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Sec. 14-26. Title.

This Ordinance shall be known and may be cited as the "Collier County Animal Control Ordinance."

(Ord. No. 2013-33, § 1)

Sec. 14-27. Adoption by reference, construction and purpose.

The Board adopts by reference as part of this chapter, all laws of the State of Florida relating to animal control, animal welfare, and animal cruelty. It is the intent of the Board that this chapter shall supplement the provisions of state law, including required procedures, and that in the event of any conflict between the terms of this chapter and state law, state law shall control. This Ordinance is enacted with the primary purpose of insuring the health of the human residents and visitors of the county and with the secondary purpose of insuring the health of the animals in the county. This Ordinance is to be liberally construed to affect those objectives.

The Ordinance is established to support the mission of animal services, as established by the Board of County Commissioners: To ensure compliance with local and State animal-related laws; to return

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strays to their owners and promote the adoption of homeless animals to new families; and to work toward ending the community problem of pet overpopulation.

(Ord. No. 2013-33, § 2)

Sec. 14-28. Definitions.

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

Aggressive animal means any animal of fierce or dangerous propensities likely to cause physical injury or property damage or that exhibits traits of ungovernableness.

Animal means every living dumb creature.

Animal-related business means any for-profit person or business required to hold a business tax receipt that renders services to, for or by any domestic animal, excepting commercial agricultural operations and the offices or practices of State-certified and licensed veterinarians. Examples of animal-related businesses include, but are not limited to, boarding facilities, doggie day cares, groomers, pet shops, petting zoos, pony rides, stables, and training facilities.

Animal-related organization means any not-for-profit entity that maintains premises for the purpose of rendering services to, for or by any domestic animal. Examples of animal-related organizations include, but are not limited to, rescues that maintain premises as a central location for their activities, sanctuaries, service dog organizations and animal shelters.

Animal cruelty, torture or torment shall be held to include every act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused, except when done in the interest of medical science, or otherwise permitted under Florida Law.

Animal services means the Collier County Domestic Animal Services Department.

Animal services center means any place approved as such by the Board of County Commissioners for the detention, care and/or treatment of animals in custody.

At-large means off the premises of the owner and not under the direct control of the owner or other competent person, on a suitable leash of dependable strength sufficient to restrain the animal.

Commercial Breeder means any person or business required to hold a business tax receipt that breeds one (1) or more domestic cat(s) or dog(s) or offers one (1) or more domestic cat(s) or dog(s) for breeding or stud purposes, producing three (3) or more litters per year, or offers the kittens and puppies that are the result of such breeding for sale, excepting service dog organizations that are members of Assistance Dogs International. Commercial breeders are subject to agricultural zoning requirements of the Land Development Code.

County veterinarian means a veterinarian, duly licensed by the state, appointed by the Director to be a consultant to the county health department and to the Director.

Dangerous dog means any dog that according to the records of Animal services:

- A. Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;
- B. Has more than once severely injured or killed a domestic animal while off the owner's property;
or
- C. Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions

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are attested to in a sworn statement by one or more persons and dutifully investigated by Animal services.

Direct control means the immediate, continuous physical control of an animal at all times by such means as a fence, tether, or suitable leash of dependable strength sufficient to restrain the animal; or specially trained hunting animals engaged in legal hunting, or animals engaged in shows or organized obedience training programs where the animals respond to commands.

Director of animal services means the director of the Collier County Domestic Animal Services Department, or his or her designee.

Earnotched means a "v" has been cut from the tip of the left ear of a cat.

Eartipped means the tip of the left ear of a cat has been cut in a straight line.

Feral cat means a cat that is free roaming and exists in a wild or untamed state.

Feral cat caregiver means any person who provides food, water, or shelter, or otherwise cares for (a) feral cat(s).

Feral cat colony means a group of cats that congregates, more or less, as a unit. Nonferal cats that congregate with a feral cat colony shall be deemed a part of it.

Health officer means the director of the County health department, or his designee.

Livestock means all animals of equine, bovine, or swine class, including sheep, goats and other grazing animals.

Microchip means an animal microchip implant that is an identifying circuit placed under the skin of a dog, cat, or other animal. The chips are about the size of a large grain of rice.

Non-Commercial Breeder means any person or business required to hold a business tax receipt that breeds one (1) or more domestic cat(s) or dog(s) or offers one (1) or more domestic cat(s) or dog(s) for breeding or stud purposes, producing one (1) to two (2) litters per year, or offers the kittens and puppies that are the result of such breeding for sale, excepting service dog organizations that are members of Assistance Dogs International. Non-commercial breeders are subject to the home occupational license requirements of the Land Development Code.

Owner means any person having a right of property in an animal, or any person with the right or duty to control an animal, or any person then physically controlling, possessing, harboring or keeping an animal.

Premises means the principle place of operation for all animal-related businesses, animal-related organizations, commercial and non-commercial breeders, and rodeos, specifically where animals are housed on a day-to-day basis.

Psittacine birds means all birds commonly known as parrots, Amazons, Mexican doubleheads, parakeets, African grays, cockatoos, macaws, lovebirds, loris, lorikeets, and other birds of the Psittacine family.

Research or testing means any use of any animal in any vivisection, including demonstration or practice surgery, medical or biomedical research, medical experimentation, medical or nonmedical education, or to test any medication, radiation, toxicity, element, chemical or chemical compound, or to study the effects of any consumer product on humans or animals, or for use in biological production or other substantially similar research or testing for scientific, medical, biomedical, educational, or veterinary purpose, by any individual, school, college, university, hospital, laboratory, or any other institution or entity of any description, public or private. Such uses of an animal that does not expose any animal to any incision or puncture, to torture, torment, or cruelty, to any immediate or future damage or impairment, or to unusual stress, is not research or testing as defined herein.

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Rodeo means any event or show involving the use of equines, and/or bovines for the exhibition of skills in riding, bronco or bull riding, calf roping, and/or bulldogging, where a fee is charged to witness the event.

Standards of Care refers to a set of rules and regulations governing the care and feeding of animals maintained in or by animal-related businesses, animal-related organizations, commercial breeders, non-commercial breeders, and rodeos, as adopted by the Board of County Commissioners.

Tether means to restrain a dog by tying the dog to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include using a leash to walk a dog.

Trap-neuter-return means the practice of humanely trapping feral cats; ensuring they are spayed or neutered, vaccinated, and eartipped or eartipped; and returning them to their feral cat colonies.

Trap-neuter-return program means the practice of trap-neuter-return and other best management practices intended to diminish the population of feral cats within the community.

