

AN ORDINANCE AMENDING THE PASCO COUNTY CODE OF ORDINANCES PERTAINING TO ANIMAL CONTROL; AMENDING DEFINITIONS TO PROVIDE FOR A DEFINITION OF “BREEDER”, AND IMPOSING PERMIT REQUIREMENTS ON KENNELS, PET DEALERS AND BREEDERS, AND RESTRICTING SALES OF DOGS AND CATS BY SUCH PERSONS TO PREMISES IDENTIFIED ON LICENSE; AMENDING THE PROVISIONS TO DECLARE A DOG DANGEROUS; PROHIBITING TETHERING AS A MEANS TO RESTRAIN A DOG EXCEPT UNDER CERTAIN CONDITIONS; UPDATING OBSOLETE LANGUAGE THROUGHOUT CHAPTER; AMENDING LANGUAGE FOR VIOLATIONS CONCERNING FAILURE TO CONFINE VICIOUS AND AGGRESSIVE ANIMALS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, Pasco 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, Chapter 14 of the Pasco County Code pertaining to Animal Control is in need of updating and it is necessary to rewrite the terminology to achieve internal consistency, consistency with the current practices of the Animal Services Division, and consistency with state law; and

WHEREAS, it is necessary to add definitions for “breeder” and to impose licensing and permitting requirements on breeders, pet dealers, and kennels to reduce the number of unqualified, unscrupulous breeders and puppy mills;

WHEREAS, the current regulations pertaining to Dangerous Dogs should be consistent with state regulations on the subject and the process of declaring a dog dangerous should be streamlined; and

WHEREAS, tethering as a means to restrain a dog should be prohibited as it is an inappropriate method of restraint and cruel except under certain conditions that ensure the dog’s well-being; and

WHEREAS, the Board of County Commissioners finds that passage of this Ordinance will further the interest of the health, safety, and general welfare of the public, or are otherwise necessary to comply with Florida law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA AS FOLLOWS:

Section 1. Authority.

This Ordinance is enacted pursuant to Chapter 125, Fla. Stat. (2011), and under the home rule powers of the County.

Section 2. Legislative Findings of Fact.

The foregoing Whereas clauses, incorporated herein, are true and correct.

Section 3. Sections 14-26 through 14-109 are amended or added as follows:

ARTICLE II. ANIMAL CONTROL*

***State law references:** Local animal control ordinances, F.S. § 828.27.
DIVISION 1. GENERALLY

Sec. 14-26. Title.

This Chapter shall be known and may be cited as the Pasco County Animal Services Ordinance.
(Code 1970, § 7-26; Ord. No. 87-25, § 1, 10-27-87)

Sec. 14-27. Definitions.

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

Aggressive animal or Aggressive Behavior means any animal that, without provocation, constitutes a physical threat to human beings or other animals. Aggressive behavior also includes, but is not limited to, the following:

(1) A loose, unconfined animal, when unprovoked, chasing or approaching a person in a menacing fashion or apparent attitude of attack.

(2) Chasing vehicles.

(3) Molesting livestock or other domestic animals.

Animal means any living, dumb creature.

Animal control officer means any person employed or appointed by the board of county commissioners as an animal control officer. An animal control officer is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations. An animal control officer is not authorized to bear arms or make arrests.

At large means an animal which is not under the actual control, custody, charge or possession of the owner or other responsible person either by leash, cord, chain, enclosure or as otherwise provided in this Chapter.

Breeder means any person that owns, harbors or keeps dogs or cats that reproduce more than two litters or more than 20 animals per a twelve (12) month period for any purpose.

Cat means, but is expressly not limited to, domestic cat, *Felis catus*, and any genetic hybridization thereof, including, but expressly not limited to ocelot hybrids and bobcat hybrids, that is not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

County health officer means the person appointed, pursuant to law, as director of the county health department and his designated agents.

Direct control means immediate, continuous physical control of an animal at all times such as by means of a fence, leash, cord or chain of such strength to restrain the animal.

Division, means the Pasco County Animal Services Division.

Dog means, but is expressly not limited to domestic dog, *Canis familiaris*, and any genetic hybridization thereof, including, but expressly not limited to wolf hybrids and coyote hybrids.

Domestic means those animals trained to live with and be of use to man; tame.

Good and wholesome food means palatable nutriment appropriate for the type of animal it is fed to, free from contamination, and of sufficient nutritive value to maintain such animal in good health.

Harbor means to own, feed, shelter, keep, maintain or control an animal and includes permanent and temporary harboring of animals.

Humane Organization means any nonprofit organization that is dedicated to the rescue and protection of animals, duly registered with the Florida Department of State, and Florida Department of Agriculture and Consumer Services, and duly organized as a charitable organization under 26 U.S.C. § 501 (c)(3) of the Internal Revenue Code of the United States, and spays or neuters any dog or cat as is strictly consistent with the provisions of this Chapter.

Hybrid means, but is expressly not limited to, a mixture of one or more types of wild animals crossed with any combination of domestic animals.

Kennel means any person or entity who owns, harbors or keeps more than fifteen (15) dogs or cats, in aggregate, at a property or structure, for any purpose, including, but not limited to, housing, boarding, breeding, training, show or exhibition, hunting, sale, rescue, adoption or personal pet or use. Kennel does not include any property or structure where a Florida state licensed veterinarian practices and has a premises permit, as required by Florida Statute chapter 474, or any property or structure

used as veterinary hospital, medical research laboratory, pari-mutuel dog racing establishment or any governmental agency.

Mandatory court appearance means that a person shall not have the option to pay the fine instead of appearing in court.

Pet means any animal kept for pleasure rather than utility.

Pet dealer means any person that offers for sale, has sold, or intends to sell, either concurrently or in aggregate, more than 20 dogs or cats per a twelve (12) month period. This shall include, by way of illustration and not limitation, pet shops and persons.

Person means an individual, or a corporation, partnership, trust, association or other entity.

Premises means land and all structures and articles appurtenant or attached thereto which are owned, leased, occupied or controlled by a person.

Rescue Tag means current animal tag or tags issued by the Division for a Humane Organization. Such tags shall have one serial number unique to that Humane Organization.

Sale means a transaction for an animal for any value received, including, but not limited to, currency, fees, including, but not limited to, re-homing fees and any other administrative fees for Humane Organizations or other non profit entities, services, or goods.

Serious physical injury means any physical injury that results in broken bones, multiple bites or disfiguring lacerations requiring sutures or cosmetic surgery.

Shelter, minimally defined, means a three-sided roofed and floored structure that is a secure weather resistant structure which protects an animal from exposure to the elements including but not limited to rain, cold, wind and heat, and in size is a minimum of six inches higher than the animal's height at full stand with head erect, one and one-half the animal's full body length, and sufficient in width to permit the animal to turn around. Shelter shall not include a lean to, drums or barrels, spaces underneath mobile or prefabricated homes or spaces underneath porches or decks.

Tag means a current Division animal license tag.

Unprovoked means that the victim has been conducting himself peacefully and lawfully.

Veterinarian means a veterinarian duly licensed and registered by the state.

Vicious animal or Vicious Behavior means any animal that, without provocation, (1) causes severe physical injury to a human being, or (2) more than once, severely injures or kills a domestic animal while off the owner, harbinger or keeper's property. Vicious animal or vicious behavior shall not be interpreted to include an animal that at the time of causing physical injury, was being tormented, abused, assaulted or was protecting a human being from an unjustified attack, or if the injury caused was while the person injured was unlawfully on the property of the animal.

Water means potable water free from contamination.

Wild animal means every living dumb creature belonging to a species which will normally be found in the wild state, meaning found primarily in a natural state or a wild environment.

