

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2023 - __

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA; AMENDING ALACHUA COUNTY CODE, CHAPTER 72 ENTITLED “ANIMALS”; PROVIDING UPDATES; AMENDING CHAPTER 24, SECTION 24.16, EXHIBIT A SCHEDULE OF CODES AND ORDINANCES TO UPDATE AND ADD A PENALTY FOR PET BREEDER REGULATION VIOLATIONS; PROVIDING FOR MODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County, Florida (“Board”) holds that the health, safety and welfare of its citizens and animals is best served by a comprehensive and progressive local ordinance; and

WHEREAS, Section 828.27, Florida Statutes, authorizes the governing body of a county to enact ordinances relating to animal control or cruelty; and

WHEREAS, Section 767.14, Florida Statutes provides that local governments may adopt restrictions and ordinances to address the safety and welfare concerns caused by animal attacks on persons or domestic animals; and

WHEREAS, Chapter 72 of the Alachua County Code, currently known as the Alachua County Animal Services Ordinance, adopts the laws of the State of Florida relating to animals, and provides the local requirements related to animal control and animal welfare, including those related to licensing, enforcement, impoundment, and humane treatment; and

WHEREAS, it is the best interest to periodically review Chapter 72 to ensure it is consistent with state law and with the current operations of the Alachua County Animal Shelter and animal enforcement mechanisms; and

WHEREAS, the County has modified the name of Animal Services Department to be

Animal Resources and updates are needed in the Code to reflect this change; and

WHEREAS, the Board enacted Ordinance 2020-18 establishing certain regulations and requirements for pet breeders, but had not yet adopted a proposed penalty; and

WHEREAS, the Board now desires by this Ordinance to update the comprehensive section of the Alachua County Code regarding Animals.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. Amendment. Alachua County Code of Ordinances, Title 7, Chapter 72, Section entitled “Animals” is hereby amended as follows. Any section of Chapter 72 not referenced herein shall remain in its current state and unchanged by this ordinance.

Sec. 72.01. - Short title.

This chapter shall be known and cited as the "Alachua County Animal ~~Services~~ Ordinance."

Sec. 72.02. - Definitions.

As used in this chapter, the following words and phrases are defined as follows:

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

Aggressive dog means any dog that has been declared aggressive as a result of an investigation and determination from Animal ~~Services~~Resources because the dog has ~~s~~everely ~~i~~njured or killed a ~~e~~Companion ~~a~~nimal while off the property where the Owner residesowner's property.

Animal means any living nonhuman ~~vertebrate~~creature. Sections of this chapter controlled by Florida law shall be governed by the applicable statutory definition of ‘animal’.

Animal ~~Services~~Resources means the Alachua County Animal Resources DepartmentOffice of Animal Services, the ~~d~~Director, and any Eenforcement ~~e~~Officers, or any other designated County department or office serving as the animal control authority.

Animal welfare organization means any humane society or 501(c)(3) not-for-profit organization established for the purpose of animal welfare.

Attack means to bite, to scratch, to chase, or to approach in a menacing fashion.

Bite means a penetration of skin with teeth and with blood appearing in the wound.

Cat means a ~~domestic~~-feline, felis catus.

Community ~~e~~Cat means any unowned free-roaming cat living in an outdoor environment that may or may not be a part of a cat colony and may or may not be cared for by one or more

Community Cat caregivers who is/are known or unknown; a eCommunity eCat may or may not be feral.

Community eCat caregiver means any person who provides volunteer care to a eCommunity eCat, but who does not own, harbor, keep, or have custody, control, or charge of such cats; a eCommunity eCat caregiver who returns a eCommunity eCat in conjunction with trap-neuter-return is not deemed to have abandoned the cat.

Community eCat colony means a group of eCommunity cats that congregate, more or less, together as a unit and share a common food source.

Community eCat management program means that eCommunity cats, friendly or feral, found outside and brought to a shelter or veterinary provider, are sterilized, ear-tipped, vaccinated against the threat of rabies, and returned to their outside home or Return-to-field.

Companion aAnimal means any aAnimal that lives with and about the habitat of a human and that is dependent upon that human for its survival.

County means the unincorporated area of Alachua County and the municipal areas included within the jurisdiction of this chapter.

Dangerous dog means any dog that ~~has been declared dangerous from, according to the records of~~ Animal ServicesResources, because the dog:

- (1) Has aggressively bitten, attacked, or endangered or has inflicted ~~sSeverely i~~injury on a human being ~~or caused death of a human being~~ on public or private property; or
- (2) Has more than once ~~sSeverely i~~injured or killed a ~~companion~~domestic animal while off ~~of the o~~owner's property; or
- (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 Animal ServicesResources.

Director means the person in charge of the administration of Animal ServicesResources or any other individual designated by the County Manager for this position.

Dog means a ~~domestic~~ canine, canis familiaris.

Domestic aAnimal means a dog, cat or ferret. ~~Domestic animals are subject to the rabies vaccination and license mandate.~~

Ear-tipped means a mark identifying a eCommunity eCat as being in a trap-neuter-return program, specifically, the removal of approximately 3/8 of an inch off the tip of the cat's ear in a straight line, the universal sign of a sterilized, unowned cat. An ear-tipped cat shall be distinguished from other cats by being sterilized and vaccinated against the threat of rabies at the time of sterilization; if these requirements are met, the ear-tipped Community eCat is exempt from licensing, stray and at-large provisions of this chapter and may be exempt from other provisions directed toward owned animals.

Enforcement oOfficer, ~~means an Animal Services enforcement officer also known as Animal Resources Officer, is an employee or authorized agent of Alachua County, whose duties in whole or in part, include investigating or aiding in or enforcing the provisions of this chapter or any other laws relating to Animals, and includes any state or local law enforcement officer. Animal Investigations Officers are included in this definition.~~

Exereta means feces.

Feral means a wild animal that exists in an untamed state or that has returned to an untamed state generally not socialized to human contact and is no longer considered domesticated. Feral animals shall include, but not be limited to cats, dogs and hogs.

Ferret means a ~~domestic~~ ferret, *Mustela putorius furo*.

Harbor means to provide care, shelter, protection, refuge, food or nourishment to an ~~a~~Animal.

Hearing Officer is a special magistrate appointed by the county under sec. 24.17, or is administrative law judge with State of Florida, Division of Administrative Hearings, or is an attorney or retired judge who is a member in good standing with the Florida Bar and is resident of Alachua County who is retained by County to act as a Hearing Officer.

~~*Humane euthanasia* means an injection that causes~~ means whereby an Animal has an immediate and painless death as set forth in Section 828.058, Florida Statutes, as may be amended, as mandated by Florida Statutes and the Board of Veterinary Medicine.

Humane trap means a trap designed to capture an animal alive and in a manner that does not injure the animal.

Leash means a restraint such as a rope, cord, chain, or device that is mobile and no longer than ten feet.

~~*Livestock* means an animal of the bovine, equine, ovine, or porcine class, not kept as companion animal, including but not limited to a cow, calf, sheep, swine, horse, mule, goat, ostrich, or any other animal that can or may be used in and for the commercial preparation of meat or any meat products calves, sheep, swine, horses, mules, goats, ostriches, rheas, emus, and any other domestic Animal that can or may be used in the preparation of animal products, or as otherwise defined as livestock under Florida law.~~

Microchip means an implantable permanent radio-frequency identification device (RFID).

Motor vehicle operator means any person who owns or operates a self-propelled vehicle, including a vehicle propelled by electric power.

Owner means any ~~competent~~ person, firm, corporation, ~~or~~ organization, or other legal entity possessing, owning, harboring, keeping, or having control or custody of an animal, ~~or if the animal is owned by a person. If the Owner is~~ under the age of 18, that person's parent or guardian will be responsible; ~~†This provision definition~~ shall not apply to ~~e~~Community cat caregivers.

Physical eControl means:

(1) Immediate and continuous control of an ~~dog~~Animal by a ~~competent~~ person, such as through the use of a ~~H~~Leash; or

(2) Continuous control of an ~~dog~~Animal through the use of an enclosure, which prevents the escape of the ~~dog~~Animal. An electrical device for the purpose of confining an ~~a~~Animal does not meet the definition of physical control.

Proper eEnclosure for an aAggressive dDog means securely confined indoors in a manner that prevents escape or securely enclosed in a locked pen or structure, suitable to that prevents the entry of a child and designed to prevents the ~~aggressive~~ dog from escaping. Such pen or structure shall have sides to securely confine and prevent the dog from escaping over, under, or through it and also provides adequate shelter in accordance with 72.10 herein.

~~*Proper eEnclosure for of a dDangerous dDog* means securely confined indoors in a manner that prevents escape or securely enclosed in a locked pen or structure, that prevents the entry of a child and prevents the dangerous dog from escaping. Such pen or structure shall have secure~~

~~sides and a secure top to prevent the dog from escaping over, under, or through the structure. or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the dog from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and shall also provide adequate shelter in accordance with section 72.10 herein.~~

Quarantine means the isolation of an animal in a substantial, properly ventilated enclosure that does not harm or endanger the animal, so that it may not contact another animal or unauthorized person.

Return-to-field means, upon determination that an impounded cat is healthy and capable of living independently or in a managed colony, providing for the sterilization, vaccination against the threat of rabies, and ear-tipping of the cat, followed by return to its original location.

Scratch means a penetration of skin from something other than teeth and blood being present in the wound.

Severe ~~i~~injury means any physical injury that results in a broken bone, multiple bites, or a disfiguring lacerations requiring sutures or reconstructive surgery, or as further defined in Section 767.11, Florida Statutes.

~~*Shelter business day* means a day that the Animal Control Shelter is open for business.~~

~~*Stationary object* means any object natural or manmade that is of sufficient weight or construction to inhibit the free movement of a dog when tethered, fastened, chained or tied, including a runner system, running line, or other cable run system.~~

Stray means any non-feral domestic animal found off of its owner's property without the owner's consent and without the consent to be on the property where the animal is found; this provision shall not apply to community cats.

~~*Tether* means a leash, cord, or chain that is anchored to a stationary object on one end also *Tethering*, means to restrain an animal by tying the animal to any object or structure, including without limitation a house, tree, fence, post, garage or shed, by any means, including without limitation, a Leash, chain, rope, cord, or running line. Walking a dog on a Leash is not considered to be Tethering.~~

Trap-neuter-return means trapping, or otherwise obtaining a community cat, and providing for the sterilization, vaccination against the threat of rabies, and ear-tipping of the cat, followed by return to its original location.