Vaccination means administering to any animal, pursuant to a certificate of vaccination issued by a licensed state veterinarian, an anti-rabies vaccine approved by the state department of health and rehabilitative services.

Wild animal means any living non-domesticated species defined as wildlife by the wildlife code of the state fish and wildlife conservation commission.

(Ord. No. 2013-33, § 3)

Cross reference— Definitions generally, § 1-2.

Sec. 14-29. Authority of Director; interference with officer in performance of duty.

1. The director of animal services (hereinafter "Director") shall have all necessary authority to enforce this Ordinance, and pick up, catch or procure any animal in violation of this Ordinance, and have such animal impounded within the animal services center or other designated place.
2. The Director shall have authority to enter upon any public or private property, except a building designated for and actually used for residential purposes and other buildings within the curtilage of the principal residential building, for the purpose of enforcing this Ordinance.
3. It shall be unlawful for a person to interfere with, hinder, molest or abuse the Director, the health officer, or any of their subordinates in the performance of their lawful duties under this Ordinance or under Florida law.
4. It shall be unlawful for any owner of any animal to refuse to surrender such animal for impoundment or quarantine as provided by this Ordinance when demand for surrender of the animal is made by the health officer, Director, or other enforcement officer.
5. The Director or the Sheriff of Collier County, or their respective designees, shall have the authority to destroy any free roaming untagged dog or cat when other reasonable means and methods to capture are tried but failed, or when a diligent search has been made to establish ownership has failed, and it has been ascertained by citizen complaint or investigation that the animal has aggressive tendencies and poses a threat of injury to persons or other animals, or has caused bodily injury to a person or has physically injured or killed livestock.
6. An animal control officer shall free any animal left unattended in a motor vehicle if the animal appears to be in imminent danger or distress or if the interior of the vehicle reaches a temperature of eighty (80) degrees Fahrenheit or higher for a period of five (5) minutes or longer. The animal control

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officer shall first attempt to locate the owner. If unable to do so in a reasonable time, with due consideration given as to the peril to the animal, the animal control officer shall free the animal in a manner which is calculated to cause the least damage to the vehicle as necessary to safely remove the animal. Once freed, the animal is to be brought to an animal services center and the owner promptly notified.

(Ord. No. 2013-33, § 4)

Sec. 14-30. Enforcement.

1. *By animal control enforcement officer and sheriff.* The Director, any animal control enforcement officer, or officer of the sheriff's office, is empowered to enforce this Ordinance.
2. *By municipal police.* Upon resolution approved by the governing board of any incorporated municipality within the confines of the county, the police force of any such municipality is empowered to enforce the provisions of this Ordinance within that municipal corporation.
3. *By agents, employees of animal services department.*
 - A. *Designation.* The Director is hereby authorized to designate agents or employees of the county department of animal services as animal control enforcement officers. It shall be the responsibility of the Director to determine the training and qualifications of any employee or agent so designated, subject to minimum requirements specified in F.S. § 828.27.
 - B. *Authorization.* It shall be the duty of any person designated as an animal control enforcement officer to enforce this Ordinance and subsequent amendments hereto relating to animal control.
 - C. *Authorized to issue penalties.* Any person designated as an animal control enforcement officer is hereby authorized to issue penalties as outlined in [Section 14-38](#) for violations of this Ordinance and subsequent amendments hereto. The form of penalty issued may be determined at the discretion of the animal control officer or officer of the sheriff's office, but shall be commensurate with the severity of the infraction and any history of violation of the recipient.
 - D. *Limitation of powers.* Nothing herein contained shall be construed to authorize or permit any person designated as an animal control enforcement officer pursuant to this section, to perform any function or duties of a law enforcement officer other than specified herein. No such officer shall make physical arrests or take any person into custody. All such officers shall be exempt from the requirements relating to the state high-hazard retirement program and police standards and training commission as defined or referred to by F.S. § 122.34 and F.S. ch. 943.

(Ord. No. 2013-33, § 5)

Sec. 14-31. Complaints.

1. Complaints for alleged violation of this Ordinance shall be communicated to the Director, sheriff's office or police department. Upon receipt of a complaint, an investigation shall be conducted to determine if there is any violation of this Ordinance. If it is ascertained that any provision of this Ordinance is being violated, proper and lawful action will be taken to enforce this Ordinance.
2. Upon receipt of more than one "affidavit of complaint" for any violation of this Ordinance, each prepared and signed independently by a resident of a separate dwelling in the vicinity of the violation, and acknowledged under oath before an individual authorized by law to take acknowledgements, setting forth the complained of acts, an enforcement officer shall investigate the facts to determine if the acts complained of are a violation, and, if satisfied that a violation has

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occurred, may issue a penalty for the violation, including, subject to F.S. § 828.27, and conditions of this Ordinance, a mandatory court appearance or appearance before the special magistrate.

3. Intentional falsification of information on an "affidavit of complaint" shall be a violation of this Ordinance, and punishable as provided in [Section 14-38](#)

(Ord. No. 2013-33, § 6)

Sec. 14-32. Rabies control.

1. The Director shall give first priority to requests of the health officer to investigate cases involving rabies or the suspicion of rabies.
2. Any person having knowledge of an animal biting, scratching or otherwise wounding a person by contact shall immediately report the facts to the County health department or to the department of animal services, including:
 - A. The victim's name, approximate age and address;
 - B. The animal owner's name and address;
 - C. The animal's description and location; and
 - D. Names and description of other persons and animals involved.
3. An animal known to have bitten or scratched a human or an animal suspected of having rabies shall, if possible, be captured or taken into custody by the Director, police, sheriffs office, or health officer.
 - A. Unvaccinated dogs and cats will be impounded and quarantined for ten days of clinical observation in the animal services center or at a local veterinarian clinic authorized by the health officer or Director. Impoundment and boarding fees will be paid by the owner of the animal. Other animals will be impounded and quarantined by direction of the health officer or Director.
 - B. Dogs or cats that have a current vaccination may be confined under quarantine by fence or suitable enclosure on the premises of the owner, or at some other location approved by the health officer or the Director.
 - C. Eartipped or eartipped feral cats will be impounded and quarantined for ten days of clinical observation in the animal services center if possible. If the cat cannot be trapped for impoundment, it will be observed daily by its feral cat caregiver. Feral cats that are not eartipped or eartipped will be deemed to be unvaccinated.
4. Wild animals that are susceptible of carrying rabies, that are being held in captivity, or possessed as pets by private persons who are properly licensed, but which animals have not been vaccinated with a proven anti-rabies vaccine that has been developed for that specified species of animal and which vaccine is recognized as an effective vaccine by the health officer, or for which no known rabies incubation period has been established by research recognized by the health officer, which animal has either bitten a human being or which animal is suspected of having rabies, shall be impounded and quarantined by the Director upon the recommendation of the health officer. The animal will be held in quarantine for a specified period of time as directed by the health officer.
 - A. A wild animal may be euthanized at the discretion of the health officer for the purpose of laboratory analysis to determine if the animal is rabid when the health and/or welfare of the person bitten by that animal is in jeopardy.
 - B. The decision whether to euthanize the animal will be based upon history of possible exposure of the animal to rabies.

