

ORDINANCE NO. 2018- 33

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE 2013-33, THE COLLIER COUNTY ANIMAL CONTROL ORDINANCE, BY AMENDING DEFINITIONS; ALLOWING FOR PHOTOGRAPHIC OR VIDEO EVIDENCE OF VIOLATIONS WITH AFFIDAVIT; PROVIDING FOR NEW QUARANTINE REQUIREMENTS AND FEES; PROVIDING SPECIFIC LICENSING REQUIREMENTS FOR NEWLY ACQUIRED PETS AND POLICE WORKING DOGS; ADDING A SECTION FOR KEEPING OR ADOPTING FOUND STRAY ANIMALS; AMENDING GENERAL VIOLATIONS; ADDING A SECTION FOR MANNER OF KEEPING ANIMALS TO ESTABLISH MINIMUM STANDARDS FOR ANIMAL CARE AND ALLOWING FOR A NOTICE TO COMPLY TO BE ISSUED FOR FIRST OFFENSES OF THIS SECTION; PROHIBITING EAR DOCKING, INTENTIONAL POISONING, AND BESTIALITY; AMENDING THE DANGEROUS DOG SECTION TO MIRROR STATE STATUTE; RENAMING “NON-COMMERCIAL BREEDERS” TO “HOBBY BREEDERS”; ELIMINATING MANDATORY HOLDS FOR PUPPIES, KITTENS, AND UNIDENTIFIED CATS; PROVIDING FOR VOLUNTARY SURRENDERS; RENAMING “FERAL CATS” TO “COMMUNITY CATS”; REVISING THE TRAP-NEUTER-RETURN PROGRAM; ADDING A SECTION FOR INJURY TO ANIMALS BY MOTOR VEHICLES; ADDING A SECTION FOR DISPOSAL OF BODIES OF DEAD ANIMALS; ADDING A SECTION FOR TAMPERING WITH ANIMAL TRAPS OR CAPTURING DEVICES; ADDING A SECTION FOR LIVESTOCK; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 14, 2013, the Board of County Commissioners of Collier County (“Board”) adopted Ordinance No. 2013-33, the Collier County Animal Control Ordinance, which repealed and superseded Ordinance No. 2008-51, as amended; and

WHEREAS, on October 13, 2015, the Board approved a shelter assessment conducted by a team of veterinarians from Maddie’s Shelter Medicine Program at the University of Florida wherein it was recommended that the County remove mandatory hold times for puppies, kittens and adult cats without identification and eliminate the third-party Trap-Neuter-Return program and institute a program conducted by Collier County directly; and

WHEREAS, in 2016, the Florida Legislature amended portions of Chapter 767, Florida Statutes, regarding dangerous dogs; and

WHEREAS, on November 21, 2017, the Animal Services Advisory Committee approved suggested changes to the regulations on breeders and inhumane treatment of animals; and

WHEREAS, Domestic Animal Services (“Division”) staff has identified several services currently provided by the Division, such as responding to complaints about deceased animals, animals hit by cars, found animals, and voluntary surrender of animals, and suggests provisions to regulate those services; and

WHEREAS, the Division also recommends that the sections of the Ordinance be reorganized to ease implementation as well as to provide for adjusted penalties for some violations; and

WHEREAS, these recommendations are consistent with the Division’s mission: *to ensure compliance with local and State animal-related laws; to return 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*; and

WHEREAS, in consideration of the above-mentioned recommendations, the Board finds it in the best interest of the citizens of Collier County to amend Ordinance No. 2013-33 to codify those recommendations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

SECTION ONE: AMENDMENTS TO ORDINANCE NO. 2013-33.

Ordinance No. 2013-33 is hereby amended as follows:

[. . .]

SECTION THREE: 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:

Abandon shall mean to forsake an animal entirely or neglect or refuse to provide or perform the legal obligations for care and support of an animal by its Owner or its Custodian.

~~*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~~ vertebrate other than a human being.

Animal Control Officer shall be defined in accordance with F.S. § 828.27, as may be amended and shall be deemed appointed as an agent of the County as contemplated in F.S. §828.03.

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

A. Failure to provide minimal standards of sanitation, space, nutrition or veterinary care for animals; and

B. Attempts to accumulate or maintain a collection of animals in the face of progressively deteriorating conditions.

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~~ Division. Animal services may be referred to herein as "Division."

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 who engages in the sale or breeding of three (3) or more litters of dogs or cats, per a one-year period 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.

~~*Feral cat-Community cat* shall means any un-owned free-roaming cat that has been sterilized, vaccinated against rabies, eartipped or eartnotched, implanted with an RFID, and returned to field and may be cared for by one (1) or more residents of the immediate area who is/are known or unknown is free roaming and exists in a wild or untamed state.~~

Feral Community cat caregiver means any person who provides food, water, ~~or~~ shelter, and/or otherwise cares for one (1) or more (a) feral community cat(s) but who does not own, harbor, keep, or have custody, control, or charge of such cats.

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.

Custodian means any person who is not the Owner of an animal, but is in possession of or control of an animal.

Dangerous dog shall be defined in accordance with F.S. § 767.11, as may be amended. ~~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 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~~ Division, 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.

Free-roaming means any dog or cat found outdoors regardless of the its appearance, behavior or ownership status.

~~*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.~~

Grooming means that animals shall be groomed in such a manner to maintain health. Animals shall be provided with hair, hoof, claw, nail, tooth and beak care as appropriate and as necessary to maintain health and comfort.