~~*Unprovoked attack* means an attack that occurs even though a person is acting peacefully and lawfully 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 an Animal.~~

~~*Vacant house, trailer, or other similar structure* means one that is not occupied by the animal owner or any other caretaker of the animal; or from which basic utilities have been cutoff; or about which other facts would lead a reasonable person to believe the house, apartment, trailer, or other similar structure has been abandoned.~~

~~*Violent dog attack* means an attack by a dog that:~~

~~(1) Has previously been declared dangerous dog; or~~

~~(2) Causes severe injury or death to a human being.~~

Veterinarian means a person who is licensed to engage in the practice of veterinary medicine in Florida under the authority of F.S. ch. 474.

Sec. 72.03. - Adoption of state statutes by reference.

The board adopts by reference as a part of this chapter, all laws of the State of Florida relating to animal control, animal welfare, animal distress, and animal cruelty.

Sec. 72.04. - Territorial jurisdiction.

This chapter shall be applicable in the unincorporated area of the County and within the corporate limits of the cities of Alachua, Archer, Gainesville, Hawthorne, High Springs, LaCrosse, Micanopy, Newberry, and Waldo.

Sec. 72.05. – Enforcement ~~authority agency designation and empowerment.~~

Animal ~~Services~~Resources is designated as the county agency responsible for the proper enforcement of this chapter and is assigned the administrative functions of carrying out the provisions of this chapter and other authorized duties. In carrying out the duties of this chapter, ~~Animal Services~~Enforcement Officers may employ equipment, including but not limited to control poles, nets, leashes of any construction, chemical capture devices, snake tongs, oleoresin capsicum aerosols, snake hooks, humane traps, collapsible batons, and ~~metal~~-carrying cages. Enforcement Officers are empowered to enter upon public property and private property with the consent of the property owner or the occupant, or by a warrant, or as otherwise provided for by law, for the purposes of investigating possible violations of any provision of this chapter and provisions of state law relating to animal cruelty, distress, neglect, and control, and for capturing an animal and issuing notices and citations. Each Enforcement Officer shall have the power to enforce the provisions of this chapter. Each Enforcement Officer shall be immune from all civil and criminal liability, for his or her reasonable, good faith entry upon real property while under the discharge of duties imposed by this chapter.

Sec. 72.06. - Humane education.

It is considered to be a valid public purpose to educate the population of the county concerning the law and proper care and respect for animals. In accordance with this duty, Animal ~~Services~~Resources shall make adequate provisions for conducting appropriate educational programs.

Sec. 72.07. - Reserved.

Sec. 72.08. - Enforcement procedures.

(a) Any person found or adjudged to be in violation of this chapter will be deemed to have committed a civil infraction. Infractions of this chapter are not criminal in nature. Upon such a finding, judgment may be entered against the person or Owner for an amount not to exceed \$500.00 per count. When an ~~e~~Enforcement ~~O~~Officer has probable cause to believe that an Owner or other person has violated a provision of this chapter, the ~~e~~Enforcement ~~O~~Officer may issue a citation to the Owner or other person. The citation ~~shall~~must contain:

- (1) The date and time of issuance;
- (2) The name and address of the person, or violator;
- (3) The date and time the violation committed;
- (4) The facts constituting probable cause;
- (5) The section of the chapter that was violated;
- (6) The name and authority ~~of~~ the Enforcement ~~o~~Officer;

- (7) The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear in court as may be required;
 - (8) The applicable civil penalty if the person elects to contest the citation;
 - (9) The applicable civil penalty if the person elects not to contest the citation;
 - (10) A conspicuous statement that, if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he or she shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty; and
 - (11) A conspicuous statement that if the person is required to appear in court, that an option to pay a fine in lieu of appearing in court does not exist.
- (b) An eEnforcement Oofficer may, but shall not be required to, issue a written warning prior to the issuance of a citation for a violation of this chapter. Failure to comply with the provisions of a written warning may result in issuance of a citation or impoundment of the animal, or both.
 - (c) For purposes of compounding fines and determining the class of the citation issued, violations of equivalent, or substantially similar, municipal code within Alachua County shall count as a violation of this chapter and may subject the violator to additional compounded fines and a mandatory court appearance for a violation of this chapter.
 - (d) ~~Pursuant to F.S. § 828.073, a~~An eEnforcement eOfficer may act as authorized under F.S. § 828.073 may issue to an owner an order to provide care.
 - (e) Any court costs and surcharges shall be in addition to the fines adopted in the county's fee schedule. Pursuant to F.S. § 828.27(4)(b), \$5.00 of each civil penalty imposed for a violation of this chapter shall be used by the county to pay the costs of ~~a 40-hour minimum standards training course for the eEnforcement Oofficers, which course is mandated by F.S. § 828.27(4)(a)†.~~
 - (f) Repeated instances of violations of this chapter adversely affect the rights, safety and welfare of the public and therefore, constitute a public nuisance. To this end, if there are two or more citations given to the same ~~animal eOwner~~ or animal possessor for violation of any section or subsection this chapter, or of equivalent, or substantially similar, municipal code within Alachua County, within a 12-month period, the county attorney, if there are reasonable grounds for the action, is authorized to seek an injunction in the name of the county from the appropriate court to abate the nuisance.
 - (g) As an alternative to issuance of a citation, a violation of this chapter may also be enforced by injunction or by utilizing any of the code enforcement mechanisms provided in chapter 24 of Alachua County Code, as amended from time to time, or by another remedy available to the County.

Sec. 72.09. - Obstruction of enforcement.

- (a) A person shall not refuse to surrender an ~~a~~Animal upon lawful demand by the ~~d~~Director or an eEnforcement Oofficer.
- (b) A person shall not interfere with, hinder, obstruct, or threaten injury to the ~~d~~Director or an eEnforcement Oofficer who is lawfully performing authorized duties.
- (c) A person shall not hold, hide, or conceal any ~~a~~Animal which the ~~d~~Director or an eEnforcement Oofficer is investigating or deems to be in violation of this chapter.

(d) A person shall not take or attempt to take any ~~a~~Animal from the ~~d~~Director or an ~~e~~Enforcement ~~O~~fficer or from any vehicle that is used by the ~~e~~Enforcement ~~O~~fficer or Animal Resources to transport animals. It is a violation for a person to knowingly remove, without authorization from an Enforcement Officer, an Animal from a trap placed by Animal Resources or knowingly tamper with, damage, steal, remove, or relocate a trap placed by Animal Resources.

(e) Without proper authority, a person shall not take or attempt to take any ~~a~~Animal from the Alachua County Animal Services' shelter, ~~an Animal Services animal carrier, or a trap.~~

(f) A person shall not willfully refuse to sign and accept a citation issued by an ~~e~~Enforcement ~~O~~fficer. If a person violates this subsection, the person shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083 ~~or 775.084.~~

(g) A person shall not willfully mislead or make any false statement to any Enforcement Officer or the Director, whether made orally or made in an affidavit or sworn testimony taken as part of an investigation of a violation of this chapter.

Sec. 72.10. - Humane treatment for ~~companion a~~Animals.

(a) Cruelty. It shall be unlawful for any person to be cruel to or to commit a cruel act upon an Animal.

(b) Standards. An ~~e~~Owner shall treat ~~a companion a~~Animals in a humane manner and shall provide humane care for an ~~a~~Animal. An Owner who fails to provide humane treatment for an Animal, as provided in this section, shall be deemed to be in violation regardless of knowledge, intent, or culpability. Humane ~~care~~treatment includes, but is not limited to, providing adequate food, adequate water, adequate shelter, adequate space, and adequate veterinary care to maintain health and to prevent or cure diseases, and as more specifically stated as follows:

- (1) Adequate food means food which is of sufficient quantity and nutritive value to maintain each ~~companion a~~Animal animal in good health. The ~~e~~Owner shall ensure that adequate food is accessible to each ~~companion a~~Animal, is prepared so as to permit ease of consumption for the age, species, condition, size, and type of each ~~companion a~~Animal, is provided in a clean and sanitary manner, is placed so as to minimize contamination by excrement and pests, and is provided at suitable intervals for the species, age, and condition of the companion animal, which is at least once daily except as prescribed by a ~~v~~Veterinarian.
- (2) Adequate water means clean, fresh, potable water of a drinkable temperature. The ~~e~~Owner shall ensure that adequate water is provided at all times in a suitable manner, in sufficient volume, and refreshed at suitable intervals to maintain normal hydration for the age, species, condition, size, and type of each ~~companion a~~Animal, except as prescribed by a ~~v~~Veterinarian, and that the water is provided in a clean, durable receptacle, which is accessible to each ~~companion a~~Animal and is placed so as to prevent contamination of the water by excrement and pests.
- (3) Adequate shelter means a shelter that is suitable for the species, age, condition, size, and type of each ~~companion a~~Animal, and provides adequate space for each companion animal, is safe and protects each ~~companion a~~Animal from injury, direct sunlight, other weather elements, adverse effects of heat or cold, physical suffering, and impairment of health. The ~~e~~Owner shall ensure that the shelter is properly lighted, is properly cleaned, enables each ~~companion a~~Animal to be clean and dry, except when detrimental to the species, and for dogs and cats provides a solid surface and resting platform, pad, floor

mat, or similar device that is large enough for the dog or cat to lie on in a normal manner and can be maintained in a sanitary manner.

