

**ORDINANCE NO. 17- 07 \_\_\_\_\_**

**AN ORDINANCE OF THE COUNTY OF PINELLAS RELATING TO ANIMAL SERVICES; AMENDING AND REVISING SECTION 14-26, DEFINITIONS; AMENDING AND RENAMING SECTION 14-27, VIOLATIONS OF ARTICLE; CIVIL REMEDIES; AMENDING AND RENAMING SECTION 14-29, PET DEALERSHIPS AND KENNELS; DELETING SECTION 14-36, ANIMAL CONTROL OR CRUELTY SURCHARGE; AMENDING SECTION 14-37, TRAP-NEUTER-VACCINATE-RETURN; AMENDING SECTION 14-39, BITE INCIDENTS; AMENDING SECTION 14-46, ENFORCEMENT OF ARTICLE; AMENDING SECTION 14-47, FEES AND CHARGES; ADMINISTRATION OF ARTICLE; SECTION 14-48, IMPOUNDMENT; AMENDING SECTION 14-61, RABIES VACCINATIONS AND LICENSING; AMENDING SECTION 14-62, GUARD DOGS; AMENDING AND RENAMING SECTION 14-64, DANGEROUS ANIMALS; AND DELETING SECTION 14-68, STRIKING OR INTERFERING WITH A LAW ENFORCEMENT ANIMAL; AMENDING ALL SECTIONS FOR CLARITY, CONSISTENCY AND UNIFORMITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR THE AREA EMBRACED; AND PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY THAT:**

**Section 1.** Chapter 14 Article II of the Pinellas County Code is amended to read as follows:

**Chapter 14 - ANIMALS**

**ARTICLE II. - ANIMAL SERVICES**

**DIVISION 1. - GENERALLY**

**Sec. 14-26. - Definitions.**

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

Abandon means to forsake entirely or neglect or refuse to provide or perform the legal obligations for care and support of an Animal.

Animal means any living dumb creature.

Animal Control Code Enforcement Officer means all employees of the County Department of Animal Services who have successfully completed the minimum standards training course approved by the Florida Animal Control Association.

Animal Hoarding means the activity of a person characterized by the following:

- (1) Failure to provide minimal standards of sanitation, space, nutrition and veterinary care for Animals; and
- (2) Attempts to accumulate or maintain a collection of animals in the face of progressively deteriorating conditions.

Animal Shelter means any facility maintained by the County and any facility maintained by a nonprofit humane organization or municipal agency, as approved by the Board of County Commissioners, for the confinement, care, control or disposition of Animals that come into its custody.

At-large means any Dog or Cat on the Owner's premises which is not within the unobstructed sight and in the control of the Owner, or any Dog or Cat not confined by sufficient means to assure that it is maintained on the property of the Owner; or any Dog or Cat off the Owner's premises which is not controlled by an adequate leash or tether, or otherwise under the Owner's physical control, as defined in this section.

Baiting shall have the meaning provided by F.S. § 828.122, as may be amended.

Cat means the domestic cat, *Felis catus*.

Cruelty shall have the meaning provided by F.S. § 828.27, as may be amended.

Dangerous Dog shall have the meaning provided by F.S. § 767.11, as may be amended.

Department of Animal Services or Department means the animal services department of the County.

Director means that person in charge of the administration of the Department of Animal Services or anyone designated by him or her.

Dog means the domestic dog, *Canis familiaris*.

Guard Dog means any type of dog used for the purpose of defending, patrolling or protecting property or life at any commercial establishment.

Harboring means the act of keeping and caring for an Animal, or providing food, shelter, or care for the Animal for a period of at least forty-eighty (48) hours, regardless of whether or not the person is acting alone or in concert with others.

Hobby Breeder means a person or entity that is a current member of a Dog, Cat or Kennel club at the national, state, or local level that is, or is affiliated with, a nationally recognized organization and that houses or breeds Dogs or Cats in or on the property of a private residence.

Kennel means any premises wherein any person engages in the business of boarding, breeding, buying or letting for hire for a fee, Dogs or Cats. County-operated or city-operated animal services agencies and registered nonprofit humane organizations shall be exempt from this definition.

Owner means any person possessing, harboring, keeping, or having control or custody of an Animal or, if the Animal is owned by a person under the age of eighteen (18) years, that person's parent or guardian.

Pet Dealer (or Pet Dealership) means any person who advertises or engages in the sale of one (1) or more litters of Dogs or Cats per year to the public. Such term includes breeders of Animals who sell such Animals directly to a consumer. County-operated or city-operated animal services agencies and registered nonprofit humane organizations shall be exempt from this definition.

Physical Control means the immediate, continuous physical control of a Dog or Cat at all times, such as by means of a leash, cord, or chain of such strength to restrain the Dog or Cat; or "Physical Control" shall also include visual signals or oral commands by the Owner of a Dog which has been trained to consistently and effectively respond to such signals or commands, if such Dog is at all times within the unobstructed sight of the Dog's Owner.

Proper Enclosure of a Dangerous Dog shall have the meaning provided by F.S. § 767.11, as may be amended.

Public Nuisance Animal means any Animal or combination of Animals that unreasonably annoys humans, endangers the life or health of other Animals or persons, or substantially interferes with the rights of citizens, other than their Owners, to the enjoyment of life or property. The term "Public Nuisance Animal" shall mean and include, but is not limited to, any Animal that:

- (1) Is repeatedly found at large;
- (2) Damages the property of anyone other than its Owner;
- (3) Chases vehicles, bicycles, persons, or other Animals;
- (4) Makes excessive noises, including, but not limited to, continued or repeated howling, barking, whining, or other utterances. Noises that, on at least two (2) separate dates during a three (3) day period, are produced for more than one (1) sustained period of at least fifteen (15) minutes over the course of eight (8) hours, shall be considered excessive for the purpose of this definition.
- (5) Causes fouling of the air by odor;
- (6) Is offensive or dangerous to the public health, safety, or welfare; or
- (7) Repeatedly defecates on the property of another.

Severe Injury shall have the meaning provided by F.S. § 767.11, as may be amended.

Shelter means provision of and access to a three-dimensional structure having a roof, walls and a floor, which is dry, sanitary, clean, weatherproof and made of durable material. At the minimum, the structure must:

- (1) Be sufficient in size to allow each sheltered Animal to stand up, turn around, lie down, and stretch comfortably;
- (2) Be designed to protect the sheltered Animal from the adverse effects of the elements and provide access to shade from direct sunlight and regress from exposure to inclement weather conditions;
- (3) Be free of standing water, accumulated waste and debris, protect the sheltered Animal from injury, and have adequate ventilation and, for Dogs and Cats, provide a solid surface, resting platform, pad, floormat or similar device that is large enough for the Animal to lie on in a normal manner; and

- (4) Be properly lighted to provide a regular lighting cycle of either natural or artificial light corresponding to the natural period of daylight unless otherwise directed by a Veterinarian. Structures with wire, grid or slat floors which permit the Animal's feet to pass through the openings, sag under the Animal's weight or which otherwise do not protect the Animal's feet or toes from injury are prohibited except for birds where perches are provided.