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5. Any animal possessed in a licensed attraction, zoo, circus, or educational institution, and that is known to have bitten a human being, shall be isolated and subjected to a quarantine period at a location as directed by the health officer or Director. In determining the quarantine and location, the decision will be made on the history of the animal's possible exposure to rabies.
6. No animal may be removed from the place of quarantine without the prior written authorization of the health officer or Director, or his or her designee. If any animal dies during quarantine, the person holding the animal in quarantine shall immediately notify the health officer or Director, and shall immediately surrender the body of the animal without altering the body in any manner.
7. Any unvaccinated dog, cat, or other animal susceptible of carrying rabies that is bitten by a known rabid animal shall be immediately destroyed. If it is an owned animal, however, the owner may elect to have the animal confined and quarantined at the animal services center, or at another location approved by the health officer or Director, for a period of up to six months. All costs of the detention of the animal will be at the expense of the owner.
8. The Director, sheriff or municipal police officer shall have authority to kill an animal in order to procure an animal that is susceptible of carrying rabies and that is known to have bitten a human being or is suspected of having rabies, provided that all other reasonable means and methods under the circumstances to capture the animal have failed. The head of the animal, intact, shall then be submitted to a designated laboratory to be analyzed for rabies infection.

(Ord. No. 2013-33, § 7)

Sec. 14-33. License certificate; tags, vaccination required.

1. Any owner of a dog or cat shall obtain a County license for each such animal when the animal is four months old or older.
 - A. The license will be issued for a period of one year and is required to be renewed annually thereafter and must remain current at all times.
 - B. The record corresponding to the license shall contain the name of the owner, address, breed, sex and color of each animal, or other descriptive data.
 - C. A tag designating the license number shall be issued.
 - D. The tag shall be affixed to the animal's collar or harness at all times, except when the animal is confined, securely fenced or participating in an organized match, show, trial, or obedience training.
 - E. The license issued under this section shall not be transferable from animal to animal or from owner to owner.
 - F. Each license and tag must be obtained from persons designated by the Director. License forms provided by the Director for the registration and licensing of dogs and cats shall be completed and be submitted to the Director.
 - G. Veterinarians are authorized to sell dog licenses and cat licenses and are authorized to charge a surcharge for this service. The amount of the authorized surcharge is established and revised by resolutions adopted by the Board of County Commissioners. Forms and license tags will be furnished by the County to the veterinarian.
2. Any owner of a dog, cat, or ferret shall have such animal vaccinated annually for rabies when the animal is four months old or older. The owner of every dog, cat, and ferret shall have the animal revaccinated 12 months after the initial vaccination. Thereafter, the interval between vaccinations shall conform to the vaccine manufacturer's directions. Every owner shall provide proof of vaccination upon demand of the health officer or his designee or any other person authorized to

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enforce this Ordinance. Animal services may deny issuance of a license to any animal without a current rabies vaccination. No vaccination is required if a licensed veterinarian certifies in writing that the vaccination would endanger the animal's health.

3. Cats belonging to feral cat colonies that are registered with an agency contracted with Collier County to manage a trap-neuter-return program shall be exempt from the requirement to license.
4. Animal-related organizations in good standing with animal services and rescue organizations qualified to adopt animals from animal services that are housing cats and dogs in foster or sanctuary type settings as an alternative to humane euthanasia may acquire a blanket license for all cats and dogs housed.
5. License fees are established and revised by resolutions of the Board of County Commissioners. A portion of each non-neutered/non-spayed animal license fee will be deposited in the County neuter/spay trust fund for the purpose of funding the County's neuter/spay program. The amount to be deposited is established and revised by resolutions adopted by the Board of County Commissioners.

(Ord. No. 2013-33, § 8)

Sec. 14-34. General violations.

1. It shall be unlawful for the owner of an animal to allow or permit his or her animal:
 - A. To be upon the beaches of the county, whether fettered or unfettered, unless the area has been designated by the board as suitable for use by such animals, except for service animals as defined in F.S. § 413.08, or animals used by law enforcement officers or county ordinance enforcement personnel.
 - B. To run at large in or upon any public street, road, sidewalk, other public place, or upon private property without the expressed or implied consent, subject to zoning, of the owner or any lessee of such private property.
 - C. To be upon public school grounds or public playground in the county, whether fettered or unfettered, except for service animals as defined in F.S. § 413.08.
 - D. To enter any building where food is stored, prepared, served or sold to the public, or any other public building or hall; provided, however, that this provision shall not apply to service animals as defined in F.S. § 413.08, to public buildings used for animal shows or exhibitions, or to dogs used for enforcement by any law enforcement officer or code enforcement officer.
 - E. To trespass upon private or public property so as to damage or destroy any property or thing of value, or to defecate and create a sanitary nuisance thereon, including defecating upon roadways, road rights-of-way, sidewalks, or other property so as to create a sanitary nuisance thereon. A sanitary nuisance exists whenever the feces are not immediately removed and properly disposed.
 - F. To chase, run after, or jump at vehicles or bicycles using any road or road right-of-way.
 - G. To snap, growl, snarl, jump upon, or otherwise threaten persons lawfully using any road right-of-way.
 - H. To bark, whine, howl, or cause other objectionable noise, which is offensive and of such a continuous duration of time so as to create a nuisance.
 - I. To be abandoned and thereby relinquish control of an animal with the intent or purpose of setting the animal at large.

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- J. To be confined in an unattended motor vehicle without sufficient ventilation or under other conditions for such periods of time as may endanger the health and/or physical well-being of the animal due to heat, lack of potable water, or such other circumstances as may reasonably cause suffering, disability, or death to the animal.
 - K. No person shall transport or carry any dog or other animal in a motor vehicle unless the animal is safely enclosed within the vehicle. If a person is transporting or carrying an animal in an unenclosed or partially enclosed vehicle including, but not limited to, convertibles, pick-up and flat-bed trucks, the person shall confine the animal in a container, case, or other device that is of proper and adequate size to prevent the animal from falling from or jumping from the motor vehicle.
- 2. It shall be unlawful for any owner to permit, allow or suffer any livestock to run at large or stray upon any roads and highways, or upon the property of another without permission of the property owners or their authorized agent or lessee, subject to zoning.
 - 3. It shall be unlawful to keep any female dog or cat in heat (estrus) which is not confined to a building or secure enclosure, veterinary hospital, or boarding kennel and in such a manner that the female dog or cat can come in contact with any male dog or cat except for intentional breeding with a specific male dog or cat.