- (4) Adequate space means space that allows an ~~an companion-a~~Animal to easily sit, stand, lie, turn about, and make other normal body movements in a comfortable, normal position for an ~~an companion-a~~Animal. The ~~o~~Owner shall ensure adequate space exists so an ~~an companion-a~~Animal can interact safely with other animals in the enclosure, unless specified by veterinarian care. Nothing in this subsection precludes veterinary care that temporarily restricts movement if it would endanger an ~~an companion-a~~Animal.
- (5) Veterinary care may include humane euthanasia if an ~~an companion-a~~Animal is beyond the abilities of veterinary medicine to treat or cure and the ~~a~~Animal is suffering.
- (b) Livestock ~~a~~Animals, raised for food under acceptable husbandry standards and government regulations, are exempt from this section.
- (c) Tethering. Except as provided herein and in subsection 72.34(b) no person shall Tether a dog or cat: or restrain a dog or cat by means of ~~†~~Tethering, ~~fastening, chaining, or tying to a dog house, tree, fence, or any other stationary object., unless~~
- ~~(d) Notwithstanding subsection (c), a person may tether a dog or cat when it is in visual range of the owner, and the owner is located outside with the tethered animal.~~
- ~~(e) In all cases where tethering is permissible,~~ the following conditions ~~must be~~ are met:
 - (1) The Owner, or other person in custody of the animal, is outside with the tethered animal and such person is in visual range of the animal; and
 - ~~(2)~~ The dog or cat ~~must be~~is attached to the ~~†~~Tether by a buckle-type collar or a body harness. A dog or cat shall not be tethered by means of a choke-type, pinch-type, prong-type, or improperly fitting collar; and
 - ~~(23)~~ The ~~†~~Tether has the following properties: it is at least five times the length of the tethered animal's body, as measured from the tip of the nose to the base of the Animal's tail; it terminates at both ends with a swivel; it does not weigh more than one-eighth of the tethered animal's weight; and it is free of tangles; and
 - ~~(34)~~ The dog or cat is tethered in such a manner as to prevent injury, strangulation, or entanglement; and
 - ~~(45)~~ If there are multiple dogs or cats, each dog or cat must be tethered separately. ~~The tethering of each dog or cat must be~~ and in accordance with the requirements of this Code; and
 - ~~(56)~~ The dog or cat is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes; and
 - ~~(67)~~ The dog or cat has continuous access to adequate water as defined in section 72.10(2) and, adequate shelter as defined in section 72.10(3), and dry ground; and
 - ~~(78)~~ The dog or cat is at least six months of age. Puppies or kittens shall not be ~~†~~Tethered; and
 - ~~(89)~~ The dog or cat is not sick or injured.
- ~~(fd)~~ An ~~o~~Owner shall use a collar or harness which is appropriate for the age and size of ~~the~~ companion-aAnimal.

- (~~ge~~) A person shall not crop the ears or dock the tail of any dog, unless the person employs a ~~v~~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 ~~v~~Veterinarian.
- (~~hf~~) A person shall not castrate a companion animal, unless that person employs a ~~v~~Veterinarian to perform the castration.
- (~~ig~~) A person shall not for any reason willfully abandon any dog or cat. A dog or cat ~~looked left~~ unattended in a ~~v~~Vacant ~~house, trailer, or other similar s~~Structure or stored unattended in a boarding facility in excess of twenty-four hours shall be considered abandoned.

Sec. 72.11. - Confinement of domestic animals in heat (estrus).

- (a) An ~~e~~Owner shall humanely and securely confine a domestic animal in heat (estrus) indoors or in an enclosed and locked structure which prevents the entry of a male domestic animal and prevents the female in heat from escaping. Confinement solely by a leash, ~~t~~Tether or other similar restraint, or within a fence, open kennel, open cage or run, is not presumed to be in compliance with this section.
- (b) If a female domestic animal is to be released for an acceptable reason from the secured enclosure, then the ~~e~~Owner of the female domestic animal in heat must have physical control over the domestic animal at a distance of six feet or less, and be able to physically restrain the animal from coming into contact with a male domestic animal. Acceptable reasons for release from confinement are limited to excretion and veterinary visits.
- (c) A person intentionally breeding a female domestic animal in a controlled environment, with the consent of the ~~e~~Owner of the male domestic animal, is exempt from this section during breeding.
- (d) For purposes of this section, the definition of domestic animal excludes ferret. Livestock is excluded from this section.

Sec. 72.12. - Physical control of dogs.

- (a) An ~~e~~Owner shall maintain ~~p~~Physical ~~e~~Control of a dog at all times when the dog is off the ~~e~~Owner's property, whether owned or leased, unless the property's owner or lessee consents to the removal of the ~~p~~Physical ~~e~~Control and the dog is under immediate adult supervision. ~~Off the owner's property means on any public or private property including but not limited to streets, sidewalks, schools, parks, or private property of others. No Owner or other person having possession or control of any dog shall cause, permit, or allow the dog to stray or run at large in or upon any public street, sidewalk, school, park, other public property.~~ For property owned or controlled by a government entity, it is presumed that consent is not given unless posted.
- (b) Dogs which are exempt from this section include:
 - (1) A police dog, fire dog, or SAR dog, as defined in F.S. § 843.19, when the dog is operating in its official capacity, as defined in said section; or
 - (2) A ~~dog that is a trained and certified animal service dog used to assist persons with disabilities when it is performing those services~~ service animal as defined in F.S. § 413.08(1)(d), as may be amended; or

- (3) A dog involved in organized training or exhibiting including obedience trials, conformation shows, field trials, hunting trials, and herding trials; or
- (4) A dog involved in any legal hunt in an authorized area, when the ~~e~~Owner possesses a valid hunting license.

Sec. 72.13. - Removal of dog ~~exeretafeces~~.

The ~~e~~Owner of a dog shall immediately remove any ~~exeretafeces~~ deposited by the dog on any property other than the owner's, including but not limited to public property, streets, sidewalks, schools, parks, and private property. The ~~e~~Owner of a dog shall carry adequate waste removal devices or disposal bags while the dog is off of the ~~e~~Owner's property, unless the waste removal devices are provided.

~~Sec. 72.14.— Procedure to classify a dog as aggressive or dangerous.~~

~~(a) Animal Services shall investigate reported incidents involving any dog that may be aggressive or dangerous. Animal Services shall, if possible, interview the owner and witnesses, and attempt to obtain a sworn affidavit from any person, including any enforcement officer, desiring to have the dog classified as aggressive or dangerous.~~

~~(b) After the investigation, Animal Services shall make an initial determination as to whether there is sufficient cause to classify a dog as aggressive or dangerous. If Animal Services does find sufficient cause, Animal Services shall provide to the owner of the dog written notification of the sufficient cause finding. Such notification shall be provided by certified or registered mail, certified hand delivery, or in accordance with F.S. ch. 48.~~

~~(c) If Animal Services finds sufficient cause to classify a dog as aggressive or dangerous, the owner may request a hearing, as provided in section 72.15 of this Code, before a final determination is made.~~

~~(d) Animal Services shall not declare a dog 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, its owner, or a family member. Animal Services shall not declare a dog aggressive or dangerous if the dog was protecting or defending a human being from an unjustified attack or assault and the protected or defended human being was within the immediate vicinity of the dog.~~

~~(e) Animal Services shall impound any dog that is the subject of an investigation under this section until the conclusion of the investigation, unless the Animal Services officer makes a written determination that the dog(s) can be safely confined by its owner, based upon an evaluation of the following criteria: (i) the physical layout of the area where the dog will be confined; (ii) the plan for proper confinement of the dog; (iii) the individual characteristics and behavior of the dog; and (iv) any other relevant factors. If the dog is impounded pending the outcome of the investigation, a notice shall be provided to the owner stating the basis for confinement at Animal Services and stating that the owner may board the dog at a licensed kennel or veterinarian at the owner's expense. If the dog is not required to be impounded by Animal Services, the owner of the dog must agree in writing to the following: (i) the subject dog(s) must be humanely and safely confined in a securely fenced or enclosed area pending the outcome of the investigation and any hearings related to the classification; (ii) the owner of the dog will provide Animal Services with the address where the dog will be kept; and (iii) the owner of the dog(s) may not relocate or transfer ownership of the dog pending the outcome of the investigation or hearings related to the classification without approval by Animal Services. Animal Services shall impound the subject dog(s) if the owner refuses to agree to the above shelter in place requirements in writing. The owner may utilize the hearing provisions of this chapter to challenge any restrictions imposed under this section.~~

~~(f) Animal Services shall perform a prompt and thorough aggressive dog or dangerous dog investigation. If Animal Services maintains custody of the dog during the investigation, then only medical fees shall accrue.~~

Sec. 72.14. – Dangerous Dogs.

~~(1) Dangerous dog investigations, determinations, classifications, and other actions, including related hearings and appeals, shall be conducted in accordance with the provisions of F.S. ch. 767, part II, as may be amended. Animal Resources shall investigate reported incidents involving any dog that may be dangerous and, if possible, will interview the Owner and require a sworn affidavit from any person, including an Enforcement Officer, desiring to have a dog classified as a Dangerous Dog.~~

~~(a) An Animal that is the subject of a dangerous dog investigation because of Severe Injury to a human being may be immediately confiscated by Animal Resources, placed in quarantine, if necessary, for the proper length of time, or impounded and held. The Animal may be held pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or penalty imposed under this section. If the dog is to be destroyed, the dog will not be destroyed while an appeal is pending. The Owner is responsible for payment of all boarding costs, veterinary expenses, and other fees due to the County as may be required to humanely and safely keep the dog pending any hearing or appeal. If the dog is impounded pending the outcome of the investigation, the County will notify the Owner that the Owner may board the dog, as an alternative to the animal shelter, at a licensed kennel or Veterinarian at the owner's expense, pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or penalty imposed under this section. A dog that is the subject of a dangerous dog investigation may not be relocated or its ownership transferred pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section.~~

~~(b) An animal that is the subject of a dangerous dog investigation which is not impounded with the Animal Resources must be humanely and safely confined by the Owner and the Owner must agree in writing to the following shelter-in-place requirements: (i) the subject dog(s) must be humanely and safely confined in a securely fenced or enclosed area pending the outcome of the investigation and any hearings and appeal related to the classification or penalty or both; (ii) the Owner will provide Animal Resources with the address where the dog will be kept; and (iii) the Owner of the may not relocate or transfer ownership of the dog pending the outcome of the investigation or hearings or appeal. Animal Resources shall impound the subject dog(s) if the Owner fails to comply with or refuses to agree to the above shelter-in-place requirements. The County Manager or his or her designee has the authority to determine if the subject dog can be safely confined by its Owner and may enter into a written shelter-in-place agreement with the Owner. An evaluation of the following criteria will be utilized: (i) the physical layout of the area where the dog will be confined; (ii) the plan for proper confinement of the dog; (iii) the individual characteristics and behavior of the dog; and (iv) any other relevant factors.~~

~~(2) A dog may not be declared to be a dangerous dog if:~~

~~(a) The threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or who, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its Owner or a family member.~~

