

AN ORDINANCE AMENDING CHAPTER 20 (ANIMALS AND FOWL) OF THE SEMINOLE COUNTY CODE; PART 1 (ANIMAL CONTROL), ARTICLE I (IN GENERAL), AMENDING SECTION 20.01 (DEFINITIONS); AMENDING SECTION 20.05 (FUNCTION OF BOARD); AMENDING SECTION 20.8 (DUTY OF ANIMAL CONTROL OFFICIAL GENERALLY); AMENDING SECTION 20.09 (ANIMAL CONTROL OFFICIAL TO RECOMMEND RULES AND REGULATIONS); AMENDING SECTION 20.10 (ENTRY POWER OF EMPLOYEES); AMENDING SECTION 20.17 (ANIMALS AT-LARGE PROHIBITED; CUSTODY AND CONFINEMENT AUTHORIZED); AMENDING SECTION 20.18 (URINATING AND DEFECATING); AMENDING SECTION 20.19 (NOISY ANIMALS); AMENDING SECTION 20.20 (DAMAGING OR DESTROYING PROPERTY OR ANIMALS); AMENDING SECTION 20.21 (ODORS); AMENDING SECTION 20.23 (CONFINEMENT OF FIERCE, DANGEROUS, OR VICIOUS ANIMALS); AMENDING SECTION 20.24 (DISPOSAL OF FIERCE DANGEROUS OR VICIOUS ANIMALS FOUND AT LARGE); REPEALING SECTION 20.25 (DISPOSAL OF FIERCE DANGEROUS OR VICIOUS ANIMALS NOT AT-LARGE); AMENDING SECTION 20.26 (PROCEDURE FOR DECLARING DOGS DANGEROUS); AMENDING SECTION 20.27 (PROCEDURE FOR DANGEROUS DOG HEARING); AMENDING SECTION 20.28 (CONFINEMENT OF DOGS DECLARED DANGEROUS BY THE ANIMAL CONTROL OFFICIAL OR ANIMAL CONTROL BOARD); AMENDING SECTION 20.30 (CAPTURE, IMPOUNDMENT, ETC., OF ANIMALS WHICH BITE PEOPLE); ADDING SECTION 20.31 (AGGRESSIVE ANIMALS); AMENDING SECTION 20.36 (DISPOSITION OF DEAD ANIMALS; REQUIRED; PROCEDURE); AMENDING SECTION 20.37 (IMPOUNDING, DISPOSING OF AND REDEEMING ANIMALS); AMENDING SECTION 20.38 (ANIMALS EXEMPT FROM PART); AMENDING ARTICLE II (RABIES-SUSCEPTIBLE ANIMALS); AMENDING SECTION 20.51 (VACCINATION REQUIRED); AMENDING SECTION 20.52 (LICENSE TAG REQUIRED); AMENDING SECTION 20.53 (PREREQUISITES TO LICENSE ISSUANCE); AMENDING SECTION 20.54 (DURATION OF TAG; ISSUANCE GENERALLY); AMENDING SECTION 20.55 (COST OF LICENSE TAG); SECTION 20.56 (INFORMATION TO BE ON TAG); AMENDING SECTION 20.57 (ANIMAL TO WEAR TAG); AMENDING SECTION 20.58 (IMPOUNDMENT, QUARANTINE, ETC. WHEN SUSPECTED OF HAVING RABIES); AMENDING SECTION 20.71 (COMMERCIAL LICENSE REQUIRED); AMENDING SECTION 20.76 (CARE OF ANIMALS IN LICENSED KENNEL); AMENDING ARTICLE IV (CARE AND HOUSING OF ANIMALS), SECTION 20.83 (STANDARDS FOR CARE); PART 2 (ENFORCEMENT OF ANIMAL CONTROL



ORDINANCE), AMENDING SECTION 20.134 (CITATION FORM), AMENDING SECTION 20.135 (OPTIONS OF PERSONS CITED); AMENDING SECTION 20.136 (VIOLATIONS; ISSUANCE OF CITATIONS; MANDATORY COURT APPEARANCE); AMENDING SECTION 20.137 (CIVIL PENALTIES); AMENDING CHAPTER 53 (CODE ENFORCEMENT) OF THE SEMINOLE COUNTY CODE, AMENDING SECTION 53.27(A) (SCHEDULE OF VIOLATIONS AND PENALTIES); PROVIDING FOR APPLICABILITY; PROVIDING FOR CODIFICATION IN THE SEMINOLE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, the Board of County Commissioners of Seminole County has broad home rule powers to carry out county government, including the power to adopt ordinances to provide for the common good; and

WHEREAS, Seminole County Ordinance No. 72-10 was enacted to protect citizens from loose dogs and Seminole County Ordinance No. 74-8 established comprehensive animal control that outlines the regulation of animal treatment, management, and licensing; and

WHEREAS, changes in Florida law regarding the treatment and regulation of animals mandate periodic revisions of local ordinances to ensure uniform enforcement of existing law; and

WHEREAS, in order to preserve the public peace and good order, and to safeguard the health, safety, and general welfare of the community and citizens of Seminole County, it is necessary and advisable to amend Chapter 20, Seminole County Code to promote responsible pet ownership and provide for penalties and enforcement of aggressive dogs that cause unprovoked attacks on domestic animals; and

WHEREAS, Article II, Section 2.2(D) of the Seminole County Home Rule Charter requires that an Economic Impact Statement be prepared to address the potential fiscal impacts

and economic costs of this Ordinance upon the public and taxpayers of Seminole County and such Economic Impact Statement has been prepared and has been made available for public review and copying prior to the enactment of this Ordinance unless waived by a majority plus one vote of the entire Board of County Commissioners.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Incorporation of Recitals. The above recitals represent the legislative findings of the Seminole County Board of County Commissioners supporting the need for this Ordinance.

Section 2. Parts 1 and 2 of Chapter 20 (Animals and Fowl) are hereby designated and may be cited as Reese's Law.

Section 3. Chapter 20 (Animals and Fowl) of the Seminole County Code is hereby amended to read as follows:

Chapter 20 - ANIMALS AND FOWL^{III}

Footnotes:

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State Law reference— Ch. 210131, Laws of Fla. (1939), establishing the Bear Lake Game and Bird Sanctuary, and Ch. 12491, Laws of Fla. (1927), establishing the Celery City Bird Reservation.

PART 1. - ANIMAL CONTROL

ARTICLE I. - IN GENERAL

Sec. 20.01. Definitions. ~~As used in this Part, the following terms shall mean as indicated below~~ The following definitions apply to this Part:

Aggressive dog: Any dog that causes injury to a human or another domestic animal while unprovoked or has killed a domestic animal while unprovoked.

Animal: Unless otherwise clearly required by the context, every living, nonhuman creature.

Animal at-large: Any animal off its owner's property and not under restraint.

Animal in distress: Any animal found abandoned, neglected, cruelly treated, injured, starving or wounded.

~~*Animal-control official*~~ *Control Official:* The person appointed, designated, or employed by the County to enforce this Part.

Animal Rescue Organization: A duly incorporated nonprofit organization, properly organized under Section 501(c)(3) of the Internal Revenue Code, devoted to the rescue, care, humane treatment, and adoption of stray, abandoned, or surrendered animals ~~which~~ that does not breed animals.

Animal services: A direct service provided to a dog or cat, including but not limited to, grooming, bathing, or boarding.

Animal Services Division: The division of Seminole County Government responsible for: the care of animals inside the County's shelter; adoption of domestic animals or pets; collection of lost domestic animals; organization of animal related issues with allied agencies and rescue groups; and enforcement of animal control ordinances in coordination with law enforcement agencies having jurisdiction.

Bird: Any animal belonging to the scientific class known as *Aves*.

Breeder: Any person or entity that causes dogs or cats to reproduce, either willfully or through failure to exercise due care and control, regardless of the size or number of litters

produced. Any person or entity offering male dogs or cats for stud purposes ~~shall~~ will be classified as a breeder. This classification will not apply to a hobby breeder, as defined in this Section; or to a pet owner who breeds his or her own pets and keeps all of the offspring.

Cat: An animal of any age that is a member of the species scientifically known as *Felis Catus*, or any genetic hybridization ~~thereof~~ of this species, not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Certificate of Source: A document from the source or Seminole County Animal Services Shelter, animal control agency, animal rescue organization, or hobby breeder declaring the source of origin of a dog or cat on the premises offered for retail sale, as defined in this Section. ~~The document~~ Certificate of Source ~~shall~~ must include at a minimum: (1) a brief description of the dog or cat; (2) the name, address, telephone number and email address of the source of the dog or cat; (3) ~~shall be signed by~~ the signature of the Pet Store certifying the accuracy of the certificate; and (4) ~~shall be signed by~~ the signature of the purchaser or transferee of the dog or cat acknowledging receipt of the certificate of source.