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 Hobby Breeder* means any person who intentionally or unintentionally causes or allows or business required to hold a business tax receipt that breeding or studing of 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 household or premises per a one-year period, 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. If the owner is a minor as defined by statute, the minor's parent(s) or legal guardian(s) shall be deemed the owner for purposes of this chapter.~~

~~*Pet dealer* shall mean any person who, in commerce, for compensation or profit engages in the sale of a dog(s) or cat(s) for use as a pet but who does not engage in breeding dogs or cats. This definition excludes humane societies, private nonprofit animal organizations, animal rescue organizations and animal shelters.~~

~~*Police working dog* shall mean any dog owned by any State, County or municipal police department or any State or Federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.~~

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

~~*Proper Enclosure for primary means of confinement for dogs* means an enclosed or locked pen or structure, designed to prevent the animal from escaping. Such pen or structure shall be a structurally sound enclosure, made of materials impervious to moisture 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.~~

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.

Radio frequency identification device (RFID), commonly referred to as a Microchip, means a device that is implanted underneath the skin of a dog, cat or other animal that when scanned produces a unique number that identifies the animal and its owner, if properly registered. When present, an RFID with registration information shall be considered the primary indication of ownership.

Rescue Organization, Animal Rescue Group, Animal-related organization shall mean a duly incorporated non-profit organization that has tax exempt status in accordance with Section 501(c)(3) of the United States Internal Revenue Code, founded or chartered with the primary mission being the welfare, care, and adoption/placement of stray, abandoned, or surrendered animals, and which does not breed dogs or cats or obtain these animals for any form of payment or compensation from any source other than an animal shelter. Such organizations make pets available on a cost-recovery basis and/or foster animals or enlist others to foster animals.

Rescue Pet Placement Partner means a group of persons who has completed a Collier County Pet Placement Partner application and is approved to rescue adopt animals from animals services, who hold themselves out as an animal rescue group, accept or solicit dogs, cats, or other animals with the intent of finding permanent adoptive homes or providing lifelong care for such dogs, cats, or other animals, and who use foster homes as the primary means of housing animals; or a group of persons formed for the prevention of cruelty to animals.

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.

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.

Shelter shall mean, 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 a 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.

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~~ hobby breeders, and rodeos, as adopted by the Board of County Commissioners.

Sustenance shall mean access to and the provision of palatable nourishment appropriate for the type of animal which is to eat it, free from contamination and provided in a clean and sanitary manner. Food shall be of sufficient nutritional value to maintain the animal in good health and shall be provided at suitable intervals for the species, age and condition of the animal but not less than once daily except as otherwise prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal to the species.

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-vaccinate-return (TNVR) shall means a program whereby a free-roaming cat is the practice of humanely trapped, ing feral cats; ensuring they are spayed or neutered, vaccinated against the threat of rabies, implanted with an RFID, and eartipped or eartipped; and returned to their original point of pick-up or other suitable location as part of a community cat management program. 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.~~

Unaltered shall mean an animal that has not been sterilized.

Unprovoked means that a person, who has been conducting himself or herself peacefully and lawfully, has been bitten or chased in a menacing fashion or attacked by an animal. The meaning of "unprovoked" as it relates to Section Thirteen shall follow the definition as provided in F.S. Ch. 767.

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.

Water shall mean 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.

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

SECTION FOUR: 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 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.

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SECTION SIX: Complaints.

1. Complaints for alleged violation(s) of this Ordinance shall be communicated to the Director or designee, 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/visitor (at least one affidavit must come from a resident of the County) of a separate dwelling in the vicinity of the violation, and acknowledged under oath before an individual authorized by law to take acknowledgements, or one adult witness who is a resident of the County who submits an "affidavit" with a recorded video or photograph showing an alleged violation, setting forth the complained of acts, an enforcement officer shall investigate the facts to determine if the acts complained of are a violation, ~~and,~~ The video or photograph shall be considered upon proof of date and time or reliable indications of date and time as determined by the Director or designee. ~~If upon the review of the above the Director or designee determines satisfied~~ that a violation has occurred, ~~may issue~~ a penalty may be issued 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 Fifteen.

SECTION SEVEN: 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.~~ A rabies control program, including the investigation of all reported animal bites, may be carried out through a mutual agreement with the Florida Department of Health using the requirements of Florida Department of Health Rules and Regulation, Chapter 64 D-3, Florida Administrative Code, and/or this Ordinance as a basis for enforcement and program implementation.

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 ~~Division~~department of animal services, if known, 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. Name(s) and description(s) of other persons and animals involved.
3. An animal known to have bitten or a cat that has scratched a human or an animal suspected of having rabies shall, if possible, be captured or taken into custody by the Director, police, sheriff's 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. Any dog or cat without a current rabies vaccination that has bitten, is believed to have bitten or has otherwise exposed a person to rabies or is suspected of having rabies shall be quarantined for rabies observation. The Owner of such dog or cat shall relinquish control of the dog or cat for the purpose of quarantine. The dog or cat shall be quarantined at the owner's expense for a period of ten (10) days from the date of the bite at the Division's headquarters or at an approved holding facility of a local veterinarian. It shall be unlawful for any person to fail to surrender any such dog or cat for rabies quarantine. Additionally, it shall be unlawful for any person to fail to inform the Division of any such dog or cats last known whereabouts if the owner has relinquished possession of said dog or cat or caused said dog or cat to be taken from the owner's premises.~~
- 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. Any dog or cat with a current rabies vaccination that has bitten, is believed to have bitten or has otherwise exposed a person to rabies may be quarantined at home. The Director, or designee, and/or the County Florida Health Department shall have the authority to grant or deny permission for home quarantine privilege. If at any time during the quarantine period the Director, or designee, determines that the Owner of the dog or cat is not able to sufficiently confine the dog or cat, the Owner shall relinquish control of the dog or cat to animal services. The dog or cat will be confined in the custody of animal services or at an approved holding facility of a local veterinarian for the remainder of the quarantine period at the Owner's expense.~~
- C. ~~Earnotched or eartipped feral~~community cats that have bitten, are believed to have bitten or have otherwise exposed a person to rabies or are suspected of having rabies shall be quarantined for rabies observation for a period of ten (10) days from the date of the bite at animal services or at an approved holding facility of a local veterinarian, 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~~ Community cat caregiver. ~~Feral~~Community cats that are not earnedotched 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 and is at the discretion of the health officer.

