with where those resources are.

Mrs. Mihalic provides a description of the resources provided to the public by Concerned Citizens for Animal Welfare.

Mr. Leath: The reality is, there are a lot of issues that could be resolved criminally, but that's not going to help the people and that's not going to help the pets. Intervention and advocacy is a huge component of what we're working to build at the Department. The reality is just because every dog isn't treated the way mine is or the way that yours is, doesn't mean that people don't love them and doesn't provide care for them. We have to understand, what is the best alternative for this pet and for this person? And using enforcement when we need it.

Mrs. Clark thanks Mr. Leath for 14-40 (d), for including the word "swivel".

Mrs. Clark starts discussion on 14-39 (b) and requests adding the word "insects". Mrs. Mihalic recommends adding "vermin/insect".

Mr. Leath states we try to make it inclusive enough so that it gives the officers the ability to do broad enforcement across multiple situations. He states he will go back and look at that ordinance. He suggests "insect infestation"

14-41: This section talks about when Animal Services will go out and impound someone's animal. The challenge is, all the situations where we would impound an animal are addressed in those specific sections in the ordinance. We don't need a specific section that says we will impound your animal under all these circumstances. I addressed the impoundment issue in each of the individual subsections throughout the ordinance, rather than compiling it in one section.

14-41(b) Mr. Leath states he keeps putting himself into the place of a person who has lost their pet and states it is a very complicated and cumbersome process for people to actually find their pet. They have to go to three different places, and there's a couple of Facebook pages. The more hurdles that you put in place, the more likely it is that they're not going to get home. He is trying to find ways to reduce that. He is trying to make individuals who are trying to reclaim their pets simple and easy to find them. Going to a shelter increases the owner being able to come and find them.

Mrs. Mihalic suggests posting pictures of lost pets on News 13.

Mr. Leath states one of the challenges to doing that is coordinating between the three different shelters.

Mr. Belt discusses the hold length of the different shelters. This directly effects the length of time a citizen has to find their animal.

Mr. Leath states all of the holding periods are subject to change and is something we definitely need to make a decision about. The holding periods are an operational decision at each humane society, and we cannot dictate their operational decision.

Mr. Leath discusses the new database that we will be getting that will help identify animal's owners.

Mrs. Clark discusses the importance of the veterinarians turning in their rabies certificates to better enable an owner be found if the animal gets picked up.

14-41 (3) Mr. Leath informs the members that he has deleted the unaltered permit in the ordinance. He states we have a number of instances by which people are getting unaltered permits for things like Dachshunds and Pitbulls and all sorts of other things. I've never seen herding Dachshunds and those sorts of things. They are getting unaltered permits because all that's required is to come in and sign a piece of paper.

Mrs. Driggers: Besides a Hobby Breeder, you're taking out all the people who show their animals? How are you going to allow them to do that? An unaltered animal permit is actually the only way.

Mr. Leath: One of the things we find is that the unaltered permit is a loophole for getting around spay/neuter. And it's being utilized in a way that is increasing the pet population.

Mrs. Driggers: When they did mandatory spay/neuter, this is one of the exceptions that was allowed that got some of the people who were breeding and some of the people who were showing, to be behind it because they allowed exceptions for that. How are you going to allow those exceptions?

Mr. Leath: Here is the way the current process works: If you want an unaltered permit, you just have to sign a piece of paper. That's it. And you can do it online.

Mrs. Mihalic: It's a list of different things. Hunting, that's how the Pitbulls got it, they claim they hunt hogs. The backyard breeders that are breeding designer dogs, you're supposed to have to show that you are currently "showing" the dogs, and you have to have proof of that.

Mrs. Driggers: I met with council and discussed several things leading up to this. This is a big part of what me and so many people I know do. There should be some back-up on that so you can enforce what've you've got there. Without some type of unaltered animal permit, how are you planning on allowing people to do these things?

Mr. Leath: Currently the process is all they have to do is sign a piece of paper.

Mrs. Driggers: I certainly want to continue to be legal, but I can't stand behind something that says all animals have to be spayed or neutered and we're not making any exceptions for anybody.

Mr. Leath: I can understand that. But there's no qualifying criteria. I cannot find a way to provide exemptions without allowing it to be completely ineffective and unenforceable.

Mrs. Clark: Is the one that County Council approved not in existence?

Mr. Leath: It is in existence. What I'm proposing is that "that language makes it unenforceable for us to do mandatory spay/neuter". That's my problem. I don't know how to get around that which is why I'm asking for your input. The way that it is currently being done is anytime that we try to enforce mandatory spay/neuter, they then say "we can get an unaltered permit". Then we can't make them get spayed or neutered. Even if they say they meet one of the criteria, I can't make them provide any of the documentation.

Mrs. Mihalic: Can we put it in that we require that?

Mrs. Driggers: What about showing proof of what you're competing in?

Mr. Leath: I agree, that's what you did. It is currently, we don't even mention the unaltered permit, because it makes it unenforceable for us. The only other way that I found that we can put this in, is those that have them now. Are grandfathered in. Right now, if they have them, that should deal with the issue. The challenge that I'm really struggling with is, all they have to do is sign a piece of paper and they get it.

Mrs. Driggers: Sounds to me that's what need to be fixed, that all they have to do is sign a piece of paper.

Mr. Leath: The way that it's written, even if we change it, I can't tell them that they can't use this, they have to use that.

Mrs. Driggers: Requiring more information is going to deter people anyway. If they're not legitimately doing it, you're going to deter them. From my understanding, the unaltered permit was not to allow them to breed their animals, it was for show, competition, for working, herding, whatever they're using it for. Not breeding. If they're caught breeding, they need a Hobby Breeder permit.

Mrs. Mihalic: If they're going to breed, require a Hobby Breeder permit.

Mr. Leath: I get what you're saying.

Mrs. Mihalic: Can you just add on to each section "This is not a breeding permit"?

Mr. Leath: All the options are on the table.

Mrs. Driggers: And males and females should be kept separated.

Mr. Leath asks Officer Ferguson to weigh in.

Officer Ferguson: I kind of agree with Cathy. If you make everybody a Hobby Breeder, you're going to have to change the zoning. Now it's only rural properties that can be Hobby Breeders. This unaltered permit has been so loose, we don't have people proving anything. I've never liked the unaltered permit. I think putting it in a different language, stricter, would probably be better than actually getting rid of it completely.

Mr. Leath: I have really struggled with finding verbiage that's out there, or I'm writing my own, that doesn't make it unenforceable. I know where you're all coming from. I will try my best to come up with some language but every version I came up with was giving an exemption to people to breed.

Mrs. Driggers: If you change the wording on the permit, I think you fix a lot of these problems. They have to keep their males and females separate and "this permit does not allow for breeding". If someone asks for breeding, they have to have a Hobby Breeder permit.

Continued discussion regarding unaltered permits.

Mr. Leath requests the Board members email him with any suggestions or thoughts they may have. It is suggested to have another meeting in a month to continue this discussion.

14-42 (b): Mr. Leath discusses the administrative fee which allows the owner to come into compliance without going to court.

14-43: There are many changes. The biggest change is the fees. They are dramatically changing. There is a lot of information in this ordinance.

The Board discusses cases involving dangerous dogs and the pros and cons having one person deciding to deem the dog versus many people making the decision.

Mr. Leath: I'm not picking or choosing which dog should be in the community. This is a "does it meet the minimum elements of our statute, does it meet the minimum elements of our ordinance? If it does, then this is the declaration process. I don't want to be in a situation where we're making decisions that are marginal. These need to be very clear and factual based upon the evidence of the case, which is very specific before we make the determination whether or not it meets that definition.

14-45: I did add some specific verbiage on age. It mirrors the state statute. There is some updates in terms of the forms that people are using. Whether or not they're getting us those forms and people swip-swapping rabies certificates.

(Inaudible-many members speaking at once)

14-46: Section (e) was deleted. If they're not wearing something, they have no microchip, they're being brought to a shelter needlessly.

14-47: Mr. Leath: I didn't change anything about Rabies Control.

14-48: Mr. Leath: The deletion regarding the chain was deleted. We can't say it's ok to restrain an animal on a chain if we are allowing no tethering in the County.

14-49: Sections that didn't make sense were deleted.

14-50: Mr. Leath: I put a lot of new information in here. Here's where you're going to see a lot about community cats and free-roaming cats exempt. Section (c) says caregivers of a community cat colony shall be exempt from licensing requirements.

Mrs. Mihalic refers to section (c) (4) and asks if distemper vaccinations can be added to it.

Mr. Leath states he didn't want to make the smaller organizations get the vaccination if price were an issue. The state statute says only rabies vaccination is required. He states he does not have an issue leaving distemper requirements in there.

Mrs. Mihalic refers to (c) (6). She says she does not allow any of the programs to release cats anywhere other than where they came from.

Mr. Leath asks if this presents unnecessary challenges.

Mr. Belts says this can be changed to "caregivers are only allowed to release where they are caught". That's all it needs to be.

Mr. Leath asks if he could just delete it altogether.

They agree to the deletion.

Mrs. Clark discusses cats being abandoned near West Volusia Humane Society. A friend of hers trapped some of these cats, Animal Control Officers took the cat, had it spayed/neutered, then brought it back to the same location. Even at some of the businesses in the unincorporated areas, cats are brought back. If they call, where do the abandoned cats go? Is there an alternative for someone who can't have the cat but it's been dumped near them?

Mr. Leath: We don't want them unnecessarily euthanized. Cats don't belong in shelters.

Mr. Belt: The cats are there only because of a food source. One of the main responsibilities is for any new members that come to the colony, they're immediately removed. And if they're adoptable, they are not place back outside.

Mrs. Clark discusses signage being placed on Grand Avenue near West Volusia Humane Society. Nothing's been done.

Mr. Leath: Abandonment is something we do investigate and will charge for. If there is an allegation that animals were abandoned, that is something we should be addressing. The disposition of that cat, in my mind, does not need to be at a shelter. It should be spayed/neutered and it that really depends on that particular cat as to what the disposition is. Could it go into a home, could it not? Those are difficult conversations to have without having all the details. But I will say our job is to do the best for the population of pets and the best things is to make sure they don't end up in a shelter.