Citation: A written notice, in form required by Section 828.27, Florida Statutes (2018), as this statute may be amended from time to time, and issued by an Animal Control Officer.

Commands: ~~Any effective verbal or nonverbal control by a competent person of an animal's behavior.~~

Commercial kennel: Any premises or structure of a business, breeder, or animal rescue organization used for housing, boarding, buying, selling, re-homing, or adopting of dogs and cats. This ~~is to~~ term includes greyhound racing kennels. This term ~~will~~ does not include animal hospitals or beauty parlors unconnected with boarding.

County: The unincorporated areas of ~~the~~ Seminole County, Florida, and those incorporated areas ~~which shall that~~ become governed by this Part in accordance with Section 20.02 of this Code.

Dangerous animal: All non-domesticated animals, which by reason of their wild nature, training, venomous characteristics, size or other attributes pose a special hazard to humans or other animals. ~~Said This term shall~~ includes, by way of illustration and not limitation, bears, lions, leopards, cheetahs, venomous reptiles, constricting reptiles, piranha, sharks, ~~poisonous~~ venomous insects and spiders, alligators and crocodiles, ~~attack dogs~~, tigers, eagles, hawks, simians, large primates and elephants. ~~Any rabies susceptible animal which, because of the non-availability of a licensed vaccine, cannot be vaccinated against rabies shall also be deemed a dangerous animal. This definition shall also include any animal which has been designated as dangerous by the Animal Control Official, or by the Animal Control Board pursuant to a temperament hearing.~~

Dangerous dog: A dog defined as dangerous in Section 767.11, Florida Statutes (20178), as this statute may be amended from time to time, or ~~which that~~ has been declared dangerous by the Animal Control Official or the Animal Control Board. Dogs ~~which that~~ have been declared dangerous by another jurisdiction are also considered to be dangerous dogs in Seminole County.

Dog: An animal of any age that is a member of the species scientifically known as Canis Lupus Familiaris, or any genetic hybridization ~~thereof~~ of this species, not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Dog Park: An enclosed area designed for dogs to socialize with other dogs, or run without a leash, under the dog owner's supervision.

Domestic animal: Any equine or bovine animal, goat, sheep, swine, dog, cat, bird, poultry or other domestic animal or livestock.

~~*Fierce animal:* Any dangerous animal or rabies susceptible animal which has for no observable motive exhibited aggressive or threatening tendencies towards humans or other animals.~~

Hobby breeder: Any person or entity, that intentionally causes or allows willfully or through failure to exercise due care and control, the breeding or studing of a dog or cat resulting in no more than a total of one (1) litter per calendar year per legal residence whether or not the animals in such litter are offered for sale or other transfer.

Injury: Any physical damage to a human or domestic animal that does not rise to the level of a severe injury, but still results from a single bite or scratch that causes bleeding, bruising, or other circumstances that require professional medical treatment.

Licensed veterinarians: A veterinarian licensed to practice medicine by any state in the United States.

Noncommercial kennel: Any premises or structure used to house dogs or cats of a hobby breeder other than inside one's home, and ~~which~~ that is on the same property where the hobby breeder resides.

Owner: Any person controlling, harboring, keeping, possessing, boarding or owning an animal.

Pet shop: A business entity that has obtained a tax receipt or occupational license, open to the public, that sells or transfers, or offers for sale or transfer, dogs or cats, regardless of the age of the dog or cat or the physical location of the animal. Such an establishment may be a

permanent, temporary, or virtual establishment. Seminole County Animal Services Shelter, ~~or~~ and animal rescue organizations ~~shall~~ are not ~~be~~ considered a pet shop under this Ordinance.

Rabies-susceptible animals: All warm-blooded animals ~~which~~ that are capable of contracting rabies, and which are domestic by nature, or domesticated or tamed.

Retail sale: A sale, regardless of any exchange of consideration for the animal, or animal services, that takes place at the same time or same location; This term also includes any combination of the following: offer for sale; auction; barter; display for sale; adoption; re-home; exchange for compensation; or otherwise, give away; trade; deliver; lease; rent; include as part of a package deal; advertise for sale; or otherwise dispose of dogs or cats to a person in a pet shop or in association with a pet shop.

Seminole County Animal Services Shelter: The premises designated by the Board of County Commissioners for the purpose of impounding and caring for animals taken into custody for violation of, or pursuant to, this Part.

Severe injury: Any physical injury to a human or domestic animal that ~~which~~ results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

Under restraint: Controlled by ~~chain,~~ tether or leash, ~~controlled by command of a competent person and obedient to said person's commands,~~ confined within a vehicle being driven or parked on the street, confined by a physical or electronic fence within the property limits of any parcel of land with the property owners' consent, or confined within a crate or cage. ~~To be under restraint by command, the animal must be under the express effective command of a competent person at all times. An animal is not to be construed to be "under restraint" simply because it can be demonstrated that the animal is responsive to command if, in fact, the animal is~~

~~not actually under restraint by command or otherwise. It shall be prima facie evidence that the animal was not under restraint by command if said animal bites a person or another animal or trespasses upon private property without the property owner's consent.~~

Unprovoked: A type of attack where the victim, while acting peacefully and lawfully, has been bitten or chased in a menacing fashion or attacked by a dog.

~~Vicious animal:~~ Any dangerous animal or rabies susceptible animal which has, for any motive other than for self defense, caused bodily harm to humans or other animals.

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Sec. 20.05. Function of board. The functions of the Animal Control Board ~~shall be~~ are as follows:

(a) ~~Hear and determine fierce, dangerous or vicious animal hearings~~ appeals on dangerous dog determinations in accordance with Section 20.24; and ~~dangerous dog hearings in accordance with~~ Section 20.27 of this Code.

(b) Hear and determine appeals by any person, firm, or corporation aggrieved by the issuance or denial of a license or permit by the ~~animal control official~~ Animal Control Official. All decisions of the Animal Control Board on any such appeal ~~shall~~ will be final, subject only to review by the Board of County Commissioners.

(c) Make recommendations to the Chief Administrator for the Office of Emergency Management regarding animal care and regulations consistent with Florida Statutes and Chapter 20, Seminole County Code. ~~Said~~ These recommendations must first be approved by a majority of the Animal Control Board prior to submission to the Chief Administrator for the Office of Emergency Management.

(d) The Animal Control Board shall meet at least three times per year. Special meetings may be called by the Chairman, or Vice-Chairman, or by any three members of the Board upon 48 hours' notice to all members and to the Animal Control Official and Chief Administrator for the Office of Emergency Management.

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Sec. 20.08. Duty of ~~animal control official~~ Animal Control Official generally. The ~~animal control official shall be~~ Animal Control Official is responsible for enforcement of this Part other than ~~the its~~ misdemeanor provisions ~~hereof~~ and the provision of the Florida Statutes relating to animal welfare.

Sec. 20.09. ~~Animal control official~~ Control Official to recommend rules and regulations. The ~~animal control official~~ Animal Control Official may, in a manner consistent with law and with this Part, recommend rules and regulations ~~which~~ that are incident to the proper administration, implementation, and enforcement of the provisions of this Part.

Sec. 20.10. Entry power of employees.

(a) The ~~animal control official~~ Animal Control Official and all employees of the ~~animal control official shall~~ Animal Control Official have the right to enter upon any public property or may enter private property with the written consent of owner or proper warrant or as otherwise provided by law within the County, for the purposes of examining or capturing any animal. ~~Said~~ These employees shall ~~have~~ keep appropriate official identification with them ~~which that~~ identifies ~~said these~~ employees as agents of the County when they enter private property for these purposes ~~of this Section~~.

(b) It ~~shall be~~ is unlawful to:

(1) ~~interfere with any animal control official~~ the Animal Control Official or his or her employees ~~thereof~~ in the legal performance of their duties,

(2) ~~or to take or attempt to take the animal from any animal control official~~ Animal Control Official or his or her employees ~~thereof~~, or from any vehicle used by them to transport any animal;

(3) ~~or to take or to attempt to take any animal from the animal shelter without~~ proper authority.

(c) Any person found guilty of this Section ~~shall~~ will be punished as provided by law.

Secs. 20.11—20.15. Reserved.

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Sec. 20.17. Animals at-large prohibited; custody and confinement authorized.

(a) It ~~shall be~~ is unlawful for any animal owner to allow, either willfully or through failure to exercise due care and control, ~~his~~ the owner's animals to run at-large upon public property, unless ~~said~~ the owner of such public property expressly authorizes ~~the same~~ such activity, or upon private property of others, including common areas of condominiums, cluster homes, planned unit developments, and community associations, without the consent of all affected owners ~~thereof~~, unless ~~said~~ such private property owners authorize ~~the same~~ such activity by express ~~or implied~~ consent.