(Code 1970, § 7-28; Ord. No. 87-25, § 3, 10-27-87; Ord. No. 89-17, § 1, 7-18-89; Ord. No. 91-14, 10-1-91; Ord. No. 93-22, § 1, 11-23-93; Ord. No. 96-09, 4-23-96; Ord. No. 99-02, § 2, 4-27-99; Ord. No. 04-32, § 2, 8-10-04; Ord. No. 07-47, § 2, 12-18-07)

Cross references: Definitions generally, § 1-2.

Sec. 14-28. Conformance with state law.

It is the intent of the board of county commissioners that this Chapter shall conform with and supplement Florida Statute § 828.27, as may be amended. In the event of any conflict or silence F.S. § 828.27 shall control.

(Code 1970, §§ 7-48(3), 7-49(c); Ord. No. 87-25, §§ 22, 23, 10-27-87; Ord. No. 88-17, § 1, 6-7-88; Ord. No. 91-14, 10-1-91)

Sec. 14-29. Adoption of rules and regulations for implementation of Chapter.

The board of county commissioners may adopt by resolution any rules, regulations, or fees in order to implement this Chapter.

(Code 1970, § 7-55; Ord. No. 87-25, § 29, 10-27-87; Ord. No. 91-14, 10-1-91)

Sec. 14-30. Enforcement.

(a) The board of county commissioners shall have the authority to appoint necessary personnel and designate the proper agencies for the enforcement of this Chapter.

(b) For the purpose of enforcing this Chapter, all animal control officers and all law enforcement officers are considered duly authorized to enforce..

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(c) Mandatory court appearances may be required for cruelty violations of subsection 14-37(a), for first or subsequent infractions for improper confinement of vicious or aggressive animals pursuant to subsection 14-41(a); for failure to comply with the dangerous dog provisions pursuant to section 14-42; for failure to comply with quarantine requirements pursuant to section 14-79, for interference with animal control officers/tampering with animal control equipment pursuant to section 14-35; failure to comply with section 14-33(d); or violations resulting in the issuance of a third or subsequent citation. Persons required to appear in court do not have the option of paying the fine instead of appearing in court.

(Code 1970, § 7-54(a)--(e); Ord. No. 87-25, § 28, 10-27-87; Ord. No. 91-14, 10-1-91; Ord. No. 93-22, § 9, 11-23-93)

Sec. 14-31. Reserved.

(Code 1970, § 7-53; Ord. No. 87-25, § 27, 10-27-87; Ord. No. 91-14, 10-1-91)

Sec. 14-32. Civil fines and surcharge.

(a) Civil fines for all violations of this Chapter shall be set forth by resolution by the board of county commissioners in the Uniform Fine Schedule, as may be amended. To the extent of any conflict between Chapter 14 and the Uniform Fine Schedule as to civil fines, the Uniform Fine Schedule, as most recently amended, shall control. Civil fines shall not preclude any other form of enforcement allowed under applicable law.

(b) A surcharge of \$5.00 shall be imposed and collected on each citation issued for violation of this Chapter. The proceeds shall be used to pay the costs of training for animal control officers as provided in Florida Statute § 828.27, as may be amended.

(c) This section shall not operate to preclude any other surcharges, fees or court costs as allowed by any applicable law.

(Code 1970, § 7-54(f); Ord. No. 87-25, § 28, 10-27-87; Ord. No. 91-14, 10-1-91; Ord. No. 07-47, § 2, 12-18-07)

State law reference: F.S. § 828.27 (4)(b)

Sec. 14-33. Civil infractions; citations and civil fines; injunctive relief.

(a) Any person found or adjudged to be in violation of this Chapter shall be deemed to have committed a civil infraction. Infractions of this Chapter are not criminal in nature. Upon such a finding, judgment may be entered against the person for an amount not to exceed \$500.00 civil penalty, per count. Any court costs and surcharges shall be in addition to the fines adopted in the Uniform Fine Schedule.

(b) Any animal control officer or law enforcement official is authorized to issue citations in accordance with Section 1-11 of this Code, , provided the officer has probable cause to believe that a person has committed an act in violation of this Chapter.

(c) Violation of this Chapter may also be enforced by injunction, which suit or action for injunction may be instituted and maintained in the name of the county, or any other legal remedy available to the County.

(d) Persons in violation of this Chapter shall reimburse the county for all costs incurred due to the violation including, but not limited to, veterinary bills, private process server fees, transportation, board and all other necessary expenses. These costs shall not be construed as a civil fine under section 14-32 and may exceed the limit as provided in subsection (a) of this section.

(e) A citation may be contested in county court as provided in Section 1-11 of this Code.

(f) The commission of a charged infraction of this Chapter must be proven by a preponderance of the evidence.

(Code 1970, § 7-54(a)--(e); Ord. No. 87-25, § 28, 10-27-87; Ord. No. 91-14, 10-1-91; Ord. No. 93-22, § 9, 11-23-93; Ord. No. 96-09, 4-23-96; Ord. No. 07-47, § 2, 12-18-07)

Sec. 14-34. Reserved.

(Code 1970, § 7-56; Ord. No. 87-25, § 30, 10-27-87; Ord. No. 91-14, 10-1-91)

Sec. 14-35. Interference with animal control officer; tampering with equipment; false statements.

It shall be unlawful for any person to interfere with the performance of the official duties of any animal control officer. It shall also be unlawful to destroy or tamper with equipment utilized by such officers, or to provide a false report or statement to any animal control officer or other Division employee.

(Code 1970, § 7-52(i); Ord. No. 87-25, § 26, 10-27-87; Ord. No. 91-14, 10-1-91; Ord. No. 07-47, § 2, 12-18-07)

Sec. 14-36. Disposal of impounded animals.

(a) All animals which have been impounded in accordance with this Chapter may be disposed of in a humane manner if not claimed as provided by this Chapter. Animals may be released to any Humane Organization or any reputable and responsible person. If the impounded animal is released to the owner, the owner shall pay all applicable fees.. The payment of such fees shall be in addition to the payment of any civil fine imposed for violation of this Chapter.

(b) Notwithstanding any other sections of this Chapter, impounded animals may be disposed of at any time, after making a reasonable effort to provide notice to the owner, upon certification by a licensed veterinarian that such action is necessary and humane due to the physical condition of the animal, pursuant to F.S. § 828.05.

(c) Any animal impounded under quarantine at the Division with traceable identification or with a known owner, shall be held for a period of at least seventy two (72) hours following the end of the quarantine period. The Division shall make reasonable effort to contact the owner during the impoundment time. The animal will be considered abandoned if not claimed on or before the end of the third day following quarantine. Any animal impounded under quarantine at the Division with no identification or no known owner shall be held for at least the quarantine period. The animal will be considered abandoned if not claimed on or before the end of the quarantine period.

(d) Any animal impounded as abandoned under section 14-38 shall be held for a period of at least two hundred and forty(240) hours following the day of impoundment. For any animal with traceable identification or with a known owner, the Division shall make a reasonable effort to contact the owner during the impoundment time. The animal will be considered abandoned if not claimed on or before the end of the impoundment period.

(Code 1970, § 7-36; Ord. No. 87-25, § 11, 10-27-87; Ord. No. 91-14, 10-1-91; Ord. No. 02-01, 1-8-02)

Sec. 14-37. Cruelty.