- (b) The dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
- (3) After the investigation, the Director of Animal Resources or his/her designee shall make an initial determination as to whether there is sufficient cause to classify the dog as a Dangerous Dog, and, if sufficient cause is found, the proposed penalty under subsection (5) below. Animal Resources shall provide written notification of the sufficient cause finding and proposed penalty to the Owner by registered mail, hand delivery, or service in conformance with the provisions of chapter 48 relating to service of process. The Owner may contest the initial determination, the penalty, or both, by giving a written request for a hearing to Animal Resources within the timeframes listed in Section 72.16. If timely requested, the hearing procedures in Section 72.16 apply. If a hearing is not timely requested, the initial determination of the Director of Animal Resources or his/her designee as to the classification and the penalty shall be final.
- (4) Upon a Dangerous Dog classification and penalty becoming final after a hearing or by operation of law pursuant to subsection (3), Animal Resources will send a copy of the written final order to the Owner by certified mail, hand delivery, or service.
- (5)(a) Except as otherwise provided in paragraph (b), the Owner of a dog classified as a Dangerous Dog shall:
1. Within 14 calendar days after issuance of the final order classifying the dog as Dangerous Dog or the conclusion of any appeal that affirms such final order, obtain a certificate of registration for the dog from Animal Resources, and renew the certificate annually. Certificates of registration, and renewals thereof, can only be issued to persons who are at least 18 years of age and to Owners who present to Animal Resources sufficient evidence of:
 - a. A current certificate of rabies vaccination for the Dog.
 - b. A Proper Enclosure of a Dangerous Dog.
 - c. Posting of the property where the Dog resides with a clearly visible warning sign at all entry points which informs both children and adults of the presence of a Dangerous Dog on the property.
 - d. Have completed permanent identification of the Dangerous Dog, such as a tattoo on the inside thigh or microchip of the dog.
 - e. Have completed surgical sterilization of the dog, unless a Veterinarian certifies in writing that sterilizing the dog would be injurious to the dog's health. If the health condition of the dog is of a temporary nature, then the Owner shall employ a Veterinarian to sterilize the animal immediately after the health condition has been corrected.
 - f. Documentation of fee simple ownership of the real property by the Owner upon which the dangerous dog and enclosure are located or, alternatively, written permission to locate the dangerous dog and enclosure on the property from the fee simple owner of the real property; and
 - g. Liability insurance maintained in a minimum amount of \$500,000 aggregate/\$250,000 per incident, for each dangerous dog, for damage or injury caused by the dangerous dog. Owner shall provide a Certificate of Insurance to the County with a 30-day notice of cancellation. Certificate holder: Alachua County Board of County Commissioners, Alachua County Animal Resources, 3400 N.E. 53rd Avenue, Gainesville, Florida, 32609

2. Owner shall Immediately notify the Animal Resources when the Dangerous Dog:

- a. Is loose or unconfined.
- b. Has bitten a human being or attacked another animal.
- c. Is sold, stolen, given away, or dies.
- d. Is moved to another address.

Before a Dangerous Dog is sold or given away, the Owner shall provide the name, address, and telephone number of the new Owner to Animal Resources. The new Owner must comply with all the requirements of this section. Animal Resources must be notified by the Owner if a Dangerous Dog is located in a jurisdiction listed in section 72.04.

3. The Owner shall not permit the Dog to be outside a Proper Enclosure of a Dangerous Dog, unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting a person or animal. The Owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within his or her sight and only members of the immediate household or persons 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.

(b) If a dog is classified as a Dangerous Dog due to an incident that causes Severe Injury to a human being, based upon the nature and circumstances of the injury and the likelihood of a future threat to the public safety, health, and welfare, the dog may be destroyed in an expeditious and humane manner.

(c) If the requirements of subsection (5)(a) of this section are not satisfied after 14 calendar days from the date of notification of the classification of the dog as Dangerous Dog, and if there are no pending appeals, the dog will become the property of Alachua County.

(6) Hunting dogs are exempt from this section 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 this section when engaged in any legal procedures. However, such dogs at all other times in all other respects are subject to this section. A dog that has been classified as a Dangerous Dog may not be used for hunting purposes.

(7) The county may seek an injunction from a court of competent jurisdiction to enforce the requirements of this section. Each failure to comply with a dangerous dog requirement or responsibility of a dangerous dog Owner contained in this chapter shall constitute a noncriminal infraction, punishable by any means available at law or in equity.

Sec. 72.15. – Aggressive Dog.

(1) Animal Resources shall promptly investigate reported incidents involving any dog that may be Aggressive Dog. Animal Resources will impound any dog that is the subject of an investigation under this section until the conclusion of the investigation, hearing, or appeal, unless the County Manager or his or her designee makes a determination that the dog can be safely confined by its Owner, based upon an evaluation of the following criteria: (i) the physical layout of the area where the dog will be confined; (ii) the plan for proper confinement of the dog; (iii) the individual characteristics and behavior of the dog; and (iv) any other relevant factors. The Owner is responsible for payment of all boarding costs and

other fees as may be required to keep the dog pending any hearing or appeal. If the dog is not required to be impounded by Animal Resources, the Owner must agree in writing to the following shelter-in-place requirements: (i) the dog must be humanely and safely confined in a securely fenced or enclosed area and (ii) the Owner will not relocate or transfer ownership of the dog pending the outcome of the investigation or hearings related to the classification. The County Manager or his or her designee has the authority to determine if the subject dog can be safely confined by its Owner and may enter into a written shelter-in-place agreement with the Owner. An Enforcement Officer shall impound the subject dog if the Owner refuses to agree to or violates the above shelter-in-place requirements.

- (2) Animal Resources shall not declare a dog Aggressive if the dog was protecting or defending a human being from an unjustified attack or assault and the protected or defended human being was within the immediate vicinity of the dog.
- (3) After the investigation, the Director of Animal Resources or his/her designee shall make an initial determination as to whether there is sufficient cause to classify a dog as an Aggressive Dog. Animal Resources shall provide written notification of the sufficient cause finding to the Owner by certified mail, hand delivery, or service. Animal Resources shall afford the Owner an opportunity for a hearing prior to making a final determination regarding the classification of the dog as an Aggressive Dog. The Owner may file a written request for a hearing in accordance Section 72.16. If a hearing is not timely requested regarding the Aggressive Dog classification, the determination of Animal Resources as to such matter shall become final.
- (4) Upon an Aggressive Dog classification becoming final after a hearing or by operation of law pursuant to subsection (3), Director of Animal Resources or his/her designee shall provide a written final notice to the Owner by certified mail, hand delivery or service.
- (5) On or before the 14th calendar day after issuance of the final notice classifying the dog as Aggressive Dog or the classification is upheld on appeal, the Owner of an Aggressive Dog, who must be at least 18 years of age, must provide Animal Resources sufficient evidence of:
 - a. A current certificate of rabies vaccination for the Aggressive Dog.
 - b. A Proper Enclosure for Aggressive Dog. An Owner shall not permit Aggressive Dog to be outside a Proper Enclosure of Aggressive Dog, unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person.
 - c. Posting of the property with a clearly visible warning signs at all entry points which informs both children and adults of the presence of an Aggressive Dog on the property.
 - c. Have completed permanent identification of the dog by microchip.
 - d. Have completed Surgical sterilization of the dog, unless a Veterinarian certifies in writing that the sterilization of the animal would be injurious to the animal's health. If the health condition of the animal is of a temporary nature, then the Owner shall employ a Veterinarian to sterilize the animal immediately after the health condition has been corrected.

If the requirements of subsection (5) of this section are not satisfied after 14 calendar days from the date of notification of the classification of the dog as Aggressive Dog, and if there are no pending appeals, dog will become the property of Alachua County.

- (6) The Owner shall immediately notify the Animal Resources when a dog that has been classified as aggressive:
 - a. Is loose or unconfined.
 - b. Attacks a human being or another companion animal.

c. Is sold, stolen, moves, given away, or dies.

Before an Aggressive Dog is sold, moves, or is given away, the Owner shall provide Animal Resources the name, address, and telephone number of the new Owner. The new Owner must comply with all of the requirements of this section.

(7) Hunting dogs are exempt from this section when engaged in any legal hunt or training procedure. The provisions of this section relating to Aggressive Dogs do not apply to dogs used by law enforcement official agencies for law enforcement work. If a dog has been declared Dangerous, the provisions of this section do not apply.

(8) The county may seek an injunction from a court of competent jurisdiction to enforce the requirements of this section. Each failure to comply with an Aggressive Dog requirement or responsibility of an Owner of an Aggressive Dog contained in this chapter shall constitute a noncriminal infraction, punishable by any means available at law or in equity.

Sec. 72.156. - Hearing procedure.

(a) On or before the following dates, an ~~e~~Owner may file a written request to Animal Resources for a hearing as follows:-The County Manager or the Director shall designate ~~an individual or the Codes Enforcement Board to act as~~ a Hearing Officer.

(1) The seventh calendar day after the date of service of written notification of an initial determination of a sufficient cause finding under section 72.14 or 72.15 of this Code; or

(2) The tenth business day after the date of service of written notification that a dog involved in a ~~violent dog~~ attack ~~was confiscated~~ under Section 72.2017 or 72.18.

(b) No less than five calendar days and no more than 21 calendar days after the date of receipt of the written request, the County shall provide for the requested hearing. The hearing may be continued to a date outside of this time schedule at the request of either party if circumstances arise which necessitate same.

(c) ~~Hearing procedures.~~(1) Each party shall have the following rights:

a. To be represented by counsel;

b. To compel the attendance of witnesses;

c. To examine witnesses;

d. To introduce exhibits;

e. To cross examine opposing witnesses ~~on any relevant matter, even though the matter was not covered under direct examination;~~

~~f. To impeach any witness regardless of which party first called the witness to testify.~~

~~(2) Any interested party or person may make application and, upon good cause shown, may be allowed within the discretion of the Hearing Officer to intervene or appear in a proceeding pending before the Hearing Officer.~~

(d) Subpoenas.

(1) The Hearing Officer has the power to issue subpoenas to compel the attendance of witnesses at a hearing upon the written request of any party or upon the Hearing Officer's own ~~motion~~order.

(2) A subpoena may be served by any person authorized by law to serve process. Service shall be made as provided by law.

- ~~(3) Any person subject to a subpoena may, before compliance and on timely petition, request the Hearing Officer having jurisdiction of the dispute to invalidate the subpoena.~~
- ~~(4) A party may seek enforcement of a subpoena issued under the authority of this chapter by filing a petition for enforcement in the county court. Failure to comply with an order of the court shall result in a finding of contempt of court. However, no person shall be in contempt while a subpoena is being challenged under subsection (d)(3).~~
- (3) Failure of the Owner to appear personally or through legal counsel at the hearing shall result in dismissal of the action and an order affirming the determination or action. If a party willfully fails testify when duly subpoenaed, the Hearing Officer may:
- a. ~~Order that the matters regarding which the questions were asked or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;~~
- b. ~~Render a judgment by default against the disobedient party.~~
- ~~(64) Each party is responsible for its own~~ Witness fees shall be paid as provided by law.

(e) Evidence.