(b) All dogs must be under restraint by a leash when being walked off the dog owner's property. There is a rebuttable presumption that a dog is not under restraint or within the owner's direct control when the leash length exceeds eight (8) feet and in the presence of a domestic animal or person. Service animals are exempt from this part, Section 2017(b).

~~(b)~~ (c) When any domestic animal is found at-large anywhere within the County, whether licensed or otherwise and whether owned or otherwise, ~~said such~~ animal may be taken into custody by the ~~animal control official~~ Animal Control Official or other law enforcement officer to be impounded at the animal shelter and disposed as provided in Section ~~20.30~~ 20.37 of this Code.

~~(e)~~ (d) Seminole County ~~shall~~ is not be liable for any injury of an animal that may occur while any ~~animal control official~~ Animal Control Official or employees ~~thereof~~ or other law enforcement officer is trying to capture, ~~or~~ transport, load, or unload any animal found at-large in violation of this Part. In the event an animal is injured, the ~~animal control official~~ Animal Control Official shall file a written report of the circumstances with the Chief Administrator for the Office of Emergency Management within one working day of such incident.

Sec. 20.18. ~~Urinating and defecating~~ Defecating. ~~It shall be unlawful for any animal owner to permit, either willfully or through failure to exercise due care and control, any animal to defile, urinate, defecate, on any private or public property other than that of the owner without expressed or implied consent~~

(a) Private Property. An animal owner shall promptly remove, and dispose of, in a sanitary manner, feces deposited by the animal on private property unless otherwise authorized by the property owner.

(b) Public property. An animal owner shall promptly remove, and dispose of, in a sanitary manner, feces deposited by the animal on public property, which includes but is not limited to, sidewalks, easements, and recreation areas.

Sec. 20.19. Noisy animals. ~~It shall be~~ is unlawful for any animal owner to permit, either ~~willfully~~ willfully or through failure to exercise due care and control, any animal, in a continuing

or repeating manner greater than fifteen (15) minutes, to bark, cry, howl, screech, squawk, scream, whine, or cause other objectionable noises ~~which that~~ disturb the comfort, peace, quiet, or repose of any person residing in the vicinity. Upon the receipt of ~~documentation of a~~ documented and verified complaint from a law enforcement agency or a ~~statement signed by three~~ notarized affidavit from two (2) or more residents of Seminole County who reside in separate dwellings in the vicinity of the animal(s) or incident(s), averring that a violation of this Section exists, ~~the animal control official shall~~ Animal Control Official will have reasonable cause to determine that a violation of this Section has occurred. ~~The statements must be made under oath before an individual authorized by law to take acknowledgments and notarized affidavits~~ must set forth the pertinent facts relating to the incident(s), including the time(s), date(s), and times and dates of the animal's location on the property, the address or location of the owner of the animal as well as the complainants and a description of the animal(s). The animal control official shall also have the authority to investigate suspected violations of this Section arising under any other circumstances. Properties with animals that are zoned agricultural or permitted by the Building Division to have a commercial kennel building are exempt from this Section 20.19.

Sec. 20.20. Damaging or destroying property; injuring persons or animals.

(a) ~~It shall be~~ is unlawful for any animal owner to permit, either ~~willfully~~ willfully or through failure to exercise due care and control, any animal to damage, harm, or destroy the property or injure animal of another person without provocation.

(b) Owners of dogs shall be liable for any damage done by their dogs to a person or domestic animal.

(c) ~~Every animal owner who intentionally, willfully, carelessly, or negligently suffers or permits such animal to run at large, shall be liable in damages for all injury and property damage by any person or animal by reason thereof. Proof of monetary expense, along with a notarized affidavit signed by one (1) or more of the witnesses will serve as evidence of a violation of this Section 20.20.~~

Sec. 20.21. Odors.

(a) ~~It shall be~~ is unlawful for any animal owner, either ~~wilfully~~ willfully or through failure to exercise due care and control, to maintain ~~his~~ the owner's animal or the premises upon which ~~said~~ such animal is maintained; in such a manner as to emit such offensive odors that extend beyond the owner's property lot line and ~~which~~ disturb the comfort, peace, or repose of any reasonable person residing in the vicinity.

(b) Properties zoned for agricultural purposes with odors caused by livestock animals are exempt from this Section 20.21.

Sec. 20.22. ~~Bitches and female cats in heat.~~ ~~It shall be unlawful for the owner of any female dog or cat in heat to fail to confine said animal, either wilfully or through failure to exercise due care and control, in such a manner so as to make said animal inaccessible to any male dog or cat except for intentional breeding purposes. Reserved.~~

Sec. 20.23. Confinement of ~~fierce, dangerous or vicious~~ animals.

(a) The owner of any ~~fierce animal, dangerous animal or vicious animal~~ shall confine ~~said~~ such animal within a building, cage or other secure enclosure and shall not take ~~said~~ such animal from ~~said~~ the building, cage, or secure enclosure unless ~~said~~ such animal is securely leashed, tethered, chained, muzzled, anesthetized, ~~and/or~~ or otherwise restrained so as to protect persons and other animals; ~~provided, however, that. This this Section shall~~ does not apply to law

enforcement or rescue animals actually engaged in law enforcement or rescue operations. Such animals of wild or exotic nature, so classified by the Florida ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission as requiring specific pen or enclosure, ~~shall~~ must be caged in accordance with the ~~commission's~~ Commission's regulations. ~~Any outside enclosure housing a trained attack dog must be completely surrounded by a fence or other wall at least six feet in height and have an antilimbing device. All gates and entrances thereto must be kept closed and locked and all fences or walls maintained escape proof.~~

(b) Any owner either intentionally or negligently violating this Section ~~shall~~ will be guilty of a misdemeanor and punished as provided by law.

Sec. 20.24.— Disposal of fierce, dangerous or vicious animals found at-large
Disposition of a declared dangerous dog found at-large or in violation of Dangerous Dog Certificate of Registration. ~~When any fierce, dangerous or vicious animal~~ If a declared dangerous dog is found at-large anywhere within the County, ~~whether licensed or otherwise, and whether owned or otherwise, said animal shall~~ such dog will be taken into custody by the ~~animal control official~~ Animal Control Official or any other law enforcement officer to be impounded at the animal shelter and disposed of as follows:

(a) ~~Where such animal bears no indicia of ownership, it shall be confined by the animal control official for five days from the date it was taken into custody. At the expiration of said five days, if the animal control official determines that said animal is fierce, dangerous or vicious, and if no owner has appeared to claim said animal, said animal shall be deemed unowned and destroyed in a humane fashion or otherwise safely disposed of alive.~~

(b) ~~(a) Where such animal bears an indicia of ownership, the animal control official~~ The Animal Control Official shall notify the owner of ~~said animal~~ such dog, by ~~either~~ either certified mail,

return receipt requested, or by hand delivery, of the animal's impoundment. ~~Said~~ The animal shall will be confined by the ~~animal control official~~ Animal Control Official for five (5) days from the date of hand delivery or said the certified mail return receipt is received by the ~~animal control official~~ Animal Control Official. ~~At the expiration of said five days, if the animal control official determines that said animal is fierce, dangerous or vicious and if no owner has appeared to claim said animal, said animal shall be deemed unowned and destroyed in a humane fashion or otherwise safely disposed of alive.~~ Within five (5) days, the owner must make a written claim to the Animal Control Official stating that the owner wants a hearing with the Animal Control Board. If the owner fails to provide a written claim, the dangerous dog will be euthanized in a humane manner.

(e)(b) ~~Where~~ If such ~~animal dog~~ is claimed in writing by its owner within five (5) days of notification, ~~said animal shall~~ such dog will remain confined by the ~~animal control official~~ Animal Control Official at the animal shelter, or, at the owner's request and expense, at some other secure ~~quarters~~ commercial kennel facility within Seminole County subject to the sole control of the ~~animal control official~~ Animal Control Official, pending a hearing before the Animal Control Board to determine whether ~~said animal such dog is fierce, dangerous, or vicious to be returned to the owner, or humanely euthanized.~~ Said Such hearing shall will be held not sooner than five (5) days nor later than twenty (20) days from the date upon which the owner of ~~said animal such dog claims the same~~ it in writing. At ~~said the~~ the hearing, the animal owner or his representative and any other interested person may present any evidence relative to a ~~determination of whether said animal is fierce, dangerous or vicious~~ the dog was showing aggression, or caused any injury to another animal or person when the dog was at large. If the Animal Control Board determines that ~~said animal is fierce, dangerous, or vicious~~ the declared

dangerous dog did show aggression or caused injury to another animal or person while at large,
the Animal Control Board shall enter an order requiring that the ~~vicious animal shall be~~
~~destroyed in a humane fashion~~ dangerous dog will be humanely euthanized or otherwise safely
disposed of alive. Any order providing for the disposal of the ~~animal dog~~ alive, whether through
release to the owner or otherwise, ~~shall will~~ be subject to such additional conditions as the
Animal Control Board ~~shall may~~ impose, including a fine up to \$500.00.