Unprovoked shall have the meaning provided by F.S. § 767.11, as may be amended.

Veterinarian shall have the meaning provided by F.S. § 474.202, as may be amended.

Water means provision of and access to clean, fresh potable water of a drinkable temperature which is free from contamination and provided in a suitable manner, in sufficient volume, and at suitable intervals to at all times maintain normal hydration for the age, species, condition, size and types of each Animal, except as otherwise prescribed by a Veterinarian or as dictated by naturally occurring states of hibernation. An Animal confined outdoors shall have a continuous supply of clean, fresh, and potable water, unless the Animal is under direct supervision.

#### **Sec. 14-27. - Violations of Article; Penalties.**

The provisions of this Article, other than provisions relating to the performance of duties by County officers, law enforcement officers or employees, may be enforced as provided in Sec. 1-8 of this Code, as well as by any other means legally available to the County.

#### **Sec. 14-28. - Areas Embraced.**

All territory within the legal boundaries of Pinellas County, Florida, including all incorporated and unincorporated areas, shall be embraced by the provisions of this Article.

#### **Sec. 14-29. Pet Dealerships; Kennels; and Hobby Breeders.**

##### **I. Activities Requiring Permits**

- (a) No Kennel shall operate without having a valid Kennel permit issued by the Department.
- (b) Pet Dealers shall be required to obtain a Pet Dealer's permit within the time period prescribed by the Department, or, alternatively, rather than obtain a Pet Dealer's permit, the Pet Dealer may elect to have the Dog or Cat that gave birth to the litter(s) sterilized. Failure to obtain a Pet Dealer's permit within the time period prescribed by the Department or to have the Dog or Cat that gave birth to the litter(s) sterilized within the time period prescribed by the Department, shall result in the issuance of a citation by the Department.
- (c) Hobby Breeders are exempt from the provisions of Section 14-29 I. (b), and may instead operate under a Hobby Breeder permit, provided that:
  - (1) they sell no more than two (2) litters, or twenty (20) Animals, per year, whichever is greater, per household; and
  - (2) they are in compliance with all other provisions of this Article and applicable laws relating to animals.

## **II. Permit Procedures**

The following provisions shall apply to permits required by this Section:

- (a) Any person or entity desiring to operate as a Pet Dealer, Kennel or Hobby Breeder shall file a permit application with the Department on such form as provided by the Department and within the timeframe required by the Department.
- (b) All permit holders and applicants shall provide an update within fifteen (15) calendar days of any addition or change of the physical address of the location(s) of all Animals being bred or offered for sale.
- (c) A permit issued under this Section is nontransferable from one entity or person to another or from one location to another.
- (d) All permits issued under this Section shall be valid for one (1) year.
- (e) In order to cover administrative and enforcement costs associated with this Section, the Board of County Commissioners will establish by resolution annual permitting application fees for Pet Dealers, Kennels and Hobby Breeders. Annual application fees are non-refundable.
- (f) It shall be a violation of this Article if the Pet Dealership, Kennel or Hobby Breeder fails to meet the standards set forth for basic animal care and facility sanitation as established by the Department, which standards shall be available on the Department's website. A permit holder is responsible for remaining familiar with the most recent standards.
- (g) All locations identified by the Pet Dealer, Kennel and/or Hobby Breeder permit applicants shall be subject to an initial inspection to determine compliance with the Department's applicable published standards.
- (h) An annual inspection shall be required prior to any Pet Dealer, Kennel and/or Hobby Breeder permit issuance or renewal. The renewal inspection period shall extend from sixty (60) days prior to the end of a current permit period until the last day of the current permit period. Notice of the renewal inspection period, including a description of the scope and criteria of the inspection, shall be provided no later than ten (10) days prior to a renewal inspection period, and any effort to seek review by a competent jurisdiction of the intended inspection must be initiated before the renewal period begins. The renewal inspection shall be unscheduled, and may be conducted at any reasonable hour by any Animal Control Code Enforcement Officer, who shall act in accordance with the renewal inspection period notice and at a minimum shall be given access to and the opportunity to investigate the Animals, premises and records of a Pet Dealer, Kennel and/or Hobby Breeder to determine compliance with F.S. 767 and 828, as may be amended, and this Article.
- (i) If a permit holder under this Section receives an unsatisfactory inspection or an ordinance violation, a permit may be suspended or revoked. Upon correction of violations and, provided a satisfactory reinspection is completed, a permit may be reinstated for the duration of the permit period for a reinstatement fee, as established by the Board of County Commissioners.

## **III. Additional Restrictions Pertaining to Animal Sales**

- (a) Sales subject to this Section shall only take place in locations authorized in permits and in no event shall such sale locations be permitted in a public thoroughfare, public common area, parking lots open to the public or flea market.
- (b) No person or entity may advertise for the sale of Animals, unless such advertisement includes the permit number issued by the Department.

For purposes of this Section, advertise (or advertisement) includes, but is not limited to, announcements, listings, displays, entries, or other written statements containing the name of the permit holder or identifying the services offered by the permit holder or by a person or entity subject to this Section and that are placed in a magazine or periodical, newspaper or inserts, direct mail pieces, audio broadcasting or telephone directory, on the internet, or on vehicles or equipment.

- (c) After each sale, Pet Dealers and Hobby Breeders shall submit point of sale certificates provided by the Department.

**Sec. 14-30. - Public Nuisance Animals.**

- (a) The Owner of any Public Nuisance Animal shall be deemed to be in violation of this Article, regardless of the knowledge, intent or culpability of the Owner.
- (b) A citation for a violation of this Section may be issued based upon:
  - (1) Receipt of affidavit(s) of complaint signed by two (2) or more residents of the County, each residing in separate dwellings in the vicinity of the Animal(s) or incident(s), setting forth the nature and the time(s) and date(s) of the act(s), the Owner of the Animal(s), the address of the Owner and a description of the Animal(s) doing such act(s), the accuracy and veracity of which, shall be confirmed through the Department's investigation; or
  - (2) The observance of noncompliance made by an Animal Control Code Enforcement Officer, or any other such law enforcement officer authorized to enforce the provisions of this Article, during the investigation of a complaint(s) from a resident(s) of the County residing in the vicinity of the Animal(s), setting forth the address, the nature and time(s) and date(s) of the act(s), the Owner of the Animal(s) and/or the address of the Owner, and a description of the Animal(s) doing such act(s) and observance of such act(s) by an Animal Control Code Enforcement Officer or any other such law enforcement officer; or
  - (3) The personal observance of noncompliance made by an Animal Control Code Enforcement Officer, or any other such law enforcement officer authorized to enforce the provisions of this Article, made during the course of the lawful performance of his/her duties in the vicinity of the place of the offense; or
  - (4) Placing food or garbage, allowing the placement of food or garbage, or offering food or garbage in such a manner that it attracts cats, dogs, raccoons, coyotes or other wildlife, thereby creating a Public Nuisance Animal.
- (c) The Department is also authorized to investigate for violations under this Section arising under other circumstances and may issue citations for noncompliance based upon that investigation.