(a) It shall be unlawful for any person to be cruel to or to commit a cruel act upon any animal. The term "cruelty" means any act of neglect, torture or torment that causes unjustifiable pain or suffering of an animal. The following acts shall be deemed cruelty to animals; however, this list shall not be construed as excluding other acts which may amount to cruelty:

(1) Any person who unnecessarily overloads, overdrives, tortures, torments, deprives of necessary sustenance or shelter, or unnecessarily or cruelly beats, mutilates or kills any animal or causes such to be done or carries in or upon any vehicle or otherwise any animal in a cruel or inhumane manner, or

(2) Any person who impounds or confines any animal in any place and fails to supply that animal, during such confinement, with a sufficient quantity of good and wholesome food and water or who keeps any animal in an enclosure without wholesome exercise, sanitary conditions and change of air, or

(3) Any person who shall poison, put out or place poison at any point or place outside where dogs or cats may access the poison, or

(4) Any person who leaves a dog, cat or other animal unattended in a parked vehicle with inadequate or no ventilation, or

(5) Any person who abandons a dog, cat or other domesticated animal in any public or private place, or

(6) Any person who uses any animal for fighting, including, but not limited to, dog fighting, cock fighting, or training any animal for fighting.

(b) Any person using reasonable force in defending his animals, livestock or a human being from attack by another animal shall be exempt from this section.

(Code 1970, § 7-38(a), (b); Ord. No. 87-25, § 13, 10-27-87)

State law references: Cruelty to animals generally, F.S. § 828.12.

Sec. 14-38. Abandonment.

(a) It shall be unlawful for any person who owns, harbors or keeps any domesticated animal to abandon it. Abandon shall mean to forsake any domesticated animal for a period in excess of 24 hours without providing for sufficient quantity of good and wholesome food, water and shelter. The animal will not be considered abandoned if the owner arranges for a person to feed, water and monitor the animal's condition on a scheduled or regular basis and in any event in intervals not exceeding 24 hours.

(b) Whenever the animal control officer finds that any animal is or will be without proper care because of injury, illness, incarceration or involuntary absence of the person responsible for the care of such animal, the animal control officer may impound such animal.

(c) Any animal that is abandoned shall become property of the Division after any other applicable sections of this Chapter have been complied with.

(d) For any animal abandoned at a veterinarian's office or boarding kennel, the provisions of Florida Statute § 705.19, as may be amended, shall be followed prior to an animal considered abandoned for purposes of this Chapter.
(Code 1970, § 7-39(a), (b); Ord. No. 87-25, § 14, 10-27-87; Ord. No. 02-01, 1-8-02)

Sec. 14-39. Disposal of dead animals.

(a) In accordance with Florida Statute § 823.041, any person who owns, harbors or keeps a domestic animal, upon the death of such animal for any reason, except for rabies cases or other exceptions indicated by an agency with jurisdiction, shall immediately dispose of the carcass of such animal by burning the animal or burying the animal at least two feet below the surface of the ground. However, nothing in this section shall prohibit the disposal of such animal carcasses to rendering companies licensed to do business in the state.

(b) It is unlawful to dispose of the carcass of any animal by dumping such carcass on any public road or right-of-way or in any place where such carcass can be devoured by beast or bird.

(Code 1970, § 7-40(a), (b); Ord. No. 87-25, § 15, 10-27-87)

State law reference: F.S. § 823.041

Sec. 14-40. Animals in parks and on beaches.

(a) No person who owns, harbors or keeps an animal shall permit the entry of such animal into or upon any public park or beach in the county where such entry is specifically prohibited by resolution of the board of county commissioners or by a sign posted at the public park or beach providing notice of such prohibition.

(b) Dogs trained to assist or aid disabled or handicapped persons are exempt from this section when such dogs are actually being used to assist or aid such persons. The prohibitions in this section do not apply to any nonhuman primate of the genus *cebus* that is specially trained for the purpose of providing personal care services when it is accompanying a person with paraplegia or quadriplegia.

(Code 1970, § 7-42; Ord. No. 87-25, § 17, 10-27-87; Ord. No. 07-47, § 2, 12-18-07)

Cross references: Park rules, ch. 70; waterways, ch. 114.

Sec. 14-41. Failure to prevent vicious or aggressive behavior.

(a) It shall be a violation of this Chapter for any person who owns, keeps, or harbors an animal, or any person charged with the care, custody, or control of any animal, to fail to prevent vicious behavior by that animal.

(b) It shall be a violation of this Chapter for any person who owns, keeps, or harbors an animal, or any person charged with the care, custody, or control of any animal, to fail to prevent aggressive behavior by that animal.

(c) A law enforcement officer or animal control officer may impound an animal that has or is alleged to have exhibited vicious behavior if:

(1) The animal is running at large.

(2) The animal has or is alleged to have caused physical damage to a person or serious physical damage to a domestic animal 90 days or less prior to the date of impoundment.

(d) Once an animal is impounded pursuant to subsection (c)(2) above, the Division shall conduct an investigation and within 60 days of the date of impoundment shall either (1) file a petition for custody of the animal in the county court, or (2) notify the owner that the Division will not seek custody of the animal. Upon a finding by the court that the animal has exhibited vicious behavior and that the owner has failed to properly confine and supervise the vicious animal as required by this Chapter, the animal shall become property of the Division. Nothing in this subsection is intended to require court action for the impoundment and disposition of loose, stray or abandoned animals. Should the court find the animal not to be vicious or that the owner properly confined and supervised the animal, or if the Division decides not to seek custody of the animal after impounding it, the animal shall be returned to the owner with no boarding charges. The owner must redeem the animal, and pay the costs of any necessary veterinary care provided to the animal, within 72 hours of mailing, faxing, delivery, or posting of notice by the Division.

(Code 1970, §§ 7-43, 7-44; Ord. No. 87-25, §§ 18, 19, 10-27-87; Ord. No. 89-17, § 4, 7-18-89; Ord. No. 93-22, § 6, 11-23-93; Ord. No. 96-09, 4-23-96; Ord. No. 07-47, § 2, 12-18-07)

Sec. 14-42. Dangerous dogs.

(a) Florida Statutes §§ 767.10 through 767.15, as may be amended, are incorporated into this section. In the event of any conflict or silence such Florida Statutes shall control.

(b) The Division shall investigate complaints of dangerous dogs and carry out any classification of a dog as dangerous in the following manner:

(1) The Division shall investigate reported incidents involving any dog that may be dangerous as defined herein, and shall, if possible, interview the owner. A sworn affidavit from any person, including any animal control officer or law enforcement officer desiring to have a dog classified as dangerous, shall be required as part of the investigation.

(2) "Dangerous dog" means any dog that according to the records of the Division, or any authority with jurisdiction in the state:

a. Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;

b. Has more than once severely injured or killed a domestic animal while off the owner's property; or

c. 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 appropriate authority.

(3) Any animal that is the subject of an investigation under this section that is not impounded with the Division shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcomes of the investigation and resolution of any hearings related to the dangerous dog classification. Regardless of where a dog is impounded or confined, the owner shall supply the Division the address where the dog resides. The owner shall also provide the Division, in writing, with an address for where notifications are to be sent regarding this section. No dog that is the subject of an investigation under this section shall be relocated or ownership of such dog transferred while the outcome of an investigation or any hearings or appeals are pending related to the determination of a dangerous dog classification.

(4) After the investigation, the Division shall determine whether there is sufficient cause to classify the dog as dangerous based upon the totality of the reported circumstances. Upon a classification of dangerous, the Division shall provide written notification of the sufficient cause finding to the owner, by registered mail, certified hand delivery or service in conformance with the provisions of Florida Statute chapter 48, as may be amended.

(c) The owner may file a written request with the Division for a hearing within seven (7) calendar days from the date of receipt of the notice of sufficient cause to declare an animal dangerous, and, if requested, a hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than 5 days after receipt of the request by the Division from the owner. The written request must include an address to which future notices to the owner are to be delivered. The owner shall be responsible for updating the address, in writing, to the Division, if necessary. A hearing shall be conducted by a dangerous dog hearing board, an administrative body, as appointed by the county administrator, or his designee. Procedures governing the hearing shall be established by resolution duly adopted by the board of county commissioners.