(c) Violation of any of the conditions imposed ~~shall will~~ constitute a violation of this
Chapter and will be punished as such. ~~Violation~~ In addition, any violation of any conditions on a
declared dangerous dog will ~~shall~~ also be sufficient grounds for the ~~animal control official~~
Animal Control Official to obtain an additional pick up order from a court of competent
jurisdiction. ~~The~~ In such event, the Animal Control Board shall ~~thereupon~~ hold an additional
hearing to determine further disposition of the animal. ~~Unless the owner of the animal consents,~~
~~the animal shall~~ If the dog showed aggression but did not cause injury to another animal or
person, the dog may only be ~~destroyed~~ euthanized in a humane manner upon a finding that no
reasonable alternative other than the ~~destruction~~ euthanization of the ~~animal dog~~ is sufficient to
adequately protect the public. Any order ~~which that~~ provides for the destruction of the ~~animal~~
dog shall must include a date before ~~which when~~ the ~~destruction~~ euthanization of the ~~animal~~
~~shall dog will~~ not take place. All decisions of the Animal Control Board ~~shall will~~ be final and
subject to review only by a court of competent jurisdiction upon petition of the owner. Orders of
the Animal Control Board may be stayed pending court review; only by court order or by the
Animal Control Board upon payment by the owner of all impoundment, citations, and other fees
incurred to the date specified and, in the event the ~~animal dog~~ is being confined at the animal
shelter, advanced payment of such fees as would accrue in the succeeding six-month period. If

court review should exceed six months, the owner ~~shall~~ will be required to pay, at the expiration of the initial six-month period, and every month thereafter, one month fees in advance. At the time the ~~animal~~ dog is released from the animal shelter by court order or ~~destroyed~~ euthanized in a humane manner or transferred to other secure quarters, as provided above, any excess fees ~~shall~~ will be refunded to the owner within thirty (30) days. The owner of ~~said animal shall~~ such dog will be responsible for paying all impoundment and other fees incurred regardless of the final determination of the Animal Control Board or the court. ~~This subsection shall not apply to dogs which are found at-large.~~

(d) In a criminal proceeding under this Part, the Animal Control Board may, if requested, make recommendations based on independent findings to a court of competent jurisdiction and upon a conviction by the jury, the judge having jurisdiction may order the ~~vicious animal destroyed~~ dangerous dog euthanized in a humane fashion or otherwise safely disposed of alive. ~~If the court of competent jurisdiction determines that said animal is not fierce, dangerous or vicious, said animal shall be returned to its owner upon payment of such fees as have been incurred by reason of impoundment.~~

Sec. 20.25. Disposal of fierce, dangerous or vicious animals not at-large.

(a) Upon the written, sworn complaint of any person ~~averring~~ attesting that an animal has actually bitten, mauled, attacked, or otherwise injured any person or any animal, the County may take the animal into custody with the owner's consent, or may require that the owner confine the animal in a securely fenced or enclosed area. The County also may apply to a court of competent jurisdiction for an order permitting the pickup and impoundment of ~~said the~~ the animal. In entering its order, the court shall make a preliminary finding that probable cause exists to believe the animal to be ~~fierce, dangerous or vicious~~ under this Part and a threat to the public

safety. If an animal has been taken into custody and quarantined pursuant to Section ~~20.36~~ 20.37 of this Code, ~~said~~ such animal ~~shall~~ must remain in the custody of the County until a determination has been made with regard to the ~~fierceness~~, dangerousness ~~or viciousness~~ of the animal. ~~All~~ The owner of the animal shall pay all costs of impounding the animal ~~shall be paid by the owner~~ prior to release of the animal.

(b) Once ~~said~~ the animal is impounded pursuant to court order or after being quarantined, a determination of the animal's ~~fierceness~~, dangerousness ~~or viciousness~~ ~~shall~~ will be made in accordance with the procedure set forth in Section ~~20.24(e)~~ 20.24(b), or Sections 20.26 and 20.27, if applicable, if the animal is a dog.

(c) Nothing in this Section ~~shall~~ may be deemed to affect any criminal proceeding, nor ~~shall~~ will any determination or deliberation by the Animal Control Board be admissible in evidence in any criminal proceeding against the owner of ~~said~~ an impounded animal.

(d) The court in entering its impoundment order ~~hereunder~~ under this Section, may order impoundment at the animal shelter or, at the request and expense of the animal owner, may in its discretion require impoundment to be at some other secure quarters.

Sec. 20.26. Procedure for declaring dogs dangerous.

(a) If a dog ~~which~~ that the ~~animal control official~~ Animal Control Official believes may be dangerous is impounded by the ~~animal control official~~ Animal Control Official, the ~~animal control official~~ Animal Control Official shall investigate and determine if the dog is dangerous and if the ~~animal dog~~ should be ~~destroyed~~ euthanized in a humane manner or released upon conditions. ~~The~~ If the Animal Control Official initially declares the dog as dangerous, the owner may then file a written request for a hearing before the Animal Control Board to appeal the classification by the ~~animal control official~~ Animal Control Official within ten (10) business

days after receipt of the written notice that the dog has been declared dangerous. If the owner has custody of the dog at this time ~~he~~, the owner must continue to confine the dog in a securely fenced or enclosed area pending a hearing and determination by the Animal Control Board. The dog ~~shall~~ may not be destroyed euthanized while the appeal is pending.

(b) ~~If an~~ If the Animal Control Official declares the dog dangerous and permits the dog to be released with conditions, and if the owner does not appeal the ~~animal control official's~~ Animal Control Official's designation of the dog as dangerous, the owner must obtain a valid ~~Certificate of Registration For Dangerous Dog~~ Certificate of Registration within thirty (30) days of the designation. Any outstanding citations and fees must be paid before an issuance of the Dangerous Dog Certificate of Registration and release of the dog.

Sec. 20.27. Procedure for dangerous dog hearing.

(a) If a dog owner appeals the decision of the ~~animal control official~~ Animal Control Official pursuant to Section 20.26, the Animal Control Board shall hold a hearing to decide if the initial dangerous dog designation should be declared dangerous upheld, with or without changes, or overturned and set aside. The hearing ~~shall~~ must be held not sooner than five (5) calendar days ~~nor and not~~ later than twenty (20) calendar days from the date upon which the owner of ~~said~~ the dog claims the dog in writing. At the hearing, the dog owner, ~~or~~ his representative, ~~and or~~ any other interested person may present any evidence relevant to ~~a determination of whether said dog is dangerous~~ the initial dangerous dog determination. The charged infraction must be proven by a preponderance of the evidence.

(b) The Animal Control Board shall hear and consider the evidence presented at ~~said~~ the hearing and make a determination as to whether or not the dog meets the statutory definition

of dangerous dog as incorporated in this Part. In making a determination, the Animal Control Board must make a finding as to whether or not the dog has inflicted a "severe injury".

(c) If a dog is found by the Animal Control Board to have aggressively attacked and caused severe injury or death to any human, the dog ~~shall~~ must be found to be dangerous, held for ten business days after the owner is given written notification, and thereafter ~~destroyed~~ euthanized in an expeditious and a humane manner.

(d) If a dog that has previously been declared dangerous by the Animal Control Board, ~~animal control official~~ Animal Control Official or another jurisdiction is found by the Animal Control Board to have attacked or bitten a person or a domestic animal without provocation, the dog ~~shall~~ must be held for ten business days after the owner is given written notification, and thereafter ~~destroyed~~ euthanized in an expeditious and a humane manner.

(e) If the Animal Control Board determines that a dog is dangerous, but has never previously been declared dangerous and has not inflicted a severe injury, ~~it~~ the Board shall enter an order that the dog be ~~destroyed~~ euthanized in an expeditious and a humane manner or be released upon conditions. If the Animal Control Board determines that ~~said~~ the dog is dangerous and allows the dog to be released, the owner shall comply with Section 20.28 and obtain a valid ~~Certificate of Registration For~~ Dangerous Dog Certificate of Registration prior to the dog being released. Any order providing for the dog's release to its owner or otherwise, ~~shall~~ will be subject to such conditions as the Animal Control Board ~~shall~~ may impose. Violation of any of the conditions imposed ~~shall~~ will constitute a violation of this Part and be punishable as such. Violation of any conditions ~~shall~~ will also be sufficient grounds for the ~~animal control official~~ Animal Control Official to obtain an additional pick up order from a court of competent

jurisdiction. ~~In such event, The~~ the Animal Control Board shall ~~thereupon~~ hold an additional hearing to determine further disposition of the dog.