**Sec. 14-31. - Unlawful Restraint of Dogs and Cats.**

- (a) No person shall tether, fasten, chain, tie, or restrain a Dog or Cat, or cause a Dog or Cat to be tethered, fastened, chained, tied, or restrained, to a Dog house, tree, fence, or any other stationary object.
- (b) Notwithstanding subsection (a), a person may do the following:
  - (1) A Dog or Cat may be tethered when it is in visual range of the Owner, and the Owner is located outside with the tethered Animal.
  - (2) Tether, fasten, chain, tie, or otherwise restrain a Dog or Cat pursuant to the requirements of a camping or recreational area.
- (c) When tethering is permissible pursuant to Sec. 14-31(b)(1), the following conditions must be met:
  - (1) The Dog or Cat must be attached to the tether by a buckle-type collar or a body harness. A Dog or Cat shall not be tethered by means of a choke-type, pinch-type, prong-type, or improperly fitting collar;
  - (2) The tether has the following properties: it is at least five (5) times the length of the tethered Animal's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than one-eighth (1/8) of the tethered Animal's weight; and it is free of tangles;
  - (3) The Dog or Cat is tethered in such a manner as to prevent injury, strangulation, or entanglement;
  - (4) If there are multiple Dogs or Cats, each Dog or Cat must be tethered separately. The tethering of each Dog or Cat must be in accordance with the requirements of this Code;
  - (5) The Dog or Cat is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes;
  - (6) The Dog or Cat has access to Water, Shelter, and dry ground;
  - (7) The Dog or Cat is at least six (6) months of age. Puppies or kittens shall not be tethered; and
  - (8) The Dog or Cat is not sick or injured.

**Sec. 14-32. - Cruelty to Animals.**

- (a) Whoever tortures, torments or cruelly treats an Animal shall be in violation of this Article.
- (b) Whoever impounds or confines any Animal in any place and fails to supply the Animal during such confinement with a sufficient quantity of good and wholesome food and water, shall be in violation of this Article.
- (c) Whoever keeps any Animal in any enclosure without wholesome exercise and change of air, shall be in violation of this Article.
- (d) Whoever Abandons to die any Animal that is maimed, sick, infirm, or diseased, shall be in violation of this Article.

- (e) A 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 the same to be done, or carries in or upon any vehicle, or otherwise, any Animal in a cruel or inhumane manner, shall be in violation of this Article.
- (f) Whoever leaves or deposits any poison or any substance containing poison, in any common street, alley, lane, or thoroughfare of any kind, or in any yard or enclosure other than the yard or enclosure occupied or owned by such person, shall be in violation of this Article.
- (g) Any person who commits any of the following acts, shall be in violation of this Article:
  - (1) Betting or wagering any money or other valuable consideration on the fighting or baiting of Animals.
  - (2) Attending the fighting or baiting of Animals.

**Sec. 14-33. - Abandonment of Animals.**

- (a) Any person who is the Owner or possessor, or has charge or custody, of any Animal and who Abandons such Animal to suffer injury or malnutrition or who Abandons any Animal in a street, road, private property or public place without providing for the care, sustenance, protection, and shelter of such Animal, shall be in violation of this Article.
- (b) Any person who releases within the County any non-native species to Florida without having obtained a permit to do so from the Florida Fish and Wildlife Conservation Commission, shall be in violation of this Article.
- (c) Upon receipt of affidavits from two (2) citizens who are not residents of the same household, or upon the report of a law enforcement officer, stating that an Animal appears to have been Abandoned, or upon receipt of a report that a nonindigenous Animal has been released, the Department may investigate the matter and thereupon is authorized to impound the Animal and disposition of the Animal shall be in the manner provided by this Article, with the assistance of a law enforcement officer, if necessary. The Department shall cause written notice, bearing the address where the Animal may be claimed by the Owner thereof and the time by which the Animal must be claimed, to be sent to the Owner, if known, at the Owner's last known address.

**Sec. 14-34. - Animals in Vehicles.**

- (a) No vehicle owner, passenger, or operator shall place or confine an Animal or allow it to be placed or confined or to remain in an unattended vehicle without sufficient ventilation or under conditions or for such a period of time as may reasonably be expected to endanger the health or well-being of such Animal due to heat, lack of water or such other circumstances as may be expected to cause suffering, disability or death.
- (b) 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.



- (c) 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.

**Sec. 14-35. - Neglect.**

- (a) No person who is the Owner or possessor or who has charge or custody of an Animal shall fail to provide shelter for the Animal.
- (b) No person who is the Owner or possessor or who has charge or custody of an Animal shall fail to provide water for the Animal.
- (c) No person shall engage in Animal Hoarding.
- (d) No person who is the Owner or possessor or has charge or custody of an Animal shall fail to provide adequate veterinary care to a suffering Animal.
- (e) No person who is the Owner or possessor or has charge or custody of an Animal shall fail to provide proper or adequate food to any Animal.
- (f) No person who is the Owner or possessor or has charge or custody of an Animal shall fail to provide humane care and treatment.

**Sec. 14-36. - Reserved.**

**Sec. 14-37. - Trap-Neuter-Vaccinate-Return.**

- (a) Trap-neuter-vaccinate-return (TNVR) activities and programs shall be authorized in Pinellas County in accordance with the provisions of this Section. For the purposes of applying this Section, the term "community cat" shall mean any feral or free-roaming cat that is cared for by one or more individual caregivers, provided that such cat shall be sterilized, vaccinated for rabies, and distinguished from other cats by being ear-tipped and tattooed.
- (b) A community cat cared for in accordance with this Section shall not be subject to the license requirements of this Code, and shall not be considered in violation of Sec. 14-33(b) or Sec. 14-63, regarding Abandonment or Cats Atlarge.
- (c) If a community cat is impounded, it shall be held for at least seven (7) days including the day of impoundment. A caregiver may redeem a community cat within the holding period upon paying the fees and costs as established by the Department in accordance with the requirements of this Code. The first time a community cat is impounded, the community cat shall be microchipped and vaccinated for rabies in accordance with applicable law.
- (d) The following minimum standards and requirements shall apply to anyone providing care to a community cat:
  - (1) All community cat locations must be maintained on the private property of the caregiver or on property belonging to another landowner with the landowner's permission. A community cat must not be released within one hundred and fifty (150) yards of any park, conservation land, beach, wildlife area, day care center, or elementary school.
  - (2) A person providing care to a community cat must provide the community cat with necessities on a regular and ongoing basis, including, but not limited to, proper nutrition

and medical care. Food must be provided in a quantity adequate for the number of community cats being managed and is to be supplied no less than once per day. Food must be maintained in proper feeding containers and placed in a manner that will not attract wildlife or other Animals. The duration of the food placed must not exceed three (3) hours within a twenty-four (24) hour period. Water must be provided and must be clean, potable, and free from debris and algae. Any person caring for a community cat must comply with applicable law, including laws governing Animal neglect and cruelty, and the caregiver must not allow a community cat to suffer.