(d) The dangerous dog hearing board, in determining a dangerous dog classification, may consider the following, but not be limited to:

(1) Volume of complaints;

(2) Nature of complaints;

(3) Any unprovoked threat, chase or attack on a person which is attested to in a sworn statement;

(4) Multiple attacks on domestic animals while off the owner's property;

(5) Testimony or other evidence as to the physical condition of the animal;

(6) A physician's medical report(s), summaries and/or testimony related to injuries sustained;

(7) Testimony or other evidence from the investigating agent(s) or officer(s);

(8) Testimony or other evidence that the dog has been used for the purpose of, or is a dog trained for, dog fighting; and/or

(9) Any other evidence it deems relevant.

(e) Any decision of the dangerous dog hearing board shall be provided by the division by written notification to the owner at the address provided, through registered mail, hand delivery or service consistent with Florida Statute Chapter 48 within 14 calendar days of the conclusion of the dangerous dog hearing. Any such decision shall be considered a final action.

(f) The owner of the dog may appeal the dangerous dog hearing board's classification by filing a written request for a hearing in the county court within ten (10) business days after receipt of the notification in subsection (e). The appeal shall be filed with the clerk of court for Pasco County as "Notice of Appeal: Petition for Request for County Court Hearing for De Novo Review of Dangerous Dog Classification". The hearing shall be a *de novo* review of a final administrative action.

(g) Any animal that is the subject of an appeal that is not impounded with the Division shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the appeal. Regardless of where a dog is

impounded or confined, the owner shall supply the Division the address where the dog resides. No dog that is the subject of an appeal shall be relocated or ownership of such dog transferred while the outcome of any appeal is pending related to the determination of a dangerous dog classification.

(h) The owner of a dangerous dog must also pay to the Division a registration fee set forth by resolution..

(i) Hunting dogs are exempt from the this section 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 this section when engaged in any legal procedures. However, such dogs at all other times in all other respects shall be subject to this section. Dogs that have been classified as dangerous shall not be used for hunting purposes. This section does not apply to dogs used by law enforcement officials for law enforcement work.

(Code 1970, § 7-47(a), (b); Ord. No. 91-14, 10-1-91; Ord. No. 93-22, § 8, 11-23-93; Ord. No. 96-09, 4-23-96; Ord. No. 07-47, § 2, 12-18-07)

State law references: Dangerous dogs, F.S. § 767.10 et seq.

Sec. 14-43. Reserved.

(Code 1970, § 7-45; Ord. No. 87-25, § 20, 10-27-87; Ord. No. 07-47, § 2, 12-18-07)

Sec. 14-44. Female dogs in heat.

(a) The owner, harbinger, or keeper of a female dog in heat (estrus) shall humanely and securely confine such dog indoors or in a secure enclosure. For the purposes of this section, a secure enclosure shall mean an enclosed and locked pen or structure of sufficient construction to prevent the entry of a male dog, and to prevent the female in heat from escaping.

(b) When not in a secure enclosure, such dogs shall be under the direct control and supervision of a responsible individual so that the dog is not allowed to unintentionally come into contact with a male dog and breed.

(c) For the purpose of this section, a fenced area is not a sufficient enclosure.

(d) The only exception to this section is when a female dog in heat is in a secure enclosure for intentional breeding purposes.

(Ord. No. 02-01, 1-8-02; Ord. No. 07-47, § 2, 12-18-07)

Secs. 14-45--14-55. Reserved.

DIVISION 2. ANIMAL SERVICES ADVISORY COMMITTEE*

***Cross references:** Boards, committees, authorities, councils and commissions, § 2-196 et seq.

Sec. 14-56. Created.

There is created and established in the county an animal services advisory committee which shall serve in an advisory capacity under the board of county commissioners on matters relating to the animal population within the county.

(Code 1970, § 7-77; Ord. No. 82-03, § 2, 2-2-82)

Sec. 14-57. Legislative intent.

It is the purpose and intent of the board of county commissioners to create and establish an animal services advisory committee to act in an advisory capacity on matters involving the animal population within the county, and as specifically otherwise provided for in this Chapter. This committee shall be composed of citizens of representative interest who are dedicated to the purpose of providing a sound animal service policy. The committee shall furnish information, advice and counsel to the board of county commissioners in respect to the appropriate means and methods by which the county may adequately provide for protection of its animal population, while at the same time protecting the citizens of the county from unwarranted intrusions by uncontrolled animals. This section shall not be construed as delegating to such committee or any of its members any power or authority of a governmental, legislative or administrative nature, except as specifically provided for in this Chapter, but merely is the establishment of an official instrumentality by which the board of county commissioners may claim the benefit of accurate, comprehensive information, advice and counsel concerning all matters relating to animal service programs which may be necessary for appropriate action by the board of county commissioners.

(Code 1970, § 7-76; Ord. No. 82-03, § 1, 2-2-82)

Sec. 14-58. Appointment and qualifications of members.

(a) The animal services advisory committee shall be composed of twelve (12) members, appointed by the board of county commissioners by resolution. In order to reflect the interest involved in animal services, the committee members shall be selected according to the following:

(1) One member shall be from the Society for the Prevention of Cruelty to Animals (S.P.C.A.);

(2) One member shall be from the county Humane Society;

(3) One member shall be from the county sheriff's office;

(4) Two members shall be licensed veterinarians, one of whom is actively engaged in business within that part of the county lying east of Highway 41 and the other of whom is actively engaged in a business lying west of Highway 41;

(5) One member shall be from the county health department;

(6) Five members shall be selected from the citizenry at large, one from each commission district;

(7) One member from Pasco Animal Welfare Society, Inc. (P.A.W.S.).

(b) Each member of the animal services advisory committee shall be a resident of the county and a registered voter in the county. All members are to be chosen for their interest in animal services programs conducted by the county..

(c) The board of county commissioners may repeal an appointment to such committee at any time.

(Code 1970, § 7-79; Ord. No. 82-03, § 4, 2-2-82; Ord. No. 86-22, § 1, 7-29-86; Ord. No. 99-05, § 2, 6-8-99; Ord. No. 02-01, 1-8-02)

Cross references: Advisory board and committee membership, § 2-206 et seq.

Sec. 14-59. Organization; meetings.

(a) The animal services advisory committee shall select its chairman and such other officers as may be deemed necessary or desirable and shall establish a time and procedure for the election of such officers. The presence of seven (7) members is required to constitute a quorum sufficient to the holding of a meeting or a taking of any action. A majority vote of the quorum at any meeting shall be sufficient to enable the taking of any action.

(b) Special meetings of the committee may be called by the chairman, or by action of the animal services advisory committee at a meeting, general or special, or by the Division manager. The committee shall keep adequate records of its meetings, including the minutes, attendance records and records of formal committee action regarding animal services program review and monitoring. The Division manager shall be responsible for providing an agenda and the scheduling of business to be heard by the committee. Additional procedures for the conduct of meetings, bylaws and regulations shall be developed by the committee.

(Code 1970, § 7-80; Ord. No. 82-03, § 5, 2-2-82; Ord. No. 07-47, § 2, 12-18-07)

Sec. 14-60. Duties and functions.

The animal services advisory committee shall have the duties, functions and responsibilities to:

(1) Serve in an advisory capacity to the board of county commissioners, county administrator and the Division manager in respect to all matters pertaining to animal services policies and programs conducted within the county;

(2) Make periodic reports and recommendations to the board of county commissioners on animal service matters;

(3) Make a continuing study of all animal service facilities and services in the county and the needs of the county in respect to animal service facilities and services;

(4) Formulate plans and programs for the coordination of the activities of all the governmental entities and nongovernmental agencies, as well as corporations for profit or not for profit and individuals, relating to animal service programs, facilities and services within the county;

(5) Formulate comprehensive, feasible plans or programs for providing adequate animal service to the unincorporated areas of the county and to those municipalities who have entered into any local agreements with the county to provide animal services;

(6) Devise means and methods by which animal service facilities and services may be improved and more fully utilized to provide better service and availability to the general public;

(7) Make a continuing study and periodic reports and recommendations for a sound, feasible program for financing the cost of improving animal service facilities and services;

(8) Review all laws, ordinances, resolutions and regulations governing animal service programs and services and make recommendations concerning appropriate action that may be taken to improve such; and

(9) Perform and carry out such other duties and functions of an advisory nature as may be assigned to the animal services advisory committee by the board of county commissioners.

(10) Act in a quasi-judicial capacity to hear appeals of Division manager decisions regarding Division permits.

(Code 1970, § 7-81; Ord. No. 82-03, § 7, 2-2-82)

Sec. 14-61. Staff assistance.

Division staff shall provide technical assistance and information to the animal services advisory committee, and the Division manager shall serve as secretary to the committee and be responsible for the orderly presentation of business before the committee.

(Code 1970, § 7-82; Ord. No. 82-03, § 8, 2-2-82)

Sec. 14-62. Limitation on powers.

The animal services advisory committee shall have no power or authority to commit the county government to any policies or to incur any financial obligation or to create any liability on the part of the county. No actions or recommendations of the advisory committee shall be binding on the county until approved or adopted by the board of county commissioners, unless as specifically provided for in this Chapter.

(Code 1970, § 7-83; Ord. No. 82-03, § 9, 2-2-82)

Secs. 14-63--14-75. Reserved.

DIVISION 3. RABIES CONTROL

Sec. 14-76. Rabies vaccination of dogs, cats, and ferrets.

(a) The provisions of F.S. § 828.30, as may be amended, are incorporated by reference into this section. In the event of any conflict or silence, such statute shall control.

(Code 1970, § 7-29; Ord. No. 87-25, § 4, 10-27-87; Ord. No. 99-02, § 3, 4-27-99; Ord. No. 02-01, 1-8-02; Ord. No. 07-47, § 2, 12-18-07)

Sec. 14-77. Reserved. (Code 1970, § 7-30; Ord. No. 87-25, § 5, 10-27-87)

Sec. 14-78. Reporting animal bites.

(a) It shall be the duty of any person bitten, having knowledge of, or treating any person bitten by any animal to report the fact of such bite within one working day to the Division. It shall be the duty of any person knowing of or treating any animal bitten by another animal having or suspected of having rabies to report the fact of such bite within one working day to the Division.

(Code 1970, § 7-46; Ord. No. 87-25, § 21, 10-27-87; Ord. No. 93-22, § 7, 11-23-93)

Sec. 14-79. Duties of animal services division in suspected rabies cases.

(a) Whenever the Division is informed that any animal has bitten or scratched any person or is suspected of having or showing suspicious symptoms of rabies or any other infectious or contagious disease, it shall be the duty of the Division to require the following:

(1) The animal shall be captured. In the capture of dogs or cats, the animals shall not be killed unless in their capture a clear and present danger or harm or injury to any person exists. Such dogs or cats shall be placed in quarantine for observation for a period of at least ten (10) days from the date of bite or scratch. Quarantine may be maintained at the owner's home when approved by the Division or at a licensed veterinarian's office or animal control center.

(2) When an animal dies prior to or during the quarantine period, it shall be the duty of the Division to have the head of the animal forwarded to the appropriate state board of health authorities for pathological examination.

(3) Any animal under quarantine shall not be released or moved from the place of the initial quarantine confinement unless permission is obtained from the Division. The owner, if any, shall bear the cost of the care, feeding and maintenance of the quarantined animal.

(4) If the report of the pathological examination indicates a positive diagnosis of rabies, the Division may invoke an area wide quarantine for a minimum period of 60 days. During such quarantine, the owner of any animal shall confine his animal to his property and shall not permit the animal off his property or premises.

(5) The owner, harbinger or keeper of any dog or cat currently vaccinated by a licensed veterinarian with an approved current anti-rabies vaccine, except such dog or

cat exempted from the vaccination pursuant to section 14-76, after receiving approval of the Division, may have such dog or cat quarantined and confined in a place other than that specified in this section. If the animal is quarantined at a place other than the places specified and it is subsequently determined by the Division that the quarantine is not being properly maintained to ensure isolation of the animal, this exemption shall become inapplicable. If this exemption shall become inapplicable, the Division shall impound the animal at the Division facility at the owner's expense.

(Code 1970, § 7-48(l); Ord. No. 87-25, § 22, 10-27-87; Ord. No. 88-17, § 1, 6-7-88; Ord. No. 91-14, 10-1-91; Ord. No. 07-47, § 2, 12-18-07)

Sec. 14-80. Surrender of animal for quarantine or destruction.

Any person who shall fail to surrender any animal for quarantine or destruction as required in section 14-79, when demand is made by the Division under this Chapter, shall be in violation of this Chapter.

(Code 1970, § 7-49(a); Ord. No. 87-25, § 23, 10-27-87; Ord. No. 91-14, 10-1-91)

Sec. 14-81. Killing or removal of rabid animal from county prohibited.

It shall be unlawful for any person, except as provided by law, to kill, cause to be killed or remove from the county any rabid animal, any animal suspected of having or showing suspicious symptoms of rabies or any other infectious or contagious disease of public health significance or any animal which has bitten a human. Any person killing or removing such animal shall be deemed as having violated this Chapter.

(Code 1970, § 7-50(a); Ord. No. 87-25, § 24, 10-27-87; Ord. No. 91-14, 10-1-91)

Sec. 14-82. Surrender of carcass of rabid animal.

Any person who has possession or control of the carcass of any dead animal exposed to or suspected of having been exposed to rabies shall, upon demand, immediately surrender the carcass to the Division.

(Code 1970, § 7-51(a); Ord. No. 87-25, § 25, 10-27-87; Ord. No. 91-14, 10-1-91)

Secs. 14-83--14-95. Reserved.

DIVISION 4. DOGS AND CATS

Sec. 14-96. License tags required.

(a) Every person who keeps, harbors or owns any dog four months of age or older within the county shall secure a current Pasco County license tag for each dog. Any person who has relocated a dog to Pasco County either with or without valid animal license tags from another jurisdiction shall obtain Pasco County license tags or rescue tags if applicable within thirty (30) days from relocating such dog or canine hybrid to Pasco County.

(b) Humane Organizations, as defined in this Chapter, may obtain rescue tags from the Division.

(1) Humane Organizations with rescue tags must allow inspections of their facilities and records by the Division. The Division shall have the right of entry upon 24 hours' notice and at all reasonable times.

(c) License tags may be issued after collection of a license fee, and only:

(1) By the Florida licensed veterinarian who administered the required rabies vaccine; or

(2) By the Division upon receipt of a current vaccination certificate executed by a licensed veterinarian, or upon receipt of an exemption certificate executed by a licensed veterinarian.

(d) License tags shall be renewed by the owner. The new tag may be issued only after the dog has been vaccinated against rabies or exempted from such vaccination as provided by this Chapter.

(e) All dogs and canine hybrids shall be required to wear a current Pasco County license tag or rescue tag at all times unless specifically exempted by this Chapter. Every person who keeps, harbors or owns any dog four months of age or older shall cause a current tag to be securely fastened, by chain or other substantial device, about the animal's neck so as to be clearly visible at all times.

(f) It shall be unlawful to transfer any tag, issued under this section, from the animal for which such tag was issued to another animal.

(Code 1970, § 7-31; Ord. No. 87-25, § 6, 10-27-87; Ord. No. 87-31, § 1, 11-17-87; Ord. No. 91-14, 10-1-91; Ord. No. 93-22, § 2, 11-23-93; Ord. No. 99-02, § 4, 4-27-99; Ord. No. 07-47, § 2, 12-18-07)

Sec. 14-97. Running at large.

(a) It shall be a violation of this Chapter for any person who owns, keeps, or harbors a dog, or any person charged with the care, custody, or control of any dog, to

fail to prevent the dog from roaming, wandering, or running at large in, on or about any public street, roadway or place in the unincorporated area of the county or in, on or about the private property of any person or persons including the dog owner's property. Except as provided in subsection (c) below, all dogs shall be under the direct control, as defined in this Chapter, of a person who is capable of controlling and managing such dog.

(b) It shall be unlawful for the owner of any dog to tie, chain or tether a dog such that it has access to public property, a public or private roadway, or the property of another without the express written consent of such adjoining property owner.

(c) Specifically trained dogs used for hunting purposes are exempt from this section to the extent that the dogs may be permitted to run free while the dogs are in the act of training or hunting in accordance with the rules set by the Florida Fish and Wildlife Conservation Commission, provided the dogs are accompanied in the field by the owner or his agent.

(d) Any dog that is on private property without the consent of the property owner or resident may be captured in a humane trap or otherwise confined. Persons capturing at-large dogs must contact animal services within 24 hours of its capture to have the animal picked up by animal services and will be responsible for the humane care free from cruelty of the animal until the animal is picked up by the Division. Any person capturing an animal shall do so at his own risk, and must sign a document stating the date, time, and location where the animal was captured and stating whether the animal has a known owner/harbinger/keeper. A person shall not entice a dog to become at large for the purpose of trapping or apprehending it when that dog would otherwise not be at large.

(e) Officers are authorized to impound any dog that is witnessed by the officer to be at large and are authorized to enter onto private property, including that of the animal's owner, without permission, with the exception of inside a structure or dwelling, to continue an active pursuit of an animal to attempt to capture the animal for impoundment.

(Code 1970, § 7-35; Ord. No. 87-25, § 10, 10-27-87; Ord. No. 93-22, § 3, 11-23-93; Ord. No. 04-34, § 3, 8-10-04; Ord. No. 07-47, § 2, 12-18-07)

Sec. 14-98. Animal constituting a nuisance prohibited.

(a) It shall be a violation of this Chapter for any person who owns, keeps, or harbors a dog or bird, or any person charged with the care, custody, or control of any dog or bird, to fail to exercise sufficient care and control of their dog or bird to prevent it from becoming a nuisance. This section does not apply to fowl (including but not limited to roosters, chickens, turkeys, pheasants, guineas, and peacocks) or to other game or farm birds.

(b) A nuisance for the purposes of this section, shall include but is expressly not restricted to the following acts by dogs :

(1) Any dog that unreasonably annoys human beings, endangers the life or health of other animals, or persons, or substantially interferes with the rights of persons, other than their owners, to the enjoyment of life or property.

(2) Frequent or continued barking, frequent or continued howling, or making frequent or continued sound or noise, between the hours of 11:00 p.m. and 6:00 a.m., with the exception of dogs housed at commercial businesses.

(3) Frequent or continued barking, frequent or continued howling, or making frequent or continued sound or noise for periods of ten (10) minutes or more, at any time, with the exception of dogs housed at commercial businesses.

(4) Repeatedly digging into, breaking or otherwise injuring or damaging shrubbery, trees, lawns, garbage, or stored materials on public or private property.

(5) Frequent or habitual depositing of excreta on property not belonging to the owner of the animal without the property owner's consent.

(6) Repeatedly running at large upon public or private property.

(7) Repeatedly chasing or molesting vehicles while off of the property of the owner, harbinger or keeper.

(8) Repeatedly chasing or molesting passers-by while off of the property of the owner, harbinger, or keeper.

(9) Repeatedly attacking or attempting to attack other animals while off of the property of the owner, harbinger, or keeper.

(c) A nuisance for the purposes of this section, shall include but is expressly not restricted to the following acts by birds:

(1) Emitting frequent or long continued sound or noise between the hours of 11:00 p.m. and 6:00 a.m., with the exception of birds housed at commercial businesses.

(2) Emitting frequent or long continued sound or noise for periods of ten (10) minutes or more at any time, with the exception of birds housed at commercial businesses.

(d) Upon a finding by the court that such dog or bird constitutes a nuisance, in addition to other remedies, the court may order the owner, keeper, or harbinger to reduce or limit the number and/or types of such animals.
(Code 1970, § 7-41; Ord. No. 87-25, § 16, 10-27-87; Ord. No. 89-17, § 2, 7-18-89; Ord. No. 91-14, 10-1-91; Ord. No. 93-22, § 5, 11-23-93; Ord. No. 04-33, § 2, 8-10-04)

Sec. 14-99. Sterilization upon adoption.

(a) All dogs and cats adopted from the Division shall either be sterilized prior to removal from the Division or, at the discretion of the Division, the owner may leave a deposit in an amount set forth by resolution, paid to the Division guaranteeing that the adopted animal will be sterilized by a Florida licensed veterinarian within 30 days of the date of adoption or in the case of a puppy or kitten within 180 days from the date of adoption. Failure to comply with the provisions of this section shall result in the forfeiture of the deposit to the Division and shall constitute a violation of this Chapter subject to additional civil penalty.

(b) Custody of any dog or cat offered for adoption may be transferred without deposit to a licensed veterinarian, the S.P.C.A. or other humane organization upon agreement to surgically sterilize such animal in accordance with F.S. § 823.15.(Code 1970, § 7-37; Ord. No. 87-25, § 12, 10-27-87; Ord. No. 93-22, § 4, 11-23-93)

State law reference: F.S. 828.15

Sec. 14-100. Tethering. (a) As used in this section, tethering means to restrain a dog to any object or structure, including without limitation a house, tree, fence, post, garage or shed, by any means, including without limitation, chain, rope, cord, leash or running line. Tethering shall not include using a leash to walk a dog.

(b) It shall be unlawful for a responsible party to tether a dog while outdoors, except when all of the following conditions are met:

(1) The dog is in visual range of the owner, harbinger or keeper, and the owner, harbinger or keeper is located outside with the dog.

(2) The tether is connected to the dog by a buckle-type collar or a body harness which is not less than one inch in width.

(3) The tether is at least five times the length of the dog's body measured from nose to base of tail, terminates at both ends with a swivel, does not weigh more than 1/8 of the dog's body weight, and is free of tangles.

(4) The dog is tethered in such a manner to prevent injury, strangulation or entanglement.

(5) The dog is not tethered outside during a period of extreme weather, including but not limited to, heat, near-freezing temperatures, thunderstorms, tornadoes, tropical storms or hurricanes.

(6) The dog has access to water, shelter and dry ground.

(7) The dog is at least six (6) months of age.

(8) The dog is not injured.

(9) Pulley, running lines or trolley systems are at least fifteen (15) feet in length.

(10) If multiple dogs, each is tethered separately.

(c) No operator of a motor vehicle shall transport or keep an animal in or on any motor vehicle unless the animal is safely enclosed within the vehicle, or protected by a container, cage, cross tethering or other device that will prevent the animal from falling, being thrown or jumping from the motor vehicle.

(d) Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes.

(Code 1970, § 7-32; Ord. No. 87-25, § 7, 10-27-87)

Sec. 14-101. Health requirements when transported or offered for sale.

F.S. § 828.29, as amended, is adopted by reference. (Code 1970, § 7-33; Ord. No. 87-25, § 8, 10-27-87; Ord. No. 02-01, 1-8-02)

Sec. 14-102. Records required for selling dogs or cats.

Every person who sells a dog or cat shall keep a complete and true record of every transaction, showing the date of the transaction and the name and address of the person from whom each dog or cat was purchased or otherwise obtained and to whom it was sold. The record should also show a sufficient description of the dog or cat, such as breed, sex, color, markings and distinguishing features. The record shall at all times be subject to inspection by officers and any other law enforcement officer. The seller shall maintain records for a period of one year from date of sale.

(Code 1970, § 7-34; Ord. No. 87-25, § 9, 10-27-87; Ord. No. 07-47, § 2, 12-18-07)

Sec. 14-103. Impoundment.

(a) The Division may catch, seize, humanely trap, accept for impound, or pick up and impound any:

(1) Dog that is running at large on public or private property, including the private property of the owner, harborer, or keeper, in accordance with section 14-97 of this chapter. Dogs impounded under this subsection shall be held by the Division for a period of not less than 72 hours. Any impounded dog that is wearing a license tag or traceable identification shall be held for not less than 144 hours, and the Division shall make a reasonable effort to notify the owner that the dog has been impounded and may be picked up during the shelter's normal hours. The final responsibility for locating an impounded animal shall be that of the owner.

(2) Animal not properly quarantined pursuant to section 14-79 shall be impounded, at the owner's expense, for the duration of the quarantine period established in section 14-79.

(3) Animals not confined to an owner, harborer or keeper's property during an area-wide rabies quarantine, as required by subsection 14-79(4) and shall be held for not less than 72 hours. Any impounded animal that is wearing a license tag or traceable identification shall be held not less than 144 hours, and the Division shall make a reasonable effort to notify the owner that the animal has been impounded; such animals shall be held at the owner's expense and may, at the discretion of the Division, be held for the duration of the area wide quarantine.

(4) Animal that has bitten or scratched a person, or is carrying or suspected of having or showing suspicious symptoms of rabies or any other zoonotic disease and shall be held at the owner's expense, and may be held for a period of at least 240 hours from the date of the bite, scratch, or showing of suspicious symptoms.

(5) Animal that is neglected, abused, cruelly treated, sick, injured, or at risk of disease, injury, or death, and for which [the Division] has or will seek custody of the animal pursuant to F.S. Ch. 828. If the county is awarded custody of the animal, the owner shall be responsible for all expenses associated with the impoundment, care, feeding, and maintenance of the impounded animal. If the county is not awarded custody of the impounded animal, the owner shall be responsible only for necessary veterinary care provided to the animal during the impoundment. An owner awarded custody of an animal impounded under this subsection must redeem his or her animal and pay the costs of necessary veterinary care provided to the animal within 72 hours of the court's order, or the animal shall thereafter become the property of the county.

(6) Animal which is or may be without proper care because of injury, illness, incarceration, or involuntary absence of the person responsible for the care of the animal. This includes, but is not limited to, situations where the owner is arrested, hospitalized, deceased or otherwise unable to care for the animal, or where the animal is abandoned within the meaning of section 14-38. Animals impounded pursuant to this subsection shall be held at the owner's expense for a period of at least 240 hours, and shall thereafter become the property of the county.

(7) Dog that is suspected of being a vicious animal. Such animals shall be impounded by the Division pending the filing by the Division of a petition for custody of the animal pursuant to subsection 14-41(d). The animal shall be held during pending administrative proceedings, judicial proceedings, or appeals related to the petition for custody. If the county is awarded custody of the animal, the owner shall be responsible for all expenses associated with the impoundment, care, feeding, and maintenance of the impounded animal. If the county is not awarded custody of the impounded animal, the owner shall be responsible only for necessary veterinary care provided to the animal during the impoundment. An owner awarded custody of a dog impounded under this subsection must redeem his or her animal and pay the costs of necessary veterinary care provided to the animal within 72 hours of the court's order, or notification by the Division that it does not intend to file a petition for custody, within 72 hours of the court's order, or the animal will thereafter become the property of the county.

(8) Dog that is suspected of being a dangerous dog. Dogs impounded pursuant to this section may be held pending an investigation into whether the dog may be dangerous. Upon a determination by the Division that the dog is dangerous, the dog may be held pending any administrative proceedings, judicial proceedings, or appeals relating to the dangerous dog classification. If the dangerous dog classification is upheld, the owner shall be responsible for all expenses associated with the impoundment, care, feeding, and maintenance of the impounded dog, and the dog shall not be released to the owner until the owner complies with the applicable provisions of section 14-42 and F.S. Ch. 767. The owner of a dog classified as dangerous shall comply with the applicable provisions of section 14-42 and F.S. Ch. 767 and redeem the animal within 240 hours of the determination by the Division if no hearing is requested to challenge the determination, or the animal will thereafter become the property of the county. If the dangerous dog classification is challenged in an administrative or legal proceeding and not upheld or the Division does not make a determination that the dog is dangerous or revokes such determination, the owner shall be responsible only for necessary

veterinary care provided to the dog during the impoundment. When a dangerous dog classification is not made by the Division after investigation, not upheld in an administrative or legal proceeding, or if the determination is revoked or withdrawn by the Division, an owner must redeem his or her animal and pay the costs of necessary veterinary care provided to the animal within 72 hours of mailing, faxing, delivery, or posting of notice by animal services, or the animal shall thereafter become the property of the county.

(9) Dog that has been declared a dangerous dog and the Division determines the owner has not obtained a certificate of registration from the Division; the owner has not renewed a certificate of registration on or before the anniversary date of the original registration of the dog as a dangerous dog; the owner does not have a current certificate of rabies vaccination for the dog; the owner has failed to confine the dog in a proper enclosure pursuant to F.S. ch. 767; the owner has failed to post warning signs in conformance with the requirements in F.S. ch. 767; the owner has failed to permanently identify the dog pursuant to F.S. ch. 767. During any judicial proceedings and appeals relating to the Division's determination that the owner has failed to comply with the ordinances or statutes relating to ownership of a dog classified as dangerous, the dog may be held by the Division. If the Division's determination is upheld, the owner shall be responsible for all expenses associated with the impoundment, care, feeding, and maintenance of the impounded dog, and shall comply with the applicable provisions of section 14-42 and F.S. Ch. 767 and redeem the animal within 14 days, or the animal will thereafter become the property of the county. If the Division's determination is not upheld, the owner shall be responsible only for necessary veterinary care provided to the dog during the impoundment, but must redeem his or her animal within 72 hours of the court's order, or the animal shall thereafter become the property of the county.

(10) Animals owned, kept, or harbored in violation of any order of a court of competent jurisdiction may be impounded and shall be held or disposed of by the Division in accordance with the terms of the court's order.

(b) Pursuant to law, officers may enter upon public property and private property, except residential buildings, to administer and enforce the provisions of this article.

(c) It shall be a violation of this Chapter for any person to refuse or fail to surrender an animal for impound upon lawful demand by an officer.

(d) Nothing in this section shall prevent the humane disposition of ill or injured animals as authorized by Florida Statutes.

(e) It shall be the final responsibility of the owner of an impounded animal to locate and redeem the animal at the Division shelter.

(f) Any animal impounded under the provisions of this chapter and not redeemed as provided for herein, or any animal turned over to the custody of the Division by the owner or owner's agent, shall become the property of the county. The Division shall humanely euthanize such animal or place it in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with all provisions of this chapter.

(g) An eligible animal released to the Division by its owner, keeper, or harbinger shall be placed for adoption, transferred, fostered, or humanely euthanized at the sole discretion of the Division.

(h) No animal impounded pursuant to this Chapter shall be released to its owner or the owner's agent until:

(1) The owner, keeper, or harbinger of an impounded animal signs and accepts any complaints, citations or warnings being issued with regard to the impounded animal.

(2) The owner, keeper, or harbinger of an impounded animal pays fees due to the Division for the transportation, care, feeding, maintenance, and licensing of the animal.

(3) The owner, keeper, or harbinger of an impounded animal pays any expenses incurred by the county for veterinary treatment.

(i) Any animal that has become the property of the county may be placed for adoption, transferred, fostered, or humanely euthanized at the sole discretion of the Division. It is the sole discretion of the Division to accept or refuse potential adopters or fosters.

(j) The Division may, at its sole discretion, transfer animals to a Humane Organization, as defined in this Chapter, for adoption.

(k) Any animal impounded pursuant to this chapter and held for the required amount of time may be released at the sole discretion of the Division free of the normal adoption charge to any Humane Organization, any agency or organization which trains animals to assist handicapped or disabled persons or trains animals for police work, or any governmental agency.

(l) The Division may, in its discretion, require any animal to receive veterinary care or vaccination prior to release.

(m) The county and its officers and employees shall not be liable for any injuries or illness sustained by an animal during the course of impoundment or while the animal is impounded.

(Ord. No. 04-34, § 2, 8-10-04; Ord. No. 07-47, § 2, 12-18-07)

Sec. 14-104 Permit requirement for kennel, pet dealer and breeder

(a) No person shall act as, perform duties of, or otherwise maintain a kennel, pet dealer or breeder, as defined in this Chapter, without first obtaining a permit, or renewal permit as applicable, from the Division. A permit shall be required for each premises that a kennel, pet dealer or breeder operates at.

(b) Any permit is not transferable, either from the original authorized premises/location to a different location, or from person-to-person.

(c) Grant of any permit under this section by the Division shall not in any way operate to grant any right, privilege or waiver with respect to any other section of the Pasco County Code, Pasco County Land Development Code (including zoning and land use regulations) and any applicable local, state and federal laws, rules and regulations.

(d) The application and permit shall be on a form prescribed by the County Administrator, or his designee. A fee for application, issuance and renewal of a permit may be prescribed by resolution by the board of county commissioners.

(e) Prior to the issuance of any permit the following shall be required:

(1) Within thirty (30) business days of a complete application submitted to the Division, the Division shall inspect the premises for which the application applies. Inspections shall be for conditions and standard of care as indicated in section 14-106.

(2) Within ten (10) business days of inspection the Division shall make a determination to grant or deny any permit and inform the applicant in writing.

(f) Any permit may be denied, revoked or suspended, at any time, by written determination of the Division manager, or his designee, if:

(1) The requirements of Section 14-106 are not strictly complied with

(2) The applicant refuses inspection

(3) The applicant has unpaid fines from violations of this Chapter.

(4) Any guilty adjudications of cruelty or neglect under this Chapter or Florida State statutes.

(5) Repeat offenses of Chapter 14.

(6) All other applicable provisions of this Chapter, the Pasco County Code of Ordinances, the Pasco County Land Development Code (including zoning and land use regulations) and any applicable state and federal laws, rules and regulations are not complied with.

(7) The applicant has been an officer, principal, director, partner, or any other person with the authority to bind a corporation, partnership, or other legal entity that meets the criteria of 1-6 above.

(g) Any permit shall be renewed on an annual basis. Any renewal of a permit may be subject to the requirements of this section.

(h) By grant of any permit the premises subject to the permit shall be subject to inspections by the Division during normal business hours.

Sec. 14-105. Appeal of revocation, suspension or denial of permit.

(a) Denial, revocation or suspension of a permit may be appealed to the Animal Services Advisory Committee by written notice to the Division within 10 business days of date of denial, revocation or suspension. The notice of appeal shall include the title "Notice of Appeal Regarding Kennel/Breeder/Pet Dealer Permit" and shall have the complete written determination by the Division manager attached.

(b) Within forty five (45) days of receipt of the notice of appeal the Division manager, or his designee, shall set an administrative hearing to be held with the Animal Services Advisory Committee acting as a quasi-judicial administrative body to hear the appeal.

(c) The rules governing the appeal hearing shall be established by resolution adopted by board of county commissioners.

(d) Appeals of the Committee final decision may be made by petition to the circuit court. The petition must be filed no later than 30 days after the date of the Committee's written order. The appellant shall provide all parties to the hearing a copy of the notice of appeal. The hearing shall be a certiorari review of a final administrative action.

14-106. Conditions and standard of care for kennels, breeders, and pet dealers.

(a) For each premises for which a kennel, pet dealer or breeder permit has been granted, the following conditions shall be strictly complied with:

(1) Shelter

A. Each shelter, cage or other housing facility must be structurally sound.

B. Any shelter, cage or containment area shall be of sufficient size to allow the animal in it to fully sit, stand, lie down, turn completely around and stretch.

C. Any surfaces that come in contact with the animals must be free of excessive rust, jagged or sharp edges that can cause injury to the animal.

D. Each shelter must be constructed in a way to protect animal from the elements

E. Flooring surface that is completely wire is prohibited.

(2) Ventilation

A. Any enclosed area must be sufficiently ventilated to provide for the animal's health and well-being.

B. Must minimize odors, ammonia levels, drafts and moisture condensation.

C. Ambient temperature in a shelter or structure shall not be above the ambient temperature outside.

(3) Lighting

A. Lighting of indoor shelters must be sufficient to permit adequate inspection and cleaning.

B. A regular diurnal cycle of either artificial or natural light must be provided.

(4) Storage

A. Food must be stored in a way that protects it from spoilage, contamination or vermin infestation

(5) Sanitation

A. Any shelter must be frequently cleaned to prevent build up of animal waste and urine.

14-107. Location of sale of dogs and cats.

(a) Any sale of dogs and cats, to include puppies and kittens, are prohibited on any public or private streets and rights-of-way, within 50 feet of any right-of-way, at any flea market, or private parking lots or any open air venue, such as, but not limited to parades, concerts and festivals.

(b) The sale of dogs and cats by a breeder, kennel or pet dealer as defined in this Chapter shall only take place at the premises for which the license is issued for.

(c) Humane Organizations and government agencies are exempt from subsection (a).

Sec. 14-108. Health requirements when transported or offered for sale.

F.S. § 828.29, as may be amended, is incorporated in this Section. Any person selling dogs or cats shall strictly comply with this Section.

(Code 1970, § 7-33; Ord. No. 87-25, § 8, 10-27-87; Ord. No. 02-01, 1-8-02)

Sec. 14-109. Records required for selling dogs or cats.

(a) Any person who has sold one or more dog or cat shall keep a complete and true record of each transaction, which shall include:

(1) The date of the transaction

(2) The name and address of the person from whom each dog or cat was purchased or otherwise obtained

(3) The name and address of the person to whom it was sold.

(4) A description of the dog or cat to include breed, sex, color, markings and any distinguishing physical features.

(b) The seller shall maintain records for a period of one year from date of sale.

(c) The record shall at all times be subject to inspection by officers and any other law enforcement officer authorized to enforce this Chapter.

(Code 1970, § 7-34; Ord. No. 87-25, § 9, 10-27-87; Ord. No. 07-47, § 2, 12-18-07).

Section 4. Repealer.

All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed to extent of such conflict.

Section 5. Severability.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

Section 6. Effective Date.

A certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk to the Board within ten (10) days after adoption of this Ordinance. This Ordinance shall take effect upon filing with the Department of State, except that the amendments to section 14-104, 14-105, 14-106, and 14-107 shall become effective at 12:01 a.m. on January 3, 2012.

Duly adopted this _____ day of October, 2011.

(S E A L)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

By: _____

PAULA S O'NEIL, Ph.D., CLERK &
COMPTROLLER

By: _____

CHAIRMAN