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.

9. Owners whose animals have been reported to have bitten any person, shall provide the Director or designee all necessary information by telephone, correspondence or records at animal services, to determine the vaccination status and quarantine requirements for the animal and to place an animal on home quarantine.

10. The following fees shall be imposed, in amounts set forth by resolution of the Board, for carrying out the rabies control program:

A. *Field officer fee.* Owners whose animals have been reported to have bitten any person, shall be charged a fee when the Director or designee is not able to obtain all necessary information pursuant to Section Seven, subsection 2 herein and an animal control officer is dispatched to secure or obtain the required bite information and place an animal on quarantine.

B. *Transportation fee.* Owners whose animals have been reported to have bitten any person and who are required to have such animal quarantined at an approved quarantine facility, shall be charged a transportation fee when the Owner has failed to transport said animal to a quarantine facility within twenty-four (24) hours after notification, requiring transportation by the Division.

C. *Quarantine release fee.* At the end of each quarantine period for rabies observation, owners whose animals have been reported to have bitten any person are required to call the Division to verify that said animal is alive and healthy to assure that it is free of rabies infection. A quarantine release fee shall be charged when the owner fails to call or the Division is unsuccessful at reaching the owner by phone within forty-eight (48) hours following the expiration of the quarantine period, requiring an animal control officer to observe the animal.

D. *Quarantine at the Division fee.* Owners whose animals are quarantined at the Division for a rabies quarantine shall be charged a quarantine fee, which shall be paid by the owner at the beginning of the quarantine period. The owner shall be responsible to pay for any medical care provided during the quarantine period at the conclusion of the quarantine period. The Owner is also responsible to pay for, if applicable, mandatory sterilization, vaccination against the threat of rabies, implantation of a RFID, and purchase of a County rabies/license tag if not current.

E. *Except as specifically provided by this Ordinance, an invoice reflecting fees imposed pursuant to this section shall be sent to the Owner of the animal. Payment shall be made by the Owner within thirty (30) days of receipt of said invoice. Failure to pay within such time will result in a late fee.*

SECTION EIGHT: County Rabies/License certificate; tags, vaccination required.

1. Any owner of a dog or cat shall obtain a County rabies/license tag for each such animal when the animal is four months old or older.

A. In the case of a newly acquired dog or cat, the Owner shall obtain a County rabies/license tag within fifteen (15) days of acquisition;

B. In the case of a new resident to the County, the Owner shall obtain a County rabies/license tag within fifteen (15) days of establishing residency.

AC. No County rabies/license tag for dogs or cats shall be issued or renewed by a veterinarian or authorized agent until evidence of vaccination for rabies by a licensed veterinarian has been presented. Upon vaccinating a dog or cat against rabies, authorized veterinarians/clinics may have available for purchase by the dog or cat owner, a County rabies/license tag. The County

rabies/license tag will be valid issued for a period of one (1) or three (3) years from the date of vaccination, depending on the expiration date of the rabies vaccination the animal receives, and is required to be renewed annually or triennially thereafter and must remain current at all times.

No County rabies/license tag shall be valid after the expiration of the rabies vaccination, regardless of the date of issuance. Failure to secure and purchase a new County rabies/license tag within thirty (30) calendar days after the previous tag expires will result in a late penalty established and revised by resolutions adopted by the Board of County Commissioners.

BD. The record corresponding to the County rabies/license tag shall contain the name of the owner, address, breed, sex and color of each animal, or other descriptive data.

CE. A tag designating the license number shall be issued.

DE. All dogs shall be required to wear a valid County rabies/license tag. The tag shall be affixed to the ~~animal's~~ dog's neck by a collar, ~~or~~ harness, or other substantial device at all times, except when the animal is confined; in a securely enclosed enclosure, fenced as long as the tag is securely fastened to a collar/harness and that device is attached to the enclosure, except when a dog is securely confined in the residence. Dogs or participating in an registered organized match, confirmation show, field trial, or obedience trial training are not required to wear such tags during the time of the event.

G. All cats, other than community cats, shall be required to wear a valid County rabies/license tag. The tag shall be securely fastened around the cat's neck by a collar, harness or other substantial device so as to be clearly visible at all times. Cats, other than community cats, may be exempt from wearing the required license tag while kept in a secure enclosure as long as the tag is securely attached to the enclosure or while within the owner's residence as long as the tag is provided to an officer upon request.

EH. The County rabies/license tag issued under this section shall not be transferable from animal to animal or from owner to owner.

FI. Each County rabies/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.

J. A replacement tag must be purchased and in place within fifteen (15) calendar days if the original tag is lost, misplaced, or stolen at a reduced amount as established by resolution of the Board of County Commissioners.

GK. Veterinarians and authorized agents are authorized to sell dog County rabies/licenses and cat County rabies/licenses and cannot charge more for the tag than is established and revised by resolutions adopted by the Board of County Commissioners. The veterinarian and authorized agents must submit payment to Animal Services for each tag sold during the previous 30 days. Veterinarians and authorized agents ~~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~~ County rabies/license tags will be furnished by the County to the veterinarian and authorized agents.

L. Veterinarians and authorized agents must keep complete and accurate records of tags sold and on hand as inventory. All theft or loss must be reported immediately to the proper authority and a copy of the official law enforcement report must be provided to Domestic Animal Services. Unexplained shortages/losses of tags, or sale(s) of tags at the incorrect price(s), are the responsibility of the Veterinarians and authorized agents.