- (1) ~~All hearings shall be conducted, insofar as practicable, in accordance with the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an informal manner. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the hearings and proceedings.~~
- (2) In any hearing before the Hearing Officer irrelevant, immaterial, or unduly repetitious evidence ~~shall~~may be excluded at the discretion of the Hearing Officer. ~~All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether such evidence would be admissible in a trial in the courts of Florida.~~ Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- (3) Documentary evidence may be received in the form of a copy or excerpt if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.
- ~~(4) A party shall be permitted to conduct cross examination when testimony is taken or documents are made a part of the record.~~
- ~~(54)~~ The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
- ~~(65)~~ The Hearing Officer shall work with the County to ensure that an audio and documentary record of the hearing is preserved, ~~which record shall be public and open to inspection and transcription or copying by any person.~~ Any person who may seek to appeal any decision noticed for hearing will be responsible for making a verbatim record of the testimony and evidence at the hearing upon which any appeal may be based.

(f) Written determinations of the Hearing Officer.

- (1) After ~~the conclusion of the due public~~ hearing, the Hearing Officer shall issue a determination based upon the preponderance of the evidence. The ~~Division~~County shall bear the burden of establishing the dangerousness or aggressiveness of the dog, or that a

- ~~violent dog~~ attack occurred; and the ~~o~~Owner shall bear the burden of establishing any legal defenses. All determinations of the Hearing Officer shall be in writing, signed and dated by the Hearing Officer shall contain findings of fact and conclusions of law, and shall be served upon the Owner by certified or registered mail, hand delivery, or service in conformance with Chapter 48, Florida Statutes. The Hearing Officer has the authority to decide if the initial Dangerous Dog designation or Aggressive Dog designation, or the penalty, should be upheld, with or without changes, or overturned and set aside.
- (2) ~~All determinations of the Hearing Officer shall be in writing, signed and dated by the Hearing Officer shall contain findings of fact and conclusions of law, and shall be served upon the owner by certified or registered mail, certified hand delivery, or service in conformance with Chapter 48, Florida Statutes. If the Hearing Officer upholds the initial determination of dangerousness, the owner shall comply with the provisions of Section 72.17.5 within fourteen (14) calendar days of the Hearing Officer's determination; or in the event of any appeal of said determination to a court of competent jurisdiction, within fourteen (14) calendar days of a decision adverse to the owner. If the Hearing Officer determines that the dog is Dangerous Dog and allows the dog to be released, the Owner shall comply with the Dangerous Dog requirements of Section 72.14(5)(a) within fourteen (14) calendar days of the Hearing Officer's determination; or in the event of any appeal of said determination, within fourteen (14) calendar days of a decision adverse to the Owner. If the Hearing Officer determines that the Dog is an Aggressive Dog and allows the dog to be released, the Owner shall comply with the Aggressive Dog requirements in Section 72.15 within fourteen (14) calendar days of the Hearing Officer's determination; or in the event of any appeal of said determination, within fourteen (14) calendar days of a decision adverse to the Owner.~~
- (3) ~~On or before the tenth business day after the date of service of a final decision, the owner may appeal to the proper court the decision regarding any aggressive, dangerous or violent dog. The order of the Hearing Officer shall be final, subject to review in Circuit Court via an appeal filed within ten (10) business days of the Hearing Officer's decision. An appeal must be in accordance with the Florida Rules of Appellate Procedure. The appeal shall be a review of the record, not de novo. If an appeal is filed according to this section, the dog may not be euthanized while the hearing or appeal is pending. If the dog is not held by Animal Resources, the Owner must confine the dog in a securely fenced or enclosed area pending resolution of the appeal.~~
- (5) The Hearing Officer has the authority to accept or reject a settlement agreement reached between the Owner and the County, and shall have jurisdiction to enforce the terms of the settlement agreement through an appropriate order. The County Manager has settlement authority for the County for this purpose.
- (g) Payment of Hearing Officer. The cost of the Hearing Officer shall be paid by the losing party. If more than one item is in dispute, and if there are mixed results, a party shall only be responsible for the cost of the Hearing Officer's time that was applied to the losing item or items, which percentage of time shall be determined by the Hearing Officer. As a condition precedent to holding the hearing authorized under this Chapter, the ~~o~~Owner at the same time as submitting a written request for a hearing of the dog(s) must pay a deposit to Alachua County delivered to Animal Resources, equal to the cost of one hour of the ~~h~~Hearing ~~o~~fficer's ~~in-hearing~~ time. If the Hearing Officer issues a final order finding the dog not Aggressive or not Dangerous in favor of the oOwner of the dog(s), then the County shall refund the entire deposit to the ~~o~~Owner ~~of the dog(s)~~. If the Hearing Officer issues a final order in favor of Alachua County classifying the dog as an Aggressive Dog or Dangerous

Dog or upholding penalty imposed, then the deposit is forfeited to Alachua County and will be applied to the total cost of the Hearing Officer's time.

~~Sec. 72.16. — Requirements for dogs declared aggressive.~~

~~(a) On or before the fourteenth day after the date of notification of the classification of a dog as aggressive or a classification is upheld on appeal as provided in section 72.15 of this Code, the owner of the dog shall obtain a certificate of registration from Animal Services. The owner shall renew the certificate annually. Animal Services is authorized to issue such certificates of registration and renewals only to persons who have attained at least 18 years of age and who present to Animal Services sufficient evidence of:~~

- ~~(1) A current certificate of rabies vaccination and license for the dog;~~
- ~~(2) A proper enclosure for an aggressive dog;~~
- ~~(3) Warning signs that are clearly visible from all entry points and inform both children and adults of the presence of an aggressive dog on the property;~~
- ~~(4) Permanent identification of the dog by microchip;~~
- ~~(5) Two color photos of the dog in two different poses showing the color and size of the animal; and~~
- ~~(6) Surgical sterilization of the dog, unless a veterinarian certifies in writing that the sterilization of the animal would be injurious to the animal's health. If the health condition of the animal is of a temporary nature, then the owner shall employ a veterinarian to sterilize the animal immediately after the health condition has been corrected.~~

~~(b) Reserved.~~

~~(c) The owner shall immediately notify Animal Services when a dog that has been classified as aggressive:~~

- ~~(1) Becomes loose or unconfined;~~
- ~~(2) Attacks a human being or another companion animal; or~~
- ~~(3) Dies.~~

~~(d) The owner shall immediately notify Animal Services if the owner moves to another address with the aggressive dog.~~

~~(e) The owner shall immediately notify Animal Services if the owner is going to sell or give away the aggressive dog. Prior to an aggressive dog being sold or given away, the owner shall provide to Animal Services the name, address, and telephone number of the new owner. While residing in Alachua County, the new owner shall comply with all of the requirements of this chapter that relate to aggressive dogs.~~

~~(f) The owner shall immediately notify Animal Services if the owner believes that the aggressive dog has been stolen.~~

~~(g) The owner of an aggressive dog shall not permit the dog to be outside of the proper enclosure for an aggressive dog, unless the dog is under physical control of a competent person.~~

~~(h) An owner of an aggressive dog shall not use the dog for hunting purposes.~~

~~(i) The provisions of this chapter relating to aggressive dogs do not apply to dogs used by law enforcement officials for law enforcement work.~~

~~(j) If a dog has been declared dangerous, the provisions of this section do not apply.~~

~~Sec. 72.17. — Requirements for dogs declared dangerous.~~

- ~~(a) On or before the fourteenth day after the date of notification of the classification of a dog as dangerous or a classification is upheld on appeal as provided in section 72.15 of this Code, the owner of the dog shall obtain a certificate of registration and a dangerous dog tag or collar from Animal Services. The owner shall renew the certificate annually. Animal Services is authorized to issue such certificates of registration and renewals only to persons who have attained at least 18 years of age and who present to Animal Services sufficient evidence of:~~
- ~~(1) A current certificate of rabies vaccination and license for the dog;~~
 - ~~(2) A proper enclosure for a dangerous dog;~~
 - ~~(3) Warning signs that are clearly visible from all entry points and inform both children and adults of the presence of a dangerous dog on the property;~~
 - ~~(4) Permanent identification of the dog by microchip;~~
 - ~~(5) Surgical sterilization of the dog, unless a veterinarian certifies in writing that sterilizing the animal would be injurious to the animal's health. If the health condition of the animal is of a temporary nature, then the owner shall employ a veterinarian to sterilize the animal immediately after the health condition has been corrected;~~
 - ~~(6) Two color photos of the dog in two different poses showing the color and size of the animal;~~
 - ~~(7) Fee simple ownership of the property upon which the dangerous dog and enclosure are located or, alternatively, permission to locate the dangerous dog and enclosure on the property from the fee simple owner of the property; and~~
 - ~~(8) Liability insurance maintained in a minimum amount of \$500,000 aggregate/\$250,000 per incident, for each dangerous dog, for damage or injury caused by the dangerous dog. Owner shall provide a Certificate of Insurance to the County with a 30-day notice of cancellation. Certificate holder: Alachua County Board of County Commissioners, Alachua County Animal Services, 3400 N.E. 53rd Avenue, Gainesville, Florida, 32609.~~
- ~~(b) The owner shall secure the dangerous dog collar or tag around the dog's neck so that it is clearly visible at all times.~~
- ~~(c) Reserved.~~
- ~~(d) The owner shall immediately notify Animal Services when a dog that has been classified as dangerous:~~
- ~~(1) Becomes loose or unconfined;~~
 - ~~(2) Attacks a human being or another companion animal; or~~
 - ~~(3) Dies.~~
- ~~(e) The owner shall immediately notify Animal Services if the owner moves to another address with the dangerous dog. If the owner moves to a different jurisdiction, then the owner shall also notify the enforcement officer of the new jurisdiction that the dog has been classified as dangerous.~~
- ~~(f) The owner shall immediately notify Animal Services if the owner is going to sell or give away the dangerous dog. 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 shall comply with all of the requirements of this chapter that relate to dangerous~~

~~dogs, even if the animal is moved from the jurisdiction of this chapter to another local government jurisdiction within the state.~~

