

Darlene Christensen

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Thursday, July 28, 2016 11:43 AM
To: Darlene Christensen
Cc: County Ordinances
Attachments: Hernando20160728_Ordinance2016_13_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 28, 2016

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 3621
Brooksville, Florida 34601

Attention: Darlene Christensen, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2016-13, which was filed in this office on July 28, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

1 **ORDINANCE NO.: 2016-13**

2 AN ORDINANCE OF THE BOARD OF COUNTY
3 COMMISSIONERS OF HERNANDO COUNTY, FLORIDA,
4 PERTAINING TO ANIMAL CARE AND ADOPTION;
5 AMENDING THE DEFINITION OF TETHER; SPECIFICALLY
6 LIMITING THE REGULATION OF TETHERING TO DOGS
7 AND CATS; PROVIDING FOR SEVERABILITY; PROVIDING
8 FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL
9 OF INCONSISTENT PROVISIONS; AND PROVIDING FOR AN
10 EFFECTIVE DATE.

11
12 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
13 **COMMISSIONERS OF HERNANDO COUNTY:**

14 1. **Section 6-2 is hereby amended as follows:**

15 a. **Definition of Tether.**

16 *Tether* means to restrain ~~an animal~~ a dog or a cat by tying the ~~animal~~ dog or cat to any
17 object or structure, including without limitation a house, tree, fence, post, garage, or shed,
18 by any means, including without limitation a chain, rope, cord, leash, or running line.

19 Tethering shall not include using a leash or lead to walk ~~an animal~~ a dog or cat.

20 Notwithstanding the foregoing, ~~an animal~~ a dog or cat may be tethered while actively
21 participating in or attending an organized show, field trial, agility event, herding contest or
22 other similar exposition or event, of a limited duration, that involves the judging or
23 evaluation of ~~animals~~ a dog or cat. Tethering regulations only apply to dogs or cats.

24 b. **The definition for Enclosure is hereby re-defined as:**

25 Enclosure is any place where any ~~animal~~ dog or cat is maintained outdoors including but is not
26 limited to a fenced yard, kennel, or run and the ~~animal~~ dog or cat shall be provided proper shelter
27 within such enclosed area. The enclosure shall be suitable to prevent the escape of the ~~animal~~
28 dog or cat or the entry of young children. The enclosed area shall be large enough for the

1 ~~animal's~~ dog's or the cat's size and temperament, considering the number of ~~animals~~ dogs or cats
2 that may be using the enclosure at any given time. For dogs, the enclosure shall be large enough
3 for each dog to achieve a running stride. It shall include a shaded area, either by natural or
4 artificial means that is large enough during all hours to shade all ~~animals~~ dogs or cats in the
5 enclosure without crowding. The enclosure and surrounding area shall be free from trash,
6 standing water, and cleaned regularly to remove accumulated waste and debris, parasites,
7 including fleas, ticks and rodents so as not to threaten the physical wellbeing of the ~~animal~~ dog
8 or cat. Each ~~animal~~ dog or cat housed in the primary enclosure, shall be provided wholesome
9 food and a continuous supply of visibly clean, fresh water provided in a sanitary manner and in a
10 container sized appropriately for the dog's or the cat's ~~animal's~~ species and size.

11
12 **c. The definition for Shelter is hereby re-defined as:**

13 Shelter shall include but is not limited to a permanent structure with four sides, a solid roof,
14 and a solid bottom. Any structure in which ~~an animal~~ a dog or a cat is housed must be
15 well ventilated with fresh air by means of windows, doors, vents, or fans. The structure
16 shall protect the ~~animal~~ dog or cat from injury. The shelter shall have an entryway that
17 the ~~animal~~ dog or cat can easily enter and exit in a natural manner and protects the ~~animal~~
18 dog or cat from exposure to the elements. The structure shall be weather proof and
19 structurally sound, with insulation appropriate to local climatic conditions and sufficient to
20 protect each ~~animal~~ dog or cat from inclement weather; the direct rays of the sun, wind,
21 and rain; be constructed to allow each sheltered ~~animal~~ dog or cat freedom of movement
22 to make normal postural adjustments, including the ability to stand up, turn around and lie
23 down with its limbs outstretched in a normal posture. The ~~animal~~ dog or cat shall be

1 provided clean, dry bedding, or shall have a clean, solid resting place that is appropriate
2 for the ~~animal's~~ dog's or the cat's size, age, health, and physical condition. The shelter
3 shall be properly lighted to provide a regular lighting cycle of either natural or artificial
4 light corresponding to the natural periods of daylight unless otherwise directed by a
5 licensed veterinarian. Structures with wire, grid, or slat floors which permit the ~~animal's~~
6 dog's or the cat's feet to pass through openings, sag under the ~~animal's~~ dog's or the cat's
7 weight or which otherwise do not protect the ~~animal's~~ dog's or the cat's feet or toes from
8 injury are prohibited. Examples of inadequate shelter include, but are not limited to, lean-
9 tos, metal drums, wire or airline carrier crates, cardboard boxes, abandoned vehicles,
10 porches, decks, or material that does not provide sufficient protection from the elements.

11 **2. Section 6-34 - Regulation of Tethering is hereby amended as follows:**

12 In order to protect the public safety and welfare, the following conditions shall apply when
13 tethering an ~~animal~~ a dog or cat.

14 A. No person, to include owner, harborer, or caretaker shall tether an ~~animal~~ a dog or
15 cat to a stationary or inanimate object as a means of confinement or restraint unless
16 such person is with the ~~animal~~ dog or cat and the ~~animal~~ dog or cat is at all times
17 visible to such person.