(Ord. No. 2013-33, § 9)

Sec. 14-35. Inhumane treatment of animals.

- 1. It shall be unlawful for any person to:
 - A. Fight or bait animals as set forth in F.S. § 828.122, commonly known as "The Animal Fighting Act."
 - B. Maim or disfigure any dog, cat, or other animal.
 - C. Administer poison or expose any poisonous substance with reason to know that the same may kill an animal other than the common rat or mouse.
 - D. Confine animals without sufficient food, water, or exercise, or abandon to die any animal that is maimed, sick, infirm, or diseased, as prohibited in F.S. § 828.13.
 - E. Commit an act of animal cruelty in violation of F.S. § 828.12.
 - F. Beat and cause unnecessary injury and suffering to any animal.
 - G. Work an animal in a sick, diseased or injured condition.
 - H. Fail to properly remove and dispose of animal feces from all animal enclosures and water.
 - I. To keep horses, cattle, or other livestock in a manner inconsistent with recognized livestock husbandry practices.
- 2. Any enclosure used as a primary means of confinement for a dog must meet the definition of proper enclosure as stated in [Section 14-36](#) of this Ordinance. It shall be unlawful for a responsible party to tether a dog while outdoors, except when all of the following conditions are met. This section shall not apply to the transportation of dogs:
 - A. The dog is in visual range of the responsible party, and the responsible party is located outside with the dog.
 - B. The tether is connected to the dog by a buckle-type collar or a body harness made of nylon or leather, not less than one inch in width.

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- C. The tether has the following properties: It is at least five times the length of the dog'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 1/8 of the dog's weight; and it is free of tangles.
 - D. The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement.
 - E. The dog is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes.
 - F. The dog has access to water, shelter, and dry ground.
 - G. The dog is at least six months of age. Dogs under six (6) month of age shall not be tethered.
 - H. The dog is not sick or injured.
 - I. Pulley, running line, or trolley systems are at least 15 feet in length and are less than 7 feet above the ground.
 - J. If there are multiple dogs, each dog is tethered separately.
3. Any enclosure used as the primary confinement of cats shall provide the following conditions:
- A. Cats must be provided access to a receptacle containing sufficient clean litter for excreta and body wastes.
 - B. Cats must be provided solid resting surface(s) that are large enough to hold all cats comfortably.
4. The Director shall impound or make the subject of an order to provide care any animal found to be cruelly treated as defined in this Ordinance or under Florida Law, as outlined in F.S. § 828.073.
5. Whoever violates any provision of this section shall forfeit his right to license an animal in the County for one year in addition to any other penalty provided by this Ordinance or otherwise by law. Any ownership of such animal without benefit of a license shall be deemed an additional violation of this Ordinance.

(Ord. No. 2013-33, § 10)

State law reference— Cruelty to animals, F.S. § 828.12.

Sec. 14-36. Dangerous dogs; definitions and procedures.

1. *Definitions.*

- A. *Dangerous dog* means any dog that according to the records of the appropriate authority:
 - (1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;
 - (2) Has more than once severely injured or killed a domestic animal while off the owner's property;
 - (3) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.
- B. *Unprovoked* means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.

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- C. *Severe injury* means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.
 - D. *Investigation* is conducted by animal services. Animal services must interview the dog's owner when possible and may require a sworn affidavit from any person desiring to have a dog classified as dangerous.
 - E. *Proper enclosure* means that, while on the owner's property, the dog can be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such a pen or structure shall be structurally sound, made of materials impervious to moisture, have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure, and shall also provide protection from injury and the elements. The square footage of a proper enclosure used as a primary means of confinement for a dog must be equal to or greater than the length of the animal from the tip of the nose to the base of the tail, doubled, then squared, and divided by 144. For example, a dog measuring 30 inches from the tip of the nose to the base of the tail will require a 25 square foot enclosure ($30 \times 2 = 60$; $60 \times 60 = 3,600$; $3,600/144 = 25$). The height of the enclosure shall be equal to or greater than the length of the animal from the tip of the nose to the base of the tail multiplied by 1.5.
2. *Procedure.*
- A. The Director shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, including any animal control officer or enforcement officer, desiring to have a dog classified as dangerous. Any animal that is the subject of a dangerous dog investigation, and is not impounded with animal services, shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification. The address of where the animal resides shall be provided to animal services. No dog that is the subject of a dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog classification. In the event that a dog is to be destroyed, the dog shall not be relocated or ownership transferred.
 - B. Animal services may impound any dog under investigation if the owner is unable or unwilling to securely confine the dog during the investigation. Upon written notice from animal services, the owner must allow access to the dog for the purposes of impoundment. If the dog is impounded during this time, the owner is responsible for all costs related to impoundment unless the owner ultimately prevails and the dog is not declared dangerous.
 - C. A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
 - D. If the Director, or his or her designee, makes an initial determination that a dog is dangerous, based on the initial investigation, the County shall provide written notification of that determination to the owner of the dog. Notice shall be by certified mail, by certified hand delivery, by service pursuant to F.S. ch. 48, or as otherwise authorized by Florida Statute. The Director's initial determination shall automatically become final unless the dog's owner, within seven calendar days after receipt of the notice, files a written request for a hearing to challenge the Director's initial determination. The written request must be submitted to animal services. If the dog's owner files a timely written request for a challenge hearing, the effective date of the determination shall be the date of the final decision of the Special Magistrate.