M. License fees are not required for Police Working Dogs; but such animals must be licensed and must have received their rabies vaccination. In order to receive these license tags at no charge, the owner must have the animal licensed through animal services. Police working dogs vaccinated anywhere else will be liable to pay the surcharge imposed by the veterinarian only.

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 enforce this Ordinance. Animal services may deny issuance of a County rabies/license tag 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. Upon vaccination against rabies, the licensed veterinarian shall provide the animal's owner and the animal control authority with a rabies vaccination certificate as defined in F.S. § 828.30. Veterinarians shall provide rabies vaccination certificates to Domestic Animal Services within thirty (30) days of vaccination or immediately upon request of Domestic Animal Services in conjunction with an investigation or other enforcement purposes.

~~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 Pet Placement Partners, with a valid tax exemption under Internal Revenue Code Section 501(c)(3), rescue organizations qualified approved 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 Animal Care Sterilization ~~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.

6. Owners of animals who visit Collier County or reside in Collier County for less than thirty (30) days per a year are exempt from the County rabies/license tag requirement provided that they have proof of a valid current rabies vaccination from another jurisdiction.

SECTION NINE: Keeping/adopting stray animals.

1. It shall be unlawful for any person in the County to harbor or keep any stray or apparently lost animal unless he/she has notified the Division within twenty-four (24) hours from the time such animal came into his/her possession. Upon receiving such notice, the Division may require the person to bring the animal to the Division for identification or sheltering, if necessary.

2. *Adopting stray found animals.* A resident who possesses a stray dog or cat and who wishes to provide it a permanent home, shall apply to legally adopt such animal by adhering to the following procedures:

A. Take the found stray animal to the Division to be scanned for a RFID and checked for a tattoo. An exception to this requirement is for the potential adopter to take the dog or cat to a local veterinarian or another animal shelter to be scanned for an RFID and checked for a tattoo. Proof must be presented to the Division that these requirements have been met. The applicant will not be permitted to adopt a stray dog or cat where an owner is discovered and has not formally forfeited the animal to DAS.

B. Provide the Division with clear identifying color photographs showing the animal from a side view and a front view. Each photograph must have a minimal dimension of three (3) inches by three (3) inches. It is also recommended that the potential adopter place a "found" advertisement in at least one (1) local newspaper of general circulation.

C. Complete an official "found" pet form which provides all appropriate identifying information for the animal.

D. Sign an adoption agreement and pay all necessary fees and deposits. The prospective owner, at his/her option and expense, may make an appointment at the Division to secure the required vaccinations, tests, RFID and sterilization or may secure these requirements through a private veterinarian. All deposits will be refunded when proof is shown that the new owner has complied with these requirements. No sooner than thirty (30) days after completing the official "found" pet form and not to exceed forty-five (45) days.

3. If the animal becomes injured or sick while under the potential adopter's care, that person shall be required to pay all necessary veterinary expenses. If the adopter does not wish to pay for needed treatment, the animal must be relinquished to the Division. The potential adopter shall lose all rights and claims to the animal.

4. All potential adopters must agree to relinquish the found dog or cat to its rightful owner after proof of ownership has been demonstrated and/or until such time as the Division approves and releases the animal to the new adopter, no sooner than thirty (30) days after completing a

“found” pet form. All potential adopters will relinquish the found dog or cat to the Division upon request if the potential adopter fails to return the animal to the rightful owner for reunification.

5. Such animal(s) may become the property of a person only if the following requirements are also met:

A. Photographs and identifying information have been posted at the Division for fifteen (15) business days;

B. The animal has been given a rabies inoculation and County rabies/license tag;

C. The animal has been sterilized; and

D. The animal has been implanted with an RFID and the RFID is registered to said person. The requirements herein must be secured within fifteen (15) calendar days after animal services approves the adoption application. Extensions may be granted by animal services for reasonable requests. Any deviation from these adoption requirements by the potential adopter will void the adoption.

6. At its discretion, the Division may refuse an adoption of an animal if it is determined that the adoption is not in the best interest of the animal or the health, safety and general welfare of the public. Factors to be considered may include those factors set forth in Section Sixteen of this Ordinance.

SECTION NINETEN: 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~~be upon private or public property so as to damage or destroy any property of another including, but not limited to, the unprovoked biting, attacking, or wounding of another person's animal(s) or thing of value or to defecate and create a sanitary nuisance thereon, including defecating upon roadways, road right-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 defecate and create a sanitary nuisance thereon, including defecating upon roadways, road rights-of-way, sidewalks, or other property. A sanitary nuisance exists whenever the feces are not immediately removed and properly disposed.

~~FG.~~ To chase, run after, or jump at vehicles or bicycles using any road or road right-of-way.

~~GH.~~ To snap, growl, snarl, jump upon, or otherwise threaten persons lawfully using any road right-of-way, persons lawfully on their own property, or persons lawfully on property of another with permission of the owner or person in possession or control of the property.

~~HI. 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. It shall be unlawful for the owner, or any caretaker of an animal or animals to allow the animal(s), to bark, meow, whine, howl, or to make other sounds common to the species, persistently or continuously for a period of 30 minutes or longer when the animal is not contained within an enclosure sufficient to baffle loud noises and render them reasonably unobjectionable. This subsection shall not apply to animals maintained on land zoned for agricultural purposes, nor shall it apply to a properly permitted animal shelter established for the care and/or placement of unwanted or stray animals, nor a properly zoned commercial boarding kennel or other animal facility. An owner or custodian of the animal(s), may be cited for a violation of this section when either the investigating officer has received, from at least two unrelated adult witnesses from different residences, a sworn affidavit of complaint attesting to the committing of a nuisance pursuant to such section or subsection, upon receipt of one affidavit as described above accompanied with a photograph or video recording with indicia of reliability as to date and time of the recording, or the citing officer has witnessed the commission of such a nuisance. Affidavits attesting to the nuisance must come from residents within a three-block radius (approximately 900-foot radius).~~

~~I. To be abandoned and thereby relinquish control of an animal with the intent or purpose of setting the animal at large.~~

~~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.~~

J. No owner or caretaker of an animal(s) shall permit the animal, either willfully or through failure to exercise due care or control, to bite, attack or wound a human without provocation while such person is in or on a public place or lawfully in or on a private place including the property of the owner of such animal.