Mrs. Clark stresses her friend would like to get those signs up so that people who abandon down by Humane Society Road are forewarned.

Discussion among members whether a sign would stop people from dumping cats.

Mr. Leath: I would just say, if you could report those individual instances, we will thoroughly investigate.

14-57: Mr. Leath states he took Mrs. Driggers updates and edits and made some deletions.

14-59: Mr. Leath states he removed unaltered permits. He will go back and do additional updates. He states he's also deleted numerous exceptions.

14-60 and 14-61 was added

14-62: This was something wasn't in here at all. We are hoping this will spark responsible pet ownership by letting people know you can't let your pets run after people or do certain actions.

14-64: Mr. Leath requests the Board Members take some time and read through this. Everything throughout this section says the holding period is three days. If we want to change that, he is open for discussion.

14-64: Mr. Leath says we didn't have this in the previous ordinance. He believes it is necessary. He wants to be able to regulate guard dogs.

14-66: This is also new and is probably going to create a lot of controversy. We do not believe the commercial sell of dogs and cats at pet stores is doing anything other than creating an additional problem of unwanted and overpopulation of pets. What we have seen is many and what many counties are doing is partnering with their Animal Services, their foster locations, they can adopt out pets at these locations. But to bring in, in truckloads, dogs and cats from other states into our County for the purposes of being sold, make no sense whatsoever.

Mr. Leath discusses the fines. He says you have the old fines so you have something to compare to and the second page is his proposal for new fines. We want to encourage responsible ownership and the only way to do that is to make there to be some financial incentive.

Mrs. Driggers discusses the requirement of having a microchip scanner on the premises if you are a Hobby Breeder.

Mr. Leath: I didn't delete it, if you're using microchipping as a way to permanently id your pets on your location and they're not wearing other things, there's no way we can differentiate one pet from another without being able to scan them.

Mrs. Driggers: Yes, but Animal Control has scanners.

Mr. Leath: But the cities don't. If some of the others come on board, that was the other challenge.

Inaudible-many members speaking at once.

Mr. Leath: If you feel really strongly about it, I can go back to it.

Mrs. Driggers: It was about the people who are already being responsible, now they have to pay more. The whole purpose for it was because officers did not have scanners. Now they do.

Mr. Baird questions why the clinic hours for drop-off were changed.

Mr. Leath: We were finding we had a number of people who were bringing in their pets and the clinic wasn't open. Administrative staff was having to actually stop what they were doing, come up and check them in. People were looking for us to be open during County business hours, 8-5. I'm not sure how we ended up at a

different time, but every other department is 8-5 so we wanted to make sure we were open for the public during those hours.

Inaudible- many members speaking at once.

Discussion among members regarding the hours other spay/neuter clinics are open.

Mrs. Driggers calls for the vote for the Chair and Co-Chair positions.

Mrs. Mihalic nominates Cathy Driggers for the Chair position and Mrs. Clark as Co-Chair

Mr. Belt seconds the nominations.

The motion carries.

Meeting Adjourned

Chapter 14 - ANIMALS

ARTICLE I. - IN GENERAL

Secs. 14-1—14-30. - Reserved.

ARTICLE II. - ANIMAL CONTROL

Sec. 14-31. - Definitions.

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

Abandon: To give up possession of, to neglect, to forsake an animal entirely or to refuse to provide or perform the legal obligations for care and support of an animal by its owner or owner's agent.

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

Adequate Health Care: The provision to each animal of all immunizations and preventative care required to maintain good health; and the provision to each sick, diseased, or injured animals of veterinary care or humane death.

Adequate Shelter: 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 the exposure to inclement weather.

Adequate Water: A 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 will be provided in a secure manner so that the container cannot be overturned.

Adult ~~a~~Animal: domesticated animal including dogs, cats, and ferrets four months of age or older.

Affidavit: A voluntary sworn declaration, in writing, made before a competent authority.

Animal: for the purpose of enforcement by animal control officers acting pursuant to this article in the unincorporated areas of the county, and any included

municipality, shall mean domesticated animals including dogs, cats, and ferrets.
~~dogs and cats.~~

Animal ~~e~~Control ~~a~~Authority: ~~means~~ the county manager and the animal control division or its successors acting alone or in concert with other local governmental units and authorized by them to enforce the animal control laws of the city, county, or state. The Volusia County Sheriff's Office may also carry out the duties of the animal control authority under this article.

Animal ~~e~~Control ~~d~~Division: ~~means~~ the enforcement and investigative agency of the county relating to the provisions of this chapter.

Animal ~~C~~ontrol ~~O~~fficer: ~~means~~ any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this article, ordinance or any other law or act relating to the licensure of animals, control of animals, or seizure and impoundment of animals and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

Animal ~~E~~xposed to ~~R~~abies: ~~means~~ any animal bitten by or that has associated with any animal determined by the county health officer or the animal control officer to be infected with rabies.

Animal quarters: ~~means~~ the premises and all buildings, pens, yards and their appurtenances used for the keeping of dogs and cats.

Animal Roaming at Large: Any animal not under the restraint, confinement or direct control of the owner or his/her agent, as defined further herein.

Animal Care Facility: Any person, group or business that provides for the care, sustenance, housing, maintenance or other necessary care of an animal, usually but not necessarily for a fee. Included, but not limited to, veterinary facilities, boarding facilities, groomers, animal sitters/foster care, rescues, shelters and pet stores.

Auction: Any facility or place where animals are regularly bought, sold or traded, exempt for those facilities otherwise defined in this ordinance. This section does not apply to individual sale of animals by owners.

Baiting: To attack with violence, to provoke or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. "Baiting" also means the use of live animals in the training of racing greyhounds or dogs used in "Hog Dog Rodeos", or any other performing animal exhibition.

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

Caregiver: Any person who provides food, water, or shelter to or otherwise cares for any animal, feral or domesticated, over a designated period of ten (10) days or longer that the person, whether of their own volition or by request of the owner of said animal provides care for the animal.

Cat: means a~~Any~~ domesticated feline of the *Felis catus* species.

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

Citation: A written notice issued to a person by an animal control officer stating that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly-enacted ordinance or of the applicable laws of the State of Florida and that the county court will hear the charge.

Council: The Volusia County Council

Commercial Animal Establishment: Any pet shop, animal grooming shop, flea market, department store, guard dog training facility, riding school, any type of kennel, cattery; or any other premises or property where animals are kept as part or whole of a business concern.

Cruelty to Animals: As defined in Chapter 828, Florida Statutes, as it may be amended from time

to time.

Community cat: A stray cat which has been spayed/neutered, vaccinated, and ear-tipped.

Community Cat Caregiver: A person who, in accordance with a trap-neuter-return (“TNR”) program, provides care to a community cat. A community cat caregiver shall not be considered the owner or harborer of a community cat. The provision of care to a community cat by a community cat caregiver shall not be considered a “use” of real property that is regulated by Volusia County’s Land Development Regulations.

Dangerous Dog: means aAny dog that according to the records of the animal control 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 animal control authority.

Designee: Person designated to fulfill the role in the absence of the Animal Services Division Director.

Dog: means aAny domesticated dog of the Canis familiaris species. ~~canine.~~

~~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.~~

Direct Control: 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 (excluding herding dogs, dogs in the process of hunting, police dogs, dogs participating in a registered field trial, obedience training or trial, or on its owner's property)

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

Domestic Animal Services: An entity composed of persons and officers which have full and complete authority to enforce the provisions, regulations and requirements of this ordinance and applicable laws of the State of Florida relating to animals and animal cruelty.

Euthanasia: The humane and painless putting to death of an animal that is hopelessly sick or injured. In the case of dogs and cats, by injection of sodium pentobarbital as defined in Chapter 828, Florida Statutes, as it may be amended from time to time.

Eartipping: A straight line cutting the tip of the left ear of a cat while the cat is anesthetized. This is a universal sign of spay/neuter for community cats.

Exotic Species: Any animal whose natural habitat is outside the continental United States.

Feral Animal: Any wild cat or dog, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication.

Grooming Shop: Any commercial establishment where animals are bathed,

clipped, plucked or otherwise groomed.

Guard Dog: Any type of dog used primarily for the purposes of defending, patrolling or protecting property or life.

Guard Dog Registration: The process of presenting a guard dog to Domestic Animal Services 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), and/or the handler; the dog's breed, sex, color, microchip registration number (if applicable); certification of rabies vaccination; any other distinguishing physical characteristics of the animal, and any "stop attack/release" commands.

Guard Dog Service: 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.

Health Department: Florida Department of Health in Volusia

Harbor: means to own, keep, or provide care, shelter, protection, refuge or nourishment to a dog or cat.

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 be in good standing and have registration privileges intact with the appropriate national animal registry. The owner must have three years' documented experience in show clubs and participation in show trials.

Hobby Breeder Facility: means kennels or catteries operated by a hobby breeder that conform to the standards set out in this article under section 14-56.

Humane Capture Methods: Use of control poles, muzzles, nets, humane traps, and tranquilizer equipment.

Humane Manner: 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; including necessary veterinary care.

Humane Trap: A device used to capture animals, which does not cause injury to the animal upon capture or confinement.

Implied Owner: Any person who is harboring an animal without ownership being openly or directly expressed.

Impoundment: Confining any animal by Domestic Animal Services in a manner consistent with professionally recognized standards of humane treatment.

Kennel or Cattery: 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 Volusia County Council, or tax exempt animal care facility shall not be considered commercial kennels or catteries.

Impounding or ~~h~~Holding ~~f~~Facility: ~~means a~~Any one or combination of a ~~pet shop,~~ kennel, cattery or humane society facility or any facility or place the county or city may so designate.

Licensed ~~v~~Veterinarian:~~s~~ ~~means a~~All veterinarians actively engaged in the practice of that profession in the state as provided for in Chapter 474 Florida Statutes, 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, diagnose and treat animals, and perform surgical procedures on animals.

Livestock: As defined in Chapter 828.23, Florida Statutes, as may be amended, 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 meat or meat products.

Microchip or ~~e~~Electronic ~~i~~Implantation: ~~means a~~An electronic animal identification device (EAID).

Neuter:~~The~~Neuter: ~~The~~ The medical procedure of rendering a male dog or cat permanently incapable of breeding.