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- E. Any owner of a dog that is initially declared dangerous by the Director may appeal that decision to the Code Enforcement Special Magistrate. This hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than 5 days after receipt of request from the owner. The hearing may only be continued by agreement of both parties.
 - F. If the Special Magistrate's determination is to uphold the dangerous dog classification, animal services shall provide written notification to the owner as required above. The dog owner may file a written request for a hearing in county court to appeal the classification within ten (10) business days after receiving notice. This request for hearing must be filed with the county court, and a copy provided to animal services within the time provided. Any such appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Magistrate.
3. *Registration of dangerous dog and fees.*
- A. Registration of dangerous dog. Not later than 14 calendar days after the final effective date, as specified above, that the dog is determined to be a dangerous dog, the dog's owner must file a complete written standard form application with animal services to be issued a certificate of registration for the dangerous dog. The application/administration fee for each certificate shall be \$300.00 annually. A complete application for the initial certificate of registration shall include: (i) the filing fee and late fees, if any; (ii) a color photograph of dog and a signed acknowledgement form that the dog will be identified by name and address on the Collier County Animal Services website; (iii) a receipt or other written proof that the dog has been permanently identified (via tattoo or microchip); (iv) a current certificate of vaccination for the dog; and (v) a receipt or other written proof that the dog has been spayed or neutered by a licensed veterinarian. If there is a medical or other reason that the dog cannot be spayed or neutered, the owner will provide the reason in writing signed by a Collier County licensed veterinarian.
 - B. Within ten days of receipt of a complete application, animal services will make a site visit to ensure provision of a proper enclosure, and posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property. Animal services will provide the required signs. Upon completion of a successful site visit, animal services will issue the requested initial certificate. The duration of each certificate is 365 days. There shall be a late fee of \$10.00 per day, for each day that the certificate is not issued.
 - C. Annual renewal of certificate of registration. A standard renewal application must be filed annually at least ten calendar days prior to the date that the respective certificate is to expire. A complete application for a renewal certificate shall include the \$300.00 renewal/administrative fee, a then current color photograph of each dangerous dog sign posted at the premises where the dangerous dog resides, and a current certificate of vaccination.
 - D. Failure to re-register. There shall be a late fee of \$10.00 for each day that a complete renewal application is not filed. Animal services may impound any dog whose owner has: (i) filed to re-apply for registration 30 days past the expiration of the certification; or (ii) failed to successfully complete re-registration 45 days past the expiration of the certification. Upon written notice from animal services, the owner must allow access to the dog for the purposes of impoundment. The owner is responsible for all costs related to impoundment. Failure to successfully re-register the dog after 30 days of impoundment will result in forfeiture of ownership of the dog. Animal services may dispose of such an impounded dog, in a humane manner, at the expense of the owner.
4. *Subsequent handling of dangerous dogs.*

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- A. The owner shall immediately notify animal services when a dog that has been classified as dangerous:
- (1) Is loose or unconfined;
 - (2) Has bitten a human being or attacked another animal; and/or
 - (3) Is sold, given away, or dies.

Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to animal services. The new owner must comply with all the requirements of this Ordinance. The owner is required to notify the appropriate animal services authority if the dog is moved out of jurisdiction.

- B. It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a suitable leash of dependable strength and under the control of a competent person. Unless prohibited by the dog's physical make-up, as in brachycephalic breeds, the muzzle must be of a cage-style that will not interfere with the dog's vision, will allow the dog to pant and drink, but will prevent it from biting a person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or a leash, if the dog remains within his or her sight and only members of the immediate household or person 18 years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.
- C. Hunting dogs are exempt from the provisions of this act when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from the provisions of this act when engaged in any legal procedures. However, such dogs at all other times in all other respects shall be subject to this and local laws. Dogs that have been classified as dangerous shall not be used for hunting purposes.
- D. This section does not apply to dogs used by law enforcement officials for law enforcement work.

5. *Attack or bite by dangerous dog.*

- A. If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the owner is guilty of a misdemeanor of the first degree, punishable as provided in F.S. ch. 775, and subject to imposition of a fine not to exceed \$500.00. In addition, the dangerous dog shall be immediately confiscated by animal services, placed in quarantine, if necessary, for the proper length of time, or impounded and held for ten business days after the owner is given proper written notification, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing as outlined above in this section. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.
- B. If a dog that has not been declared dangerous attacks and causes severe injury to or death of any human, the dog shall be immediately confiscated by animal services, placed in quarantine, if necessary, for the proper length of time or held for ten business days after the owner is given proper written notification, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing under this Ordinance, above. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure. In addition, if the owner of the dog had prior knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog is guilty

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of a misdemeanor of the second degree, punishable as provided in F.S. ch. 775, and subject to imposition of a fine not to exceed \$500.00.

- C. If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner is guilty of a felony of the third degree, punishable as provided in F.S. ch. 775. In addition, the dog shall be immediately confiscated by animal services, placed in quarantine, if necessary, for the proper length of time or held for ten business days after the owner is given proper written notification, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing under this section. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.
 - D. If the owner files a written appeal under this section, the dog must be held and may not be destroyed while the appeal is pending.
 - E. If a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner is not guilty of any crime specified under this section.
6. *Violations.*
- A. Failure to comply with any provision of this section may result in a fine not to exceed \$500.00 and impoundment of the subject dog. Upon written notice from animal services, the owner must allow access to the dog for the purposes of impoundment. The owner is responsible for all costs related to impoundment.
 - B. Failure to cure any violation of this section within 30 days of impoundment of the subject dog will result in forfeiture of ownership of the dog. Animal services may dispose of such an impounded dog, in a humane manner at the expense of the owner.
 - C. Upon second occurrence of a violation of this section, failure to cure within ten days of impoundment of the subject dog will result in forfeiture of ownership of the dog. Animal services may dispose of such an impounded dog, in a humane manner at the expense of the owner.

(Ord. No. 2013-33, § 11)

Sec. 14-37. Standards of care.

- 1. The following provisions are limited to animal-related businesses, animal-related organizations, commercial breeders, non-commercial breeders, and rodeos.
- 2. The Director is hereby granted authority to recommend Standards of Care for animal-related businesses, animal-related organizations, commercial breeders, non-commercial breeders, and rodeos for approval by the Board of County Commissioners. Standards of Care shall be approved by ordinance of the Board and then codified in the Collier County Administrative Code. As set forth below, a violation of an approved Standard of Care shall be deemed to be a violation of this Ordinance.
- 3. The owner or operator of any animal-related business, animal-related organization, commercial breeder, non-commercial breeder, or rodeo shall properly feed and care for each animal in their custody or control and otherwise meet all relevant Standards of Care.
- 4. The Director shall inspect the premises of any animal-related business and any animal-related organization on an annual basis. The Director shall inspect the premises of any rodeo prior to or within twenty-four (24) hours of the commencement of that event. The Director will inspect the premises of any breeder on a quarterly basis. Routine inspections of businesses, or organizations, or breeders located in a premises used primarily as a residence will be noticed a minimum of twenty-

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four (24) hours in advance. No duty to notify exists should animal services receive a complaint alleging a violation of this Ordinance.