(f) Any order ~~which~~ that provides for the destruction of a dog ~~shall~~ must include a date before ~~which~~ when the destruction of the dog ~~shall~~ will not take place. All decisions of the Animal Control Board ~~shall~~ will be final and subject to review only by a court of competent jurisdiction upon petition of the owner. The destruction of a dog may be stayed pending court review; only by court order or by the Animal Control Board, upon payment by the owner of all impoundment and other fees incurred to the date specified and, in the event the dog is being confined at the animal shelter, advanced payment of such fees as would accrue in the succeeding six-month period. If court review ~~should~~ exceeds six (6) months, the owner ~~shall~~ will be required to pay, at the expiration of the initial six-month period, and every month thereafter, one (1) month fees in advance. At the time the dog is released from the animal shelter by court order or ~~destroyed~~ euthanized in a humane manner, any excess fees ~~shall~~ will be refunded to the owner within thirty (30) days of such release. The owner of ~~said the~~ dog ~~shall~~ will be responsible for all impoundment and other fees incurred regardless of the final determination of the Animal Control Board or the court. ~~All~~ The owner of the dog shall pay all costs of impounding and holding the dog, citations, and other fees ~~shall be paid by the owner~~ prior to release of the dog.

Sec. 20.28. Confinement of dogs declared dangerous by the ~~animal control official~~ Animal Control Official or ~~animal control board~~ Animal Control Board. Dangerous Dog Certificate of Registration requirements.

(a) A dog ~~which~~ that has been declared dangerous by the ~~animal control official~~ Animal Control Official or Animal Control Board ~~shall~~ must be kept securely confined in one of the following ways:

(1) The dog may be securely confined inside the owner's residence behind locked doors.

(2) The dog may be securely confined inside a pen constructed on the owner's property according to the following specifications:

(A) The floor ~~shall~~ must consist of a concrete pad, no less than four feet by eight feet (32 square feet).

(B) The sides must consist of chain link at least six feet in height.

(C) The top must be enclosed and provide adequate shade and protection from the elements along with an additional shelter of three (3) sides and a top, such as a dog house inside the pen.

(D) The structure must have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure.

(E) The gate must be lockable and remain locked when the dog is penned and must be suitable to prevent the entry of young children and designed to prevent the dog from escaping; ~~provided, however, that~~

(F) ~~before~~ Before the release of ~~said the~~ dog from the ~~animal control official~~ Animal Control Official, the pen must be completed and inspected by the ~~animal control official~~ Animal Control Official. The owner ~~shall~~ will have the sole responsibility to contact the ~~animal control official~~ Animal Control Official to arrange for the inspection.

(b) Additional requirements:

(1) The dog ~~shall~~ must be kept in the locked pen or inside the owner's residence when the owner is not present on the property.

~~(e)~~(2) The dog ~~shall~~ must not be let outside the residence or pen unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. No tethering is permitted. The muzzle ~~shall~~ must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration. ~~But shall~~ The muzzle must prevent the dog from biting any person or animal. The owner may exercise the dog in a securely fenced or enclosed area without a muzzle or leash if the dog remains within sight of the owner and only members of the owner's immediate household or persons eighteen (18) years of age or older are allowed in the enclosure when the dog is present on property owned by the dog owner or has written consent of the property owner. The dog must not be brought to a dog park or any commercial establishment other than a veterinary office or other medical facility where the dog is being treated.

~~(d)~~(3) The premises at which the dog is located ~~shall~~ must be posted by the owner 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.

~~(e)~~(c) Prior to release to the owner, the owner shall show proof that the dog meets the following requirements:

- (1) Current rabies vaccination.
- (2) Current Seminole County ~~Pet~~ Animal License.
- (3) Dangerous Dog Certificate of Registration is paid.

~~(d)~~(d) The owner shall immediately notify the Seminole County ~~animal control official~~ Animal Control Official if the dog:

- (1) Is loose or unconfined.
- (2) Has bitten a human being or attacked another animal.

(3) Is sold, given away or dies.

(4) Is moved to another address.

~~(g)~~(e) Prior to the dog being sold or given away, the owner shall provide the name, address and telephone number of the new owner to the ~~animal control official~~ Animal Control Official to confirm the new owner understands and complies with the Dangerous Dog Certificate of Registration requirements. If the dog is to leave Seminole County, written notification must be made to the jurisdiction's animal control offices by Seminole County Animal Services.

~~(h)~~(f) When being transported, the owner shall ~~insure~~ ensure the dog is safely and securely restrained within a motor vehicle or trailer.

(g) Failure to renew the annual Dangerous Dog Certificate of Registration within thirty (30) days of the anniversary date that the declaration letter was signed will violate the certificate and a hearing with the Animal Control Board will be held to determine if the certificate will be revoked.

* * *

Sec. 20.30. Capture, impoundment, ~~etc., of~~ and other procedures for animals which that bite people.

(a) Any rabies susceptible animal ~~which that~~ is reported to have bitten a person ~~shall~~ must be captured alive, if possible, or taken into custody pursuant to Section 20.25 of this Code. If the animal is subject to the jurisdiction of the State of Florida, it ~~shall~~ must be placed under the surveillance of the Seminole County Health Department or their authorized representative and ~~shall must~~ be handled pursuant to ~~State~~ state law and Department of Health and Rehabilitative Services ~~Rules rules and Regulations regulations~~. If not subject to ~~State~~ state jurisdiction, such animal ~~shall must~~ be impounded and quarantined by the ~~animal control official~~ Animal Control

Official while the applicable procedures are followed to determine whether the animal is ~~fierce,~~ dangerous or ~~vicious~~ aggressive.

(b) In the event the animal is killed, ~~a report of the conditions and reasons for killing the same shall be filed by the animal control official~~ Animal Control Official shall file a report of the conditions and reasons for killing the animal with the ~~Director of Health and Human Services~~ Chief Administrator for the Office of Emergency Management within ten (10) days of such killing.

(c) If the animal is deemed unowned pursuant to Section ~~20.24~~ 20.37 of this Code, it ~~shall~~ must either be quarantined for a period of time necessary to determine if it has rabies, or be immediately destroyed in a humane fashion, and its head detached without mutilation. The head ~~shall~~ must immediately be submitted to the nearest Department of Health and Rehabilitative Services Virus Laboratory.

(d) If the animal is claimed by its owner pursuant to Section ~~20.24~~ 20.37(c) of this Code the animal ~~shall~~ must not be released until it has been quarantined for a period of ten (10) days or such longer period as the ~~animal control official~~ Animal Control Official determines is necessary to determine the presence of rabies. In the event there is no licensed vaccine available for the species of animal being held and the necessary incubation period would, in the opinion of the ~~animal control official~~ Animal Control Official, unnecessarily jeopardize the health or life of the bite victim, then the animal ~~shall~~ must be immediately ~~destroyed~~ ethanized in a humane manner and the head ~~shall~~ must immediately be submitted to the nearest Department of Health and Rehabilitative Services Virus Laboratory. If, at any time during the period the animal is impounded, it is determined by the ~~animal control official~~ Animal Control Official that the animal has rabies, the animal ~~shall~~ must immediately be ~~destroyed~~ ethanized in a humane

manner. The owner ~~shall~~ must be notified of the provisions of this Section at the time the animal is claimed. Failure to provide this notice ~~shall~~ will not impose any civil or criminal liability upon Seminole County, its agents, or employees.

Sec. 20.31. Aggressive Dogs.

(a) As attested to by a witness in a sworn affidavit along with any additional evidence, after investigation, the Animal Control Official may declare a dog aggressive that:

(1) Causes injury to a human without being provoked and not under restraint;

or

(2) Causes injury to a domestic animal without being provoked and not under restraint.

(b) A letter of the "aggressive dog declaration" will be sent or given to the owner with notification. The owner will have thirty (30) days from receipt of the notice to obtain an aggressive dog certificate from Seminole County Animal Services, or

(c) A written request for appeal from the owner must be delivered to the Chief Administrator of Seminole County Emergency Management within fourteen (14) calendar days after a dog has been classified aggressive for the case to be reviewed. The Chief Administrator will review the case and make a final determination within thirty (30) days of receiving the appeal request.

(d) The owner of the aggressive dog shall comply with the following requirement and responsibilities to be able to obtain and maintain an aggressive dog certificate:

(1) The owner shall provide the Animal Services Division with two (2) color photographs of the dog (front view and side view) that clearly identify the dog.

(2) The dog must not be relocated or have a transfer of ownership without notifying the Animal Control Official.

(3) Dogs classified as “aggressive” must not be brought to a dog park.

(4) Dogs classified as “aggressive” must not be brought to any commercial establishment other than a veterinary office or other medical facility where the dog is being treated.