Nuisance Animal: Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interferes with the rights of citizens, other

than their owners, to reasonable enjoyment of life or property.

Official Health Record: 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 or agent of the owner.

Owner: Any person or entity owning, keeping, harboring or having control of one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for ten (10) or more consecutive days. Any implied owner will also be construed as be the owner of an animal. An animal owner is responsible for keeping their animals under direct control at all times and will be held accountable for any violation of this ordinance.

~~Owner means any person, firm, corporation, humane society, public or private nonprofit organization who harbors a dog or cat. If the person purporting to own a dog or cat is a minor, as defined by Florida Statutes, the minor's parent(s) or legal guardian, shall be deemed the owner of the dog or cat for purposes of this chapter.~~

Owner's Agent: A person or entity capable of acting or empowered to act for and on behalf of the owner.

Owner Surrender: A legal document forfeiting the ownership rights of an animal(s) to Domestic Animal Services.

Person: A natural person or persons, firm, association, corporation, or any other entity, legal or otherwise, as defined in Chapter 828, Florida Statutes, as may be amended.

~~Person means an individual, firm, partnership, corporation, trust or any association of persons.~~

~~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.~~

Pet Shop: A store, person, partnership, corporation or franchise operation whether operated separately or in connection with another business enterprise that buys and sells any species of animals for a fee or reimbursement.

Pet License: A document and/or tag issued by Domestic Animal Services indicating that the animal described on the license is owned, kept, or boarded by the individual named thereon.

Primary enclosure: ~~means a~~ structure used to immediately restrict one or more ~~eats animals~~ to a limited amount of 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.~~

Provider: Any person or entity that provides for the sustenance, medical care, housing, or other essential items/care to any animal. Florida Licensed Veterinarians are exempt from this definition while providing care for an animal owned by a client, customer, or shelter.

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.~~

Probable Cause: Exists where the facts and circumstances within the Officer's knowledge and of which the Officer has reasonably accurate information sufficient to lead a reasonable person to believe that an offense has been or is being committed.

Public Nuisance: For the purposes of this ordinance, means any animal that unreasonably annoys the community, injures the health of citizens in general or other animals, or substantially interferes with the rights of other persons to the quiet enjoyment of life or property.

Public Property: Lands and improvements owned, leased or controlled by the Federal Government, the State, the County, or a municipality, and includes sovereignty submerged lands located adjacent to the County or municipality, buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, right-of-ways, and other similar property.

Quarantine: The strict indoor confinement, isolation, and observation of an animal for symptoms of rabies. Such confinement must prevent the animal from coming into unplanned contact with any other animal or human being for a period of (10) days from the date of the bite.

Recognized National, Regional, or Local Dog/Cat Club: Any National, Regional or Local Dog or Cat Club which is Chartered, Organized, and has by-laws, Directors, and Members.

Restraint: The control of an animal by leash, fence, building, cage, crate or other secure enclosure that prevents such animal from roaming at large. Animals must be restrained in a clear area, free from obstructions or vermin-harboring debris.

Sanitary: Clean and free from infectious causing elements, deleterious influences, odors, or vermin-harboring debris.

Secure Enclosure: Confinement of an animal in a building or other enclosure that renders such animal inaccessible to any other animal or people.

Secure Enclosure of a Dangerous Dog: While on the owner's or keeper's property, a dangerous animal 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 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.

Service ~~a~~Animal: ~~means a~~ dog or cat meeting the definition of service animal in 28 C.F.R. § 36.104 and F.S. § 413.08(1)(d).

Severe ~~i~~Injury: ~~means a~~Any physical injury that results in broken bones, multiple bites or disfiguring lacerations requiring sutures or reconstructive surgery.

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

Stray: (used as a noun) ~~m~~Means any unlicensed and unattended animal off the premises of its owner.

Threatening & Menacing Behavior: Any aggressive behavior toward a human or another animal, whether by barking, growling or charging, without provocation, where such action on the part of the aggressor creates a reasonable apprehension of immediate injury. This does not include an animal that is secured on its own property.

TNR: Trap neuter and return program for community cats

TNR Program: A protocol pursuant to which stray cats are trapped, neutered/spayed, ear tipped, vaccinated against rabies, and returned to the location where they congregate, in accordance with this ordinance.

Twenty-Four (24) Hour Notice of Violation: Domestic Animal Services form left upon a property in an attempt to notify an owner or owner's agent of an existing violation or an abandoned animal, and that they have twenty-four (24) hours in which to contact Domestic Animal Services.

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

Unattended Animal: An animal on its own property that is not securely confined and no owner or owner's agent is present, and where that animal is at liberty to come and go freely from its own property.

Unprovoked Behavior of an Animal: ~~means that the victim who~~An animal that has bitten or chased in a menacing fashion or attacked a person or another animal who has been conducting themselves peacefully and lawfully. ~~been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.~~

Veterinary Care: Medical treatment by a licensed veterinarian having as its purpose the mitigation of disease, suffering and/or injury.

Veterinary Hospital: Any place or facility owned or operated by a licensed veterinarian and used for the practice of veterinary medicine in the diagnosis, treatment, and care of diseases and injuries to animals, or used for the boarding of animals during such diagnosis, treatment or care, or used for the temporary boarding of animals belonging to the veterinarian's clients.

Warning Notice: An animal control agency form served on an owner or owner's agent advising them of an existing violation of this Ordinance.

Wild Animal: Any non-domesticated member of the animal kingdom, including those born or raised in captivity that are not dependent upon human beings for survival.

Without ~~p~~Provocation: ~~has the~~ same meaning as ~~u~~Unprovoked Behavior of an Animal.

Zoonosis or Zoonotic Diseases: Those diseases transmittable to humans and animals by other animals including parasitic, bacterial, fungal, and viral diseases.

(Ord. No. 91-33, § II, 10-10-91; Ord. No. 93-25, § II, 11-4-93; Ord. No. 94-15, § I, 9-18-94; Ord. No.

2003-15, § 1, 10-2-03; Ord. No. 2007-11, § I, 10-18-07; Ord. No. 2008-13, § I, 6-5-08; Ord. No. 2008-

18, § I, 8-21-08; Ord. No. 2009-35, § I, 11-19-09, Ord. No 2018-21)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 14-32. - Penalty.

A violation of this article is a civil infraction which carries a maximum civil penalty not to exceed \$500.00. If a person who has committed such a civil infraction does not contest a citation issued to him or her, the civil penalty shall be less than the maximum civil penalty. A filing fee is assessed on each citation. Upon the collection of fines by the Clerk of the Court, such filing fees are returned to Domestic Animal Services for the purposes of continuing education of Animal Control Officers.

Any expenses imposed on the owner of an animal by operation of this article which remain unpaid as of the time of judicial handling shall be ordered paid as a part of the court's disposition. The 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. 767 or F.S. § 828.29, 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.

(Ord. No. 91-33, § XXIV, 10-10-91; Ord. No. 93-25, § XXV, 11-4-93; Ord. No. 94-15, § XIII, 9-18-94)

Sec. 14-33. - Conflicting provisions.

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

(Ord. No. 93-25, § XXVIII, 11-4-93)

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

This article shall apply to and be enforced in the unincorporated areas of the county. 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.

(Ord. No. 91-33, § XXV, 10-10-91; Ord. No. 93-25, § XXVI, 11-4-93; Ord. No. 2002-16, § I, 9-5-02; Ord.

No. 2003-15, § 2, 10-2-03)

Sec. 14-35. - Animal control officers.

(a) *Animal control authority.* The authority and primary responsibility of the county for enforcement of this article and the animal ~~control~~ laws of the state is hereby delegated to the county manager, the animal ~~control~~ services division, and each animal control officer who is certified according to the laws of the state. Each animal control officer so certified shall have complete police and law enforcement power to enforce this article and the provisions of state law, rules and regulations relating to animal control in the unincorporated area of the county.

(b) *Animal control officer training course.*

(1) County-employed animal control officers shall successfully complete a 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 animal control officer who successfully completes such a course shall be issued a certificate indicating that he or she has received a passing grade.

- (2) Any animal control officer who was authorized by a county 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.

(Ord. No. 91-33, § III, 10-10-91; Ord. No. 93-25, § III, 11-4-93; Ord. No. 94-15, § II, 9-18-94; Ord. No. 2003-15, § 3, 10-2-03)

Sec. 14-36. - Animal control board.

- a. *Established.* There is hereby established a county animal control board.
- b. *Orientation.* The county council or county staff will conduct a board orientation in the first quarter of the year in which appointments are to be made. The orientation will acquaint board members with parliamentary procedure, sunshine law, public records law, and county staff that will be assigned to the Volusia County Animal Control Board. M
- c. *Membership; term of office.* The composition, appointment and term of members of the board shall be as follows:
 - 1) The animal control board shall consist of nine members and include, whenever possible, a licensed veterinarian, a humane society representative, a cat owner, a member of a kennel club, a hunter, a county citizen from an unincorporated residential area, an owner of livestock, a county citizen from an unincorporated agricultural area and a county 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 animal control board shall be appointed by and serve at the pleasure of the county council. Any member of the board may be removed from office without cause by the county council. The chairman of the board shall be elected annually from among the appointed members of the board.
 - 3) Terms of the animal control board shall be for two 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 county council shall appoint each board member, upon the nomination of a council member. Each district council member and the at-large member shall make one nomination of an elector from within the county. The county chair shall make two nominations of an elector from within the county.

- 4) No elected official, member of two or more other county boards or commissions, or employee of county government shall be appointed to serve on the board. If any member fails to attend two meetings in any calendar year, regardless of the reason, the member's seat shall be deemed vacant.
- 5) A board vacancy shall be filled upon nomination by the county council member who made the nomination to the vacated position or the successor to that council member.

d. Functions. The functions of the animal control board shall be as follows:

- 1) Meet at least quarterly, but no more than six times annually, unless otherwise needed.
- 2) Recommend to the county council rules and regulations pertaining to any of the following:
 - a) Operation of the 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.

94-15, § V, 9-18-94; Ord. No. 00-12, § I, 4-13-00; Ord. No. 2007-11, § II, 10-18-07; Ord. No. 2009-15,

§ I, 4-16-09)

Charter reference— Authority to create board, § 701.