5. Refusal to allow the Director to inspect any premises, animal, or records associated with any animal-related business, organization or rodeo, or any breeding operation, shall constitute a violation of this Ordinance.
6. Should the inspection reveal a violation of this Ordinance or the relevant Standards of Care, a Notice to Comply will be issued. The Notice to Comply shall specify the violation and shall contain a time period not to exceed 15 days to enable the violator to come into compliance. The premises shall be re-inspected promptly following the time period specified by the Notice to Comply. Failure to correct the violation shall result in the issuance of a citation.
7. Every person who owns or operates an animal-related business or animal-related organization shall obtain a permit from the Director. A fee will be charged for the permit. Permit fees shall be established and revised by resolutions of the Board of County Commissioners. The Director shall issue an animal-related business or organization permit after receipt of this fee and inspection of the business or organization premises if he determines that the premises meet all established standards and regulations. The permit shall be displayed within the licensed premises at a place where it is clearly visible to the public. An animal-related business or organization permit is valid for one (1) calendar year and must be renewed annually. Renewal applications must be made thirty (30) days prior to expiration of the permit. Permits are not transferable or refundable.
8. Every person or organization who sponsors or operates a rodeo shall, at least thirty (30) days prior to the date of the event, make application to the Director for a permit to operate. The fee for such application and permit shall be established and revised by resolutions of the Board of County Commissioners. The Director shall issue a rodeo permit after receipt of this fee and inspection of the event premises if he determines that the event will meet the established Standards of Care. That permit shall be displayed at the event at a place where it is clearly visible to the public.
9. Commercial and non-commercial breeders must obtain the applicable breeder permit from the Director. A fee will be charged for the permit. Permit fees shall be established and revised by resolutions of the Board of County Commissioners. The Director shall issue the applicable breeder permit after receipt of this fee and inspection of the breeder's premises if he determines that the breeder meets the established Standards of Care. A breeder permit is valid for one (1) calendar year and must be renewed annually. Renewal applications must be made thirty (30) days prior to expiration of the permit. Permits are not transferable or refundable. Failure to obtain a permit prior to operating as a breeder shall constitute a violation of this Ordinance.
10. The Director shall have the authority to deny, suspend or revoke a permit, as issued under this Section. The Director shall notify the permit holder of the denial, suspension, or revocation of the permit in writing. Any person who has been denied a permit or whose permit has been revoked or suspended may appeal this action in a court of competent jurisdiction within thirty calendar days from the date of notice.
11. Animal-related organizations in good standing with animal services as contemplated herein and rescue organizations qualified to adopt animals from animal services that are housing cats and dogs in foster or sanctuary settings as an alternative to humane euthanasia may acquire a blanket license for all cats and dogs housed when registering the animals housed on the premises.

(Ord. No. 2013-33, § 12)

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Sec. 14-38. Penalties.

1. For any violation or alleged violation of this Ordinance, the Director, deputy sheriff, municipal police officer, or other enforcement officer empowered to enforce this Ordinance, may issue to the owner of (or to the person in custody of) the animal a written warning statement.
2. For an initial violation of [Section 14-33](#); [Section 14-35](#), Subsection 2; [Section 14-36](#) and [Section 14-37](#) of this Ordinance, the Director, deputy sheriff, municipal police officer, or other enforcement officer empowered to enforce this Ordinance, may issue to the owner of (or to the person in custody of) the animal a Notice to Comply under which the recipient must come into compliance within fifteen days of receipt. Failure to comply may result in issuance of a citation.
3. For any violation of [Section 14-34](#) of this Ordinance, the Director, deputy sheriff, municipal police officer, or other enforcement officer empowered to enforce this Ordinance, may issue to the owner of (or to the person in custody of) such animal a notice of violation. A fine of \$25.00 is to be paid to animal services within 72 hours, excluding Saturdays, Sundays and legal holidays. If the notice of violation fine is not paid within the prescribed time, a citation may be issued.
4. A violation of this Ordinance is a civil infraction as provided in F.S. § 828.27. For any violation of this Ordinance, the Director, deputy sheriff, municipal police officer, or other enforcement officer empowered to enforce this Ordinance, may issue to the owner of (or to the person in custody of) such animal a citation.
 - A. A citation issued by an animal control enforcement officer under the provisions of this section shall be in a form prescribed by the board. Such citation shall contain all known information required by F.S. § 828.27, including the date and time of issuance of the citation; name and address of the person in violation; the date of the violation; description of the animal involved; the section or sections of this Ordinance, or subsequent amendments, violated; the facts constituting probable cause; name and authority of the citing enforcement officer; also the procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear before the special magistrate when a mandatory appearance is required as specified in the citation or when scheduled by the code enforcement department, in which case there is no option but to appear before the special magistrate; the applicable civil penalty if the person elects not to contest the citation and the applicable civil penalty if the person elects to contest the citation; also a conspicuous statement of the effect of failure to promptly pay the fine or appear before the special magistrate or in court. Subject to the limitations now or hereafter specified in F.S. § 828.27, a mandatory special magistrate or court appearance may be required by the issuing officer. Mandatory appearances before a special magistrate may also be ordered by the special magistrate as specified in this section, or as otherwise within the special magistrate's authority.
 - B. Upon conviction of any civil infraction, the violator shall be punished by a fine not to exceed \$500.00 in the discretion of the court or special magistrate, as applicable. Each day of the violation or noncompliance as to each animal shall be considered as a separate and distinct offense. In addition, any person convicted under any provisions of this Ordinance shall pay all costs and expenses involved in the case.
 - C. Each violator shall be required to pay an administrative surcharge of \$5.00, plus a \$2.00 surcharge to pay the costs of the 40-hour minimum standards training course for animal control enforcement officers for each cited violation.
 - D. Each person or entity that commits one or more civil infraction(s) under this Ordinance, but does not contest the citation, shall pay a fine for each such separate offense as follows:

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- (1) *Nonaggravated violations.* Fines for an uncontested citation for violation of any provision of this Ordinance, except any aggravated violation described in Subsection (2), below and as defined above, are as follows:
 - (a) *First citation:* \$100.00 for each first offense.
 - (b) *Second citation:* \$200.00 for each second offense.
 - (c) *Third (or more) citation:* \$300.00 for each such offense if a mandatory appearance is not required by the animal control enforcement officer named on the citation. If a mandatory appearance is required by the animal control enforcement officer named on the citation, the recommended fine should be more than \$350.00, but not more than \$500.00. The amount of the fine(s) shall be as determined by the special magistrate or other trier of fact. A mandatory appearance shall be required for each third and each subsequent citation if the violator has not at the time of issuance of the citation paid all fines and all surcharges for all prior citations.
 - (2) *Aggravated violations.* A violation of [Section 14-39](#), Subsection 4; [Section 14-34](#), Subsections 1(I) and (J); or [Section 14-35](#), Subsection 1, shall be considered an aggravated violation. For each uncontested aggravated violation, the fines and appearance obligations are as follows:
 - (a) *First citation:* \$250.00 for each first aggravated violation.
 - (b) *Second citation:* \$350.00 for each second aggravated violation and a mandatory appearance before the Special Magistrate.
 - (c) *Third (or more) citation(s):* A mandatory appearance and a recommended fine of more than \$400.00 but not more than \$500.00 for each such aggravated violation. The amount of such fines shall be determined by the Special Magistrate or other trier of fact.
- E. Animal services may authorize and establish an educational program aimed at teaching responsible pet ownership. When such a program becomes available any person who receives a citation may elect to attend in lieu of payment. The person cited shall be responsible for any cost associated with attending the course. The person cited must register and pay for the course within twenty (20) days of receipt of the citation. Registration and payment for the course constitutes admission of the violation and in so doing the person waives his or her right to contest the violation to the Special Magistrate. The course must be successfully completed within ninety (90) days of receipt of the citation. Upon completion of the course, the civil penalty will be waived; however, a person may not make an election under this subsection if the person has successfully completed this course within the preceding twelve (12) months or if the citation requires a mandatory appearance before the special magistrate. A person may make no more than two (2) elections under this subsection. Successful completion of the course does not constitute dismissal of the violation as a first (or subsequent) offense.
- F. A person who is required to appear does not have the option of paying the fine instead of appearing before the Special Magistrate.
- G. A citation that is dismissed by the county, or by the Special Magistrate or by other trier of fact, shall not count as a prior citation for the purpose of determining the number of prior citations issued to that violator.
- H. The violator's failure to pay the fine, and/or to timely request a hearing before the Special Magistrate may result in an admission of guilt. The code enforcement department shall give notice to the violator that a hearing will be conducted concerning the alleged violation(s) and/or unpaid fines. The notice shall be in similar form to that described in the Collier County Code Enforcement Special Magistrate Ordinance and state the time and place of the hearing, as well

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as the violation(s) which are alleged to exist and/or the accruing fine amount, if applicable. The Special Magistrate's findings shall be reduced to writing and recorded in the official records.

- I. Notwithstanding anything in this Ordinance, the individual who issues the citation or other pleading may require a mandatory appearance if a mandatory appearance is in that instance authorized by law.
 - J. If the named violator is properly noticed of the hearing and fails to appear, the Special Magistrate may hear the citation and impose any penalties allowed by this Ordinance.
 - K. The named violator or the county may seek to overturn a final order of the Special Magistrate by making application to the county court for a trial de novo on the merits. Such application must be filed within 30 calendar days from the rendition of the order sought to be overturned. A violator will have the right to a de novo proceeding provided that all administrative remedies have been exhausted. Failure to make such application within the required time period will render the findings and order of the Special Magistrate conclusive, binding, and final. All findings of the Special Magistrate will be evidence at any de novo proceeding held pursuant to this subsection.
 - L. If the named violator or the animal control enforcement officer fails to appear in court the court may issue an order to show cause. Such order shall require such persons to appear before the court to explain why action on the citation has not been taken or the court may render a civil judgment up to \$500.00. If any person who is issued an order to show cause fails to appear in response to the court's directive, that person may be held in contempt of court.
 - M. If any penalty provision specified by F.S. § 828.86 is amended, such amended penalty provisions shall apply to this Ordinance without further action by the board of county commissioners.
 - N. The County may institute proceedings in a court of competent jurisdiction to compel payment of any civil penalty. If a person fails to pay the civil penalty, or fails to appear in court as may be required, then the court may issue an order to show cause upon the request of animal services. The person shall be required by the court to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, the person may be held in contempt of court.
 - O. Nothing herein contained shall prevent or restrict the county from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief and an action at law for damages.
5. *Penalty Schedule.* The following Penalty Schedule is meant as a summary of the penalties set forth above. Should this chart conflict with the penalty provisions set forth above, the penalty provisions shall control.

Violation of	First Offense	Second Offense	Third or Subsequent Offense	Officer Discretion Permitted?
Section 14-33 Requirement to license and vaccinate	Notice to Comply, with a \$100.00 citation issued if not in compliance in 15	Notice to Comply, with a \$100.00 citation issued if not in compliance in 15 days	Citation: \$100.00	Yes

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	days			
Section 14-34 General Violations	Formal Written Warning	Notice of Violation, with a \$100.00 citation issued if \$25.00 discounted fine not paid in 72 hours	Citation: \$100.00	Yes
Section 14-34 Subsections 1(I) and (J)	Aggravated Citation: \$250.00	Aggravated Citation: \$350.00 with mandatory appearance	Aggravated Citation, with mandatory appearance: \$400.00— 500.00, as set by the special magistrate	No
Section 14-35 Subsection 1: Animal Cruelty	Aggravated Citation: \$250.00	Aggravated Citation: \$350.00 with mandatory appearance	Aggravated Citation, with mandatory appearance: \$400.00— 500.00, as set by the special magistrate	No
Section 14-35 Subsection 2: Tethering	Notice to Comply, with a \$100.00 citation issued if not in compliance in 15 days	Citation: \$200.00	Aggravated Citation: \$350.00	No
Section 14-36 Dangerous Dog	Notice to Comply with a \$100.00 citation issued if not in compliance in 15 days	Citation: \$200.00	Citation: \$300.00	Yes
Section 14-37 Standards of Care	Notice to Comply with a \$100.00 citation issued if not in compliance upon re-inspection	Citation: \$200	Citation: \$300.00	No if violation constitutes cruelty

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Any item not specified above	Citation: \$100.00	Citation: \$200.00	Citation: \$300.00	Yes
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(Ord. No. 2013-33, § 13)

Sec. 14-39. Disposition of impounded animals.