(5) The owner shall register the dog as aggressive with the Animal Services Division, and obtain an aggressive dog certificate, which must be renewed annually after the initial two (2) years.

(6) The owner must ensure that the dog, while on the owner’s property, is securely confined indoors or in a securely fenced or enclosed area from which the dog may not escape (over, under, or through the fence). The dog must be muzzled, leashed, and under restraint of a person capable of controlling the dog whenever the dog is not within such securely fenced or enclosed area or within the passenger portion of a vehicle. Tethering of a declared aggressive dog is not permitted.

(7) The owner must maintain a current rabies vaccination and animal license for the dog.

Secs. ~~20.31~~ 20.32—20.35. Reserved.

* * *

Sec. 20.36. Disposition of dead animals; required; procedure. When any animal dies on public or private property, it ~~shall~~ will be the responsibility of the owner of ~~said~~ such animal or the owner of ~~said~~ such private property to remove and dispose of ~~said~~ such animal

immediately. ~~Should~~ If the owner is not be aware of ~~said~~ such animal's presence, the following procedures ~~shall be followed~~ apply:

(a) When any dead animal is found upon public property, the owner of ~~said~~ such animal shall remove and dispose of ~~said~~ the animal, upon notification by the ~~animal control official~~ Animal Control Official or any other law enforcement officer, so as not to constitute a nuisance. If the owner of ~~said~~ such animal ~~should~~ fails to do so within a reasonable time, the County shall remove and dispose of ~~said~~ such animal and charge the cost of ~~said~~ removal and disposal to the owner of ~~said~~ the animal if the owner is known.

(b) When any dead animal is found upon private property, the owner of ~~said~~ such animal or the owner of ~~said~~ such property shall remove and dispose of ~~said~~ the animal, upon notification by the ~~animal control official~~ Animal Control Official or any other law enforcement officer, so as not to constitute a nuisance. If the owner of ~~said~~ such animal or the owner of ~~said~~ such property ~~shall~~ fails to do so within a reasonable time, the County shall remove and dispose of ~~said~~ the animal and charge the cost of said removal and disposal to the owner of ~~said~~ the animal if the owner is known, and if the owner is not known, then to the owner of ~~said~~ the property.

Sec. 20.37. Impounding, disposing of, and redeeming animals.

(a) When any rabies-susceptible animal is found without a current tag, or when any animal is found in violation of any provision of this Part, the Animal Control Official or any other law enforcement officer may take such ~~said~~ animal ~~may be taken~~ into custody ~~by the animal control official or any other law enforcement officer~~ to be impounded at the animal shelter and disposed of as follows:

(1) Where such animal bears no indicia of ownership, ~~said the animal shall~~ must be confined by the animal control official Animal Control Official for five (5) days from ~~the date said the animal is taken into custody.~~ At the expiration of ~~said the five (5) days,~~ if no owner has appeared to claim ~~said the animal,~~ ~~said the animal shall will~~ be deemed unowned and ~~destroyed euthanized~~ in a humane fashion or otherwise disposed of alive.

(2) Where such animal bears an indicia of ownership, ~~the animal control official~~ Animal Control Official shall notify the owner of ~~said the animal~~ by certified mail, return ~~receipt~~ notification requested, email and telephone, if known, of the animal's impoundment. ~~Said animal shall be confined by the animal control official~~ The Animal Control Official shall confine ~~the animal~~ for five (5) days from the date ~~said certified mail return is received~~ of certified mail delivery or last documented delivery attempt. At the expiration of ~~said the five (5) days,~~ if no owner has appeared to claim ~~said the animal,~~ ~~said the animal shall will~~ be deemed unowned and ~~destroyed euthanized~~ in a humane fashion or otherwise disposed of alive.

(b) Live animals may not be disposed of to any medical school, college, university, person, firm, association, or corporation, for experimentation or vivisection purposes, or to any person providing, selling, or supplying dogs and cats and other animals to any medical school, college, university, person, firm, association or corporation for experimentation or vivisection purposes.

(1) Live animals that, in the personal discretion of ~~the animal control official~~ Animal Control Official, or a licensed veterinarian, are ill or injured so seriously that medical treatment would needlessly prolong the animal's life, may be ~~put to death, provided that the animal bears no indicia of ownership~~ euthanized in a humane manner.

(c) Animals ~~shall~~ will be released to owners only upon presentation of proof of ownership and after proper rabies inoculation, licensing, and payment of impounding fees, ~~“in-heat” fees~~ unpaid citations issued over thirty (30) days, and such other fees as the Board of County Commissioners ~~shall~~ may establish from time to time by resolution.

(d) At the discretion of the ~~animal control official~~ Animal Control Official, animals may be disposed of by adoption, under conditions specified by the ~~animal control official~~ Animal Control Official. ~~These~~ These animals may be adopted by agreement in writing to the conditions of adoption and payment of such fees as may be established by resolution of the Board of County Commissioners. The conditions and cost of adoptions ~~shall~~ must be prominently displayed at the animal shelter.

Sec. 20.38. Animals exempt from Part.

(a) The licensing provision of this Part ~~shall~~ do not apply to animals used as part of non-greyhound racing entertainment acts when properly controlled, ~~nor shall said provisions apply~~ to animals remaining in the County for a period of less than thirty (30) days; ~~or to~~ livestock, or to purebreds kept, maintained, or brought into the County for the purpose of training; ~~provided, however, except~~ that nothing in this Section ~~shall~~ prohibits the demand for proof of vaccination done in another state; ~~and failure~~ Failure to provide ~~said such~~ proof upon demand ~~shall~~ will require ~~said such~~ animal to be vaccinated under the provisions of Section ~~20.49~~ 20.51 of this Code upon order of the ~~animal control official~~ Animal Control Official.

(b) During legally declared hunting seasons, as ~~the same shall~~ they may be designated from year to year by the Florida Game and Fresh Water Fish Commission or the Legislature, hunting dogs ~~shall~~ will be exempt from the terms of Section 20.17 of this Code when engaged in a hunt or at-large as a result of a hunt.

* * *

ARTICLE II. - RABIES-SUSCEPTIBLE ANIMALS

Sec. 20.51. Vaccination required.

(a) It ~~shall be~~ is unlawful for the owner of any rabies-susceptible animal, for which a licensed vaccine is available, to fail to have ~~said the~~ the rabies-susceptible animal vaccinated against rabies by a licensed veterinarian of his choice as provided in subsection (d).

(b) Evidence of vaccination ~~shall~~ will consist of a County certificate signed by the licensed veterinarian administering the vaccine. The certificate in triplicate ~~shall~~ must show the date and type of vaccination, the name and address of the owner, the year and serial number of the animal's required tag, the breed, age, color and sex of the animal, and any other pertinent data for proper identification of the animal. One copy of the certificate ~~shall~~ must be ~~given~~ provided to the owner, one copy filed with the ~~animal control official~~ Animal Control Official, and one copy retained by the veterinarian administering the vaccine. For their services provided in the handling of ~~said these~~ these certificates, veterinarians may be allowed to retain such portion of the certificate fee as shall be established by the Board of County Commissioners by duly adopted resolution.

(c) No rabies-susceptible animal need be vaccinated for rabies where a licensed veterinarian has examined the rabies-susceptible animal and certified that vaccination would endanger ~~said the~~ the animal's health at that time because of its age, infirmity, debility, or other physiological consideration, and such certificate is presented to the enforcing agency within five days of such examination; ~~provided that such~~ Such certificate ~~shall~~ will not be valid for more than twelve (12) months from the date of issuance.

(d) All rabies-susceptible animals ~~shall~~ must be vaccinated with a modified live virus, rabies vaccine, inactivated rabies vaccine or other vaccine that may be developed and licensed by the U. S. Department of Agriculture.

Sec. 20.52. License tag required. Every person owning, keeping, harboring, ~~caretaking~~ or controlling any rabies-susceptible animal within the County, or bringing any rabies-susceptible animal, except livestock, into the County, shall, ~~by January 1, 1975, or within 30 days of bringing such animal into the County,~~ register ~~said~~ such rabies-susceptible animal, except livestock, with the ~~animal control official~~ Animal Control Official and obtain a license tag number within thirty (30) days of bringing such animal into the County.

Sec. 20.53. Prerequisites to license issuance. As a prerequisite to the issuance of a license tag for any rabies-susceptible animal, the ~~animal control official~~ Animal Control Official shall require satisfactory proof that such animal has been inoculated against rabies by a licensed veterinarian. The inoculation must be certified valid through the period from date of sale to expiration of the tag. The certificate of a licensed veterinarian ~~shall~~ will be accepted as conclusive evidence to the fact and time of such inoculation. ~~or a~~ A certificate of a licensed veterinarian certifying that inoculation for rabies would endanger the health of the particular animal as provided by Section ~~20.49~~ 20.51 of this Code ~~shall~~ will be accepted for the issuance of a license tag.

