

ORDINANCE NO. 86-2

AN ORDINANCE TO BE ENTITLED THE HERNANDO COUNTY ANIMAL CONTROL ORDINANCE; PROVIDING FOR SHORT TITLE; PROVIDING FOR DEFINITIONS; PROVIDING RULES AND REGULATIONS FOR THE VACCINATION AGAINST RABIES AND THE LICENSING OF ALL DOGS AND CATS; PROVIDING FOR QUARANTINE OF DOGS AND CATS; PROVIDING FOR THE RESTRAINT OF ANIMALS; PROVIDING FOR THE CONFINEMENT OF VICIOUS ANIMALS; PROVIDING FOR THE CONFINEMENT OF DOGS AND CATS IN HEAT; PROVIDING FOR THE PROHIBITIONS OF ANIMAL NUISANCES; PROVIDING FOR THE REQUIREMENTS OF A MOTOR VEHICLE OPERATOR TO REPORT STRIKING A DOMESTIC ANIMAL; PROVIDING SPECIAL RESTRICTIONS FOR ANIMALS IN COUNTY PARKS, BEACHES OR RECREATION AREAS; PROVIDING FOR THE REQUIREMENTS OF THE REMOVAL OF ANIMAL WASTE BY THE ANIMAL'S OWNER; PROVIDING FOR THE PROHIBITIONS OF TAMPERING WITH ANIMAL CONTROL TRAPS; PROVIDING FOR THE PROHIBITIONS OF INTERFERING WITH AN ANIMAL CONTROL OFFICER; PROVIDING FOR THE IMPOUNDMENT, REDEMPTION AND DISPOSITION OF ANIMALS; PROVIDING FOR ENFORCEMENT OF THIS ORDINANCE; PROVIDING FOR CIVIL PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL; PROVIDING AN EFFECTIVE DATE.

SECRETARY OF STATE

MAR 10 1986

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION I SHORT TITLE. This Ordinance shall be known as and may be cited as the Hernando County Animal Control Ordinance.

SECTION II DEFINITIONS. As used in this Ordinance, the following terms mean:

(a) "Animal" means any live, vertebrate, domestic animal.

(b) "Animal Control Officer" means an agent of the county appointed for the purpose of enforcing this Ordinance and State Laws regarding animal care and protection.

(c) "Animal License" or "Animal Tag" or "Dog Tag" means a certificate and durable tag issued upon acceptance of the Animal License Application and fee.

(d) "Animal Shelter" means a County facility operated for the purpose of impounding and caring for animals held under the authority of this Ordinance or State Laws.

(e) "Confined" means an animal is confined if such is securely contained indoors or contained in a securely enclosed and locked pen or structure upon the premises of the owner, harborer or keeper of the animal. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than twelve (12") inches.

(f) "Fee" means charges for services and/or licenses as set from time to time by Resolution of the Board of County Commissioners of Hernando County.

(g) "Feral Domestic Animal" means any animal normally domesticated that has returned to the wild state and that has not been accorded game animal status by the Florida Department of Fish and Game.

(h) "Harborer" or "Keeper" means a person who keeps or harbors an animal or who has it in care, or acts as its custodian, or who permits an animal to remain on or about any premise occupied or controlled by such person. An animal shall be deemed to have been harbored if it is fed, sheltered or otherwise cared for, for five (5) consecutive days or more.

(i) "Owner" means and includes any person having a right of property in an animal.

(j) "Physical Restraint" means an animal, confined, penned or caged, or tied, leashed or chained with a device not exceeding six (6) feet in overall length and of sufficient strength and physical integrity to withstand determined escaped attempts, shall be under physical restraint.

(k) "Pound Seizure" means claiming of excess animals for research or experimentation.

(l) "Public Nuisance" as used in this Ordinance shall include but not be limited to:

(A) Allowing an animal to:

- (1) molest passers-by or vehicles;
- (2) attack or attempt to attack other animals;
- (3) trespass on school grounds;
- (4) be repeatedly unrestrained;
- (5) Damage public or private property;
- (6) Spread trash or garbage on premises other than those of the owner, harborer or keeper;
- (7) create noises in an excessive, continuous or untimely fashion.

(B) When the keeping of animals results in an offensive odor due to the owner, harborer or keeper's failure to clean the premises.

(C) Feeding, protecting or otherwise encouraging the congregating or breeding of feral domestic animals in inhabited areas.

(m) "Responsible Person" means a person of such maturity, physical strength, experience and sensitivity to control an animal and to fully realize the consequences of the animal's actions.

(n) "Stray Animal" means any animal without apparent signs of ownership and whose ownership is unknown.

(o) "Vicious Animal" means any animal with a propensity, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of humans or domestic animals, or, any animal which attacks or has attacked a human being or domestic animal without provocation.

(p) "Voice Restraint" means the animal must be in immediate physical proximity, must immediately respond and obey commands of heel, stay, and come, and must remain steadfast to these commands despite reasonable temptations to do otherwise.

SECTION III LICENSING AND VACCINATION AGAINST RABIES.