Cross reference— Boards, commissions, councils and authorities, § 2-421 et seq.

Sec. 14-37. - Adoption by Reference: Florida State Statutes Relating to Animal Control, Animal Welfare and Animal Cruelty.

The Volusia County Council hereby adopts by reference, as part of this ordinance, all Laws of the State of Florida relating to Animal Control, Animal Welfare, and Animal Cruelty.

Sec. 14-~~37~~ 38. - Interference with animal control officer or humane society personnel.

- (a) No person shall interfere with, hinder, resist or obstruct the animal control officer or humane society personnel in the lawful performance of their duties as set forth in this article. It shall be unlawful for any person to willingly and knowingly provide false or misleading information to an Animal Control Officer or Animal Services Division regarding animal ownership, licensing, rabies vaccination, medical treatment, or condition or other matters pertaining to the enforcement of state law or county ordinance.
- (b) No person shall, without proper authority, release, remove or attempt to release or remove any animal from the custody of the animal control officer or humane society personnel.
- (c) No person shall tear down, burn, deface, destroy or otherwise injure an impounding facility or enclosure.
- (d) Any person found in violation of this section is subject to the penalties prescribed in section 14-32.

(Ord. No. 91-33, § X, 10-10-91; Ord. No. 93-25, § X, 11-4-93)

Sec. 14-39. – Cruelty to Animals

- a) No owner, keeper or agent of an animal shall fail to provide the animal with adequate food, water, shelter or veterinary care; or restrain the animal by any means other than those defined in this ordinance.
- b) No animal shall be kept in unsanitary conditions, or in areas where there is vermin-harboring debris or other material which can provide an opportunity for injury or

- danger to the animal's health or welfare.
- c) No animal in the care, custody, or control of a person shall be neglected, beaten, cruelly treated, tormented, overworked, overloaded, abused, mutilated, or killed.
 - d) It shall be unlawful for any person or owner, or group of persons, to abuse, cause bloodletting or death of an animal.
 - e) It shall be unlawful for any person to molest or penetrate an animal or use the body parts of an animal for sexual gratification.
 - f) It shall be unlawful for any person to procure an animal for the purposes set forth in sections 14-39 (d) and (e).
 - g) No person other than a licensed veterinarian shall crop the ears or dock the tail of any dog.
 - 1) A person commits an offense if he/she crops or cuts off or causes or procures to be cropped or cut off, the whole or part of the ear, ears or tail of a dog.
 - 2) The possession by any person of a dog with an ear or ears cut off or cropped, or tail docked, and with the wound resulting therefrom unhealed, or any such dog being found in the charge or custody of any person, or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation of this section, unless the cropping or docking has been carried out by a licensed veterinarian.
 - h) It shall be unlawful for any person to leave or deposit any poison or any substance containing poison in any common street, road, alley, lane or thoroughfare of any kind, or any yard or enclosure other than that person's own yard or enclosure, for the purpose of inflicting injury or killing any animal.
 - i) The humane slaughter of either livestock or wild animals for food purposes (including to all lawful hunting activities) is exempt from the provisions of this section.
 - j) No owner or agent of an animal shall abandon any animal in any public or private place.
 - 1) If an Animal Control Officer Suspects that an animal has been abandoned, but such animal does not appear to be in immediate distress or danger, the Officer may leave notices posted in a conspicuous place informing the owner or agent to contact said Officer within 24 hours. Failure to do so may result in the animal being removed by the Animal Control Officer. The animal will become the property of Domestic Animal Services if not redeemed within (3) days. The Officer may issue citations if the owner or agent is subsequently located.

Sec. 14-40. - Tethering

- a) No person, to include owner, harbinger, caretaker, or agent shall tether a dog or cat to a stationary or inanimate object as a means of confinement or restraint unless such person is with the dog or cat and the dog or cat is at all times visible to such person.
- b) The tether must be constructed of material sufficient to restrain the dog or cat but may not place the dog or cat in danger of injury or death. At no time shall the tether extend over an object or edge in such a manner that could result in strangulation, entanglement of or injury to the dog or cat. Logging chains and vehicle tow chains may not be used to tether a dog or cat. The addition of weight to a dog's or cat's collar, harness, chain, or tether is prohibited.
- c) The tether shall be of a length and weight to allow a dog or cat to move at least ten (10) feet in all directions from the point of tethering and allow entry and egress to proper shelter and enclosure as defined herein. No person shall keep a dog or cat in any enclosure without daily exercise and change of air.
- d) The tether shall be attached to a properly fitted buckle-style collar or buckle-style harness sufficient to restrain the dog or cat. The tether must have an operative swivel attached to a collar or harness and may not be attached to a stationary object at a height higher than the dog's or cat's neck in standing position. The tether must swivel on both ends and be free of tangles. A leash or lead may not be

- attached directly to the dog's or cat's neck in lieu of a manufactured collar or harness. Choke, chain, slip, or prong-type collars shall not be used on a dog or cat when such dog or cat is tethered.
- e) The tethered dog or cat must be at least six (6) months of age and may not be sick or injured.
- f) No tether may extend any closer than six (6) feet from the perimeter fence or lot line. If it 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 dogs or cats, they must be tethered separately with no sharing of running lines, or near enough to each other that they may become tangled. No dog or cat shall be tethered so that it has access to public property, including easements, and rights-of-way property, or the property of another.
- g) When the dog or cat is transported in a pickup truck with a metal bed, the dog or cat shall be provided protection from the metal bed; and the dog shall be safely and properly tethered as defined herein. Any cat being transported must be in a hard-shelled crate specifically designed for cats and the crate must be secured to the truck bed so that it does not move during transporting.
- h) Tethering and/or inappropriately sheltering a dog or cat in violation of the provisions of this section shall be unlawful. When a violation of this section occurs, an officer may take reasonable measures to remove the dog or cat from the tether and/or inappropriate shelter and impound the dog or cat.
- a)i) No dog or cat shall be tethered on vacant or abandoned property.

Sec. 14-~~38~~ 41. — Impoundment of Animal Found in Distress.

- a) Animal Control Officers shall have the authority to impound any animal to be cruelly treated or in obvious distress. Any animal so impounded may be taken to a veterinarian without the owner's consent for examination and/or treatment, if necessary. The owner of said animal shall be liable for all costs incurred. Any animal impounded under the provisions of this ordinance and not redeemed by its owner after three (3) consecutive days shall become the property of Domestic Animal Services

~~(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.~~

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 address, or sent to the owner by certified mail, return receipt requested. Said animal shall only be required to be held for the owner for three (3) working days from the date of notification to the owner. At ~~the expiration~~the expiration of said three 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 subsection (c) of this section. An owner of an animal impounded shall pay the impoundment fee before the animal will be released to the owner.

~~(2) Animals impounded pursuant to subsection (a)(3) of this section 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.~~

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

(4)(3) Any dog or cat impounded in accordance with this section

shall be spayed or neutered. No unclaimed dog or cat shall be released for adoption without being sterilized prior to entering the new home. Animal Control Officers are authorized to issue citations for failure to sterilize any cat or dog adopted from any animal shelter. 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, and may 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 article.
- d) *Fees.* Impounding agencies shall 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 the holding facilities and approved by resolution of the county council.
- e) *Impounding facilities.* The county may construct and operate impounding or holding facilities or contract with organizations with such facilities to provide adequate animal impounding for the area.

(Ord. No. 91-33, § VII, 10-10-91; Ord. No. 93-25, § VII, 11-4-93; Ord. No. 2003-15, § 4, 10-2-03; Ord.

No. 2007-11, § III, 10-18-07; Ord. No. 2008-13, § II, 6-5-08)

Sec. 14-~~39~~ 42. - Methods of enforcement; investigations.

(a) *Procedures.*

(l) An animal control officer who has probable cause to believe that a person has committed an act in violation of this article shall do one or more of the following:

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

~~a)b) Infractions such as licensing and vaccination, mandatory spay/neuter, and tethering will receive a citation for the infraction; however, a ten (10) day period will be provided to the owner to come into compliance. If said person comes into compliance within ten (10) days and pays an administrative fee to Domestic Animal Services, the citation will be voided and will not require a fine. The administrative fee for two (2) citations or less is forty (40) dollars. The administrative fee for three (3) or more citations is eighty (80) dollars. Issue a notice of violation to the person who is in violation of this article. Such notice of violation 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~~

b)c) 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~~

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

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

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

(1) It shall be the duty of the animal control officer to keep the following records:

a. Accurate and detailed records of the licensing, impoundment and

disposition of all animals coming into his/her custody;

- b. Accurate and detailed records of all reported bite cases and investigations;
- c. Accurate and detailed records on all money collected and expended in the operation of the functions of his office; and
- d. Accurate records of all rabies certificates.

(2) All records required by this section shall be subject to inspection by the county.

(Ord. No. 91-33, § VIII, 10-10-91; Ord. No. 92-72, § III, 8-6-92; Ord. No. 93-25, § VIII, 11-4-93; Ord.

No. 94-15, § IV, 9-18-94; Ord. No. 2003-15, § 5, 10-2-03; Ord. No. 2009-35, § II, 11-19-09; Ord. No.

2017-02, § I, 2-2-17)

Sec. 14-~~40~~ 43. - Classification of dogs as dangerous; destruction.