- (e) Any organization desiring to conduct a county-wide or targeted TNVR program ("TNVR Program") shall submit a proposal for the review of the Director, who shall have the authority to approve or deny such proposal. Any TNVR program shall consist of an effort to control and reduce feral and free-roaming cat populations in Pinellas County by establishing and responsibly managing community cat populations in accordance with the requirements of this Code and applicable law. If approved, the organization may conduct a TNVR program in accordance with the requirements of this Code, other applicable law, and the terms of their proposal. Any training provided as part of an approved TNVR program should include training on:
  - (1) Educating other citizens about community cats;
  - (2) Maintaining a relationship with a veterinary provider to best address community cat needs;
  - (3) Proper care and common diseases, including procedures for monitoring and managing zoonotic diseases and other infections in community cats; and
  - (4) Best practices for management of individual community cats or colonies.
- (f) Ordinance No. 14-41, creating Sec. 14-37, shall stand repealed and shall be of no further force or effect on January 1, 2018, unless reviewed and saved from repeal by ordinance of the Board of County Commissioners.

#### **Sec. 14-38. - Irresponsible Pet Owner.**

The purpose of this Section is to protect the citizens and animals of Pinellas County from the risks and expenses resulting from individuals who repeatedly fail to care responsibly for their domestic Animals.

- (1) For the purposes of this Section, the following terms shall be defined as follows:

Animal Safety and Welfare Violation means a violation of any of the following provisions of this Code: Secs. 14-30 (except for violations based on excessive noise), 14-31, 14-32, 14-33, 14-34, 14-35, 14-39, 14-61, 14-63, 14-64.

Conviction includes a finding of guilt in an adversarial proceeding or a plea of "guilty" or "no contest."

- (2) Irresponsible Pet Owner Class I. A person with two (2) previous convictions for Animal Safety and Welfare Violations occurring on separate dates, who commits a third Animal Safety and Welfare Violation within twenty-four (24) months of the date of offense of

the earliest of the (three) 3 violations, may be charged with a violation of this Section, punishable by a minimum fine of \$300.00.

- (3) Irresponsible Pet Owner Class II. When a person meets the conditions for an irresponsible pet owner class I violation, and the circumstances of the most recent violation evidence a knowing refusal to comply with this Code or to take corrective actions, he or she may be charged as an irresponsible pet owner class II under this paragraph, punishable by a minimum fine of \$400.00.
- (4) Upon conclusion of any appeal, or the expiration of any right to an appeal, a person who has a Conviction for an irresponsible pet owner class II violation shall, for a period of three (3) years after the date of the most recent Conviction, be subject to the following regulations:
  - a. Any owned Dogs or Cats shall be spayed/neutered and microchipped within thirty (30) days.
  - b. Any owned Dogs or Cats shall be subject to an irresponsible pet owner license fee established in accordance with this Code and applicable law.
  - c. The Owner shall not become the Owner of any new Dogs or Cats, and no licenses will be issued for newly acquired Dogs or Cats.

#### **Sec. 14-39. - Bite Incidents.**

It shall be a violation of this Code, punishable by a minimum fine of \$300.00, for an Owner to fail to prevent their domestic Animal ("Owner's Animal") from severely injuring or killing another domestic Animal ("Victim Animal") while the Owner's Animal is At-large, provided that the Victim Animal did not instigate the incident and was not At-large at the time of the incident.

#### **Secs. 14-40—14-45. - Reserved.**

### **DIVISION 2. - ADMINISTRATION AND ENFORCEMENT**

#### **Sec. 14-46. - Enforcement of Article.**

- (a) The Department of Animal Services is designated as the agency of the Board of County Commissioners to implement, enforce, and administer the provisions of this Article, except as otherwise provided by this Article.
- (b) It shall be a violation of this Article to resist, obstruct, or oppose an Animal Control Code Enforcement Officer while in the lawful performance of his duties, or with anyone who may be assisting in the performance of such duties.
- (c) Any person who willfully refuses to sign and accept a citation issued by a law enforcement officer or Animal Control Code Enforcement Officer, shall be in violation of this Article.
- (d) The Board of County Commissioners may contract with any state chartered nonprofit humane organization to carry out the duties in this Article or any part thereof. Such organizations shall carry out the duties pursuant to the provisions prescribed in this Article; failure to do so shall result in the Board of County Commissioners assuming such duties or contracting with

another organization to assume such duties. Compensation may be provided in an amount adequate to fulfill the prescribed duties.

**Sec. 14-47. - Fees and Charges; Administration of Article.**

Fees and charges relating to licensing, adoption, impoundment, service fees and such other fees deemed necessary to accomplish the purposes of this Article will be established from time to time by the Board of County Commissioners. The Director is authorized to establish programs and procedures as are deemed necessary to accomplish the purposes of this Article. These include, but are not limited to, enforcement actions, vaccination programs, measures to deal with Kennel hazards, education programs, population control programs, licensing procedures, and the implementation of emergency procedures in the event of a disease outbreak or a state of emergency, as defined by Sec. 34-36 of this Code. The Director, with approval from the County administrator or designee, is authorized to waive or modify, but not to increase, the fees established by the Board of County Commissioners, in connection with such programs in order to promote the success or participation in those programs, or as specifically directed by the Board of County Commissioners.

**Sec. 14-48. - Impoundment.**

- (a) The Department of Animal Services and its Animal Control Code Enforcement Officers, law enforcement officers and humane officers of state chartered nonprofit humane organizations having been lawfully appointed, shall have authority to pick up, catch or procure and impound any Animal found to be in violation of this Article, any Animal infected or believed to be infected with rabies or other contagious or infectious disease to humans or Animals, or any Animal suspected of biting a human, in such manner as is reasonably necessary to effectuate its capture. Impounded Animals shall be confined in a humane manner at an Animal Shelter. Animals impounded at an Animal Shelter shall be made available for public inspection in order to allow the Owner to reclaim their Animal. An Animal impounded for the purpose of rabies observation shall not be moved or released from the place of quarantine unless permission is first obtained from the Director. The Director may approve an exception as to the above-required place of confinement for Dogs, ferrets, or Cats having a current rabies vaccination administered by a Veterinarian.
- (b) Unless otherwise provided by this Article:
  - (1) An impounded Animal with a license or other Owner identification shall be held for at least seven (7) days, including the day of impoundment;
  - (2) Impounded Dogs of sixteen (16) weeks in age without such identification shall be held for four (4) days, including the day of impoundment.
  - (3) Impounded individual puppies under sixteen (16) weeks in age without such identification shall be held for two (2) days, including the day of impoundment;
  - (4) Impounded litters of puppies under sixteen (16) weeks in age shall be held for one (1) day, including the day of impoundment.
  - (5) Impounded Cats over sixteen (16) weeks of age without such identification shall be held for three (3) days, including the day of impoundment.

