

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

- (a) *Purpose; declaration of irreparable harm.* The County has determined that the unintended or uncontrolled breeding of dogs and cats within the County results in 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. Therefore, the County Council hereby finds and declares that overpopulation of dogs and cats due to unregulated breeding presents a serious threat to the public health, safety, and welfare, is irreparable or irreversible in nature, and constitutes a public nuisance by overburdening the community and injuring the health of citizens in general.
- (b) *Requirement.* No person may harbor a dog or cat six (6) months of age or older within the unincorporated areas of the County that has not been spayed or neutered unless the owner has obtained an unaltered animal permit from the Animal Services Division. A dog or cat governed by this Section shall be spayed or neutered by its owner within thirty (30) days of the dog or cat becoming six (6) months of age or, by the effective date of this Ordinance, whichever is later in time, or, in the case of an owner who acquired a dog or cat after the animal attained the age of six (6) months of age within thirty (30) days of acquisition, unless the owner obtained an unaltered animal permit.

(1) *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, and the breed is 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. A dog or cat used to show, to compete, or to breed shall further meet one of the following requirements:
 - i. The dog or cat has competed in at least one (1) show or sporting competition sanctioned by a bona fide national registry within the last three-hundred-sixty-five (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 i. or ii., above.

2. *Medical fitness.* A Florida licensed veterinarian certifies in writing that a dog or cat is medically unfit to undergo the required spay or neuter procedure because a medical condition would be substantially aggravated by the procedure or would likely result in the death of the dog or cat. The certification must state the date, if any, by which the dog or cat may be spayed or neutered. As soon as the medical condition that prevents a dog or cat from being spayed or neutered ceases to exist, it shall be the duty of the owner to have the dog or cat spayed or neutered within thirty (30) days.
 3. *Law enforcement.* A dog that is currently used by a law enforcement agency for law enforcement purposes or is part of a bona fide law enforcement animal breeding program.
 4. *Hunting and herding dogs.* A dog that is currently used as, or trained to be, a hunting or herding dog and the dog is registered with a bona fide national, state, or local hunting or herding dog association or with the Florida Fish and Wildlife Conservation Commission.
- (2) *Permits, application, term, deadline.* A request for an unaltered permit shall be provided on a form prepared and furnished by the Animal Services Division. Permits shall be valid for one (1) year from the date of issue and shall be renewed annually by the owner. An administrative fee shall be assessed by the Animal Services Division upon the approval of the permit.
- (3) *Microchipping.* As a condition to obtaining an unaltered animal permit, the owner shall have any eligible dog or cat implanted with an identifying microchip and the owner shall provide the microchip number to the Animal Services Division.
- (4) *Revocation.* Upon receipt of information of violation of this Section, the Animal Services 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 in a conspicuous place at the address listed in the permit application. Any request for hearing shall be filed by the permit holder with the Animal Services Division within ten (10) days after the permit holder's receipt of said notice. The permit holder shall set forth the reasons why the permit holder believes the revocation would be an error. Failure to timely request a hearing shall render the revocation final. All hearings shall be conducted by the special magistrate within thirty (30) days after the receipt of a request for hearing and in accordance with Section 14-57. The original of the special magistrate's written decision shall be filed with the Animal Services Division, and copies shall be mailed to the County Attorney and the permit holder.

- (5) *Compliance with zoning regulations and ordinances.* Qualifying for an unaltered permit for a dog or cat shall not be construed to authorize the breeding or harboring of dogs or cats in violation of the Zoning Code of Volusia County, or exempt the owner or his or her dog or cat from any other provisions of this Article.
- (6) *Penalty.* Any person who violates any provision of this section is subject to the enforcement procedures of Section 14-41 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.
- (7) *Exemption.*
- a. A dog or cat which is registered and licensed as a species of a hobby breeder and the hobby breeder is in compliance with all regulations.
 - b. A dog or cat that is being harbored by a lawful humane society or animal shelter, whether public or private, whose principal purpose is securing the adoption of dogs or cats or offering sanctuary for dogs or cats and certifies in writing to the Animal Services Division that it does not engage in the breeding of dogs or cats, shall be exempt from this Section, provided that the requirements of Section 823.15, Florida Statutes, as amended from time to time, are satisfied.

(Ord. No. 2022-12, § XXX, 6-7-22)