- (a) *Authority.* The provisions of F.S. §§ 767.10—767.16, or their successor are hereby adopted and incorporated herein by reference. No provision of this ordinance shall be construed to lessen any valid provisions of F.S. §§767.10—767.16 as such sections currently exist or may be amended from time to time.
- (b) *Enforcement.* The animal control division shall enforce the provisions of F.S. §§ 767.12, 767.13, 767.135, and 767.136, governing the classification of dangerous dogs and destruction of dogs, respectively. The animal control division shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, including any animal control officer or enforcement officer, desiring to have a dog classified as dangerous.

c) The Director of Domestic Animal Services or Designee may declare that an animal is a dangerous animal, in accordance with applicable County Administrative Code. Any animal

declared to be a dangerous animal shall be confined in a secure enclosure on the premises of the owner or keeper of such animal. No dangerous animal shall be allowed off the premises of the owner or keeper unless such animal remains:

- 1) Inside a secure marked carrier identifying the animal as dangerous, or
- 2) Under the physical control of such owner or keeper who is competent and over the age of eighteen (18) years, securely muzzled and restrained by a chain with a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length attached to an approved harness which identifies the animal, provided by Domestic Animal Services at owner's expense. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration; or
 - a. Subject to conditions established by the Director of Domestic Animal Services.
- 3) It is a violation of this Ordinance for the owner or keeper of a dangerous animal to refuse or fail to confine or restrain such animal as required by this Section.
- 4) No dangerous animal impounded pursuant to this Ordinance shall be released until:

- a. The owner or keeper of such dangerous animal presents proof to the Director of Domestic Animal Services that the animal will be confined as required by this Section;
- b. The owner or keeper executes an affidavit acknowledging that the animal has been declared dangerous, agreeing to confine and restrain the animal, and recognizing the County's right to ownership and custody of the animal if it bites or injures a human or another animal after being declared dangerous.
- c. Provides proof that the animal has been electronically implanted, sterilized, vaccinated for rabies and has made payment of a one-time dangerous dog registration fee of \$1,500 with the acknowledgement of an additional annual registration fee of \$500 per year. This annual registration fee is in addition to the pet licensing fee required in Section 14-43 of this Ordinance.
- d. Posts warning signs with attached number identifying the dangerous animal, provided by Domestic Animal Services at owner's expense, on owner or keeper's premise stating "Dangerous Animal" on the property at all entry points to the property.
- e. Proof of liability insurance for the premises used to house a dangerous dog.
- f. If applicable, a notarized statement must be submitted to the Director of Domestic Animal Services by the landlord of said property that will house a dangerous animal including adherence

to all posting regulations.

5) If a dangerous animal is sold or given away, the owner or keeper of a dangerous animal shall report, in writing, the names, addresses and telephone numbers of the new owner or keeper to the Director of Domestic Animal Services prior to the transfer of ownership or custody of such animal. It is a violation of this Ordinance not to report the name and address of the new owner. The owner or keeper shall update all relevant information with the national registry applicable to the microchip and shall provide Domestic Animal Services with confirmation that the microchip information has been updated. The new responsible party shall comply with all of the requirements of this Section even if the animal is later moved from this county to another county within the State of Florida. If an animal that has been designated by another jurisdiction as dangerous and is housed within Volusia County, the owner or keeper shall immediately register the animal with Domestic Animal Services. If an animal is declared dangerous by another municipality, the animal will automatically be declared a dangerous animal in Volusia County, requiring the owner or keeper to comply with Section 14-43 of this Ordinance.

6) The owner or keeper of a dangerous animal shall report in writing or by telephone the death of such animal to the Director of Domestic Animal Services immediately, and it is a violation of this Ordinance not to do so. The death of such animal shall be verified by a licensed veterinarian or an Animal Control Officer.

7) The owner or keeper of a dangerous animal, whether or not it has been declared dangerous, who permits, allows or causes such animal to run, stray or be uncontrolled or at large in or upon public or private property, shall be in violation of this Ordinance if such dangerous animal bites, attacks or causes injury to any person or domestic animal.

8) It is a violation of this Ordinance for any person convicted under this subsection to own, keep, possess, control or be in charge of any animal of the breed which caused the bite, attack or injury for which a conviction was rendered for a period of three (3) years from the date of conviction. No license certificate, license tag or other permit shall be issued for such type of animal to such person within three (3) years of such conviction.

9) Domestic Animal Services shall have the authority to make inspections as necessary to ensure that the owner or keeper of a dangerous animal is in compliance of county ordinance. Animals classified as dangerous under this Ordinance:

a. shall not be used as a guard dog.

b. shall not be used for the purposes of hunting.

10) Upon declaration of euthanasia of a dangerous animal provided by Domestic Animal Services, Domestic Animal Services shall provide the owner of a classified dangerous animal written notice containing all costs and fees incurred by the department in the confiscation, maintenance, quarantine and euthanasia of the animal with a deadline not less than thirty (30) days from receipt of the notice of payment of the costs and fees.

d) EXCEPTION TO CLASSIFICATION. No animal shall be classified as threatening or dangerous if the threat of injury was sustained by a person who, at the time, was committing or attempting to commit a crime upon the owner of the animal, or who was

committing a willful trespass upon premises occupied by the owner of the animal, or who was teasing, tormenting, abusing or assaulting the animal or its owner.

~~(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 animal control division, placed in quarantine, if necessary, for the proper 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 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 pending any hearing or appeal.~~

~~(2) An animal that is the subject of a dangerous dog investigation, that is not impounded with the animal control division, shall be humanely and safely confined by the owner in a securely fenced or enclosed area. The use of an electronic or invisible dog fence shall not constitute a "securely fenced or enclosed area" for the purposes of this section. The animal 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 section. The address at which the animal resides shall be provided to the animal control 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 section. If a dog is to be destroyed, the dog may not be relocated or its ownership transferred.~~

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

~~(1) The threat, injury, or damage was sustained by a person 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. §§ 767.12, 767.13, 767.135, or 767.136 and this article, shall be by registered mail, certified hand delivery, or service in conformance with the provisions of F.S. ch. 48, relating to service of process.~~

~~(e) *Initial determination of sufficient cause.* After the investigation, the animal control 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 subsection (g). The animal control division shall afford the owner an opportunity for a hearing prior to the animal control authority's making a final determination regarding the classification or penalty. The animal control division shall provide written notification of the sufficient cause finding and proposed penalty to the owner by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process. To request a hearing regarding the dangerous dog classification, penalty, or both, the owner shall file a written request for the hearing with the animal control division within seven calendar days after receipt of the notification of the sufficient cause finding and proposed penalty. If the owner requests a hearing, the hearing shall be held as soon as possible, but not later than 21 calendar days and not sooner than five days after receipt of the request from the owner. If a hearing is not timely requested regarding the dangerous dog classification or proposed penalty, the determination of the animal control division as to such matter shall become final.~~

~~(f) *Final determination of sufficient cause.* Upon a dangerous dog classification and penalty becoming final after a hearing or by operation of law pursuant to subsection (e), the animal control division shall provide a written final order to the owner by registered mail, certified hand delivery, or service. The owner may appeal the determination, penalty, or both to the circuit court in accordance with the~~

~~Florida Rules of Appellate Procedure and F.S. § 767.12(4) after receipt of the final order. Failure to file the appeal timely waives the owner's right to do so. If the dog is not held by the animal control division, the owner must confine the dog in a securely fenced or enclosed area pending resolution of the appeal. The use of an electronic or invisible dog fence shall not constitute a "securely fenced or enclosed area" for the purposes of this section. The owner shall be responsible for payment of all fees, boarding costs and other related expenses incurred by the county during the period a dog is quarantined or impounded under F.S. § 767.12.~~

~~(g) Registration and restrictions.~~

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

~~a. Within 14 days after issuance of the final order classifying the dog as dangerous or the conclusion of any appeal that affirms such final order, obtain a certificate of registration for the dog from the animal control division. The owner shall be required to renew the certificate annually. To obtain a certificate of registration or a renewal thereof the owner shall be at least 18 years of age and shall present to the animal control division sufficient evidence of:~~

~~i. A current certificate of rabies vaccination for the dog.~~

~~ii. A proper enclosure to confine a dangerous dog as defined in section 14-31.~~

~~iii. The posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property.~~

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

~~v. A certificate from a veterinarian that the dog has been spayed or neutered.~~

~~b. Immediately notify the animal control division when the dog :~~

~~i.— Is loose or unconfined.~~

~~ii.— Has bitten a human being or attacked another animal.~~

~~iii.— Is sold, given away, or dies.~~

~~iv.— Is moved to another address.~~

~~Before a dangerous dog is sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control division. The new owner must comply with all of the requirements of this article and F.S. §§ 767.10—767.16. If the dangerous dog is moved from this jurisdiction to another within the state the owner shall advise the new owner that the animal control authority in the new jurisdiction shall be notified. The owner of a dog classified as dangerous who comes into Volusia County and brings the dangerous dog into Volusia County shall immediately notify the animal control division that the dog is in Volusia County.~~

~~e.— Not permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. 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 it 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 dog remains within his or her sight and only members of the immediate household or persons 18 years of age or older are allowed in the enclosure 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 section. When being transported, such dogs must be safely and securely restrained within a vehicle.~~

~~(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 person or a domestic animal without provocation, the dangerous dog shall be immediately confiscated by the animal control division, placed in quarantine, if necessary, for the proper length of time, or impounded and held for ten business days after the owner is given written notification of confiscation under F.S. § 767.12, and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under subsection (e) above. 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 during any appeal procedure.~~

- ~~*Attack or bite by unclassified dog that causes death; confiscation; destruction.* If a dog that has not been declared dangerous attacks and causes the death of a human, the dog shall be immediately confiscated by the animal control division, placed in quarantine, if necessary, for the proper length of time or held for ten business days after the owner is given written notification under F.S. §§ 767.12, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing under subsection (e) 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 is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.~~

~~— Exception; hunting dogs; sports/show dogs; law enforcement; service dog.~~

~~(1) Hunting dogs are exempt from the provisions of this article 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 article 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 not be used for hunting purposes.~~

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

~~(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.~~

~~(Ord. No. 91-33, § XIV, 10-10-91; Ord. No. 92-72, § V, 8-6-92; Ord. No. 93-25, § XIV, 11-4-93; Ord.~~

~~No. 94-15, § IX, 9-18-94; Ord. No. 98-7, § I, 3-19-98; Ord. No. 2003-15, § 6, 10-2-03; Ord. No. 2007-~~

~~11, § IV, 10-18-07; Ord. No. 2017-02, § I, 2-2-17)~~

Sec. 14-~~41~~ 44. - 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.

(Ord. No. 91-33, § XI, 10-10-91; Ord. No. 93-25, § XI, 11-4-93; Ord. No. 94-15, § VI, 9-18-94)

Sec. 14-~~42~~ 45. - Vaccination of ferrets, dogs and cats.