- (6) Impounded kittens under sixteen (16) weeks of age without such identification shall be held for one (1) day, including the day of impoundment.
- (7) Dogs, ferrets or Cats impounded for the observation of rabies shall be held at least ten (10) days.

The depositing of a letter of notification by first class U.S. mail shall constitute adequate notification of impoundment. The Owner shall also be notified by telephone, if possible. This Section shall not apply to animals surrendered by the owner or an agent of the owner, in which case disposition may be made as provided in this article without notification or a holding period. At the expiration of the holding period, during which time a diligent attempt has been made to locate and contact the Owner, disposition of the Animal may be in accordance with this Article.

- (c) A thirty (30) day holding period may be imposed upon all Animal Shelters, humane organizations, rescue groups or foster homes for domestic Animals with Owner information or that bear positive Owner identification in the form of an identification tag, license tag, microchip, rabies tag, or tattoo, which are impounded during a state of emergency within the County or those Animals which are transferred to the County from any area where a state of emergency has been declared by competent authority. The holding period will be ten (10) days for domestic Animals that do not bear any of the aforementioned forms of positive Owner identification which are impounded during a state of emergency within the County, or those Animals which are transferred to the County from any area where a state of emergency has been declared by competent authority. Adoption or transfer of Animals impounded during a state of emergency in the County, or of those Animals which are transferred to the County from any area where a state of emergency has been declared by competent authority that are not redeemed within the holding period will be conditional and the Animals will be subject to reclaim by the Owner for one hundred and twenty (120) days from the date of the state of emergency declaration in the area of origin, except where the Owner has relinquished all rights to the Animal. These requirements may be invoked by the Director based on the nature of the state of emergency and its aftermath.
- (d) If an Animal bites and causes injury to any human, the Animal shall be immediately impounded for rabies observation and quarantined, if necessary, for the proper length of time or held for ten (10) days. Thereafter, the Animal shall either be returned to the Owner or destroyed in an expeditious and humane manner in accordance with the provisions of this Article and F.S. ch. 767, as may be amended, when applicable.
- (e) Any Owner or person having custody of an Animal suspected of biting a human who fails to surrender the Animal to the Department of Animal Services for impoundment or inspection when requested by an Animal Control Code Enforcement Officer, shall be in violation of this Article.
- (f) For violations of this Article, an Owner may be subject to a written warning or such penalties as prescribed in this Article, in addition to or in lieu of impoundment of the Animal.
- (g) Every Owner who voluntarily surrenders an Animal must provide photo identification and sign a form acknowledging that the surrender is voluntary and acknowledging that disposition of the Animal is in the discretion of the Department. The Department shall not be liable for the disposition of any voluntarily surrendered Animal after receipt of the Animal from its

Owner. The Animal shall be immediately available for adoption, placement or other appropriate disposition once surrendered. Owners surrendering Animals shall be responsible for paying an intake fee, and should the Animal(s) not be current on vaccination required by the County, rabies vaccination fees shall also be paid by the Owner wishing to surrender his/her Animal(s). Owners wishing to surrender an Animal with the request for euthanasia shall be allowed to do so at the discretion of the Department. It is not the policy or practice of the Department to supply "on-demand" euthanasia procedures, but in the interest of relieving a suffering Animal, the Department may provide the service for a fee or at no charge, at its sole discretion. Notwithstanding the foregoing, such fees shall not apply to any Animal surrendered to the Department by Veterinarian or boarding Kennel, pursuant to F.S. § 705.19, as may be amended. No Owner-surrendered or stray Animals from outside the Department's jurisdiction shall be accepted except for humane reasons; such Animals shall be referred to another agency. The photo identification of the Owner/person wishing to surrender an Animal that shows an address outside of the Department's jurisdiction shall be used as the origin of the Animal. If an Animal is accepted for humane reasons from an Owner or person living outside of the Department's jurisdiction, a fee equal to the average cost(s) of all services provided shall be charged.

**Sec. 14-49. - Adoption, Redemption and Disposition of Animals.**

- (a) The disposition of all Animals, which have been impounded or rescued by the Department shall be determined in accordance with the provisions of this Article as provided below:
  - (1) Within the holding period, Animals may be redeemed by the Owner or his/her agent upon the payment of any fees or costs associated with the impoundment. If the Animal is a Dog or Cat which is unlicensed, it is necessary for the Owner to obtain a license before redeeming the Animal. Owners or agents of Dogs or Cats which have no positive identification shall be required to submit a statement of ownership in addition to obtaining a license and paying all associated fees and costs prior to the Animal being redeemed.
  - (2) If not redeemed within the holding period, disposition of Animals may be by humane euthanasia or offered for adoption to any qualified person, upon payment of the adoption fee and, if applicable, such other costs associated with the impoundment. Animals that appear to be severely diseased or injured and suffering, and those Animals medically determined to be suffering from a contagious or infectious disease that could constitute a hazard to other Animals or humans may be euthanized at the discretion of the Director, or his or her designee, at any time.
  - (3) All Dogs and Cats placed for adoption shall be vaccinated, licensed, and sterilized before custody is relinquished to the new Owner.
  - (4) Those Animals which have passed medical and behavior screening, but have not been adopted, may be offered to state chartered nonprofit humane organizations for the purpose of providing adoptions of such Animals. Fees and costs may be waived for the disposition of Animals in this manner.
- (b) The disposition of an Animal may not be to any medical school, college, university or person for experimentation or vivisection purposes, or to any person providing, selling, or supplying

Animals to any medical school, college, university or person for experimentation or vivisection purposes.

**Sec. 14-50. - Sterilization.**

- (a) All Dogs and Cats adopted from the County shall be sterilized by a Veterinarian before adoption, except when a Veterinarian determines that sterilization would endanger the Animal's health due to its age, infirmity or illness.
- (b) A Dog which is impounded two (2) times within a twenty-four (24) month period shall be sterilized before it may be redeemed for the second time, except when a Veterinarian determines that the sterilization would endanger the Animal's health due to its age, infirmity or illness.
- (c) For the purposes of controlling pet overpopulation and ensuring all Animals adopted from the County are sterilized in an expeditious manner, the County shall be considered the legal Owner of: all stray Dogs that remain in the shelter three (3) days after intake/impound (i.e., on the third day sterilization may take place) unless positive, traceable ownership may be indicated by a registered microchip, city tag or private id tag; and all stray Cats upon intake/impound unless positive, traceable ownership may be indicated by a registered microchip, city tag, other form of traceable permanent identification, or private identification tag. The County is hereby authorized to perform sterilization procedures on any Animal any time after it becomes County property. Such ownership provisions shall not affect the holding periods established in Sec. 14-48.

