



# Pinellas County

## Staff Report

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File #: 21-2389A, Version: 1

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### **Subject:**

Ordinance updates to Chapter 14 of the Pinellas County Code relating to animals specifically administrative, definition updates, and regarding the judicial process in Pinellas County.

### **Recommended Action:**

Conduct a public hearing for proposed ordinance updates on the augmentation, clarification, and standardization with other sections within the Pinellas County Code or with state statutes.

- Ordinance updates **not related to Pet Stores**
- Approve ordinance updates on the augmentation, clarification, and standardization of code with other sections within the code or with state statutes.
- Approve clarification regarding legal definitions, public nuisance, bite incidents and fees, and charges administration in Sections 14-30, 14-37, 14-38, 14-50, and 14-61.
- Approve the proposed changes in Sec. 14-39 - Bites Incidents will add the occurrence of a humane bite and Sec. 14-48 -Impoundment will update animal hold times.
- Approve creation of Section 14-36 - Animal Care; Manner of Keeping is being added to define and clarify acceptable standards for the keeping of animals including paragraph (b) establishing access to 80 square feet of open space to dogs in enclosures, and paragraph (c) establishing humane animal trapping guidelines.
- Approve Section 14-49 - Adoption, Redemption and Disposition of Animals (a)(1) will require microchipping of all animals reclaimed at Animal Services and paragraph (d) establishes guidelines for the adoption of animals found and harbored in the community.

### **Strategic Plan:**

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community

Deliver First Class Services to the Public and Our Customers

5.3 Ensure effective and efficient delivery of county services and support

### **Summary:**

The proposed changes to Chapter 14 are brought forth to address sections of the code in need of clarification, augmentation, or standardization with other sections within the code itself or with state statutes.

The current code is in need of clarification regarding legal definitions, public nuisance, bite incidents and fees, and charges administration. Definitions being added:

Humane Organization and Private Animal Nonprofit Organization are being added to distinguish a difference between a private nonprofit organization, like the SPCA and a private nonprofit rescue group that does not have a shelter facility. This will help in the future if we ever need to start

inspecting rescue groups.

Human or Humanely, Quarantine and Unsanitary Conditions are being added to provide better consistency when educating citizens or issuing citations. It will also assist us in court, as the judge has dismissed citations due to not having a clear definition of the violation.

Definitions being updated:

Removing voice control from the definition of Physical Control. Citizens tend to use this part of the ordinance to allow their dog to run loose.

Ordinances being added:

Section 14-36 Animal Care; manner of keeping

The ordinance will put requirements in place for providing care of a pet. It will also put requirements in place for the size of an outdoor kennel or living space. As tethering is now prohibited, we are seeing more dogs being kept in outdoor kennels. We are finding that many of the outdoor kennels are inhumane and unsafe. This will also add requirements for care of animals that have been trapped. It prohibits commercial companies from trapping domestic animals. It puts requirements for releasing trapped TNVR cats. Traps will also have to be labeled with the information of the person who is trapping.

Section 14-40 Animal bites; animals suspecting of biting; quarantine

Currently, the ordinance only gives Animal Services the authority to impound bite animals. The state statute is vague and only gives the authority to put animals on quarantine. This ordinance will give the department the discretion on how the animal is quarantined and the ability to issue citations for any type of quarantine violation. It will also make it mandatory that any bite animal that is euthanized or dies be turned over for rabies testing.

Ordinances being updated:

Section 14-30 Public Nuisance - We are adding a penalty for owners who have an animal impounded two or more times by the department. We currently have to witness the animal running at large or have affidavits from two or more citizens to issue a citation. This will allow us to issue a citation at the discretion of the Department without affidavits or observance by an officer.

Section 14-37 Trap-Neuter-Vaccinate-Return - We are removing the requirement for a business plan to start a TNVR program. This is not necessary and hinders any type involvement from other agencies. It will also reduce the length of impoundment from 7 days to 2 days.

Section 14-38 Irresponsible Pet Owner - Set fine amounts are being removed from ordinance, fines are in accordance with court fine schedules.

Section 14-39 Bite incident - Adding severely injuring a human being.

Section 14-48 Impoundment - Removing the failure to produce bite animal, because it will be covered under our new 14-40 ordinance.

Changing stray hold times, which decreases the animal's chances of getting sick and increases the chance of getting adopted or sent to rescue organization. The hold times will not change for adult dogs or animals with possible owner information.

Adult cats - From 3 days to 2 days (including day of impound)

Puppies and kittens - From 2 days to 1 day (including day of impound)

TNVR cats - From 7 days to 2 days (including day of impound)

Removing hold times for litters of puppies and kittens. Rarely does anyone losses a whole litter of

puppies or kittens, so holding them only increase the chance they will get sick.

Section 14-49 Adoption, redemption and disposition of animals - Adding mandatory microchipping for animals being reclaimed.

Adding requirements for citizens who find stray animals and want to keep them. There has always been this unwritten rule that requires citizens who find stray animals and want to keep them to hold the animal for 30 days, then it becomes theirs. However, this has been challenged in the judicial system and counties have been forced to follow the lost property laws, since animals are considered property. The lost property laws require that property be held for 90 days before any action can be taken. This section will provide consistency and clear guidance for citizens who find stray animals.

Adding penalties for owners who have an animal that qualifies for mandatory sterilization, but it can't be sterilized. There is currently no way to hold the owner accountable.

Change the date an animal license expires from the date of issuance to the date the vaccine was administered. The way the section is currently worded in the ordinance has become a loophole that citizens have found.

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 according to current written procedures maintained by the Department. This is being added, so that the ordinance does not have to be updated every time a change is made to the change of ownership form.

Section 14-50 Sterilization - Adding clarifying language regarding the mandatory sterilization upon second impound of an animal.

Section 14-61 Rabies Vaccination and Licensing - Adding clarifying language regarding license expiration dates.

If approved, the ordinances will be in effect countywide.

### **Background Information:**

The ordinance updates are proposed to address several ongoing issues. The hold time for puppies, kittens, and cats are being updated to minimize the length of stay in the shelter. This group of animals has a very low reclaim rate and are the most susceptible to illness while in the shelter. The second significant ongoing issue was no legally established process for citizens harboring found animals to transfer ownership and this new section of 14-49 remedies this issue. The proposed updates were reviewed with our nonprofit partners for feedback, and all are supportive of the proposed updates. The ordinance updates meet the County's strategic plan and are reasonable and enforceable.

### **Fiscal Impact:**

Based on the revisions to Chapter 14 of the Pinellas County Code (Attachment 2, Section 14-49 (a) (1), pg. 19), the microchipping of all animals reclaimed at Animal Services will now be required. The associated costs are based on the animal reclaim rate for FY21 (approximately 1,200 animals microchipped at a cost of \$6.50 for each chip) which will increase the department's operating expenditures by approximately \$8,000 annually. However, due to historical cost savings, no negative budgetary impacts are anticipated.

**Staff Member Responsible:**

Doug Brightwell, Director, Animal Services

**Partners:**

SPCA Tampa Bay

Humane Society of Pinellas

Pet Pal

MEOW Now

Friends of Strays

**Attachments:**

Ordinance Update - Redline Version

Ordinance Update - Clean Copy

Public Notice of Public Hearing 01.25.2022

MEOW Now Ordinance Update Letter of Support 11.23.2021

SPCA Ordinance Update Letter of Support 11.24.2021