K. Any cat that is outdoors while not under direct control must be sterilized.

~~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.~~

32. 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.

SECTION ELEVEN: Animal care; manner of keeping

1. No person who is the owner or possessor or who has charge or custody of an animal shall fail to provide:

A. Shelter (as defined herein) for the animal;

B. Water (as defined herein) for the animal. An animal confined outdoors shall have a continuous supply of clean, fresh, and potable water, unless the animal is under the direct supervision of a responsible person at events such as dog or cat shows or field trials. In such cases, the responsible person shall ensure sufficient water is provided to the animal in order to maintain normal hydration for the species of animal;

C. Clean, sanitary, safe and humane conditions;

D. Medical attention and/or necessary veterinary care when an animal is sick, diseased or injured; Upon request by the Division, written proof of veterinary care must be provided;

E. Adequate sustenance (as defined herein) to any animal;

F. Grooming (as defined herein) for the animal; and

G. Humane care and treatment.

2. No person shall engage in animal hoarding.

3. Shelter for equine, bovine, ovine and porcine normally maintained in outdoor areas must:
- A. Provide protection from the direct rays of the sun and the direct effect of wind and rain;
 - B. Provide a wind break and rain break;
 - C. Provide a solid roof;
 - D. Provide protection from the elements at all times; and
 - E. Provide space for each animal to comfortably stand up, sit down, lie down and turn around in the shelter. If the shelter is used for more than one (1) animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down and turn around simultaneously.
4. It shall be unlawful for any person maintaining equine or ovine to fail to keep hooves trimmed so as to prevent lameness and extreme overgrowth causing deformities.
5. To keep horses, cattle, or other livestock in a manner inconsistent with recognized livestock husbandry practices.
6. It shall be unlawful for the owner of an animal to allow or permit his or her animal:
- A. To be abandoned. Abandonment shall constitute the relinquishment of all rights and claims by the Owner to such animal in accordance with F.S. §705.19. Community Cats shall not be considered abandoned when returned to the original point of pick-up or other suitable location as part of a community cat management program.
 - B. 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.
7. 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 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, or veterinarian, and the Owner promptly notified.
8. No person shall transport or carry any dog or other animal in a motor vehicle unless the animal is safely enclosed within the vehicle or trailer. 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.

9. 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.

10. Any enclosure used as a primary means of confinement for a dog must meet the definition of proper enclosure as stated in 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.

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.

11. 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.

12. 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, as may be amended.

13. Whoever violates any provision of this section shall forfeit his right to license any additional animals in the County for one year in addition to any other penalty provided by this Ordinance or otherwise by law. Any ownership of such animals without benefit of a license shall be deemed an additional violation of this Ordinance.

SECTION TWELVE: Inhumane treatment of animals. Cruelty to 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. A person shall not crop the ears or dock the tail of any dog, unless the person employs a veterinarian to perform the cropping and docking. If a person possesses a dog with an ear or ears cut off or cropped, or tail docked, and with the unhealed wound, then that possession is prima facie evidence of a violation of this section, unless the cropping or docking was performed by a veterinarian and the documentation to prove this is provided the Division upon demand.

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.~~ It shall be unlawful for any person to leave or deposit any poison or any substance containing poison in any common street, road, alley, lane or thoroughfare of any kind, or in any yard or enclosure other than that person's own yard or enclosure, for the purpose of inflicting injury or killing any animal other than a 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.~~

~~H. To keep horses, cattle, or other livestock in a manner inconsistent with recognized livestock husbandry practices.~~

~~2. A person may not:~~

~~A. Knowingly engage in any sexual conduct or sexual contact with an animal;~~

~~B. Knowingly cause, aid, or abet another person to engage in any sexual conduct or sexual contact with an animal;~~

~~C. Knowingly permit any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control; or~~

~~D. Knowingly organize, promote, conduct, advertise, aid, abet, participate in as an observer, or perform any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose.~~

~~2. — Any enclosure used as a primary means of confinement for a dog must meet the definition of proper enclosure as stated in Section Eleven 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.~~

~~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.~~

43. The Director or designee 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, as may be amended.

54. Whoever violates any provision of this Section shall forfeit his right to license any additional animals 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.

5. To the extent permitted by law and not inconsistent with this Section the following portions of the Florida Statutes, in their current form and as subsequently amended, are hereby adopted and incorporated by reference except as to penalty, and shall be part of this Section as if they were set out in full and punishable as civil infractions:

- A. Section 828.058, Florida Statutes;
- B. Section 828.065, Florida Statutes;
- C. Section 828.08, Florida Statutes;
- D. Section 828.12, Florida Statutes;
- E. Section 828.121, Florida Statutes;
- F. Section 828.122, Florida Statutes;
- G. Section 828.123, Florida Statutes;
- H. Section 828.1231, Florida Statutes;
- I. Section 828.125, Florida Statutes;
- J. Section 828.13, Florida Statutes;
- K. Section 828.14, Florida Statutes;
- L. Section 828.16, Florida Statutes;
- M. Section 828.161, Florida Statutes;
- N. Section 828.22, Florida Statutes;
- O. Section 828.23, Florida Statutes;
- P. Section 828.24, Florida Statutes; and

Q. Section 828.252, Florida Statutes.

SECTION ELEVENTHIRTEEN: 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.~~

~~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.~~

12. *Dangerous Dog Procedure.*

A. All definitions as set forth in Chapter 767, F.S. shall be incorporated herein. The provisions of F.S. Ch. 767, as may be amended, pertaining to dangerous dogs are adopted in their entirety as part of this Section. All procedures, regulations, requirements, and restrictions, pertaining to dangerous dogs are applicable under this article, and a violation of state law shall constitute a violation of this Ordinance. To the extent that any provision in this Ordinance conflicts with F.S. ch. 767, the statute shall control.