Sec. 20.54. Duration of tag; issuance generally. Upon payment of all required fees and receipt of a certificate from a licensed veterinarian that the animal has been inoculated against rabies, a license tag may be issued for rabies susceptible animals. The license may be issued on the same day as the rabies inoculation is given, but must be applied for within ten days in order

for a license to be issued by the Animal Control Official. A license ~~shall~~ will be valid for twelve (12) months after the date of inoculation and ~~shall~~ will automatically expire on that date.

Sec. 20.55. Cost of license tag.

(a) License tags for rabies-susceptible animals ~~shall~~ will be issued after payment of ~~such the~~ license fee as ~~shall~~ may be established by the Board of County Commissioners.

(b) If such a tag is lost or damaged, the owner may secure a duplicate by presenting a copy of the certificate of vaccination to the ~~animal control official~~ Animal Control Official and by making payment of such fee as ~~shall~~ may be established by the Board of County Commissioners by duly adopted resolution.

(c) Licensed veterinarians may issue animal license tags; under direction of the Animal Control Official. If a licensed veterinarian elects not to issue animal license tags on the date of inoculation, the veterinarian shall provide the animal owner with an envelope provided by the Animal Control Official ~~which~~ that instructs the owner ~~as to~~ on how to otherwise apply for an animal license tag.

Sec. 20.56. Information to be on tag. All license tags for a rabies-susceptible animal ~~shall~~ must have a number and show the ~~expiration date~~ issue year of ~~said~~ the tag.

Sec. 20.57. Animal to wear tag. The required license tag ~~shall~~ must be worn by the rabies-susceptible animal at all times unless a licensed veterinarian or the Animal Control Official ~~shall certify~~ certifies that the wearing of ~~said~~ such a tag is impossible, impractical, or dangerous to the particular type of animal involved.

Sec. 20.58. Impoundment, quarantine, ~~etc.~~, and other procedures when an animal is suspected of having rabies.

(a) Any rabies-susceptible animal suspected of having rabies—~~shall~~ must be impounded at the owner's expense at a place designated by the Seminole County Health Department, or, ~~in the event~~ if the State of Florida lacks jurisdiction over the incident, the Animal Control Official, or placed at the animal owner's expense in the custody of a licensed veterinarian for ten days or longer period as determined by those officials. The period of impoundment—~~shall~~ must be based on the incubation period for rabies in the species of animal concerned.

(b) Any rabies-susceptible animal bitten by a known rabid animal—~~shall~~ must be placed under the surveillance of the Seminole County Health Department, or their authorized representative, and—~~shall~~ must be handled pursuant to ~~State Law~~ state law and Department of Health and Rehabilitative Services ~~Rules~~ rules and ~~Regulations~~ regulations.

(c) Any person who—~~shall~~ fails to surrender any animal that is unvaccinated for rabies for quarantine as required ~~herein in this Code~~, when demand is made ~~therefor~~ for the animal by the Seminole County Health Department or Animal Control Official, ~~shall~~ will be guilty of a misdemeanor and punished as provided for by law.

Secs. 20.59—20.70. Reserved.

Sec. 20.71. Commercial license required. It ~~shall be~~ is unlawful for any person owning or operating a commercial kennel within the County to fail to register ~~said~~ such kennel with the ~~animal control official~~ Animal Control Official and obtain a license.

* * *

Sec. 20.76. Care of animals in licensed kennel.

(a) Every person owning and operating a commercial kennel within the County shall properly feed and care for all animals in their custody. The premises of ~~said such~~ kennel ~~shall~~ will be periodically inspected during reasonable business hours by the ~~animal control official~~ Animal Control Official who ~~shall~~ will issue a notice of violation if any kennel is found in violation of any requirement of this Part. ~~Said Such~~ premises ~~shall~~ will be reinspected within three days after issuance of ~~said such~~ notice of violation.

(b) The failure to correct ~~said such~~ violation after notice ~~shall be~~ is unlawful and the ~~animal control official may choose~~ Animal Control Official is authorized to close the kennel, ~~and~~ revoke it's the kennel owner's license, and/or file a complaint with the State Attorney's Office or take any combination of these actions. No new license ~~shall~~ will be issued to the owners of the kennel for a period of three (3) years, unless found not guilty on all charges filed by the State Attorney or ~~said the kennel owner's~~ restriction is waived by the ~~animal control official~~ Animal Control Official upon a showing of rehabilitation by the applicant. The ~~animal control official~~ can Animal Control Official may place such conditions on the issuance of such a license as he or she deems necessary to protect the public interest.

* * *

ARTICLE IV. - CARE AND HOUSING OF ANIMALS

* * *

Sec. 20.83. Standards for care.

(a) Every licensed facility shall keep a permanent record of the deaths of any warm-blooded animals, excluding rodents, under its control. Such record ~~shall~~ must state species of the

deceased animal and the date and the cause of death, if known. These records ~~shall~~ must be open to inspection by the ~~animal control official~~ Animal Control Official.

(b) Disease or illness. Any animal which exhibits symptoms of disease or illness ~~shall~~ must be separated to the greatest extent possible from other healthy animals. No animal ~~which~~ that is known to have, or may reasonably be suspected of having, a disease contagious or communicable to humans, ~~may~~ be exposed to or offered for sale to the public.

(c) Drinking Water. Fresh water ~~shall~~ must be continuously available to all animals and replaced whenever necessary during each day, including Sundays and Holidays.

(d) Feeding. All animals requiring the daily intake of food ~~shall~~ must be fed at least once every 24-hour period, including Sundays and Holidays. The type of food provided ~~shall~~ must be appropriate for each particular species and ~~shall~~ must be of sufficient nutritive content for the health and well-being of the species.

(e) Sanitation. All areas of confinement, display and sales and storage areas ~~shall~~ must be maintained in a healthful and sanitary condition. These areas ~~shall~~ must be cleaned and disinfected regularly as conditions warrant. Feed and water dishes ~~shall~~ must be emptied and cleaned at least once daily, including Sundays and Holidays.

(f) Treatment. All animals exhibiting symptoms of illness or disease ~~shall~~ must be treated by a licensed veterinarian. If required, diseased animals ~~shall~~ must be ~~humanely destroyed~~ euthanized in a humane manner under the supervision of a licensed veterinarian or ~~animal control official~~ Animal Control Official.

(g) No animal ~~shall~~ may be transported by private or public means in an open vehicle, unless housed in a container designed for that purpose including provisions for adequate ventilation and food and water. The container ~~shall~~ must have an open grill at one end, have a

solid top and bottom, and have a minimum of fifteen percent (15%)~~percent~~ of the total accumulated side and end area ~~shall~~ incorporate an open grill for air circulation.

(h) Every licensed facility shall keep on record a medical statement from or notation of consultation with a licensed veterinarian, if for any reason an animal in its care would need to be exempted from any requirement of this Section.

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PART 2. - ENFORCEMENT OF ANIMAL CONTROL ORDINANCE¹³¹

Footnotes:

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State Law reference— Ch. 84-531, Laws of Florida, 5-30-84.

ARTICLE I. - CITATION ISSUANCE

* * *

Sec. 20.134 ~~Reserved.~~ Citation form. The Animal Control Officer or a sworn law enforcement officer as defined in Section 943.10(1), Florida Statutes, as may be amended, shall issue a citation either in person, by certified mail, or by conspicuous posting upon a dwelling, when the officer has probable cause to believe that the person has committed a civil infraction in violation of this article and that the county court will hear the charge. The citation must contain:

- (1) the date and time of issuance,
- (2) the name and address of the person,
- (3) the date and time the civil infraction was committed,
- (4) the facts constituting probable cause,
- (5) the ordinance violated,
- (6) the name and authority of the officer,

(7) the procedure for the person to follow in order to pay the civil penalty or to contest the citation, or to appear in court,

(8) the applicable civil penalty if the person elects to contest the citation,

(9) the applicable civil penalty if the person elects not to contest the citation,

(10) a conspicuous statement that, if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he or she will be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty,

(11) a conspicuous statement that a person required to appear in court as ordered does not have the option of paying a fine in lieu of appearing in court.

Sec. 20.135. Options of persons cited.

(a) Any person cited for violation of the Animal Control Ordinance ~~shall~~ will be deemed to be charged with a noncriminal infraction ~~and cited to appear in County Court.~~

(b) Any person cited for an infraction for the first or second offense under this Section may:

(1) Post a bond in an amount equal to the applicable civil penalty ~~hereinafter~~ as provided for under Section 20.137 of this Code; or

(2) Sign and accept a citation ~~indicating a promise to appear~~ and pay the fine within thirty (30) days.

(3) Sign and accept a citation then request a hearing in County Court within thirty (30) days.