- (a) *Required.* Every owner of any adult ferret, dog or cat four (4) months of age or older within the county shall have such ferret, cat or dog vaccinated against rabies in compliance with F.S. § 828.30, as amended, by a licensed veterinarian of his choice. Evidence of such vaccination shall consist of a current certificate issued and signed by the veterinarian administering the vaccine, or other reasonable proof. Any person owning, keeping, possessing or harboring any dog, cat, or ferret without proof of a current valid vaccination shall be deemed to be violating this provision. 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 against rabies as soon as its health and age permit. Unvaccinated animals must be confined to the owner's property or a veterinary facility.

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

(b) Certificate of vaccination. Upon vaccination, the veterinarian administering the vaccine shall execute, deliver to the animal control officer and furnish to the owner of the animal, as evidence thereof, a rabies vaccination certificate in the form required by F.S. § 828.30, as amended.

(c) All dogs, cats, and ferrets four (4) months of age or older must be vaccinated against rabies by a licensed veterinarian with a vaccine that is licensed for use in such species and in the following manner:

(1) The animal must be revaccinated twelve (12) months after the initial vaccination.

(2) For subsequent vaccinations, the interval between vaccinations shall conform to the vaccine manufacturer's directions.

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

(4) Any owner or agent doing a self-vaccination for rabies shall be deemed in violation of this section.

(d) A licensed veterinarian shall provide the owner of the animal a rabies vaccination certificate at the time of the vaccination. Similarly, the licensed veterinarian shall provide Domestic Animal Services a copy of the actual rabies certificate within thirty (30) days of the vaccination or immediately

upon demand for investigations, public safety or other reasons of enforcement.

(1) Each veterinarian shall use the “Rabies Vaccination Certificate,” of the National Association of State Public Health Veterinarians (NASPHV) or an equivalent form approved by the local government.

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

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

(Ord. No. 91-33, § IV, 10-10-91; Ord. No. 93-25, § IV, 11-4-93; Ord. No. 2006-09, § I, 4-27-06)

Sec. 14-~~43~~ 46. - Licensing of dogs and cats.

- (a) *Required; payment of license fee.* Except as specifically exempted in this section, every ferret, dog and cat, four 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 animal control services 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 animal control services division, or a person or entity designated by the county to receive such funds, a license fee in an amount recommended by the animal control board and established by resolution of the county council, which the division or county designee shall collect immediately and issue a receipt. License fees shall not be required for ~~seeing eye dogs or~~ governmental police dogs.

- (b) *Duration; renewal.* Any license issued pursuant to this section shall expire, and become null and void, one year after issuance. The license shall be renewed annually by the person owning the ferret, dog or cat, or exempted therefrom by other sections of this article.
- (c) *Issuance of tag.* The county license tag issued by the animal control division or veterinarian shall be serially numbered, bear the year of issuance, and be attached to the collar or harness of the animal.
- (d) *Use of fees collected.* The license fees collected from the owners of sterilized and unsterilized animals be used on a first-come, first-serve basis, by the animal control division or county designee for purposes of the county's mobile spay/neuter clinic program.
- ~~(e) *Animals exempt from wearing license tag.* Racing greyhounds; hunting dogs, while engaged in a hunt; show dogs; or dogs engaged in obedience or K-9 training, while under the command or presence of the owner, trainer or other responsible custodian directly related to the racing, hunting, show or training activities, respectively, are exempt from wearing the license tag, if tattooed. A dog having an identifying tattoo registered with the animal control officer is also exempt from the requirement of wearing a license tag.~~
- (e) *Duplicate tag.* In the event of loss or destruction of the original tag, the owner of the domesticated animal may obtain a duplicate tag from the animal control officer at the established fee for same.
- ~~(f) No license tag issued for one animal shall be considered valid for any other animal. Any person that owns, keeps, harbors, provides for or possesses an animal wearing the license tag of another animal shall be in violation of this ordinance even if he animal has a valid license of its own.~~
- ~~(g) All veterinarians, clinics, shelters, pet stores and other outlets where cats, dogs, and/or ferrets are available, sold or vaccinated against rabies must~~

(h) inform the public in writing of the rabies and license requirements within Lee County.

Such information must include the cost of the license and how a license may be obtained (including information on getting a license through the mail or in person at Domestic Animal Services). To satisfy the information requirement the facility may post a sign or provide an informational brochure or provide the written information in a manner easily accessible and understandable.

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

~~(g)(j)~~ *Conflict.* An ordinance of any municipality covering the same subject matter as this section shall be considered in conflict herewith.

(i) *Penalty.* Any person who violates a provision of this section is subject to the penalties prescribed in section 14-32.

~~b)(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)(c)~~ *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.

(Ord. No. 91-33, § V, 10-10-91; Ord. No. 93-25, § V, 11-4-93; Ord. No. 2002-16, § II, 9-5-02; Ord. No. 2006-09, § I, 4-27-06; Ord. No. 2009-35, § III, 11-19-09)

Sec. 14-44 47. - 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 12 hours to the county health officer or the animal control officer.
- (b) *Duties of county health officer.*
 - (1) The county health officer or animal control officer shall enforce the applicable state statutes and the applicable rules of the state department of health and rehabilitative services.
 - (2) Whenever the county health officer or animal control officer 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 county health officer or animal control officer may capture such animal, alive, if possible, and quarantine it under observation for a period of at least ten days from the date of bite or scratch.
 - (3) The quarantine shall be in the holding facility designated by the county or, at the owner's request and with approval of the county health officer or animal control officer, in a licensed veterinary hospital. Quarantined animals shall be released only upon approval of the county health officer or animal control officer. The owner shall bear the cost of the care, feeding and maintenance of a quarantined animal.
 - (4) If a quarantined animal dies, the county health officer, the animal control officer, the bite victim and the owner of the animal shall be notified by the operators of the quarantine facility; and the head of the animal shall be forwarded to one of the state board of health

laboratories for pathological examination.

- (5) In the event rabies exists in any given area to the extent that circumstances indicate necessity of quarantine and if such quarantine is ordered by the county health officer or animal control officer, the following requirements shall be enforced by the county health officer or animal control officer 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 owners' premises may be by fence, cage or chain attached to a stake or animal run.
 - 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 animal control officer to vaccinate the animals. Animals will not be adopted during a quarantine period.
- (6) The owner of any ferret, dog or cat vaccinated with an approved antirabies vaccine as set forth in F.S. § 828.30, as amended, except such ferret, dog or cat exempted from the vaccination in subsection 14-42(a)(1) after receiving approval of the county health officer or animal control officer, may have such ferret, dog or cat quarantined and confined in a place other than the places specified in subsection (b)(3) of this section. However, if at any time during the quarantine it is determined by the county health officer or animal control officer 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 county health officer's or animal

control officer'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 section is subject to the penalties prescribed in section 14-32.

(Ord. No. 91-33, § VI, 10-10-91; Ord. No. 93-25, § VI, 11-4-93; Ord. No. 94-15, § III, 9-18-94; Ord. No. 2006-09, § I, 4-27-06)

Sec. 14-~~45~~ 48. - 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;
- (2) Reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner, possessor or custodian; and

(3) The animal is:

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~~

~~e.~~b. Leashed or otherwise controlled by a responsible person or is obedient to the commands of a person present with the animal at any time it is not secured as provided for in subsections (a)(3)a. or b., of this section. The voice command must be demonstrated as an effective restraint if 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)(b)~~ *Penalty.* Any person found in violation of this section is subject to the penalties prescribed in section 14-32.

(Ord. No. 91-33, § XII, 10-10-91; Ord. No. 93-25, § XII, 11-4-93; Ord. No. 94-15, § VII, 9-18-94; Ord.

No. 2009-35, § IV, 11-19-09)

Sec. 14-~~46~~ 49. - 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 owner, possessor or custodian. For the purpose of this 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)~~(4) Leashed or otherwise controlled by a responsible person or is obedient to the commands of a person present with the animal at any time it is not secured as provided for in subsections (a)(1), (2), (3) or (4), of this section. The voice command must be demonstrated as an effective restraint if 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 "dog park".
- (c) *Penalty*. Any person found in violation of this section is subject to the penalties prescribed in section 14-32.

(Ord. No. 91-33, § XIII, 10-10-91; Ord. No. 93-25, § XII, 11-4-93; Ord. No. 94-15, § VIII, 9-18-94; Ord.

No. 2003-05, § 1, 4-10-03)

~~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.~~

~~(Ord. No. 91-33, § XV, 10-10-91; Ord. No. 93-25, § XV, 11-4-93)~~

Sec. 14-~~48~~ 50. - Nuisance animals.

Any owner whose animal is determined to be a public nuisance is subject to the penalties prescribed in section 14-32. It shall be unlawful for any owner or owner's agent to fail to care for or control owned animals that become a nuisance. The owner of every animal shall be responsible for the removal of any excreta deposited by the animal on public walks, recreation areas, private property, or any other place where such excreta

deposits may create a nuisance injurious to public health.

a) It shall be unlawful for:

- 1) Any animal to make unreasonable disturbing noises, 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(s).
- 2) Any animal to damage the property of anyone other than its owner.
- 3) Animal to roam on school grounds or in the area of school transportation vehicles.
- 4) Any animal to cause unsanitary conditions in enclosures or surrounds where the animal is kept or confined, as determined by Domestic Animal Services to be unsanitary.
- 5) Any person to keep any animals that are dangerous to public health, safety or welfare by virtue of the number or types of animals maintained.
- 6) Any animal to disturb or turn over any garbage containers.

b) No person shall offer a bounty for the collection or elimination of animal determined to be a nuisance under the provision of this ordinance.

c) Caregivers of a community cat or community cat colony shall be exempt from licensing requirements by furnishing the Director of Volusia County Domestic Animal Services a signed statement agreeing to the following conditions:

- 1) Regularly feed the community cat colony including weekends and holidays insuring sanitary conditions at all times.
- 2) Regularly and frequently trap the community cats over the age of twelve (12) weeks for purposes of sterilization.
- 3) Identify all community cats by tipping their ears.
- 4) All community cats must be vaccinated for rabies.
- 5) All community cats with illness and/or injury that cannot be provided with treatment shall be humanely euthanized to prevent pain and suffering.
- 6) Caregivers are not permitted to release community cats onto private or public property without the permission of property owner.

(Ord. No. 91-33, § XVI, 10-10-91; Ord. No. 93-25, § XVI, 11-4-93)

Sec. 14-49 51. - Dogs and cats transported into county for sale or gift; sale of animals at outdoor markets.