AB. 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.

BC. 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.

CD. 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.

DE. 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.

EF. 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.

FG. 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~~circuit court to appeal the classification within ten (10) business days after receiving notice. This request for hearing must be filed with the ~~county~~circuit 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.

32. *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~~established by Resolution of the Board of Commissioners. 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, against rabies 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 (10) 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 two (2) of 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, and such late fee shall be determined by a Resolution of the Board of County Commissioners.

C. Annual renewal of certificate of registration. A standard renewal application must be filed annually at least ten (10) 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 rabies 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, and such late fee shall be determined by Resolution of the Board of County Commissioners. Animal services may impound any dog whose owner has: (i) ~~filed~~ failed 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.

43. *Subsequent handling of dangerous dogs.*

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; and/or
- (4) Is moved to another address.

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. Brachycephalic breeds of dogs must wear a suitable type of muzzle if a cage-style cannot be worn. 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 section ~~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.

E. A person who violates any provision of this section commits a noncriminal infraction, punishable by a fine not to exceed \$500.

54. *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 Ch. 775 F.S., ~~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 (10) business days after the owner is given ~~proper~~ written notification, ~~under Ch. 767.12 F.S.,~~ 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 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.~~

EB. 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 under F.S. ch. 767, 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.

DC. 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.

ED. 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.

5. *Attack or bite by unclassified dog that causes severe injury or death.*

A. If a dog that has not been declared dangerous attacks and causes the death of a human, the dog shall be immediately confiscated by animal services, placed in quarantine, if

necessary, for the proper length of time or held for 10 business days after the owner is given written notification under F.S. ch. 767, and thereafter destroyed in an expeditious and humane manner. This 10-day period shall allow the owner to request a hearing under this section, the dog must be held and may not be destroyed while the appeal is pending. The owner is 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 the death of, a human, and the owner of the dog had knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances the owner of the dog commits a misdemeanor of the second degree, punishable as provided in F.S. ch. 767.

C. If the 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 of the dog is not guilty of any crime 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 (10) 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.

D. Each day the owner of a dangerous dog fails to comply with the requirements of this Section or the requirements of F.S. § 767.12, as may be amended, shall constitute a separate and distinct offense.

SECTION ~~TWELVE~~FOURTEEN: Standards of Care.

1. The following provisions are limited to animal-related businesses, animal-related organizations, commercial breeders, ~~non-commercial~~ hobby 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~~ hobby 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 Standards 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 breeders, ~~non-commercial~~ hobby breeders, 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 premise used primarily as a residence will be noticed a minimum of twenty-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~~ hobby 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. No animal-related businesses, animal-related organizations, commercial breeders, hobby breeders, pet dealers, and rodeos permits shall be granted or issued to a person who has been charged with and convicted of charges of animal cruelty under any jurisdiction. Such automatic denial shall extend to corporations, companies, partnerships, joint ventures, professional groups or associations which include a person so described.

12. 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.

SECTION ~~THIRTEEN~~FIFTEEN: 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. Whenever possible, a violation issued by an animal control officer shall be hand delivered to the violator (or the violator's representative having custodial responsibilities at the location of the violation). If the animal control officer is unable to hand deliver the citation, the animal control division may send a letter by certified mail to the violator.

2.3 For an initial violation of Section Eight, Section Nine, Section Ten, Subsection 2; Section Eleven, Section Thirteen, and Section Twelve~~Fourteen, and Section Sixteen, excluding subsection 9,~~ 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 shall~~ result in ~~issuance of~~ a citation.

3. ~~For any violation of Section Nine 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 to the violator.

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:

(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 ~~Fourteen~~Sixteen, Subsection 49; ~~Section Nine, Subsections 1(I) and (J);~~ Section Eleven, if failure to comply with Notice to Comply; or Section ~~Ten~~Twelve, 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, however, a person cited for a violation Section Twelve may only make one election 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 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.

P. Violations of Section Eight, subsections 1 (K) & (L) and subsection 3 shall not result in a citation and/or monetary penalty, but may result in the Division revoking the veterinarian's authorization to issue County licenses.

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 Eight Requirement to license and vaccinate <u>except for Section Eight, subsection 1 (K) & (L) and subsection 3.</u>	Notice to Comply, with a \$100.00 citation issued if not in compliance in 15 days	Notice to Comply, with a \$1200.00 citation issued if not in compliance in 15 days	Citation: \$1300.00	Yes <u>No</u>
Section Nine <u>Ten</u> General Violations	Formal Written Warning	Notice of Violation, with a Citation \$1200.00 citation issued if \$25.00 discounted fine not paid in 72 hours	Citation: \$1300.00	Yes
Section Nine 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 Eleven Manner of Keeping	Notice to Comply, with a \$250.00 citation issued if not in compliance in specified time up to 15 days	Aggravated Citation: \$350.00	Aggravated Citation, with mandatory appearance: \$400.00—500.00, as set by the special magistrate	No
Section Ten <u>Twelve</u> Subsection 1: Animal Cruelty to Animal(s)	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 Ten 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 Eleven <u>Thirteen</u> 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 Twelve <u>Fourteen</u> 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
<u>Sections Nine Stray Animals and Section Sixteen Impounded Animals</u>	<u>Notice to Comply with a \$100.00 citation issued if not in compliance in 15 days</u>	<u>Citation: \$200</u>	<u>Citation: \$300.00</u>	<u>No</u>
Any item not specified above	Citation: \$100.00	Citation: \$200.00	Citation: \$300.00	Yes

SECTION ~~FOURTEEN~~SIXTEEN: Disposition of impounded animals.