**Secs. 14-51—14-60. - Reserved.**

**DIVISION 3. - DOGS AND CATS**

**Sec. 14-61. - Rabies Vaccinations and Licensing.**

- (a) Every person possessing, harboring, keeping, or having control or custody of a Dog or Cat over the age of four (4) months within the County shall secure a County license from a Veterinarian or from the Department of Animal Services and, as a part of such license, shall show proof of a current rabies vaccination which shall have been administered by, or under the supervision of, a Veterinarian. Evidence of circulating rabies virus antibodies shall not be used as a substitute for obtaining a license, current vaccination in managing rabies exposure or the need for a booster vaccination.
  - (1) The duration of immunity of the vaccine shall be recognized in accordance with the current Compendium of Rabies Prevention and Control in Florida and F.S. § 828.30, as may be amended.
  - (2) Veterinarians or authorized entities shall distribute the County license tags and rabies vaccination certificates to Dog or Cat Owners according to the most recent procedure promulgated by the Department. Veterinarians and authorized entities must return required documentation related to licensure and rabies vaccination certificates to the Department within thirty (30) days.

- (3) Licenses may be issued without the administration of a rabies vaccination provided a Veterinarian has examined the Dog or Cat and has certified in writing that a rabies vaccination could endanger its health because of infirmity, debility, illness, or other medical consideration. The Dog or Cat must be vaccinated as soon as its health improves sufficiently to tolerate the vaccine. An exemption that extends beyond twelve (12) months must be renewed annually through submission of a new exemption letter. No exemption letter shall be deemed valid after one (1) year from the date it was written.
  - (4) The certificate shall be approved and supplied by the Board of County Commissioners. The Department will establish, from time to time, an official tag for licensed Animals. No other license and rabies certificate or tag shall be valid in the County, except as otherwise provided under this Article. The certificate shall provide space for pertinent data for identification of the Animal. The license tag shall consist of a serially numbered piece of metal or other material bearing the same number as the certificate. All Dogs and Cats shall be required to wear a tag, except as otherwise provided under this Section. The person to whom a Dog or Cat license has been issued shall cause the tag to be securely fastened by a substantial device about the Animal's neck so as to be clearly visible at all times. If a license tag is lost or destroyed, a duplicate shall be issued by the Department upon presentation of the certificate and upon payment of a fee as established by the Board of County Commissioners. In lieu of the tag, Owners of Cats may choose a breakaway collar or an alternate form of identification, as approved by the Department.
  - (5) Failure to comply with the provisions of subsections (a)(1) through (4) above or the current procedures promulgated by the Department may result in loss of licensing and tag issuing authority.
- (b) Licenses, either certificate or tag, shall not be transferable from one Dog or Cat to another.
  - (c) Licenses under this Article expire in accordance with the following schedule:
    - (1) If a one (1) year license is issued for a one (1) year rabies vaccination or a three (3) year license is issued for a three (3) year rabies vaccination, licenses expires when the rabies vaccination expire.
    - (2) If a one (1) year license is issued for a (3) year rabies vaccination, the license expires one (1) year from the date of issuance. The expiration date of licenses for year three (3) shall expire on the date the rabies vaccination expire.
    - (3) All licenses shall be renewed on or before the date of expiration.
  - (d) Those persons who relocate their Dogs or Cats, which are over the age of four (4) months, to the County shall secure a license within thirty (30) days of relocation.
  - (e) When ownership of a Dog or Cat is transferred from one party to another, the transferor shall report the change of ownership to the Department on such form as provided by the Department, whether such change is effectuated by sale, barter, gift, or otherwise, within thirty (30) days of such transfer. The new Owner shall maintain a record of the date of transfer, the name and address of the transferor, and proof of previous vaccination and license. Such records shall be maintained by the new Owner for a minimum period of one (1) year from the date of transfer. All Owners of Dogs or Cats over (four) 4 months shall obtain a County license within thirty (30) days of the date that they became the Owner as defined in this Article.



- (f) Every person selling or transferring ownership of a Dog or Cat shall keep records of the most recent proof of vaccination, license, and, when applicable pursuant to F.S. ch. 828, as may be amended, certificate of veterinary inspection. The previous Owner shall maintain such records for a minimum period of one (1) year from the date of transfer. All Dogs and Cats offered for sale, and copies of vaccination or license records, or certificates of veterinary inspection, held by the seller and Veterinarian shall be subject to inspection by any Animal Control Code Enforcement Officer.
- (g) Every person owning, possessing, harboring, keeping or having control or custody of a Dog or a Cat shall keep records of proof of vaccination, license, and when applicable pursuant to F.S. ch. 828, as may be amended, certificates of veterinary inspection. Every person owning, possessing, harboring, keeping or having control or custody of a ferret, shall keep records of proof of vaccination.
- (h) The Board of County Commissioners are authorized to establish reasonable fees for the issuance and renewal of Dog or Cat licenses. License fees shall be waived for the following:
  - (1) Dogs owned by a law enforcement agency and used for law enforcement purposes.
  - (2) The initial license issued to Dogs or Cats adopted from state chartered nonprofit humane organizations.
- (i) The provisions of this Section shall not apply to active racing greyhounds licensed and regulated by the Florida Department of Business and Professional Regulation.

**Sec. 14-62. - Guard Dogs.**

- (a) Registration.
  - (1) Guard Dog Owners or services shall register all Dogs used in their business, whether housed or used in the County, with the Department. The registration shall include: name, address and telephone number of the service's manager; the breed, sex, weight, age, color, registration number of the Guard Dog, and other distinguishing physical features of the Dog; a County rabies vaccination and license certificate; and a tag that is highly visible and conspicuously different from ordinary Dog tags, as approved and supplied by the Department. As a condition to registration, proof of ownership must be presented by either a notarized bill of sale or a notarized affidavit.
  - (2) Guard Dogs which are newly acquired by Guard Dog services shall be vaccinated against rabies, if needed, and registered with the Department within seventy-two (72) hours of acquisition.
  - (3) The fee for registration of a Guard Dog with the Department shall be established by the Board of County Commissioners and shall be an annual charge for each individual Dog.
  - (4) Such registration shall not constitute a waiver of the annual license or other requirements of this Article.
- (b) Identification. Each Guard Dog shall be permanently identified by microchip implantation.
- (c) Reporting Requirements. Any person possessing, harboring, keeping or having control or custody of a Guard Dog shall immediately notify the Department when such Guard Dog:

- (1) Is loose or unconfined;
  - (2) Has bitten a human being or attacked another Animal; or
  - (3) Is sold or given away, or dies. Prior to a Guard Dog being sold or given away, the Owner shall provide the name, address and telephone number of the new Owner to the Department.
- (d) An inspection shall be required prior to any registration issuance or renewal. The renewal inspection period shall extend from sixty (60) days prior to the end of a current registration period until the last day of the current registration period. Notice of the renewal inspection period, including a description of the scope and criteria of the inspection, shall be provided no later than ten (10) days prior to a renewal inspection period, and any effort to seek review by a competent jurisdiction of the intended inspection must be initiated before the renewal period begins. The renewal inspection shall be unscheduled, and may be conducted at any reasonable hour by any Animal Control Code Enforcement Officer, who shall act in accordance with the renewal inspection period notice and at a minimum, shall be given access to and the opportunity to investigate the Animals, premises and records of the Guard Dog Owner, to determine compliance with F.S. chs. 767 and 828, as may be amended, and this Article.
- (e) Unlawful Custody. It shall be unlawful for any person to own, harbor, keep, maintain, use or otherwise have custody of any Guard Dog in the County which has not been vaccinated, registered, and microchipped as provided by this Article.
- (f) Transportation of Guard Dog.
- (1) Any vehicle transporting a Guard Dog must be clearly marked showing that it is transporting a registered Guard Dog. A compartment separate from the driver is required which shall allow adequate ventilation for the Animal.
  - (2) No Guard Dog shall be transported in the trunk of a car or on open-bed trucks.
  - (3) Guard Dogs must be muzzled and leashed, or maintained in a proper enclosure, as defined in this Article, when not on guard duty at a commercial establishment.
- (g) Requirements for Businesses Using Guard Dogs.
- (1) Each business which hires or uses a Guard Dog must provide proper fencing to keep the Guard Dog from digging or jumping out, or must otherwise properly confine the Animal within a secure enclosure.
  - (2) At each appropriate location and entry point, and at fifty (50) foot intervals along the fence perimeter, a sign shall be posted including the words "Guard Dog."
  - (3) Entry points shall have a sign posted with the telephone number of the Dog's trainer or handler in case of an emergency.

**Sec. 14-63. - Dogs or Cats At-large.**

- (a) No Dog or Cat shall run At-large within the County, as defined under this Article. Any person who possesses, harbors, keeps, or has control or custody of any Dog or Cat which is running At-large shall be in violation of this Article, regardless of the knowledge, intent or culpability of the Owner.

- (b) This Section shall not apply to police Dogs as defined in F.S. § 843.19, as may be amended, when such Dogs are engaged by a law enforcement agency in an official capacity, or to any Dog which is actually engaged in or being trained for the sport of hunting during a legal hunting season within authorized areas and supervised by the Owner.
- (c) The Owner of any female Dog or Cat in heat (estrus) which is not kept confined in a secure enclosure, such as a building, veterinary hospital, boarding Kennel or closed Kennel, such that the female Dog or Cat cannot come in contact with any male Dog or Cat, except when the Owners of both Animals intend to breed such Animals, shall be deemed in violation of this Article. A fenced area is not sufficient enclosure for the purpose and intent of this subsection.

**Sec. 14-64. - Dangerous Dogs.**

- (a) The purpose of this Section is to implement the provisions of F.S. ch. 767 Part II Dangerous Dogs, as may be amended, and the definitions and provisions of which are incorporated herein, as may be amended. Consistent with F.S. § 767.14, as may be amended, any additional, inconsistent, or conflicting provisions stated in this Code shall control to the extent they do not lessen the statutory provisions.
  - (1) Dangerous Dog investigations, determinations, classifications, and other actions, including related hearings and appeals, shall be conducted in accordance with the provisions of F.S. ch. 767 Part II Dangerous Dogs, as may be amended. Hearings, if requested, shall be conducted in accordance with F.S. ch. 767 Part II Dangerous Dogs, as may be amended, and Sec. 14-67 of this Code.
  - (2) The Owner shall be responsible for boarding fees, veterinary and other costs incurred by the County to maintain the Dog during such investigation, classification and appeals.
  - (3) Confinement of Dog Pending Investigation, Hearing and Appeal. Any Dog that is the subject of a Dangerous Dog investigation that is not impounded with the Department, shall be maintained by the Owner in a Proper Enclosure of a Dangerous Dog. The Owner shall post the premises with clearly visible warning signs at all entry points that inform both children and adults of the presence of a Dangerous Dog on the property. Furthermore, it is unlawful for the Owner of the Dog to permit the Dog to be outside a Proper Enclosure of a Dangerous Dog unless the Dog is muzzled and restrained by a substantial chain or leash and under the control of a competent person over the age of eighteen (18). The muzzle shall be made in a manner that will not cause injury to the Dog or interfere with its vision or respiration, but shall prevent it from biting any person or Dog. When being transported, such Dogs shall be safely and securely restrained within a vehicle. The provisions of this Section shall apply pending the outcome of the investigation and resolution of any hearing or appeals related to the Dangerous Dog classification. The address of where the Dog resides shall be provided to the Department. No Dog that is the subject of a Dangerous Dog investigation may be relocated or ownership transferred pending the outcome of the investigation or any hearings or appeals related to the determination of the Dangerous Dog classification.
  - (4) Failure to Securely Confine a Dog During Investigation. In the event that any Animal Control Code Enforcement Officer is investigating whether a Dog is or may be dangerous and has cause to believe that the Owner is unable or unwilling to securely confine the

Dog pending a final determination, the Animal Control Code Enforcement Officer may impound the Dog pending the investigation, or any hearing or appeals regarding the Dangerous Dog classification, if deemed necessary to protect the public. If the Dog is subsequently classified as dangerous by the animal control authority and such classification is appealed, it shall remain impounded pending final resolution.

- (5) Compliance with Dangerous Dog Requirements. The Owner of a Dog classified as a Dangerous Dog shall comply with all time frames and requirements provided by law.

(b) Dangerous Dog Requirements.

- (1) Registration. Any person who owns (or keeps, if that person is someone other than the Owner) a Dangerous Dog within the County must register the Dog as dangerous with the Department. Any person who brings a Dog into the County that has been declared dangerous by another jurisdiction, and who intends to reside in the County with such Dog, shall register the Dangerous Dog within fourteen (14) calendar days of establishing residency in the County. The fees for registration shall be as established by resolution.

- (2) Conditions Precedent to Registration. No Dangerous Dog may be registered with the Department unless and until all of the following requirements have been met:

- a. The Owner shall, at the Owner's expense, have the Dangerous Dog implanted with a Department-approved electronic Dog identification device (microchip), and shall provide the Department with the microchip manufacturer and number. The Owner may obtain microchips from the Department, if available, at the fee set by resolution. The microchip number will become the Dangerous Dog registration number.
- b. The Dog shall be spayed/neutered unless a Veterinarian has examined the Dog and certifies, in writing (with a copy provided to the Department within such fourteen (14)-day period), that at such time spaying/neutering the Dog would endanger its health. Under the circumstance, the Dog shall be spayed/neutered as soon as its health permits.
- c. The Owner shall display a sign on his or her property warning that there is a Dangerous Dog on the premises. Said sign shall be clearly visible from all entry points and inform both children and adults of the presence of a Dangerous Dog on the property. The sign shall read "Dangerous Animal" or "Beware of Animal."
- d. The Owner of a Dangerous Dog must have in place, on the property where the Dangerous Dog will be kept, the Proper Enclosure of a Dangerous Dog, if said property allows.
- e. The Owner of a Dangerous Dog must provide Department with two (2) color photos displaying full body, head and face of the Dog.
- f. The Owner shall provide evidence of a current Pinellas County license and rabies vaccination for the Dog.

- (c) Responsibilities of Dangerous Dog Owners. The Owner (or keeper, if other than Owner) of a Dangerous Dog shall:

- (1) Renew the Dangerous Dog registration annually.

- (2) Ensure that the Dog, while on the Owner's property, is securely confined indoors, or securely confined in a Proper Enclosure of a Dangerous Dog. At any time that a Dangerous Dog is not so confined, the Dog shall be muzzled and restrained in such a manner as to prevent it from biting or injuring any person or Dog, and kept on a substantial chain or leash by a person able to exercise control over the Dog. The muzzle must be made in a manner that will not cause injury to the Dog or interfere with its vision or respiration, but will prevent it from biting any person or Dog. However, the foregoing requirements of this subsection do not apply:
  - a. When the Dog is in attendance at and participating in any Dog show, contest, or exhibition not prohibited under F.S. § 828.122, as may be amended, and sponsored by a Dog club, association, society, or similar organization.
  - b. While the Dog is being transported within the cab or passenger portion of any motor vehicle, provided the vehicle has a roof, and the Dog cannot escape through an open window.
  - c. When the Owner is exercising the Dog in a securely fenced or enclosed area that does not have a top, provided that the Dog remains within the Owner's sight and only member of the immediately household or persons eighteen (18) years of age or older are allowed in the enclosed or fenced area when the Dog is present.
- (3) Notify the Department immediately if the Dangerous Dog becomes loose, unconfined, attacks, or bites a human being or another Dog, dies, is sold, or is given away. In the event of the Dog's death, the Owner shall provide to the Department satisfactory evidence (as determined by the Department) of the Dog's death. If the Dangerous Dog is sold or given away, the Owner shall provide to the Department the name, address, and telephone number of the new Owner of the Dangerous Dog. The new Owner shall, within fourteen (14) calendar days after receiving the Dog, execute a new document to be supplied by the Department, acknowledging that he or she is aware of the Dangerous Dog classification, and agreeing that the new Owner shall comply with all of the requirements of this Article.
- (4) Notify the Department immediately if the Owner believes that the Dangerous Dog has been stolen. The Owner must, concurrently with that notification, report the theft to the appropriate local law enforcement authority and provide the official police report to the Department.
- (5) Notify the Department immediately if the Owner moves to another address with the Dangerous Dog, which notification shall identify such address.
- (6) Have the Dangerous Dog destroyed in a humane manner at his or her sole expense by the Department or Veterinarian, if the Owner is unable or unwilling to comply with all applicable requirements and mandates contained in this Article.
- (d) Surrender of Dangerous Dog. The Owner of a Dangerous Dog must surrender the Dangerous Dog to the Department if the Owner is unable or unwilling to comply with the requirements of this Article.
- (e) Inapplicability to Law Enforcement Dogs. This Article shall not apply to Dogs owned and used by a law enforcement agency.

**Sec. 14-65. - Reserved.**

**Sec. 14-66. - Reserved.**

**Sec. 14-67. - Hearings.**

- (a) Hearing Officer. There is hereby created for the purposes of this Article the position of hearing officer. Said hearing officer shall be the director of the health department, or his/her designee, or alternatively a member in good standing of the Florida Bar.
- (b) Burden of Proof. The Department shall bear the burden of establishing that a Dog is dangerous by a preponderance of evidence. The Owner shall bear the burden of establishing any factual or legal defense to the classification of dangerousness by a preponderance of evidence.
- (c) Hearing Procedures. These procedures govern hearings before a hearing officer as provided in this Article. Such hearings shall provide an opportunity for the Owner to be heard. All hearings shall be conducted in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code, except as otherwise stated herein. However, the hearing shall be conducted in an informal manner to the extent practicable. Each party shall be afforded the following rights:
  - (1) To be accompanied, represented, and advised by counsel;
  - (2) To offer the testimony of witnesses and examine opposing witnesses on relevant matters; and
  - (3) To present his or her case by oral or documentary evidence.
- (d) Evidence.
  - (1) In any hearing before a hearing officer, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether such evidence would be admissible in a trial in the courts of the state. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
  - (2) A party shall be permitted to conduct cross-examination when testimony is taken or documents are made a part of the record.
  - (3) The rules of privilege shall be effective to the same extent that they are recognized under state law.
- (e) Written Determinations of the Hearing Officer.
  - (1) After conducting a hearing, the hearing officer shall issue a determination within twenty (20) calendar days of the hearing.
  - (2) All determinations of the hearing officer shall be in writing, signed, and dated by the hearing officer, shall contain findings of fact and conclusions of law, and shall be served upon the Owner by registered mail, certified hand delivery (signed receipt), or service in

conformance with the provisions of F.S. ch. 48, as may be amended, relating to service of process.

- (f) **Obligation to Pay Hearing Officer's Fee; Deposit.** The non-prevailing party shall be responsible for paying the hearing officer's fee in full. When filing a written request for a hearing, the Owner shall provide a deposit in the amount established by resolution as security for payment of the hearing officer's fee. If the Owner prevails in the hearing, the deposit shall be returned in full. If the Owner does not prevail, and the hearing officer's fee exceeds the deposit, the Owner shall pay the difference within ten (10) business days after written demand is made by the hearing officer or Department. If the Owner does not prevail, and the deposit exceed the hearing officer's fee, the Department shall return the excess deposit to the Owner within ten (10) business days after paying the hearing officer's fee.
- (g) **Failure to Appear Before Hearing Officer.** Once a hearing is scheduled, failure to appear before the hearing officer may, at the discretion of the hearing officer, result in dismissal of the hearing with prejudice, in which case the initial classification by the Department shall stand and the Dog shall be classified as aggressive or dangerous.

**Secs. 14-68—14-85. - Reserved.**

**Section 2. Severability.**

In the event that any court having jurisdiction over any case arising under this Section determines that any subsection or other provision of this section is invalid for any reason, the remaining subsections or other provisions shall continue to be in full force and effect, and towards that end the Board of County Commissioners declares this Section and its subsections and other provisions to be severable.

**Section 3. Effective Date.**

Pursuant to Section 125.66(2), Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

**Section 4. Areas Embraced.**

Pursuant to Section 2.01 of the Pinellas County Charter, this Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

**Section 5. Codification.**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code; and that the sections of this Ordinance may be renumbered or re-lettered, and the word “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

**Section 6.      Amendment of Proposed Ordinance at Public Hearing.**

Any section, subsection, sentence, clause, phrase, or provision of this Ordinance as proposed be amended, added, or deleted by majority vote of the Board of County Commissioners as a result of matters raised at the public hearing or in consultation with responsible authorities, and in such event, the amendments, additions or deletions shall be validly adopted without additional advertisement or hearing.

APPROVED AS TO FORM

By:   
\_\_\_\_\_  
Office of the County Attorney