- ~~(g) The owner shall immediately notify Animal Services if the owner believes that the dangerous dog has been stolen.~~
- ~~(h) The owner of a dangerous dog shall not permit the dog to be outside of the proper enclosure for a dangerous dog, unless the dog is muzzled and restrained by a substantial leash and under physical control of a competent person. The owner shall use a muzzle that is made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but prevents the dog from biting any person or animal. The owner may exercise the dog on the owner's property in a securely fenced or enclosed area that does not have a top, without a muzzle or leash on the dog, if the dog remains within the owner's sight and only members of his immediate household and persons 18 years of age or older are allowed in the enclosure when the dog is present. While transporting the dangerous dog, the owner shall restrain the dog safely and securely within a vehicle.~~
- ~~(i) An owner of a dangerous dog shall not use the dog for hunting purposes.~~
- ~~(j) The provisions of this chapter relating to dangerous dogs do not apply to dogs used by law enforcement officials for law enforcement work.~~
- ~~(k) The owner of a dangerous dog shall not permit the dog to be left unattended with a minor child.~~
- ~~(l) If the requirements of subsection (a) of this section are not satisfied after fourteen days from the date of notification of the classification of the dog as dangerous, and if there are no pending appeals, the dangerous dog will become the property of Animal Services and disposition will be in accordance with applicable policies.~~
- ~~(m) The county may seek an injunction from a court of competent jurisdiction to enforce the requirements of this section. Each failure to comply with a dangerous dog requirement or responsibility of a dangerous dog owner contained in this chapter shall constitute a noncriminal infraction, punishable by any means available at law or in equity, including by a fine as defined in section 24.16 of this Code.~~

~~Sec. 72.18. — Consequences to dog's owner after a dog attack.~~

- ~~(a) If a dog that has not previously been declared dangerous attacks and causes severe injury to or death of any human and the owner of the dog had prior knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard of such propensities under the circumstances, then the owner is guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083, unless the person attacked was engaged in criminal activity at the time of the attack.~~
- ~~(b) If a dog that has previously been declared a dangerous dog attacks or bites a person or a companion animal without provocation, then the owner is guilty of a misdemeanor of the first degree, punishable as provided in F.S. § 755.082 or 755.083, unless the person attacked was engaged in criminal activity at the time of the attack.~~
- ~~(c) If a dog that has previously been declared a dangerous dog attacks and causes severe injury to or death of any human, then the owner is guilty of a felony of the third degree, punishable as provided in F.S. § 775.082, 775.083, or 775.084, unless the person attacked was engaged in criminal activity at the time of the attack.~~
- ~~(d) The owner of any dog that bites any person while such person is on or in a public place, or lawfully on or in a private place, including the property of the owner of the dog, is liable for~~

~~damages suffered by persons bitten, regardless of the former viciousness of the dog or the owners' knowledge of such viciousness. However, any negligence on the part of the person bitten that is a proximate cause of the biting incident reduces the liability of the owner of the dog by the percentage that the bitten person's negligence contributed to the biting incident. A person is lawfully upon private property of such owner within the meaning of this act when the person is on such property in the performance of any duty imposed upon him or her by the laws of this state or by the laws or postal regulations of the United States, or when the person is on such property upon invitation, expressed or implied, of the owner. However, the owner is not liable, except as to a person under the age of six, or unless the damages are proximately caused by a negligent act or omission of the owner, if at the time of any such injury the owner had displayed in a prominent place on his or her premises a sign easily readable including the words "Bad Dog."~~

Sec. 72.17. - Attack or bite by an unclassified dog.

- (a) If a dog that has not been classified as a Dangerous Dog attacks and causes the death of a human, the dog shall be immediately confiscated by an Enforcement Officer, placed in quarantine, if necessary, for the proper length of time, or impounded for 10 business days after the Owner is given written notice, and thereafter humanely euthanized. This 10-day time period allows the Owner to request a hearing under 72.16. The Owner is responsible for payment of all boarding costs and other fees as may be required to house and care for the Animal during any appeals.
- (b) If a dog that has not been classified as a Dangerous Dog 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 s. 775.082 or s. 775.083, unless the person attacked was engaged or attempting to engage in criminal activity at the time of the attack.
- (c) 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.
- (d) In the event of any conflict between this section and Sections 767.135 and 767.136, Florida Statutes, as may be amended, the provisions of the State law take precedence.

Sec. 72.18.- Attack or bit by a Dangerous Dog.

- (a) If a dog that has previously been classified as a Dangerous Dog attacks or bites a person or a domestic animal without provocation, then the Owner is guilty of a misdemeanor of the first degree, punishable as provided in F.S. § 755.082 or 755.083, unless the person attacked was engaged in criminal activity at the time of the attack. In addition, the Dangerous Dog shall be immediately confiscated by an Enforcement Officer, placed in quarantine, if necessary, for the proper length of time, or impounded and held for 10 business days after the Owner is given written notification and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the Owner to request a hearing under s. 72.16. The Owner shall be responsible for payment of all boarding costs and other fees as may be required to house and care for the Animal during any appeal procedure.
- (b) If a dog that has previously been declared a Dangerous dog attacks and causes Severe Injury to or death of any human, then the Owner is guilty of a felony of the third degree, punishable as provided in F.S. § 775.082, 775.083, or 775.084, unless the person attacked was engaged in or attempting to engage in a criminal activity at the time of the attack. In addition, the dog shall be immediately confiscated by an Enforcement Officer, placed in quarantine, if necessary, for the proper length of time or impounded for 10 business days after the Owner is given written

notification and thereafter humane euthanized. This 10-day time period shall allow the Owner to request a hearing under s. 72.16. The Owner shall be responsible for payment of all boarding costs and other fees as may be required to house and care for the Animal during any appeal procedure.

(c) 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.

(d) In the event of any conflict between this section and Section 767.13, Florida Statutes, as may be amended, the provisions of the State law take precedence.

Sec. 72.19. - Procedures after possible rabies exposure.

(a) When an ~~a~~Animal has allegedly bitten or scratched a person or is suspected or believed to be infected with rabies, the ~~e~~Owner shall relinquish control of the ~~a~~Animal to ~~Animal Services~~the County upon request of ~~an Enforcement Officer~~, or shall quarantine the ~~a~~Animal at home or with a ~~v~~Veterinarian, ~~as directed by Animal Services~~at the decision of the Director or his/her designee.

(b) In certain cases, home quarantine of a ~~d~~Domestic ~~a~~Animal, which has bitten or ~~s~~Scratched a person, may be permitted at the discretion of ~~Animal Services, if determined safe and appropriate~~the Director, ~~if the Director finds it is safe and appropriate~~ and the following criteria and conditions are met:

(1) The animal involved is a ~~d~~Domestic ~~a~~Animal that has a current rabies vaccination from a ~~v~~Veterinarian and ~~is wearing~~has a current license tag;

(2) Animal is a dog that attacked a person, the ~~e~~Owner had the dog under ~~p~~Physical ~~e~~Control when the attack occurred or, if the dog attack occurred on the ~~e~~Owner's property, or ~~Animal Services~~Resources determined that the attack was provoked;

(3) The ~~e~~Owner of the ~~d~~Domestic ~~a~~Animal has a facility to contain within a cage, fenced yard, or house the ~~d~~Domestic ~~a~~Animal during the quarantine period, which facility has been deemed appropriate by ~~Animal Services~~Resources;

(4) The ~~e~~Owner agrees that at the end of the quarantine period, the ~~e~~Owner allows ~~an Enforcement Officer, as representative~~or other designee of the county health department to visually check an ~~a~~Animal quarantined at home; and

(5) Any other conditions or safeguards as ~~Animal Services~~Director may deem necessary and appropriate.

(c) At any time during the home quarantine period, if ~~a domestic a~~Animal is reported or observed to not be confined or a ~~dog~~Domestic ~~a~~Animal is reported to not be under physical control, the home quarantine privilege is revoked immediately and the ~~e~~Owner, at the ~~e~~Owner's own expense, shall confine the ~~domestic a~~Animal either with a ~~v~~Veterinarian or at the county animal shelter for the duration of the quarantine period.

~~(d) The investigating Animal Services officer shall decide whether to allow home quarantine of a domestic animal. In the event of any dispute regarding the appropriateness of home quarantine, the director has final decision-making authority in the matter.~~

~~(e)~~ If a police dog, as defined in F.S. § 843.319, has attacked a person while acting under the direction of a law enforcement agency in an official capacity, such as aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders, the ~~d~~Director may exempt the dog from the quarantine and impoundment provisions of this chapter, upon proof of a current vaccination and licensing for the dog.

Sec. 72.20. ~~Procedures after violent dog attack.~~ Reserved.

- ~~(a) If a violent dog attack occurs, then Animal Services shall immediately confiscate the dog and place it under quarantine.~~
- ~~(b) Animal Services shall deliver to the owner written notification by certified mail, certified hand delivery, or service in accordance with F.S. ch. 48, that the dog was confiscated and that the owner may request a hearing as set out in section 72.15.~~
- ~~(c) Animal Services shall confine the dog for a period of time as determined by Animal Services. The period may not end prior to the tenth business day after the date of delivery notification of the confiscation.~~
- ~~(d) Animal Services shall humanely and expeditiously euthanize the dog at the exhaustion of all appeals.~~
- ~~(e) During the appeals, the owner shall pay all boarding costs and other fees as may be required to humanely and safely keep the dog.~~

Sec. 72.21. - Companion animals creating a public nuisance.

- (a) An eOwner shall prevent a eCompanion-aAnimal from becoming a public nuisance. A public nuisance includes but is not limited to a eCompanion-aAnimal that:
 - ~~(1) Trespasses on public or private property;~~
 - (2) Causes damage to another person's property;
 - (3) Creates a danger to the public health or safety;
 - ~~(4) Disturbs or turns over a garbage container;~~
 - ~~(5) Chases or molests a vehicle, bicycle, person, or animal;~~
 - (6) Displays menacing or threatening behavior; or
 - (7) Defecates on public or private property without the property owner's consent, unless it is removed immediately.

A eCompanion-aAnimal shall not be a public nuisance under this section if the eCompanion aAnimal was lured, baited, or attracted to another person's property ~~due to the placement or offer of food or garbage on the property in such a manner that it attracts cats, dogs, raccoons, coyotes, or other wildlife.~~

- (b) A eCompanion-aAnimal that creates a noise disturbance in violation of Chapter 110 of this Code is a public nuisance. In the event of a public nuisance caused by noise, Animal ServicesResources may follow the procedures as outlined in Chapter 110.
- (c) The eOwner of any public nuisance animal, as defined under this article, shall be deemed to be in violation of this article, regardless of knowledge, intent or culpability of the eOwner.
- (d) A citation for a violation of this section may be issued based upon:
 - (1) Receipt of affidavit(s) ~~of complaint~~ signed by two or more residents of the county, each residing in separate dwellings ~~in the vicinity of the animal(s) or incident(s)~~, setting forth the nature and the time(s) and date(s) of the act(s), the eOwner of the aAnimal(s), the address of the eOwner and a description of the aAnimal(s) doing such act(s), the accuracy and veracity of which, shall be confirmed through an animal services investigation; or
 - (2) The personal observance of noncompliance made by an eEnforcement eOfficer or any other ~~such~~ law enforcement officer ~~authorized to enforce the provisions of this article~~

made during the course of the lawful performance of his/her duties in the vicinity of the place of the offense.