1. Impounded animals with identification 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. Cat(s), kitten(s), puppy(ies), and all animal(s) other than dog(s) or livestock, for which an owner has not been identified or deemed to have an owner by an identification tag or other identification, shall immediately be considered abandoned and shall become the property of the Division. The Division may, at its discretion, place such animal(s) for adoption, place in foster care, transfer the animal(s) to another shelter, transfer the animal(s) to rescue or make disposition pursuant to law at the time, but shall not euthanize these animals for a minimum of five full days (120 hours).

2. If an impounded animal is suffering from or suspected to have an infectious or contagious disease, or is injured or debilitated to such an extent that it is experiencing pain or suffering as determined by a veterinarian or competent designee(s), or the animal poses an immediate substantial risk to staff or visitors to the shelter, the animal may be euthanized prior to the expiration of the five-day (120 hour) hold.

3. Impoundment of cattle require legal notifications as specified in F.S. §588.17.

4. 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, identified cats, and other animals not claimed within the five-day specified hold period, may be adopted, transferred, or may be euthanized by any method specified in F.S. §828.058.

5. Animals that are impounded for safe keeping at the request of a first-responding agency due to the death or medical emergency of its owner or caretaker, shall be held for a minimum of five days (120 hours). After five days (120 hours) the Division will hold the animals for an additional five days (120 hours) and the Director or designee shall make at least three attempts to contact the owner during this time. Animals not claimed after this ten-day (240-hour) period, may be adopted, transferred, or may be euthanized, at the discretion of the Director or designee.

~~26.~~ Animals shall be released to owners on presentation of proof of ownership and payment of costs and fees. Proof of ownership may include a County rabies/license tag, veterinary records,

tattoo, bill of sale, adoption contract, registered (RFID) microchip, affidavits from two separate neighbors, other reliable documentary or anecdotal evidence deemed reliable by the Director or designee; along with a signed affidavit affirming ownership. If ownership cannot be proven, the animal must remain at Domestic Animal Services for the established hold period prior to reclaiming.

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 implanted with a radio frequency identification devise (RFID) (microchip)ped 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 or designee, the animal may be released to the owner with a Notice to Comply to have the animal microchipped and applicable payment specified by resolution. The fee will be refundable within thirty (30) days if services are provided by a non-animal services licensed veterinarian, 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~~ fifteen (15) days, signed by a licensed veterinarian, confirming that the animal has been so implanted and provide the microchip number to animal services. Failure to provide proof of microchipping shall result in a penalty as specified in the penalty schedule. 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~~

~~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 an sworn statement affidavit 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. An owner shall not use this exemption more than one (1) time per animal; mandatory sterilization is required based on a second impoundment. The animal shall only be released to the owner with a signed Notice to Comply allowing the owner fifteen (15) days to comply with and/or register as a Hobby Breeder or Commercial-Breeder. Failure to register as a Hobby Breeder or Commercial-Breeder will result in a penalty as specified in the penalty schedule.~~

7. Voluntary surrender.

A. Person(s) wishing to surrender an animal shall be allowed to do so at the discretion of the Director or designee. Every person who voluntarily surrenders an animal must provide a valid photo identification that shows proof of residence and sign a form acknowledging that the surrender is voluntary and acknowledging the discretion of the animal control division to dispose of the animal. Animal services 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.

B. Person(s) surrendering animals shall be responsible for paying an surrender fee.

C. Person(s) wishing to surrender an animal with the request for euthanasia shall be allowed to do so at the discretion of animal services. It is not the policy or practice of animal services to supply "on-demand" euthanasia procedures, but in the interest of relieving a suffering animal, or for aggressive animals that pose a safety risk, animal services may provide the service for a fee, at the Director's or designee's sole discretion.

D. No surrendered or stray animals from outside the Divisions jurisdiction shall be accepted except for humane reasons or if the animal was previously adopted from the Division; 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 Divisions jurisdiction shall be used as the current address of the animal.

E. An animal that has bitten a human may be surrendered to the Division for quarantine pursuant to the applicable provisions of the Florida Administrative Code 64D-3, as may be amended. An animal surrendered for quarantine to the Division is subject to all requirements of Section Sixteen prior to reclaim.

F. It is a violation of this section for any person to falsely identify himself or herself as an owner or owner's agent.

38. Animals not claimed within ~~a five-day~~ the appropriate holding 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. In order to adopt an animal, a person must be at least 18 years of age and provide photo identification and/or other proof of residency.

~~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.

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 and pay a deposit from the adopter as established by Resolution of the Board of County Commissioners, which deposit shall be refundable upon presentation to the Division or upon written evidence by the veterinarian performing the sterilization surgery that the animal has been sterilized as specified in F.S. § 823.15. 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 and shall forfeit the deposit. Assumption of financial responsibility does not relieve the adopter of the requirement to provide written proof of sterilization within the specified time limit. Animal Control Officers are authorized to impound or to issue a Notice to Comply and/or citations for failure to sterilize any dog or cat adopted from the animal shelter.

G. The Director or designee has the final authority to approve the adoption of any animal. The Director or designee may refuse an adoption if it determines that the adoption is not in the best interest of the animal, or detrimental to the health, safety or welfare of the general public.

49. 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.

510. Failure to comply with the requirements of this section shall be a violation of this Ordinance and punishable as provided in Section ~~Thirteen~~Fifteen.

SECTION ~~FIFTEEN~~SEVENTEEN: 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.

SECTION ~~SIXTEEN~~SIXTEENEIGHTEEN: 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.