- (a) Each dog or cat transported into the county for sale and each dog or cat offered in the county for sale or gift shall be subject to the provisions of F.S. § 828.29, or its successor, which is hereby adopted and incorporated herein by reference.
- (b) County-operated or city-operated animal control agencies and registered, nonprofit humane organizations shall be exempt from the provisions of this section.
- (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.
- (d) Any person found in violation of this section is subject to the penalties prescribed in section 14-32.

(Ord. No. 91-33, § XVII, 10-10-91; Ord. No. 93-25, § XVII, 11-4-93; Ord. No. 94-15, § X, 9-18-94)

Sec. 14-~~50~~ 52. - 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) Any person who violates this provision, either willfully or through failure to exercise due care and control, is subject to the penalties prescribed in section 14- 32.

(Ord. No. 91-33, § XVIII, 10-10-91; Ord. No. 93-25, § XVIII, 11-4-93)

Sec. 14-~~51~~ 53. - Disposition of dead animals.

(a) When any animal dies on public or private property, it shall be the responsibility of the owner of said animal or the owner of said private property to remove and dispose of said animal immediately pursuant to state codes. Should the owner not be aware of said animal's presence, the following procedures shall be followed:

- (1) When any dead animal shall be found upon public property, the owner of said animal shall remove and dispose of said animal upon notification by the animal control officer or any other law enforcement officer, so as not to constitute a nuisance. If the owner of said animal shall fail to do so within a reasonable time, the county shall remove and dispose of said animal and charge the cost of said removal and disposal to the owner of said animal, if known.
- (2) When any dead animal shall be found upon private property, the owner of said animal or the owner of said property shall immediately remove and dispose of said animal, upon notification by the animal control officer or any other law enforcement officer.

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

(Ord. No. 91-33, § XIX, 10-10-91; Ord. No. 93-25, § XIX, 11-4-93)

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

- ~~(a) - The owner of every animal shall be responsible for the removal of any excreta deposited by his or her animal(s) on public walks, recreation areas or private property other than his or her own.~~
- ~~(b) - Any person found in violation of this section is subject to the penalties prescribed in section 14-32.~~

(Ord. No. 91-33, § XX, 10-10-91; Ord. No. 93-25, § XX, 11-4-93; Ord. No. 94-15, § XI, 9-18-94)

Sec. 14-~~53~~ 54. - Duties of driver when vehicle strikes animal.

- (a) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop as soon as safely possible and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

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

(Ord. No. 91-33, § XXI, 10-10-91; Ord. No. 93-25, § XXI, 11-4-93)

Sec. 14-~~54~~ 55. - 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) Any person who violates any provision of this section is subject to the penalties prescribed in section 14-32.

(Ord. No. 91-33, § XXII, 10-10-91; Ord. No. 93-25, § XXII, 11-4-93)

Sec. 14-~~55~~ 56. - 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 county for the purpose of human or animal consumption.
- (b) Any person who violates any provisions of this section is subject to the penalties prescribed in section 14-32.

(Ord. No. 91-33, § XXIII, 10-10-91; Ord. No. 93-25, § XXIII, 11-4-93)

Sec. 14-~~56~~ 57. - Hobby breeders.

- (a) *Generally.*
 - (1) *License required; fee.* No person shall establish or maintain a hobby breeder facility without first obtaining an annual license from the animal control division. The license fee for such facility will be set by resolution of the county council and not be based on the number of

animals maintained at the facility. A license shall be issued only after an inspection that determines that the minimum requirements and standards, as set forth herein, have been met. The license shall be valid for a period of one year from the date of issue, unless otherwise stated or revoked. Renewal applications shall be made within 30 days prior to the expiration date.

- (2) *Sale of animals.* The offspring of the dogs or cats bred at a hobby breeder facility to enhance or perpetuate a given breed, may be sold by the owner. Such sales shall not be considered commercial breeding for the purpose of this article provided that such sale is not the primary function of the facility.
- (3) *Permitted animals; identification of animals.* There shall be only one species and one breed of either dog or cat bred ~~or kept~~ at any individual licensed hobby breeder facility. There shall be no more than two litters or 20 puppies or kittens, whichever is greater, produced per hobby breeder facility per year. Dogs or cats maintained at a licensed hobby breeder facility are exempt from the individual licensing provisions of this article except as otherwise provided in this article. For protection and identification, all dogs and cats will be identifiable by either a tattoo or implant device. An implant scanner must be on the premises if using an implant device. At no time will the total number of adult dogs or cats exceed the following limitations:
 - a. Miniature or toy breeds 15 dogs
 - b. Standard or large breeds 10 dogs
 - c. Cats 25
- (4) *Return of animals by new owners.* If a new owner becomes unable or unwilling to continue ownership and responsibility for a dog or cat, the license holder shall assist in placement of the dog or cat. If no suitable placement can be found within six months, the license holder shall accept return of the dog or cat if healthy and shall

become fully responsible for its care.

- (5) *Personal pet exemption.* A combined total of no more than four dogs or cats may be kept as personal pets in addition to the animals permitted under subsection (a)(3), above.

(b) *Facilities.*

- (1) The 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.
- (2) 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.
- (3) 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.

- (4) *Indoor facilities.*

- a. A source of heat and mechanical ventilation shall be available at the facility for use as necessary in preventing extremes in temperatures. 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 heat stress (heat stroke or hyperthermia), nor from cold stress (frostbite or hypothermia).
- 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. A primary enclosure shall provide sufficient space to allow each enclosed cat to turn freely and to easily stand, sit and lie in a comfortable position. The minimum primary enclosure space for a single four pound or greater cat is to be 30 cubic feet. When a primary enclosure is used for more than one cat, resting perches shall be

provided. Cages, kennels and runs must have enough space for dogs to lie down, stand, sit and stretch without touching the sides or top. Dogs shall be exercised a minimum of 30 minutes twice daily.

- e. 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 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.

- i. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors.
- j. In all primary enclosures with a solid floor, a receptacle containing sufficient clean litter shall be provided to contain excreta. Each primary enclosure shall be provided with 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 enclosures housing two or more cats.

(5) *Outdoor facilities.*

- a. *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 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. 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.* Premises (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 subsection. 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.* All runs, exercise areas and primary enclosures shall meet the minimum setback provided for in the zoning code.
 - h. *Containment of animals.* 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 sides and an attached solid or wire mesh top or roof to prevent the cats from escaping the enclosure.
- (c) *Inspections and enforcement.* It shall be a condition of the issuance of a license that an animal control officer shall be allowed, at any reasonable time, to inspect without notice all domestic animals and all premises where animals are kept. The animal control division shall give a license holder a 24-hour advance notice of the annual inspection. However, no notice is required for routine investigations

of complaints. Any alleged violations of this section will be investigated by the animal control division. Upon receipt of information of violation of this section, the animal control division may issue a notice of revocation to a license 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 application. No license shall be renewed if an applicant has had its license revoked within two years of the date of the application or has outstanding and unsatisfied civil penalties imposed due to violations of this article.

- (d) *Hearing.* Any challenge to a notice of revocation must be in the form of a request for hearing and filed by the license holder with the animal control division within ten days after the license holder's receipt of said notice. The license holder shall set forth the reasons why the license holder 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.
- (e) *Hearing on revocation.* All hearings shall be open to the public, conducted by a hearing officer within 30 days after the receipt of a request for hearing by the license holder and in accordance with section 14-57.
- (f) *Filing of decision.* 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 license holder.
- (g) *Notice.* Any written notification to license holder subject to a proceeding under this section shall be by registered mail, certified hand delivery, or service in conformance with the provisions of F.S. ch. 48, relating to service of process.

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

(Ord. No. 93-25, § XXIV, 11-4-93; Ord. No. 94-15, § XII, 9-18-94; Ord. No. 2007-11, § V, 10-18-07;

Ord. No. 2008-18, § II, 8-21-08)

Sec. 14-~~57~~ 58. - Hearing officer.

- (a) *Appointment of hearing officer.* The county shall appoint and retain one or more hearing officers 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 section 14-56;
 - (2) Hold hearings and make determinations regarding dangerous dog classifications pursuant to F.S. § 767.12, or its successor and this 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 section 14-58.~~
- (b) *Qualifications.* Each hearing officer shall be a licensed attorney with the Florida Bar who has practiced law in the state for at least five years, and who has experience in local government law or administrative law. No hearing officer shall represent clients before the animal control board during the period in which they serve as hearing officers. No hearing officer or law firms with which he may be associated shall represent a client in any judicial or administrative proceeding in which the county is an adverse party in any proceeding under F.S. ch. 828; F.S. §§ 767.12 or 767.13, or ch. 14, Code of Ordinances, County of Volusia.

- (c) *Term, compensation.* Each hearing officer shall serve at the pleasure of the county council and shall be compensated at a rate or rates to be fixed by the county council.
- (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 officer shall engage in an ex parte communication with the hearing officer. However, the foregoing does not prohibit discussions between the hearing officer and county staff that pertain solely to scheduling and other administrative matters unrelated to the merits of the application.
 - (2) If a person engages in an ex parte communication with the hearing officer, the hearing officer shall place on the record 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 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 officer may withdraw from the

case.

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

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

(f) *Hearing procedures.*

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

- a. Be represented by counsel;
- b. Call and examine witnesses;
- c. Introduce exhibits;
- d. Examine opposing witnesses on any relevant matter, even though the matter was not covered under direct examination;
- e. 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.

(3) *Evidence.*

- a. In any hearing before the hearing officer, irrelevant,

immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

- b. Documentary evidence may be received in the form of a copy or excerpt if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.
 - c. A party shall be permitted to conduct cross-examination when testimony is taken or documents are made a part of the record.
 - d. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
 - e. 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.
- (4) *Written determinations of the hearing officer.*
- a. After the hearing, the hearing officer shall issue a

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

- b. All determinations of the hearing officer shall be in writing, signed and dated by the hearing officer, shall contain findings of fact and conclusions of law.

(Ord. No. 2007-11, § VI, 10-18-07; Ord. No. 2008-13, § IV, 5-22-08)

Sec. 14-~~58~~ 59. - 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.~~

~~2.1.~~ *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.