- (e) Enforcement actions allowed by this section are cumulative and supplemental to actions outlined elsewhere in this Code.

Sec. 72.22. - Rabies vaccination for ~~d~~Domestic ~~a~~Animals.

- (a) The ~~e~~Owner of a ~~d~~Domestic ~~a~~Animal that is four months of age or older shall employ a ~~v~~Veterinarian to vaccinate the ~~d~~Domestic ~~a~~Animal against rabies with a vaccine licensed by the United States Department of Agriculture for use in those species. ~~The owner shall employ a veterinarian that uses a vaccine appropriate for the species of the animal, which vaccine must be recognized by the current Compendium on Animal Rabies Prevention and Control ("Compendium").~~ Twelve months after the initial vaccination, the ~~e~~Owner shall have the animal vaccinated again and then annually, or triennially thereafter, as recommended by the ~~Veterinarian or the vaccine manufacturer's directions~~Compendium. ~~Twelve months after the initial vaccination, the owner of a ferret shall have the ferret vaccinated again, and then annually thereafter, or as recommended by the Compendium.~~

- (b) ~~If a veterinarian gives a written opinion that a vaccination would be injurious to the health of a domestic animal, then the owner may suspend the vaccination for the time period that the vaccination would be injurious. A Domestic Animal is exempt from vaccination against rabies if a Veterinarian has examined the Animal and has certified in writing that at the time vaccination would endanger the Animal's health because of its age, infirmity, disability, illness, or other medical considerations. An exempt Domestic Animal must be vaccinated against rabies as soon as its health permits.~~ During the suspended time period, the ~~e~~Owner shall confine the ~~d~~Domestic ~~a~~Animal in an enclosed building or kennel, or maintain the animal on a leash held by a person capable of appropriate physical control of the animal.

- (c) Any business that sells a rabies vaccine in Alachua County shall prominently display a sign, no smaller than eight inches by ten inches, with letters no smaller than 0.25 inches, that states:

FLORIDA STATUTES §828.30(1) STATES IN PART: "ALL DOGS AND CATS AND FERRETS 4 MONTHS OF AGE OR OLDER MUST BE VACCINATED BY A LICENSED VETERINARIAN AGAINST RABIES WITH A UNITED STATES GOVERNMENT-APPROVED VACCINE."

RABIES VACCINE ADMINISTERED BY ANYONE OTHER THAN A LICENSED VETERINARIAN IS NOT RECOGNIZED IN ALACHUA COUNTY FOR PURPOSES OF REQUIRED LICENSING OF DOGS, CATS OR FERRETS.

- (d) Upon vaccination against rabies of an animal, the ~~licensed v~~Veterinarian shall provide the animal's ~~e~~Owner ~~and Animal Services~~ with a rabies vaccination certificate in accordance with the requirements of F.S. § 828.30, as may be amended. ~~which must contain at least the following information typed legibly on the National Association of State Public Health Veterinarians (NASPHV) Form 51:~~

- ~~(1) The license number of the administering veterinarian.~~
- ~~(2) The name, address, and phone number of the veterinarian and owner, community cat caregiver or trap-neuter-return program.~~
- ~~(3) The date of vaccination.~~
- ~~(4) The expiration date of the vaccination.~~
- ~~(5) The species, age, sex, color, breed, weight, and name of the animal vaccinated.~~

- ~~(6) The rabies vaccine manufacturer.~~
- ~~(7) The vaccine lot number and expiration date.~~
- ~~(8) The type and brand of vaccine used.~~
- ~~(9) The route of administration of the vaccine.~~
- ~~(10) The signature or signature stamp of the licensed veterinarian.~~

Sec. 72.23. - Licensing ~~d~~Domestic ~~a~~Animals.

- (a) The ~~e~~Owner of a ~~d~~Domestic ~~a~~Animal that is four months of age or older, shall license the ~~d~~Domestic ~~a~~Animal for one year beginning at the time of the initial rabies vaccination.
- (b) After the expiration of the ~~d~~Domestic ~~a~~Animal's initial license, the ~~e~~Owner shall re-license the animal annually.
- ~~(c) Because the county recognizes that spay/neuter is the most effective method for reducing shelter animal intake and community nuisances caused by dogs and cats, and that microchips dramatically increase the chance of reunification of lost pets with their owners, a substantial discount off the annual license fee will be afforded to owners of animals that are both sterilized and microchipped.~~
- ~~(d)~~ A license shall consist of a rabies vaccination, a license certificate, and a license tag for the animal's collar. License certificates and license tags may only be issued by Animal ~~Services~~Resources or an authorized ~~v~~Veterinarian. No other license certificate or license tag shall be valid in the county. A license or license tag issued for one ~~a~~Animal is not valid for any other ~~a~~Animal.
- ~~(e)~~ An ~~e~~Owner, to whom a tag and license have been issued, shall use a substantial device to securely fasten the tag around the ~~domestic a~~Animal's neck so the tag is clearly visible at all times.
- ~~(f)~~ In the event a license tag is lost or destroyed, ~~an Owner will notify~~ Animal ~~Services~~Resources ~~for~~shall issue a replacement tag upon presentation of the corresponding license certificate and payment of the appropriate fee.
- ~~(g)~~ On or before the thirtieth day after the date a person moves to this county, ~~the person an~~Owner of a Domestic Animal shall comply with the licensing provisions of this section. A ~~person~~Owner who has had their ~~d~~Domestic ~~a~~Animal inoculated in another county or state and then relocates the animal to this county may obtain a county tag from Animal ~~Services~~Resources upon paying appropriate licensing fees and presenting written proof of proper rabies vaccination that meets the criteria for duration of immunity as provided for in this chapter.
- ~~(h)~~ Animal ~~Services~~Resources shall design the license certificate and a suitable license tag. ~~The license tags must designate the name of the county and the year the tag was issued in addition to any other wording or identification as may be deemed practical or appropriate.~~
- ~~(i) No later than the 15th day of each month, each veterinarian practicing in Alachua County shall provide to Animal Services a complete list of all domestic animals that they vaccinated against rabies during the previous month. The list shall be in accordance with § 828.30, Florida Statutes.~~

Sec. 72.24. - Exceptions to wearing license tag.

- (a) An eOwner whose dDomestic aAnimal is participating in any organized exhibition or field trial or organized training for such events, may remove the dDomestic aAnimal's license tag during the activity.
- (b) When ferrets are on the eOwner's property, the eOwner may remove the license tag.
- (c) If an eOwner presents to Animal ServieesResources ~~acceptable proof that a domestic animal participates in organized exhibiting, including a conformation show, or presents~~ a written statement from a vVeterinarian describing a medical condition that prevents the fastening of a device around the dDomestic aAnimal's neck, then the eOwner may register a microchip with Animal ServieesResources in lieu of placing a license tag on the dDomestic aAnimal.
- (d) If the dDomestic aAnimal is an ear-tipped eCommunity eCat, the aAnimal is not required to wear a license tag.

Sec. 72.24.5. - Requirement for permanent pet identification.

- (a) All dogs and cats four months of age or older sold, transferred, exchanged, adopted, or returned to their eOwner from athe Alachua County animal shelter, ~~or given away by the Owner~~ shall be required to be implanted ~~the dog or cat~~ with a microchip that is registered to the legal eOwner of the aAnimal. Ear-tipped Community eCats are exempted from this provision.
- ~~(b) The county shall maintain a low cost option for the implantation of microchips where such cost is equivalent to the actual cost of the device and its implantation.~~
- ~~(eb)~~ It shall be a violation of this chapter for eOwners of dogs and cats who have a microchip to fail to register an implanted microchip with the manufacturer of the microchip. The eOwner shall have 30 days to cure and register the microchip without penalty after notice by Animal ServieesResources.

Sec. 72.25. - Community eCat management.

- (a) The county recognizes the need for innovation in addressing the issues presented by the permanent presence and uncontrolled reproduction of eCommunity eCats living outdoors, independent of human intervention.
- (b) Community eCat management, in which the eCommunity eCat is sterilized, ear-tipped, vaccinated against the threat of rabies, and returned to the original location, is the preferred response to a eCommunity eCat. If these requirements are met, the eCommunity eCat is exempted from licensing, stray, at-large, abandonment, and possibly other provisions of this ordinance that apply to owned animals.
- (c) Return-to-field of impounded community cats.
 - (1) Community eCats entering Animal ServieesResources shall be examined for health and temperament to evaluate their ability to survive in an outdoor environment with or without assistance from a eCommunity eCat eCaregiver.
 - (2) Community eCats determined to be thriving in their environment shall be sterilized, ear-tipped, vaccinated against the threat of rabies, and returned to the original location.
 - (3) An ear-tipped cat received by Animal ServieesResources shall be returned to the location where trapped unless veterinary care is required. A trapped ear-tipped cat shall be released on site unless veterinary care is required.
 - (4) Healthy eCommunity eCats that have been impounded by Animal ServieesResources may be immediately returned-to-field, released to a eCommunity eCat eCaregiver, or, if

considered sufficiently socialized, adopted. Notwithstanding the foregoing, whenever an impounded eCommunity eCat is visibly injured or diseased, appears to be suffering, and upon the advice of a veterinarian, such eCommunity eCat cannot be expeditiously treated and returned to an outdoor living environment, or transferred to a rescue group, then Animal ServicesResources or a Veterinarian may humanely euthanize the eCommunity eCat.