(c) Any person who willfully refuses to post a bond or accept and sign the citation ~~shall~~ will be in violation of this ordinance and ~~shall~~ will be punished in accordance with Section

125.69, Florida Statutes, ~~or its successor~~ (2018), as this statute may be amended from time to time.

(d) Any person cited with a first or second violation of the Seminole County Animal Control Ordinance ~~may~~ will have the following options:

(1) ~~Pay~~ The person may pay the civil penalty established herein within ten (10) days of the date of receiving the citation; or

(2) If ~~he~~ the person has posted bond, the person may forfeit bond by not appearing at the designated time and location.

(3) If the person cited follows either of the above procedures, ~~he shall~~ the person will be deemed to have admitted the infraction and to have waived ~~his~~ the right to a hearing on the issue of commission of the infraction.

(e) Any person electing to appear or who is required to so appear ~~shall~~ will be deemed to have waived his right to the civil penalty and if found guilty, may be fined up to \$500.00.

(f) Any person cited with a third offense violation of the same section of the Seminole County Animal Control Ordinance within three (3) years will receive a Notice to Appear from the Clerk of Court. Persons required to appear in court do not have the option of paying the fine instead of appearing in court.

Sec. 20.136. Violations; issuance of citations; mandatory court appearance.

(a) Noncriminal infractions of the Animal Control Ordinance for which citations may be issued include but are not limited to:

(1) Unlawful interference with any ~~animal control official~~ Animal Control Official or his or her employee ~~thereof~~ in the performance of their duties. (Section 20.10, SCC)

- (2) Animals at large. (Section 20.17, SCC)
- (3) Animals that ~~soil, defile, urinate,~~ defecate on ~~any~~ private or public property ~~other than that of the owner without expressed or implied consent.~~ (Section 20.18, SCC)
- (4) Animals that repeatedly or excessively bark, cry, howl, whine, or cause other objectionable noises which disturb the comfort, peace, quiet or repose of any person residing in the vicinity excluding property classified as Agricultural by the Seminole County Property Appraiser or noises from a commercial kennel building. (Section 20.19, SCC)
- (5) Animals that damage, ~~harm~~ or destroy ~~the property;~~ or ~~animal of another person~~ injure a person or animal. (Section 20.20, SCC)
- (6) Offensive odors from animal or the premises that extend beyond the property line upon which the animal is maintained which disturb the comfort, peace or repose of any reasonable person residing in the vicinity, excluding odors ~~normally associated with bona fide commercial agricultural operations on property classified Agricultural by the Seminole County Property Appraiser~~ caused by livestock animals in properties zoned for agricultural purposes. (Section 20.21, SCC)
- ~~(7) Failure to confine any female dog or cat in heat in such a manner so as to make said animal inaccessible to any male dog or cat. (Section 20.22, SCC)~~
- ~~(8)~~ (7) Failure to confine any fierce animal, dangerous animal or vicious animal dangerous dog. (Section 20.23, SCC)
- (8) Failure to comply with Dangerous Dog Certificate of Registration requirements. (Section 20.28, SCC)
- (9) Failure to comply with Aggressive Dog certificate requirements. (Section 20.31(d), SCC)

~~(9)~~(10) Failure to have rabies-susceptible animal vaccinated. (Section 20.51, SCC)

~~(10)~~(11) Failure to register rabies-susceptible animal with ~~animal control official~~ the Animal Control Official and obtain ~~a license tag number~~ an animal license. (Section 20.52, SCC)

~~(11)~~(12) Failure to wear required license tag by the rabies-susceptible animal. (Section 20.57, SCC)

~~(12)~~(13) Failure to impound rabies-susceptible animal suspected of having rabies or placing the animal in custody of a licensed veterinarian. (Section 20.58, SCC)

~~(13)~~(14) Failure to register kennel with ~~animal control official~~ the Animal Control Official and obtain a license. (Section 20.71, SCC)

(15) Improper disposition of dead animals. (Section 20.36, SCC)

(16) Prohibited retail sale of dogs and cats in public places. (Section 20.183, SCC)

(17) Prohibited retail sale of dogs and cats in a pet shop. (Section 20.182, SCC)

~~(14)~~(18) The foregoing violations endeavor to include all noncriminal infractions currently contained in Chapter 20, Seminole County Code (Animal Control Ordinance), but do not purport to be all inclusive. Any noncriminal infraction subsequently included in Chapter 20, Seminole County Code, or its successor may be enforced by Enforcement Officers or any law enforcement officer and they are authorized to issue citations for violations of subsequently included noncriminal infractions without further amendment to this Part.

Sec. 20.137. Civil penalties.

(a) Noncriminal infractions of the Animal Control Ordinance which do not result in a hearing will be subject to the following civil-penalty-schedule penalties, as defined in Chapter 53 of this Code. A Class I(11), animal control ordinance. An Animal Control Ordinance violation constitutes an individual offense and will be assessed per animal:

(1) ~~First-violation~~ infraction: \$50.00.

(2) *Second violation of same section of Animal Control Ordinance within three (3) years: ~~\$50.00~~ \$100.00.*

(3) *Three or more violations of same section of Animal Control Ordinance within three years ~~shall~~ will be required to appear in court: Hearing required (~~\$500.00 bond required~~) to have a mandatory court appearance and must pay a fine of \$200.00.*

(b) Noncriminal infractions of the Animal Control Ordinance ~~which~~ that result in a hearing will be subject to a civil penalty not to exceed \$500.00.

(c) The Court may issue an order to show cause upon request of the Board of County Commissioners for any person that fails to pay the civil penalty by the designated date, fails to appear in court to contest the citation, or fails to appear in court as required by this Ordinance. This order will require such person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, then that person may be held in contempt of court.

(d) Nothing contained in this Part prohibits the County from enforcing the Animal Control Ordinance by any other action or remedy authorized by law or in equity.

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Section 4. The Class I portion of Section 53.27(a) (Schedule of Violations and Penalties) of the Seminole County Code is hereby amended to read as follows:

Sec. 53.27. Schedule of violations and penalties.

(a) Civil infractions of County codes and ordinances, as may be amended, for which citations may be issued include, but are not limited to:

<i>CLASS I</i>		
(1)	L.D.C. 30.1247	Erection of sign without a permit.
(2)	L.D.C. 30.942	Construction of a boat dock without a permit.
(3)	L.D.C. 70.4	Construction of a seawall without a permit.
(4)	L.D.C. 30.1245(1)	Erection of a private sign in County right-of-way.
(5)	S.F.P.C. 501.1.1	No person shall kindle, maintain any bonfire, rubbish fire, or land clearing fire without proper permits or leave said fire unattended.
(6)	S.F.P.C. 506.1.2	Smoking in hazardous or designated NO SMOKING areas.
(7)	S.F.P.C. 602.5	Obstruction of fire hydrants, and 602.6 fire protection systems and fire lanes.
(8)	S.F.P.C. 904A	Dispensing flammable liquids into unapproved containers.
(9)	S.F.P.C. 3901.1	Erecting and occupying a tent without a permit.
(10)	S.C.C. 40.26	Contracting without competency or registration.
(11)	S.C.C. 20	Animal Control Ordinance Violations.
(12) (11)	S.C.C. 165	Noise Violations.

(13) (12)	S.C.C. 270, Part 12	Improper Use of Fertilizers.
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Section 5. Area of Enforcement. The Board of County Commissioners is acting under this Ordinance as the governing body for Seminole County, Florida, and this Part will be effective within the boundaries of Seminole County, Florida.

Section 6. Conflict with State Law. Nothing in this Part is intended to conflict with the provisions of the Florida Constitution or Chapter 767, Florida Statutes, concerning damage by dogs or Chapter 828, Florida Statutes, concerning animals. In the event of a direct and express conflict between this Part and either the Florida Constitution, or Chapter 828, Florida Statutes, or Chapter 767, Florida Statutes, the provisions of the Florida Constitution or Florida Statutes, as applicable, control.

Section 7. Applicability to Municipalities. The provisions of this Part are to be applied and enforced within all unincorporated areas of Seminole County as well as within all incorporated areas of Seminole County to the extent that there are no conflicting municipal regulations. In the event a municipal regulation conflicts with this Part, then the municipal regulation will prevail within the jurisdiction of that municipality.

Section 8. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Seminole County Code, and that the word "ordinance" may be changed to "section", "article", or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, except that Sections 5, 6, 7, 8, 9 and 10 of this Ordinance will not be codified.


Section 9. Severability. If any provision or application of this Ordinance to any person or circumstance is held invalid, then it is the intent of the Board of County Commissioners that such invalidity will not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 10. Effective date. This Ordinance will take effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this

25th day of SEPT., 2018.

ATTEST:


GRANT MALLOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA


JOHN HORAN, Chairman

MMH/sjs/lpk

9/25/18

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