18 B. The tether must be constructed of material sufficient to restrain the ~~animal~~ dog or
19 cat but may not place the ~~animal~~ dog or cat in danger of injury or death. At no time shall
20 the tether extend over an object or edge in such a manner that could result in strangulation,

1 entanglement of or injury to the ~~animal~~ dog or cat. Logging chains and vehicle tow chains
2 may not be used to tether ~~an animal~~ a dog or cat. The addition of weight to ~~an animal's~~ a
3 dog or cat's collar, harness, chain, or tether is prohibited.

4 C. The tether shall be of a length and weight to allow ~~an animal~~ a dog or cat to move
5 at least ten feet in all directions from the point of tethering and allow entry and egress to
6 proper shelter and enclosure as defined herein. No person shall keep ~~an animal~~ a dog or
7 cat in any enclosure without daily exercise and change of air.

8 D. The tether shall be attached to a properly fitted buckle-style collar or buckle-style
9 harness sufficient to restrain the ~~animal~~ dog or cat. The tether must have an operative swivel
10 attached to a collar or harness and may not be attached to a stationary object at a height
11 higher than the ~~animal's~~ dog or cat's neck in standing position. The tether must swivel on
12 both ends and be free of tangles. A leash or lead may not be attached directly to the
13 ~~animal's~~ dog or cat's neck in lieu of a manufactured collar or harness. Choke, chain, slip,
14 or prong type collars shall not be used on ~~an animal~~ a dog or cat when such ~~animal~~ dog or
15 cat is tethered.

16 E. The ~~animal~~ dog or cat must have access to sufficient wholesome food and a
17 continuous supply of clean, potable water, and freedom to move about and avoid area of
18 ~~animal~~ dog's or cat's waste, parasites, or anything that would adversely harm ~~an animal's~~
19 a dog's or a cat's health or safety.

20 F. The tethered ~~animal~~ dog or cat must be at least six months of age and may not

1 be sick or injured.

2 G. The ~~animal~~ dog or cat may not be outside during extreme weather conditions,
3 including, but not limited to, extreme heat or near-freezing temperatures or during
4 thunderstorms, lightning storms, tornado watches or warnings, or during tropical storm or
5 hurricane watches or warnings.

6 H. No tether may extend any closer than six feet from the perimeter fence or lot
7 line. If it is connected to a pulley, the running line must be at least 15 feet in length and
8 less than seven feet above the ground. If multiple dogs or cats, they must be tethered
9 separately with no sharing of running lines, or near enough to each other that they may
10 become tangled. No ~~animal~~ dog or cat shall be tethered so that it has access to public
11 property, including easements, and rights of way property, or the property of another.

12 I. When the ~~animal~~ dog or cat is transported in a pickup truck with a metal bed,
13 the ~~animal~~ dog or cat shall be provided protection from the metal bed; and, the dog shall
14 be safely and properly tethered as defined herein. Any cat being transported must be in a
15 hard shelled crate specifically designed for cats and the crate must be secured to the truck
16 bed so that it does not move during transporting.

17 J. Tethering and/or inappropriately sheltering ~~an animal~~ a dog or cat in violation
18 of the provisions of this section shall be unlawful and a Class V violation of this Chapter.
19 When a violation of this section occurs, an officer may take reasonable measures to remove
20 the ~~animal~~ dog or cat from the tether and/or inappropriate shelter and impound the ~~animal~~

1 dog or cat.

2 K. "Inadequate shelter" may be indicated by the appearance of the shelter itself,
3 including but not limited to, size, structural soundness, evidence of crowding within the
4 housing facility, unhealthy environment in the area immediately surrounding such facility,
5 or by the appearance or physical condition of the ~~animal~~ dog or the cat.

6 L. Upon enactment of this ordinance, officers shall provide a warning to all first-
7 time tethering and/or sheltering violators and allow 5 working days to correct the violation
8 before any civil citation is issued. Notwithstanding the foregoing, nothing shall prevent an
9 officer from citing an owner for violation of any other provision of this ordinance,
10 including other prohibited acts of cruelty or neglect.

11 M. All persons, to include, owners, harborers, and caretakers of ~~animals~~ a dog or
12 cat shall provide all health related grooming, cleaning, and parasite control required to
13 ensure that the ~~animals~~ dogs or cats are maintained in a humane state and able to carry out
14 normal activities.

15 N. No ~~animal~~ dog or cat shall be tethered on vacant or abandoned property.

16 3 **Section - Severability.** It is declared to be the intent of the Board of County
17 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
18 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not
19 affect the validity of the remaining portions of this ordinance.

20 4. **Section - Inclusion in the Code.** It is the intention of the Board of County

1 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions
2 of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando
3 County, Florida. To this end, the section of this Ordinance may be renumbered or relettered
4 to accomplish such intention, and that the word "ordinance" may be changed to "section,
5 "article," or other appropriate designation.

6 **5. Section - Conflicting Provisions Repealed.** All ordinances or parts of ordinances
7 in conflict with the provisions of this ordinance are hereby repealed.

8 **6. Section - Effective Date.** This ordinance shall take effect immediately upon
9 receipt of official acknowledgment from the office of the Secretary of State of Florida that
10 this ordinance has been filed with said office.

11 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
12 **HERNANDO COUNTY** in Regular Session this 26th day of July 2016.

13
14 **BOARD OF COUNTY COMMISSIONERS**
15 **HERNANDO COUNTY, FLORIDA**
16

17
18
19 Attest: [Signature]
20 **DONALD C. BARBEE, JR.**
21 Clerk

22
23 By: [Signature]
24 **JAMES E. ADKINS**
25 Chairman

26
27 Approved for Form and Legal Sufficiency
[Signature]
County Attorney