1. Any person owning, keeping or harboring any dog or cat within Hernando County that is either; over six (6) months of age, or in which the adult canine teeth have erupted, shall obtain a Hernando County Animal License as herein provided.

2. Application for a license shall be made within fifteen (15) days after obtaining an animal required to be licensed. Application shall be made to the Hernando County Board of County Commissioners or their designated agents. Application shall include; name and address of the applicant, description of the animal, the appropriate fee, and the rabies certificate issued by a licensed veterinarian using approved vaccines.

3. Every owner, harborer or keeper of any dog or cat shall cause such animal to be vaccinated against rabies by a licensed veterinarian. Evidence of such vaccination shall consist of a current rabies vaccination certificate signed by the person administering the vaccine and containing pertinent data for identification of both the animal and the vaccine used. One (1) copy of the certificate shall be given to the owner, keeper or harborer, one (1) copy to be filed with the license application and the other to be retained by the person administering the vaccine.

4. Upon acceptance of the license application and fee, a durable tag showing the identifying number and year of issue, and, an animal license certificate shall be provided. The

certificate shall be retained by the holder and the tag shall be worn at all times by the animal while off the premise of the harborer or keeper or owner of the animal.

5. Licensing shall be effective for a twelve (12) month period commencing January first and expiring December thirty-first. Application may be made during the period thirty (30) days before and after the expiration date. New application may be made at any time and shall be pro-rated to the nearest quarter year unless the applicant is delinquent in which case the entire fee is payable.

6. Licenses for governmental police dogs and bona fide handicap assist animals shall be issued free of charge provided all other criteria for issuance are met.

7. The Hernando County Board of County Commissioners shall cause to be kept a record of all current animal licenses issued and shall make this record available to the public.

8. No person may use any animal license or tag upon any animal other than that for which it was issued.

9. Licensed kennels, or catterys, breeding stock are exempt from these animal license requirements only if it is used exclusively for breeding stock. Show animals are exempted from wearing tags only if the animal is kept confined at all times and proof of competition is provided upon request of the Animal Control Officer or as otherwise exempted in this Ordinance. Animals serving a dual role as pets and show animals shall be licensed and tagged as required for pets. Rabies vaccinations are required for all dogs and cats regardless of commercial or competitive status.

SECTION IV QUARANTINE.

1. Hernando County Animal Control Division shall provide quarantine facilities for suspected rabid dogs and cats as determined by State Health Officers.

2. Stray, unowned or otherwise uncontrolled dogs and cats that have bitten a human being may be placed in temporary

quarantine by the Hernando County Animal Control Division pending a later determination by State Health Officers.

3. Animal owners, harborers or keepers are responsible for all expenses and/or fees incurred as a result of quarantine and impoundment.

SECTION V RESTRAINT. The owner, harborer, keeper or person having custody or care of an animal shall insure that:

(a) All dogs, except police dogs on active duty, shall be kept under physical restraint by a responsible person at all times while off the premises of the owner, harborer or keeper.

(b) All other animals shall be kept under restraint suitable for the breed and type of animal that will prevent straying.

(c) Dogs, while being use for legal hunting purposes, are permitted to run free for authorized training and hunting only, provided:

(A) They are accompanied by or under the supervision of their owner or his agent, and;

(B) The dogs and their controller have the permission of the landowner to be on his property, and;

(C) The dogs are wearing a valid animal license issued in Florida, and;

(D) The dogs are wearing correct owner identification.

(d) No civil penalty shall be charged for dogs lost during the course of legal hunting or training for hunting that are impounded under the provisions of this Ordinance if at the time of impoundment they are:

(A) Wearing a valid animal license issued in the State of Florida, and;

(B) Wearing correct owner identification including name, address and telephone number, and;

(C) The dog is redeemed within two (2) working days of impoundment, and;

(D) The owner had a valid state-wide Florida hunting license at the time of impoundment, and;

(E) All fees for impoundment, keep and notification are paid before the impounded animal is released.

SECTION VI VICIOUS ANIMALS. Every vicious animal as determined by the Hernando County Board of County Commissioners or their designated agents shall be confined or controlled as delineated below. These controls are necessary to curtail the unrestrained activities of vicious animals that threaten the safety and pleasantness of public and private property for both people and their animals.

No person owning, harboring or keeping a vicious animal shall allow or permit such animal to go beyond the premises of such person unless the animal is physically restrained by a responsible person under the meaning of this Ordinance and is securely muzzled.

SECTION VII DOG OR CAT IN HEAT (ESTRUS). The owner, harborer or keeper of any female dog or cat in heat shall keep such animal confined so the animal cannot come into contact with any male dog or cat except for planned breeding.

SECTION VIII PUBLIC NUISANCE. No owner, harborer or keeper of an animal shall fail to exercise sufficient care and control of their animal to prevent it from becoming a public nuisance. No person shall create an animal public nuisance by any other action not defined herein.

SECTION IX MOTOR VEHICLE STRIKING A DOMESTIC ANIMAL. Any person who as the operator of any motor vehicle, strikes a domestic animal, shall immediately report such incident to the animal's owner, if known. In the event the owner is unknown or

cannot be reasonably contacted, such operator shall immediately report such incident to the nearest law enforcement agency.