1. Impounded animals not suspected of having an infectious or contagious disease shall be held for a minimum of five full days (120 hours) to provide time for the animal's owner to notify staff of intent to recover the animal. The Director or designee shall make at least three attempts to contact the owner of an impounded animal, if the owner's identity is known or easily ascertained, before the animal's humane disposition. Dogs, cats, and other animals not claimed within the five-day period, may be adopted, or may be euthanized by any method specified in F.S. § 828.058.
2. Animals shall be released to owners on presentation of proof of ownership and payment of costs and fees.
 - A. *Fees.*
 - (1) Fees related to impoundments may include, but are not limited to; impoundment fees, advertising fees for impounded livestock, laboratory and veterinarian fees, transportation fees, and daily board.
 - (2) Fees are established and revised by resolutions adopted by the board of county commissioners.
 - B. *Microchipping.*
 - (1) Dogs and cats that have been impounded shall be microchipped by animal services' staff at the owner's expense prior to being released to the owner. Microchipping shall be required based on the first impoundment.
 - (2) Animals that are already microchipped when impounded, must have the information on the microchip recorded by animal services. The information must be accurate and current. If the information is not current, the owner must come into compliance with this section prior to having the animal released.
 - (3) At the discretion of the Director, the animal may be released to the owner if the owner signs a sworn statement representing that the animal will be implanted with a microchip by a licensed veterinarian. The owner will be required to submit a statement within ten days, signed by a licensed veterinarian, confirming that the animal has been so implanted and provide the microchip number to animal services. No microchipping is required if a licensed veterinarian certifies in writing that microchipping would endanger the animal's health.
 - C. *Mandatory spay/neuter.*
 - (1) Dogs and cats that have been impounded shall be spayed/neutered at the owner's expense prior to being released to the owner. Spay/neuter shall be required based on first impoundment.
 - (2) At the discretion of the Directors, the animal may be released to the owner if the owner signs a sworn statement representing that the animal will be spayed/neutered by a

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licensed veterinarian. The owner will be required to submit a statement within ten days, signed by a licensed veterinarian, confirming that the animal has been so sterilized. No spay/neuter is required if a licensed veterinarian certifies in writing that the surgery would endanger the animal's health or if a licensed veterinarian with whom the pet owner has a previously established doctor-patient-client relationship certifies in writing that the animal is of appropriate health, conformation, and temperament to be bred. Such certification is to be made on a sworn statement provided by the County. The owner of the animal will also certify on a sworn statement to be provided by the County that he or she will comply with the provisions of this Ordinance or all laws and ordinances governing the regulation of breeders.

3. Animals not claimed within a five-day period may be adopted, subject to the provisions below:
 - A. Adoption fees are established and revised by resolutions adopted by the board of county commissioners.
 - B. A portion of each adoption fee for a dog or cat will be deposited in the county neuter/spay trust fund for the purpose of funding the county's neuter/spay program. The amount to be deposited is established and revised by resolutions adopted by the board of county commissioners.
 - C. Administration of the neuter/spay program shall remain under the control of the Director. Accounting for the disbursement of the neuter/spay fees shall be in accordance with procedures of the county's finance department.
 - D. Dogs and cats that are adopted shall be microchipped by animal services' staff at the adopter's expense prior to being released to the adopter.
 - E. Dogs and cats that are adopted shall be spayed/neutered by animal services' veterinarian or a licensed veterinarian contracted by animal services prior to being released to the adopter.
 - F. If a dog or cat adopted from animal services is not sterilized prior to placement in the adopter's home, the adopter shall have the animal sterilized by a licensed veterinarian within 30 days of the adoption or prior to the animal's sexual maturity. The adopter shall enter into a written agreement with the county guaranteeing such sterilization. If the subsequent sterilization is not performed by animal services' veterinarian or a licensed veterinarian contracted by animal services, the adopter shall be responsible for the expense. Assumption of financial responsibility does not relieve the adopter of the requirement to provide written proof of sterilization within the specified time limit.
4. No person, or on behalf of any other person or entity whatsoever, shall acquire or attempt to acquire actual or constructive possession of any animal for any use in research, testing, animal fighting, or animal sacrifice, from the actual or constructive possession of any county animal services center, or from any person or entity operating or controlling any animal custody facility, pound, or animal shelter that is then leased from the county by a lease that prohibits such use, or is then under a contract with the county which contract prohibits such use. Such use includes the immediate or eventual sale, transfer, gift, trade, donation, delivery, or any other provision of any animal for use in research, testing, and/or animal sacrifice. No employee, volunteer, worker, agent or other representative of any such entity shall knowingly release from the actual or constructive possession of any such entity, any animal for any such known or suspected use.
5. Failure to comply with the requirements of section shall be a violation of this Ordinance and punishable as provided in [Section 14-38](#)

(Ord. No. 2013-33, § 14)

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Sec. 14-40. Wild animals.

It shall be unlawful for any person to maintain or keep a wild animal except:

1. Owners licensed by the State Fish and Wildlife Conservation Commission and confined to the owner's premises in a cage or enclosure.
2. A wild animal for exhibition purposes maintained by a licensed circus, zoo, attraction or educational institution.

(Ord. No. 2013-33, § 15)

Sec. 14-41. Psittacine birds.

1. A Psittacine bird known to be infected with the Psittacosis virus, or to have been associated with a bird known to be infected, shall be quarantined until released by the health officer. No bird shall be removed from where an infected bird is found until the quarantine is lifted.
2. When human contamination is traced to an aviary a reasonable number of birds will be confiscated for virus examination.
3. Infected birds shall be killed and their bodies immersed in two percent Creosol and burned before the feathers are dry if the bodies are not shipped for laboratory examination. Shipment for laboratory examination shall be made in accordance with instructions by the health officer.

(Ord. No. 2013-33, § 16)

Sec. 14-42. Feral cats.

1. Feral cat colonies shall be permitted when registered with an agency contracted with Collier County to manage a trap-neuter-return program.
2. Feral cat colonies shall be managed in compliance with the terms and conditions of such a contract.
3. In the event animal services receives a complaint of an alleged violation of [Section 14-35](#) of this Ordinance, the agency contracted with Collier County to manage a trap-neuter-return program shall be given 15 days to remedy said violation. Thereafter, all normal provisions of this Ordinance apply.
4. For the purposes of enforcement of this Ordinance, a feral cat's caregiver shall be considered its owner.

(Ord. No. 2013-33, § 17)

Secs. 14-43—14-50. Reserved.

FOOTNOTE(S):

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PART I - CODE
Chapter 14 - ANIMALS

ARTICLE II. ANIMAL CONTROL

Editor's note— Ord. No. 2013-33, §§ 1—18, adopted May 14, 2013, repealed Art. II, §§ 14-26—14-42, which pertained to similar subject matter and derived from: Ord. No. 93-56, §§ 1—15, 17; Ord. No. 94-10, §§ 1—3; Ord. No. 01-39, §§ 1—8; Ord. No. 2005-57, §§ 1—3; Ord. No. 2005-67, § 1; Ord. No. 2007-23, §§ 1—5; Ord. No. 2008-51, §§ 1—16; and Ord. No. 2010-03, §§ 1—6. ([Back](#))

State Law reference— Dangerous dogs, F.S. § 767.11 et seq.; local animal control ordinances, F.S. § 828.27. ([Back](#))