SECTION ~~SEVENTEEN~~SEVENTEENNINETEEN: ~~Feral~~Community 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 Ten 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.~~

1. Collier County recognizes that there are community cat caregivers and acknowledges that community cats living in colonies may be tolerated living outdoors, provided such cats are properly cared for in accordance with the following requirements:

A. All community cats living in colonies shall be cared for on the private property of the community cat caregiver or with the permission of the property owner or property manager.

B. Community cat caregivers shall provide certain necessities on a regular and ongoing basis, including, but not limited to, proper nutrition and medical care, as needed.

C. Free-roaming cats living in colonies shall be sterilized, ear-tipped, and vaccinated for rabies. Community cats living in colonies shall be exempt from rabies registration license requirements of Section Eight and the stray animal provisions of Section Sixteen.

D. Food shall be provided in the proper quantity for the number of cats being managed and is to be supplied no less than once per day. Food must be placed in feeding containers that are maintained and secure.

E. Water must be clean, potable, and free from debris and algae.

F. Shelter, if provided, shall be unobtrusive, safe, and of the proper size for the community cat(s).

G. Healthy community cats that have been impounded by the Division may be immediately returned-to-field, released to a community cat caregiver, or, if considered sufficiently socialized, adopted. Community cats who have been impounded more than once may be considered a community nuisance and may be euthanized at the discretion of the Division. Notwithstanding the foregoing, whenever an impounded community cat is visibly injured or diseased, is determined to be a nuisance, appears to be suffering, or upon the advice of a veterinarian, then the Division may euthanize the community cat pursuant to the stray animal provisions of Section Sixteen. Animal services has the right to immediately seize and humanely destroy any Community Cat that poses a public health or safety concern by virtue of disease (rabies or other epizootic events), aggressive temperament resulting in unprovoked attacks on humans, or any other reason concerning public health and safety.

2. Management programs to reduce the uncontrolled reproduction of community cats shall be implemented by the Director to provide for the sterilization and return-to-field of all healthy community cats entering animal services.

A. All community cats entering animal services shall be counted toward intake and, upon return-to-field, shall be counted as a live-release.

B. All community cats entering animal services shall be examined for temperament to evaluate their ability to survive in an outdoor environment with or without assistance from a community cat caregiver.

C. Community cats shall be sterilized, ear-tipped, vaccinated to include rabies vaccination, implanted with a radio frequency identification devise (RFID) (microchip) and returned to the original point of pick-up by a Pet Placement Partner, volunteer, or an Animal Control Officer. However, any community cat may be euthanized upon the Discretion of the Director in accordance with Section Nineteen, I, G, above.

SECTION TWENTY: Injury to animals by motor vehicles; reporting requirement.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible without risking personal safety and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency and/or animal services.

SECTION TWENTY-ONE: Disposal of bodies of dead animals

1. Any owner of any animal, upon the death of such animal, shall immediately dispose of the carcass by burning, burying at least two (2) feet below the surface of the ground, or other authorized method of disposal; however, nothing in this section shall prohibit the disposal of such animal carcass to companies licensed to do businesses in this County.

2. It is unlawful to dispose of the carcass of any animal by dumping such carcass on any public or private property.

3. Any owner of any animal shall be responsible for the costs of disposing of the animal in instances where the Division disposes of the animal due to any emergency or the owner's failure to act. The costs of disposal shall be established by the Board by resolution.

SECTION TWENTY-TWO: Tampering with animal traps or capture devices.

No person shall willfully tamper with, remove, alter, destroy, or disable any animal control trap, cage or capture device, set out or placed by an animal control officer or a person or organization authorized by the animal control division. Any person who violates this section is subject to a fine in an amount set by resolution of the board of county commissioners.

SECTION TWENTY-THREE: Livestock.

1. Livestock fences. Every owner of livestock shall erect and/or maintain a fence to contain and confine all livestock kept or maintained on his/her premises. Such fence shall be sufficiently

strong and substantial so as to prevent egress of livestock. Failure to so erect and/or maintain the fence in reasonably good condition shall be deemed a violation of this chapter. The owner of livestock shall, within twenty-four (24) hours of initial contact from the Division, repair or erect a fence and/or make arrangements for the placement of livestock so as to have the livestock confined. If the fence is not repaired or erected, or arrangements have not been made for the placement of livestock within the twenty-four-hour period, the owner may receive a civil citation.

2. *Livestock at large.* Any owner of livestock who unlawfully, intentionally, knowingly or negligently permits the same to run at large or stray upon any street, roadway, right-of-way, other public area or the private property of another without consent or their authorized agent or lessee, shall be deemed to be in violation of this chapter.

3. *Equine infectious anemia/Coggins.*

A. All horses within the County or transported into the County must have a report of a negative Coggins (EIA) test conducted within the previous twelve (12) months. A foal under six (6) months of age, is exempted from test requirements when accompanied by its dam which has a report of a negative Coggins test conducted within the past twelve (12) months.

B. All horses, other than those sold for slaughter, must have a report of a negative Coggins test conducted within the previous twelve (12) months for change of ownership. The negative Coggins test report must be provided to the new owner or custodian at the time of change of location or ownership.

[. . .]

SECTION TWO: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any court of competent jurisdiction holds any phrase or portion of this Ordinance invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION FOUR: EFFECTIVE DATE.

This Ordinance shall be effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 26th day of June, 2018.

ATTEST: CRYSTAL K. KINZEL,
INTERIM CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: *Crystal Kinzel*

By: *Andy Solis*

Attest as to Chairman's
signature only.

Andy Solis, Chairman

Approved as to form and legality:

Emily R. Pepin

Emily R. Pepin

Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
27th day of June, 2018
and acknowledgement of that
filing received this 27th day
of June, 2018.

By: *Crystal Kinzel*
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 27, 2018

Honorable Dwight E. Brock
Clerk of the Circuit Court
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Ann Jennejohn

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2018-33, which was filed in this office on June 27, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb