

AN ACT TO BE ENTITLED

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA AMENDING PASCO COUNTY CODE OF ORDINANCES CHAPTER 14 (ANIMALS) BY AMENDING SECTION 14-27 (DEFINITIONS) TO CLARIFY THAT A VICIOUS ANIMAL IS ONE THAT KILLS OR UNJUSTIFIABLY CAUSES PHYSICAL INJURY TO A PERSON OR TO ANY DOMESTIC ANIMAL AND THAT IT IS NOT INTENDED THAT PRIOR VICIOUS INCIDENT IS REQUIRED AND TO DEFINE THE REFERENCE THROUGHOUT THE CHAPTER TO OFFICER OR ANIMAL CONTROL OFFICER; BY AMENDING SECTION 14-32 (INFRACTIONS) TO SET THE PENALTY FOR VIOLATIONS OF CHAPTER 14 TO THE UNIFORM FINE SCHEDULE AS MAY BE AMENDED BY RESOLUTION; BY AMENDING 14-33 TO CLARIFY FINES ARE SET BY THE UNIFORM FINE SCHEDULE; BY AMENDING SECTION 14-35 (INTERFERENCE WITH ANIMAL CONTROL OFFICER) TO CLARIFY THAT THE ORDINANCE PROHIBITS FILING OF ANY FALSE REPORT OR PROVIDING ANY FALSE STATEMENT; BY AMENDING SECTION 14-40 (ANIMALS IN PARKS AND ON BENCHES) TO REMOVE THE REFERENCE TO THE CLASS OF INFRACTION; BY AMENDING SECTION 14-41 (VICIOUS OR AGGRESSIVE ANIMALS) TO CLARIFY THAT A VICIOUS ANIMAL IS ONE THAT KILLS OR UNJUSTIFIABLY CAUSES PHYSICAL INJURY TO A PERSON OR TO ANY DOMESTIC ANIMAL AND THAT IT IS INTENDED THAT A PRIOR VICIOUS INCIDENT IS NOT REQUIRED TO FIND A PERSON IS RESPONSIBLE FOR IMPROPER CONFINEMENT OF A VICIOUS ANIMAL AND TO CLARIFY THAT IT IS NOT INTENDED THAT A PRIOR AGGRESSIVE INCIDENT IS REQUIRED TO FIND A PERSON IS RESPONSIBLE FOR IMPROPER CONFINEMENT OF AN AGGRESSIVE ANIMAL; BY AMENDING SECTION 14-42 (DANGEROUS DOGS) TO REMOVE THE REFERENCE TO THE CLASS OF INFRACTION; BY AMENDING SECTION 14-43 (OWNERSHIP OF WILD ANIMALS) TO REMOVE THE REFERENCE TO THE CLASS OF INFRACTION; BY AMENDING SECTION 14-44 (FEMALE DOGS IN HEAT) TO REMOVE THE REFERENCE TO THE CLASS OF INFRACTION; BY AMENDING SECTION 14-59(a) TO INCREASE THE QUORUM REQUIREMENTS FOR THE ANIMAL CONTROL ADVISORY COMMITTEE FROM 5 TO 7 VOTING MEMBERS; BY AMENDING SECTION 14-76 (RABIES VACCINATION OF DOGS AND CATS) TO RECOGNIZE MULTI-YEAR RABIES VACCINATIONS AND TO REQUIRE VACCINATION OF FERRETS AS REQUIRED BY INCORPORATING BY REFERENCE FLORIDA STATE STATUTE CHAPTER 828.30; BY AMENDING SECTION 14-79 TO MAKE OPTIONAL THE REQUIREMENT THAT AN UNVACCINATED ANIMAL THAT HAS BITTEN OR SCRATCHED A PERSON BE QUARANTINED AT THE ANIMAL SHELTER OR A VETERINARY CLINIC; BY AMENDING SECTION 14-96 (LICENSE TAGS REQUIRED) TO ELIMINATE GROUP LICENSES AND TO PERMIT RESCUE LICENSES FOR NON-PROFIT ORGANIZATIONS ONLY; BY AMENDING SECTION 14-97 (RUNNING AT LARGE) TO CODIFY STANDARDS FOR THE CAPTURE OF AT LARGE DOGS OR POT BELLIED PIGS BY PROPERTY OWNERS AND TO ALLOW OFFICERS WHO WITNESS AN ANIMAL AT-LARGE OFF THE OWNER'S PROPERTY TO ENTER ONTO PRIVATE PROPERTY INCLUDING THAT OF THE PET OWNER TO IMPOUND THE AT-LARGE ANIMAL; BY AMENDING SECTION 14-102 TO REQUIRE PERSONS ENGAGED IN THE BUSINESS OF SELLING CATS TO KEEP CERTAIN RECORDS CONCERNING THE SALE AND IDENTIFICATION OF CATS SOLD; PROVIDING FOR INCLUSION IN THE CODE; REPEALER; MODIFICATION THAT MAY ARISE FROM CONSIDERATION OF THE ORDINANCE AT PUBLIC HEARING; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Pasco County Board of County Commissioners (County Commission) previously adopted the Pasco County Animal Control Ordinance and certain modifications and clarifications of intent have become necessary due to judicial interpretations and changing circumstances in the general public; and

WHEREAS, the definition of “vicious animal” has led to judicial interpretations of the ordinance that do not provide the highest possible level of public protection from vicious animals, and requires clarification to ensure that persons responsible for dogs that, while improperly confined, unjustifiably cause physical injury to a person or animal, can be held liable for improper confinement of a vicious animal even when there was no prior vicious incident; and

WHEREAS, to adequately protect the public it is necessary to clarify that no prior incident of aggressiveness is required for someone to be liable or responsible for improper confinement of an aggressive animal; and

WHEREAS, it is the intent of the County Commission that a vicious animal is one that does not require a previous incident of unjustifiable injury to a person or animal; and

WHEREAS, the State legislature has amended the statutes concerning rabies vaccination of dogs and cats to allow for vaccinations every three years under certain circumstances; and

WHEREAS, setting the penalties of any violations of Chapter 14 to one document, the Uniform Fine Schedule, as set by resolution of the County Commission, will result in a uniform and non-contradictory application of the fines associated with violations; and

WHEREAS, the Florida Statute Chapter 828.30 is intended to be part of this Ordinance by reference and strictly adhered to; and

WHEREAS, Animal Control Officers witnessing and pursuing an animal running at large are unable to effectuate the intent of this Ordinance and protect the general public from an animal at large because the Officer is unable to pursue the animal onto private property; and

WHEREAS, it is the intent of the County Commissions to allow Officers to enter private property while in pursuit of an at large animal to effectuate the impoundment; and

WHEREAS, interference with an Officer includes making a false report or statement to any staff member or Officer of Pasco County Animal Services Division; and

WHEREAS, the Animal Control Advisory Committee now has thirteen voting members which requires the quorum amount to be modified to seven (7) voting members; and

WHEREAS, the requirement that unvaccinated animals that bite or scratch a person must be quarantined at the shelter or a veterinarian’s office results in a heavy burden on the shelter’s capacity and the Code should be amended to clarify that

quarantine of animals at the shelter is optional at the discretion of the Animal Services Division; and

WHEREAS, persons in the business of selling cats should be required to maintain the same types of records as persons who are in the business of selling dogs; and

WHEREAS, the availability of group license tags and the fees associated with them place an undue administrative burden on the Animal Services Division and do not provide for adequate revenue to cover the administrative costs incurred by the Division; and

WHEREAS, non-profit groups that rescue, spay and neuter dogs provide a service to the County help relieve a burden on the Animal Services Division in that regard and rescue license tags should be available to such entities.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, that:

SECTION 1. RECITALS.

The foregoing recitals are true and correct and are incorporated herein.

SECTION 2. CHAPTER 14 PASCO COUNTY ANIMAL CONTROL ORDINANCE SHALL BE AMENDED AS FOLLOWS

Sec. 14-27. Definitions

Vicious animal means any animal which kills or unjustifiably causes physical injury to a person or to any domestic animal.

Division, as used in Chapter 14, means the Pasco County Animal Services Division.

Sec. 14-32. Infractions.

Monetary fines for all violations of Chapter 14 of the Pasco County Code of Ordinances 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 monetary fines, the Uniform Fine Schedule, as most recently amended, shall control.

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

(a) Any person found or adjudged to be in violation of this article shall be deemed to have committed a civil infraction. Upon such a finding, judgment may be entered against the person for an amount not to exceed \$500.00. If the person who has committed the civil infraction does not contest the citation, the individual shall be assessed the civil penalty set forth in this article and the County Uniform Fine Schedule, which in any event shall be less than the maximum civil penalty of \$500.00 per each offense. If such violation is a continuing violation, each day the violation continues shall constitute a separate offense. Court costs shall be in addition to the penalties set forth in the Uniform Fine Schedule.

(b) Any animal control officer or law enforcement official is authorized to issue citations under this article, provided the officer has probable cause to believe that a person has committed an act in violation of this article. The minimum civil penalty which may be imposed upon a person convicted for a violation of this article shall be that set forth in the Uniform Fine Schedule established by resolution.

(c) Violation of this article may also be enforced by injunction, which suit or action for injunction may be instituted and maintained in the name of the county.

(d) Owners of animals must reimburse the county for costs incurred due to violation of the section, such as veterinary bills, private process server fees, transportation, board and all other necessary expenses incurred by the county. This cost may exceed the limit as provided in subsection (a) of this section.

(e) Mandatory court appearances may be required for secondary or subsequent 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, for failure to comply with section 14-42 pertaining to dangerous dogs, 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 or resulting in the issuance of a third or subsequent citation to a person. Persons required to appear in court do not have the option of paying the fine instead of appearing in court. Mandatory court appearances are also required for certain infractions as set forth in the Uniform Fine Schedule.

(f) A citation may be contested in County court.

(g) If a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required by the citation, the court may issue an order to show cause upon the request of the County. The order shall 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, that person may be held in contempt of court.

Sec. 14-35. Interference with animal control officer.

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 Animal Services Division employee.

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

(a) No person who owns or harbors 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.

Sec. 14-41. Vicious or aggressive animals.

(a) It shall be a violation of this article for any person to keep, harbor or own any vicious animal, as defined in section 14-27, within the County unless the animal is confined within a secure building or secure enclosure or is under the direct supervision of a competent person and securely muzzled and restrained by means of a leash, chain or rope of sufficient strength to confine the animal. It is expressly intended that a person shall be held responsible for improper confinement of a vicious animal any time the animal kills or unjustifiably causes physical injury to a person or to any domestic animal. It is intended that a prior incident of viciousness shall not be a prerequisite to responsibility under this section.

(b) It shall be a violation of this article for any person to keep, harbor or own any aggressive animal, as defined in section 14-27, within the County unless the animal is confined within a secure building or secure enclosure or is under the direct supervision of a competent person and securely muzzled and restrained by means of a leash, chain or rope of sufficient strength to confine the animal.. It is expressly intended that a person shall be held responsible for improper confinement of an aggressive animal any time the animal, without provocation, constitutes a physical threat to human beings or to

any domestic animal or engages in other aggressive behavior. It is intended that a prior incident of aggression shall not be a prerequisite to responsibility under this section.

Sec. 14-42. Dangerous dogs.

(a) The provisions of F.S. §§ 767.10 through 767.15, and any subsequent amendments, are incorporated into this section.

(b) Pursuant to F.S. chapter 767 (1994), the following procedures are established for hearings related to dangerous dog classifications:

(1) The animal control division of the community services department (hereinafter "animal control") shall investigate reported incidents involving any dog that may be dangerous 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. Animal control shall investigate and shall determine whether there is sufficient cause to declare the dog dangerous based upon the totality of the reported circumstances. Upon such determination, a written notice of sufficient cause to declare animal dangerous shall be provided to the owner by animal control, by registered mail, certified hand delivery or by service.

(2) The owner may file a written request with animal control for a hearing within seven calendar days from the date of receipt of the notice of sufficient cause to declare 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 five days after receipt of the request by the department from the owner. The written request for hearing must include an address to which future notices to the owner are to be delivered. An informal hearing shall be conducted by the dangerous dog hearing board, as appointed by the county administrator, during which the owner may present evidence for consideration as to why the dog should not be classified as dangerous. Procedures governing the conduct of these hearings shall be established by resolution approved by the board of county commissioners.

(3) In accordance with the provisions of F.S. § 767.12(1)(b), any dog that is the subject of a dangerous animal investigation that is not impounded with the department shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification. The physical address of the dog's residence shall be provided to the department. No dog that is the subject of a dangerous dog investigation may be relocated or have ownership transferred pending the outcome of an investigation or any hearing related to the determination of a dangerous dog classification.

(4) In making a dangerous dog determination, the division may consider the following:

- a. Volume of complaints;
- b. Nature of complaints;
- c. Any unprovoked threat, chase or attack on a person which is attested to in a sworn statement;
- d. Multiple attacks on domestic animals while off the owner's property;
- e. Testimony or other evidence as to the physical condition of the animal;
- f. A physician's medical report(s), summaries and/or testimony related to injuries sustained;
- g. Testimony or other evidence from the investigating agent(s) or officer(s);
- h. Testimony or other evidence that the dog has been used for the purpose of, or is a dog trained for, dog fighting; and/or
- i. Any other evidence it deems relevant. A written notification of the hearing board's decision shall be mailed to the owner within 14 days of when the hearing is concluded.

(5) If the owner of the dog wishes to contest the hearing board's decision to classify a dog as dangerous, he or she may file a written request for a hearing with the clerk of the county court within ten business days after receipt of the hearing board's written decision upon payment of any applicable filing fees and/or administrative fees. This shall be a de novo hearing. Any person who decides to appeal the decision of the hearing board may desire a record of the proceedings, and, for such purposes, may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

- (6) In addition to F.S. § 767.12(2), any owner of a dangerous dog must also pay to animal control the fee which is applicable to such certificate of registration as set out in Resolution No. 95-145, and any subsequent amendments thereto.
- (c) A payment of an annual fee for registration of a dangerous dog is required per dangerous dog per year, according to F.S. §§ 767.10 through 767.15, as amended. An exemption applies to dogs employed by law enforcement agencies.

Sec. 14-43. Ownership of wild animals.

- (a) No person shall own or harbor any wild animal as a pet without obtaining the appropriate state permits.
- (b) The animal control officer shall have the power to release or order the release of any infant wild animal kept under temporary permit issued by the state where such animal is capable of survival in the wild without assistance.
- (c) Zoological parks, performing animal exhibitions and circuses which utilize wild animals in their performances or exhibitions shall be exempt from this section.

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) (1) 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.
- (2) For the purpose of this section, a fenced area is not a sufficient enclosure.
- (3) The only exception to this section is when a female dog in heat is in a secure enclosure for intentional breeding purposes.

Sec. 14-59. Organization; meetings.

- (a) The Animal Control 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 on an annual basis. The presence of seven members is required to constitute a quorum sufficient to the holding of a meeting or a taking of any action. A majority vote of those members present at any meeting shall be sufficient to enable the taking of any action.

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

- (a) The provisions of F.S. § 828.30, as now or subsequently amended, are incorporated by reference into this Section.
- (1) Hybrids are not recommended as pets. However, because of the possible protective effect of vaccination, pet owners are required to have all hybrids inoculated against rabies. If it is the recommendation of a licensed veterinarian, however, not to vaccinate the hybrid animal, then the owner of such animal shall be required to obtain a valid annual health certificate by a licensed veterinarian in lieu of said vaccination.
- (b) The cost of the rabies vaccination and/or health certificate shall be borne by the person owning or harboring the dog, cat, or ferret.

Sec. 14-79. Duties of Animal Services Division in Suspected Rabies Cases.

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 days from the date of bite or scratch. Quarantine may be maintained at the owner's home when approved by the animal control division or at a licensed veterinarian's office or animal control center. Unvaccinated animals that have bitten any person may be quarantined at either the Division Shelter or at a licensed veterinary hospital at the owner's expense.

(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. If quarantine is maintained at any Division facility, the care, feeding and maintenance fee shall be established by resolution of the Board of County Commissioners.

(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 of any dog or cat currently vaccinated by a licensed veterinarian with an approved current antirabies 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 Division facility at the owner's expense.

Sec. 14-96. License tags required.

(a) Every person who keeps, harbors or owns any dog, canine hybrid, or pot bellied pig four months of age or older within the County shall secure a current Pasco County animal license tag for each dog, canine hybrid or pot bellied pig. Rescue license tags may be obtained where a person owns five or more dogs. Pot bellied pigs must have a valid annual health certificate issued by a licensed veterinarian in order to obtain a county license tag. Canine hybrids that have a valid medical exemption pursuant to this article must have a valid annual health certificate issued by a licensed veterinarian in order to obtain a County license tag. (1) Entities with rescue license tags must allow inspections of their facilities and records by the County. The County shall have the right of entry upon 24 hours notice and at all reasonable times.

(2) Rescue license tags are available for dogs that are kept, harbored or owned only by any entity that has federal tax exemption status under 26 USC § 501 (c) (3) so long as such entity spays or neuters any dog before it is adopted or leaves to go to a new home or one hundred twenty days from the date the entity receives any such dog, whichever comes first.

(b) License tags may be issued after collection of a license fee:

(1) By a licensed veterinarian after administration of the required rabies vaccine; or

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

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

(d) All dogs and pot bellied pigs shall be required to wear a current Pasco County Animal License tag at all times unless specifically exempted by this article. Every person who keeps, harbors or owns any dog or pot bellied pig 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. However, dogs or pot bellied pigs wearing collars with riveted metal plates bearing a current license tag number shall be deemed to meet the requirements of this Section where the owner has procured the required license tag.

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

Sec. 14-97. Running at large.

(a) It shall be unlawful for any person who keeps, harbors or owns any dog or pot bellied pig to allow or permit the dog or pot bellied pig to roam, wander or run 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 or pot bellied pig owner's property. Except as provided in this section, all dogs and pot bellied pigs shall be under the direct control and supervision of a person who is capable of controlling and managing such dog or pot bellied pig.

(b) It shall be unlawful for the owner of any dog or pot bellied pig to tie, chain or tether a dog or pot bellied pig such that it has access to public property, 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, provided the dogs are accompanied in the field by the owner or his agent.

(d) Any dog or pot bellied pig that is on private property without the consent of the property owner or resident may be captured in a humane trap or otherwise confined in a way so as not to violate Section 14-37 Cruelty provisions. Persons capturing at-large dogs or pot bellied pigs must contact Animal Services within twenty four (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 as defined in 14-37 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 or pot bellied pig to become at large for the purpose of trapping or apprehending it when that dog or pot bellied pig would otherwise not be at-large.

(e) Officers are authorized to impound any dog or pot bellied pig 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.

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

(a) Every person engaged in the business of selling dogs or cats 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.

Sec. 14-103. Impoundment.

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

(1) Dog or pot bellied pig 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 or pot bellied pigs impounded under this subsection shall be held by the Division for a period of not less than 72 hours. Any impounded dog or pot bellied pig 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 animal 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) Dog or pot bellied pig that is not properly quarantined pursuant to section 14-79. Dogs or pot bellied pigs impounded under this subsection shall be held at the owner's expense for the duration of the quarantine period established in 14-79.

(3) Dog or pot bellied pig that is not confined to the owner's property during an area-wide rabies quarantine, as required by 14-79(4). Dogs or pot bellied pigs impounded under this subsection shall be held for not less than 72 hours. Any impounded dog or pot bellied pig 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) Dog, cat, or pot bellied pig 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. Dogs, cats, or pot bellied pigs impounded under this subsection 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) Dog, cat, or pot bellied pig that is neglected, abused, cruelly treated, sick, injured, or at risk of disease, injury, or death, and for which 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 a dog, cat, or pot bellied pig impounded under this subsection 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.

(6) Where an animal 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 may be held pending the filing by the Division of a petition for custody of the animal pursuant to 14-41(d). The animal shall be held during the pendency of 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 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 during the pendency of 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 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 14-42; 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) Dog, cat, or pot bellied pig that is owned, kept, or harbored in violation of an order of a court of competent jurisdiction. Dogs, cats, or pot bellied pigs found in violation of a court order 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 subsection 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) 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 agency, including registered non-profit 501-c-3 rescue groups, to be adopted, any agency or organization which trains animals to assist handicapped or disabled persons or trains animals for police work, or any governmental law enforcement agency provided that the agency agrees to have the animal sterilized, vaccinated for rabies and licensed within a specified time period.

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

(l) 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.

SECTION 3. SEVERABILITY

It is declared to be the intent of the County Commission 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 provision and shall not be affected by such holding.

SECTION 4. INCLUSION IN CODE.

It is the intent of the County Commission that the provisions of this Ordinance shall become and be made a part of the Pasco County Code of Ordinances and that any section of this Ordinance may be renumbered or relettered and the word Ordinance may be changed to section, article, or regulation or such appropriate word.

SECTION 5. REPEALER.

Any ordinance, or part of any ordinance, in conflict herewith is hereby repealed to the extent of any conflict.

SECTION 6. MODIFICATION.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board pursuant to Section 7.

SECTION 7. EFFECTIVE DATE.

A certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Circuit Court within ten (10) days after adoption of this Ordinance and this Ordinance shall take effect on the date of filing.

ADOPTED this _____ day of _____, 2007.

(S E A L)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

JED PITTMAN, CLERK

CHAIRMAN