~~3.2.~~ *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.
- ~~e. *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.c. *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)(2)~~ *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)

~~Sec. 14-59. — Humane care.~~

~~*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.~~

(Ord. No. 2009-35, § V, 11-19-09)

Sec. 14-60 Surrender of Stray Animals to Animal Holding Facilities

- a) Stray animals shall be released by the finder to an Animal Holding Facility (Halifax Humane Society, Southeast Volusia Humane Society, or West Volusia Humane Society) 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.

Sec. 14-61 Concealment of Animals

It shall be unlawful for any person to confine, hide or conceal any animal to which the person does not have legal title; 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 Domestic Animal Services.

Sec. 14-62 Threatening or Menacing Behavior

- a) It shall be unlawful for the owner or agent of any animal to allow that animal to act in a threatening or menacing manner toward any other animal not belonging to said owner or agent, when that animal is not on the property of said owner or agent. **This Section shall not apply to animals which are securely enclosed, or under the direct control of the owner/agent as defined in this Ordinance.** As defined in Florida

Statute Chapter 767, as may be amended.

- b) It shall be unlawful for the owner or agent of any animal to allow that animal to act in a threatening or menacing manner toward any person not on the property of said owner or agent.
- c) Upon receipt of a report of any animal acting in this manner, Domestic Animal Services may investigate the incident. After investigation, Domestic Animal Services may order the owner or agent to keep the animal restrained or confined as defined in this Ordinance, and may issue a citation.
- d) EXCEPTION TO THREATENING OR MENACING BEHAVIOR. An animal that is secured on its own property cannot be found to be threatening or menacing.

Sec. 14-63 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 design, unless the animal is safely and humanely restrained.
- c) Any Animal Control Officer or law enforcement officer who observes an animal in a motor vehicle in obvious danger or distress may enter the motor vehicle by any means necessary to remove and impound the animal or take the animal to a veterinarian if necessary. If the owner of said

animal cannot be contacted, the Animal Control Officer or law

enforcement officer shall leave in a prominent place in or upon the vehicle a written notice as to the reason for removal of the animal. The owner of the animal and the owner of the motor vehicle are responsible for any costs incurred.

- d) Any person violating the provisions of this Section shall upon conviction be guilty of a misdemeanor of the second degree, punishable as provided for in Florida Statutes.

Sec. 14-64 Redemption and Disposition of Impounded and Unwanted Animals

- a) Any cat, dog, or ferret impounded under the provision of this Ordinance and not redeemed by its owner after three (3) consecutive days shall become the property of the Domestic Animal Services 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 unweaned animals, that do not possess a valid County license and/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 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 Domestic Animal Services to relieve animal suffering or to limit disease contagious to humans and animals housed at Domestic Animal Services.
- c) Domestic Animal Services 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 and/or microchip may be humanely euthanized upon impoundment.

e) Any person seeking to redeem or reclaim an animal impounded under the provisions of this Ordinance 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 Domestic Animal Services 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 Domestic Animal Services or authorized Animal Housing Facility for any reason, the person seeking to redeem or reclaim the animal must pre-pay the license fee, the animal will be released to its owner or his designee, who then must have the animal vaccinated for rabies by a licensed veterinarian. The certificate of vaccination must be provided to Domestic Animal Services as a prerequisite to issuance of the license.

f) An owner whose animal has been impounded more than one time shall be charged increasing fees for each subsequent impoundment. Fees shall be established by Volusia County Council in the external fees manual.

g) When the ownership of an animal is deemed questionable, Domestic Animal Services will require proof of ownership. Proof of ownership may include valid County license, veterinary records, registered microchip identification or other reliable, 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 Domestic Animal Services or authorized Animal Holding Facility.

h) Prior to release from Domestic Animal Services' shelter or authorized Animal Holding Facility, all dogs, cats and ferrets must be microchipped; with the microchip being registered to the pet owner.

i) Exotic invasive animal species found at large and impounded shall be humanely euthanized. The only exceptions to this provision 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 invasive exotic animal species.

Sec. 14-65 Guard Dogs

a) Any person utilizing a dog for the purpose of guarding a business shall register all dogs used in their business with Domestic Animal Services. The registration shall include name, address and telephone number of the service's manager; the breed, sex, weight, age, color, tattoo registration

- number of the guard dog, and other distinguishing physical features of the dog; and certification of rabies vaccination.
- b) Guard dogs newly acquired shall be vaccinated for rabies and registered with Domestic Animal Services no later than seventy-two (72) hours after acquisition.
- c) The fee for registration of a guard dog will be listed in the Volusia County Administrative Codes.
- d) Each guard dog will be issued a registration number which will be obtained from Domestic Animal Services. This number will be posted at the entrance of any property using that guard dog service. At the time of registration, each dog will be Micro chipped and receive an identification tag that must be affixed to the dog at all times.
- e) Domestic Animal Services shall maintain a guard dog register which shall contain all data required by this Section. Immediately upon transfer of ownership, death, disappearance or annual rabies inoculation of a guard dog, each guard dog service or owner shall notify Domestic Animal Services. Upon receipt of the information, the appropriate entry shall be made in the register. If the guard dog has disappeared, an entry should be made to reflect the locale and reason of such disappearance.
- f) An Animal Control Officer 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.

g) 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 tattooed as provided by this Section.

h) TRANSPORTATION OF GUARD DOGS: The vehicle of every guard dog service transporting any guard dog must be clearly marked, showing that it is transporting a guard dog. A compartment separate from the driver and separating each dog is required, which shall be arranged to ensure maximum ventilation for the animal.

i) REQUIREMENTS OF BUSINESSES USING DOGS FOR THE PURPOSE OF GUARDING:

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

2. Persons who hire or use a guard dog service to patrol the premises during that 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 appropriate location and entry point, and at 50 foot intervals along the fence perimeter, if applicable, a sign shall be posted including the words "Bad Dog" or "Guard Dog", with a dog picture.

4. All entry points shall be posted with the guard dog registration number.

5. Dogs used for guarding businesses must be given a humane existence, including adequate shelter, food, water and exercise.
 6. No dog which has been classified as dangerous by Domestic Animal Services shall be used as a guard dog.
- j) Failure to comply with this Section is a violation of this Ordinance.

Sec. 14-66 Prohibition on Retail Sale of Dogs and Cats

- a) No commercial animal establishment shall, for the purposes of resale or retail, display, sell, 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 ordinance.
- b) This section shall not apply to:
 - 1) A publicly operated animal control facility or animal shelter
 - 2) A private, charitable, nonprofit humane society or animal rescue organization
 - 3) 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
 - 4) Nothing in this section shall prevent a commercial animal establishment or its owner, operator or employees 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.

COUNTY OF VOLUSIA ORDINANCE VIOLATION
ANIMAL SERVICES FINE AND COST SCHEDULE

CHAPTER	CODE	DESCRIPTIN OF OFFENSE	FINE	STYLE
Animals	14-37	Interference with animal control officer or humane society personnel	\$105	Civil
	14-41	Duty of animal owners to be responsible owners	\$55	Civil
	14-42	Vaccination of dogs and cats	\$55	Civil
	14-43	Licensing of dogs and cats	\$55	Civil
	14-44	Rabies control	\$105	Civil
	14-45	Restraint of animals while on property of owner	\$55; \$110 fine for second violation	Civil
	14-46	Restraint of animals while off property of owner	\$55; \$110 fine for second violation	Civil
	14-47	Warning signs on premises where guard dogs or dangerous dogs are kept	\$105	Civil
	14-48	Nuisance animals	\$105	Civil
	14-19	Dogs and cats transported into county for sale or gift, sale of animal at outdoor markets	\$55	Civil
	14-50	Female dogs and female cats in heat	\$55	Civil
	14-51	Disposition of dead animals	\$55	Civil
	14-52	Removal of animal waste	\$55	Civil
	14-53	Duties of driver when vehicle strikes animal	\$105	Civil
	14-54	Disposal of live animals to be used for experimentation or vivisection prohibited	\$55	Civil
	14-55	Selling or obtaining dogs or cats for purpose of human or animal consumption	\$55	Civil
	14-56	Canine hobby breeders	\$55	Civil
	14-58	Mandatory spay and neuter	\$55; \$250 for second violation involving same animal; mandatory court appearance for third or subsequent violation involving same animal	Civil
	14-59	Humane care of animals	\$55; \$250 for second violation involving same animal; mandatory court appearance for third or subsequent violation involving same animal	Civil

COUNTY OF VOLUSIA ORDINANCE VIOLATION
ANIMAL SERVICES FINE AND COST SCHEDULE

CHAPTER	CODE	DESCRIPTIN OF OFFENSE	FINE
Animals	14-38	Interference with animal control officer or humane society personnel	\$250
	14-39	Cruelty to Animals	\$250
	14-40	Tethering	\$150
	14-43	Classification of Dogs as Dangerous; Infractions	\$500
	14-44	Duty of animal owners to be responsible owners	\$150
	14-45	Vaccination of dogs and cats	\$100
	14-46	Licensing of dogs and cats	\$100
	14-47	Rabies control	\$150
	14-48	Restraint of animals while on property of owner	\$150; \$250 fine for second violation
	14-49	Restraint of animals while off property of owner	\$150; \$250 fine for second violation
	14-50	Nuisance animals	\$105
	14-51	Dogs and cats transported into county for sale or gift, sale of animal at outdoor markets	\$150
	14-52	Female dogs and female cats in heat	\$150
	14-53	Disposition of dead animals	\$100
	14-54	Duties of driver when vehicle strikes animal	\$105
	14-55	Disposal of live animals to be used for experimentation or vivisection prohibited	\$250
	14-56	Selling or obtaining dogs or cats for purpose of human or animal consumption	\$250
	14-57	Canine hobby breeders	\$150
	14-59	Mandatory spay and neuter	\$250; \$500 for second violation involving same animal; mandatory court appearance for third or subsequent violation involving same animal
	14-60	Surrender of Stray Animals to Animal Holding Facilities	\$150
	14-62	Threatening or Menacing Behavior	\$250
14-63	Animals in Motor Vehicles	\$250	
14-65	Guard Dogs	\$250	
14-66	Prohibition on Retail Sale of Dogs and Cats	\$250	