SECTION X COUNTY PARKS, BEACHES AND RECREATION AREAS.

Domestic animals are not permitted within the confines of any County Park, County Beach or County Recreation Area unless specifically authorized. All domestic animals, where so authorized, shall be under the physical restraint of a responsible person as defined herein at all times.

SECTION XI ANIMAL WASTE.

The owner, harborer, keeper or person having custody or care of an animal shall be responsible for the removal of any excreta deposited by the animal upon any public walk, path, street, park, recreation areas or private property not their own.

SECTION XII TAMPERING WITH TRAPPING DEVICE.

No person shall tamper with, interfere with, damage, remove or destroy any county owned and operated trap. No person shall remove or release any animal from said traps without the express consent of the Hernando County Animal Control Division.

SECTION XIII INTERFERENCE WITH AN ANIMAL CONTROL OFFICER.

No person shall interfere with or intentionally hinder an Animal Control Officer in the performance of his duties.

SECTION XIV IMPOUND AND DISPOSITION.

1. Unrestrained, unconfined, improperly confined, stray, abandoned and certain nuisance dogs or cats may be impounded by Animal Control Officers or Law Enforcement Officers and taken to the Animal Shelter.

2. Animal Control Officers shall have the right to enter upon public or private property in Hernando County, Florida, except a building designated for and used for residential purposes, to continue a "hot pursuit" attempt to capture an

animal that was either observed biting a person or alleged to have bitten a person so long as the officer has reasonable cause to believe that the animal had bitten a person.

3. Impounded dogs, cats and abandoned animals shall be kept for not less than seven (7) calendar days unless redeemed by its owner. Any animal not redeemed within this period shall become the property of Hernando County and shall be made available for adoption to a suitable home or humanely euthanized at the sole discretion of the Animal Control Division.

4. If by license tag, ID, collar or any other reasonable means, the owner of an impounded animal can be identified and located, the Animal Control Officer shall notify them by any reasonable means.

5. An eligible animal released to the Animal Shelter by its owner, harbinger or keeper shall be placed for immediate adoption or humanely euthanized at the sole discretion of the Animal Control Division.

6. Nothing in this Ordinance shall prevent the humane disposition of injured or ill animals as authorized by Florida Statute.

7. Pound seizure is prohibited.

8. Prior to release or redemption all fees shall be paid.

SECTION XV ENFORCEMENT. The provisions of this Ordinance shall be enforced by the Hernando County Animal Control Division, Code Enforcement Officers and other County Law Enforcement Agencies as appropriate, proper and necessary.

SECTION XVI PENALTY.

1. Notice of Ordinance Violation:

(a) Persons violating the provisions of this Ordinance may be issued a Notice of Ordinance Violation. This may be in addition to or in lieu of impoundment of the animal.

(b) Such notice shall impose upon the recipient a civil penalty which may at the discretion of the recipient be paid to the agency designated by the Hernando County Board of County Commissioners within seventy-two (72) hours in full satisfaction of the imposed penalty, or, the recipient shall appear in County Court.

(c) In the event such penalty is not paid within the prescribed time period, or, if court appearance is not made, upon conviction of a violation of this Ordinance, the recipient shall be punished as provided by state statute for a violation of a County Ordinance.

(d) Each animal involved and each day a violation continues shall be considered a separate violation of this Ordinance.

(e) The third and subsequent offense by the same person or a member of the same household within twelve (12) months may be cause to double the assessed penalty.

2. Penalties for violation shall be as set out below:

Sec. II (a)	Unlicensed dog or cat.....	\$25.00
Sec. II (c)	Unvaccinated dog or cat.....	\$25.00
Sec. II (d)	Not wearing license.....	\$15.00
Sec. II (h)	Misuse of license.....	\$50.00
Sec. IV	Unrestrained animal.....	\$25.00
Sec. V	Unconfined vicious animal...	\$50.00
Sec. VI	Unconfined dog or cat in heat.....	\$25.00
Sec. VII	Animal public nuisance.....	\$25.00
Sec. IX	Animals on beach or park....	\$25.00
Sec. X	Animal waste nonremoval.....	\$15.00
Sec. XI	Trap tampering.....	\$50.00
Sec. XII	Interference with Officer...	\$50.00

SECTION XVII INCLUSION IN THE CODE. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance

shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION XVIII SEVERABILITY. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION XIX APPLICABILITY. This Ordinance shall not apply to any incorporated municipality within Hernando County which has ordinances complying in general with the requirements of this Ordinance, and shall not limit the power of any municipality to institute and require additional control measures and regulations within such municipality.

Nothing in this Ordinance shall be held to limit the authority, duties, and responsibilities of the State Health Officer and duly qualified agencies as defined by Florida Statutes.

SECTION XX REPEAL. Hernando County Ordinance No. 80-9, is hereby repealed in its entirety. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION XXI EFFECTIVE DATE. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular
Session this 4th day of March, 1986.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

(SEAL)

Attest: *Harold William Brown*
Harold William Brown
Clerk

By: *William T. Koenig III*
William T. Koenig III
Chairman