- (d) Trap-neuter-return of free-roaming eCommunity eCats. The County recognizes there are eCommunity eCats that may not enter the shelter, may or may not be under the care of a known eCommunity eCat eCaregiver, and may or may not live in a recognized eCommunity eCat colony. Community eCat trap-neuter-return programs to curtail breeding of eCommunity eCats may be implemented by Animal ServicesResources, veterinary providers, or animal welfare organizations.
- (e) Management of eCommunity eCat colonies. The County recognizes there are eCommunity eCat eCaregivers and acknowledges that eCommunity eCats living in colonies may be tolerated living outdoors, provided such cats are cared for in accordance with the following requirements.
- (1) Managed eCommunity eCat colonies must be maintained on private property of the eCommunity eCat eCaregiver or with the permission of the property owner or property manager (including public property).
 - (2) In instances in which the eCommunity eCat eColony or its members create a documented concern regarding public health, safety, or nuisance as defined in section 72.21, Animal ServicesResources shall work with residents, animal welfare organizations, and eCommunity eCat eCaregivers to mitigate concerns via eCommunity eCat management, education, or relocation of cats, as appropriate.
 - (3) If a person is providing care for a eCommunity eCat eColony, he or she is required to provide certain necessities on a regular/ongoing basis, including, but not limited to, proper nutrition and medical care for the Community Cats as needed.
 - a. Food, if supplied, shall be provided in the proper quantity and frequency for the number of cats being managed. Food must be maintained in proper feeding containers.
 - b. Water, if supplied, shall be clean, potable and free from debris.
 - c. Shelter, if provided, shall be unobtrusive, safe, and of the proper size for the eCommunity eCats.
 - d. Community eCats shall be fed in an area where they do not interfere with sensitive wildlife.
 - e. Community eCat eCaregivers shall make a good faith effort to trap all pre-existing and newly arriving cats to have them sterilized, ear-tipped, vaccinated against the threat of rabies, and returned to the original location.
- (f) It is a violation of this section for an individual or other legal entity to harbor an ear-tipped Community Cat inside a residential building, unless the purpose is to provide veterinary care or treat a medical condition for such Animal.

Sec. 72.26. - Prohibition on owning a primary vector of rabies.

A person shall not own, harbor, keep, display, exhibit, sell, or intentionally breed any ~~a~~Animals that are a primary vector of rabies, including but not limited to a raccoon, fox, coyote, or skunk, unless permitted by the Florida Fish and Wildlife Conservation Commission.

Sec. 72.27. - Keeping a stray domestic animal.

A person shall not harbor, feed or keep any stray ~~d~~Domestic ~~a~~Animal, other than a ~~e~~Community ~~e~~Cat, unless Animal ~~Serviees~~Resources is notified on or before the 24th hour after the person came into possession of such ~~a~~Animal. Upon receiving notice, an ~~e~~Enforcement ~~e~~Officer may impound the ~~a~~Animal and place it in the animal shelter. A person shall surrender any stray ~~d~~Domestic ~~a~~Animal to an ~~e~~Enforcement ~~e~~Officer upon the ~~e~~Officer's demand.

Sec. 72.28. - Impoundment and confiscation of an animal.

- (a) Animal ~~Serviees~~Resources and Enforcement Officers may, in accordance with section 828.073, F.S., or otherwise as provided in Florida law, take custody of an animal or have the animal be made the subject of an order to provide care lawfully: (1) take custody of any animal and remove it from its present location if it is found neglected or cruelly treated, or (2) without removing the animal from its present location, order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense. After such removal or issuance of order to provide care, Animal Services shall petition the county court in accordance with section 828.073, F.S.
- (b) ~~Enforcement Officers may impound any Animal found in violation of any provision of this chapter. When removing an animal under this section without consent, Animal Services may not enter any area where the person occupying the property has a reasonable expectation of privacy.~~

Sec. 72.29. - Confinement, hold periods, and reclaim of ~~dogs and cats~~Animals.

- (a) ~~Dogs or cats impounded pursuant to this chapter and not claimed by their o~~Owners shall be held by Animal Services prior to disposition, When an Animal is impounded by the County it will be held by Animal Resources as provided herein:
- (1) The hold period before disposition shall be three ~~shelter business~~calendar days after the date of impoundment for ~~(a) dogs five months or older~~Animals without an identification tag, microchip, or other owner identification.
- (2) The hold period before disposition shall be five ~~shelter business~~calendar days after the date of impoundment for any ~~a~~Animal with an identification tag, microchip, or other owner identification.
- ~~(3) The hold period before disposition shall be five shelter business days for animals impounded because the owner is unable to care for the animal due to injury, illness, incarceration or other involuntary absence; and received from a law enforcement agency where there is a known owner.~~
- ~~(4)~~ There shall be no hold period for kittens and puppies less than five months of age and for adult cats lacking an identification tag, microchip, or other owner identification. These ~~a~~Animals shall immediately become the property of ~~Animal Services~~Alachua County upon impoundment and shall be made immediately available for adoption or live outcome.
- ~~(5)~~ ~~Dogs and cats~~Animals that have been abandoned while in the custody of a ~~licensed~~ ~~v~~Veterinarian or boarding kennel and that have been turned over to Animal ~~Serviees~~Resources after the ten day notice period required by section 705.19, Florida

Statutes, shall not be subject to any confinement period. These Animals shall immediately become the property of Alachua County.

~~(65)~~ If an ~~owner does not reclaim the~~ animal impounded is not claimed within the specified time, then the Animal is considered abandoned and becomes property of Alachua County. ~~and~~ Animal ServicesResources may provide for the animal to be adopted, transferred to an animal welfare organization, entered into a eCommunity eCat return-to-field program or make disposition pursuant to law at any time, but shall not euthanize the animal for a minimum of five ~~shelter businesscalendar~~ days after the date of impoundment unless covered by section 72.31.

~~(76)~~ Animals that have been voluntarily surrendered by their ~~eOwners~~ to Animal Services to the County shall not be subject to any confinement period. The Director or his or her designee has authority to accept surrendered animals on behalf of the County.

~~(87)~~ In order to promote public health and to protect the health of every ~~a~~Animal at the animal shelter, Animal ServicesResources is authorized to provide preventive healthcare and disease screening to every ~~a~~Animal that is impounded, including during the hold period. Preventive health care and disease screening includes, but is not limited to, physical examination, vaccination against common infectious diseases, treatment for common internal and external parasites, heartworm testing for dogs, and retrovirus testing for cats. Healthy eCommunity eCat directed towards return-to-field shall be exempted from retrovirus testing. Neither the Shelter Veterinarian, nor the county, its employees and agents, shall be liable for any act or omission in rendering care.

~~(9)~~ At the expiration of the appropriate hold period, the animal shall become the property of Alachua County Animal Services and shall be processed in accordance with applicable policies, including mandatory sterilization.

(b) If Animal ServicesResources allows an ~~eO~~Wner to reclaim an injured animal or one suspected of carrying an infectious or contagious disease, the ~~eO~~Wner shall provide immediate veterinary care.

(c) In addition to any other requirements set forth herein, an ~~eO~~Wner seeking to reclaim an ~~companion a~~Animal must present valid picture identification and acceptable proof of ownership, must pay all applicable fees, and must ensure that the ~~a~~Animal has a valid license. Acceptable proof of ownership includes but is not limited to, license receipt, veterinary records, ~~affidavits from neighbors,~~ photographs or other reliable, verifiable documentary evidence. Fees include but are not limited to reclaim fees, vaccination and licensing fees, boarding fees, and veterinary charges.

(d) Community eCat eCaregivers shall be permitted to reclaim impounded, previously sterilized and ear-tipped, eCommunity eCats without proof of ownership and are exempted from reclaim fees.

(e) If an ~~companion a~~Animal is impounded because of inhumane treatment or held during dangerous dog or aggressive dog proceedings, the ~~eO~~Wner shall be responsible for ~~making monthly payments for~~ fees accrued.

(f) Animal ServicesResources shall scan any impounded ~~a~~Animal for a microchip with a device capable of detecting all available microchip frequencies (global scanner) on the day of impoundment and take appropriate measures to contact any individual or organization connected to the animal's microchip account.

(g) Upon compliance with the provisions herein, the County shall be deemed to have complied fully with due process of law and the Owner shall not be entitled to compensation for loss of the Animal.

Sec. 72.30. – Adoption and Release of an aAnimal.

- (a) All aAnimals in the custody of Animal ~~Services~~Resources shall be disposed of via adoption, transfer to an aAnimal ~~wWelfare~~ eOrganization, eCommunity eCat return-to-field, eOwner reclamation, or euthanasia.
- (b) Adoption of an aAnimal.
- (1) Animal ~~Services~~Resources shall not permit a person, entity, or organization to adopt an ~~companion aAnimal from the shelter~~ if ~~Animal Services~~the Director determines that adoption would not be in the best interest of the aAnimal or the public.
 - (2) Any dog or cat adopted from Animal ~~Services~~Resources shall be sterilized, vaccinated, microchipped, and licensed ~~by Animal Services~~ prior to release to the new owner. If the sterilization of the aAnimal cannot be done at the time of adoption because of health reasons, then the person shall leave a deposit guaranteeing sterilization, as required by F.S. § 823.15.
 - (3) To be eligible for the return of the required adoption deposit for any dog or cat, the adopter shall:
 - a. On or before the thirtieth day after the date of adoption or sale, or prior to the aAnimal's sexual maturity, employ a veterinarian to sterilize the animal; and
 - b. On or before the thirtieth day after the date of sterilization, present to Animal ~~Services~~Resources written documentation from the veterinarian who performed the sterilization; ~~and.~~
 - (4) If an adopter fails to comply with this section within the time specified, then the adopter shall forfeit the deposit and Animal ~~Services~~Resources may issue a citation. Pursuant to F.S. § 823.15(2), an adopter who fails to comply with the provisions of this section, shall be liable for legal fees and court costs to enforce the provisions of this section.
- (c) Transfer of an aAnimal. In the event that an animal is transferred to an aAnimal ~~wWelfare~~ eOrganization prior to sterilization, the organization must enter into a written agreement with Animal ~~Services~~Resources, pursuant to section 823.15, Florida Statutes, as amended, ensuring that the aAnimal will be sterilized within 30 days or prior to sexual maturity. The aAnimal ~~wWelfare~~ eOrganization shall vaccinate the aAnimal against the threat of rabies if the animal is four months of age or older prior to another owner readopting the aAnimal or prior to returning a eCommunity eCat to the field. Animal Welfare Organizations shall provide to Animal ~~Services~~Resources, at a minimum, the following information:
- (1) The name, location address, and phone number of the adopter or the organization providing eCommunity eCat management services;
 - (2) The date of sterilization and name and address of veterinarian; and
 - (3) The date of rabies vaccination and name and address of veterinarian.
- (d) Animal ~~Services~~Resources may suspend transfers to an aAnimal ~~wWelfare~~ eOrganization for failing to comply with the ~~reporting~~ requirements of this section or for violation of section 72.10.

Sec. 72.31. - Humane euthanasia.

- (a) Animal ~~ServicesResources~~ shall attempt to contact the ~~eOwner~~ of any ~~aAnimal~~ impounded with an identification tag, microchip, or other traceable identification before humane euthanasia of the ~~aAnimal~~.
- (b) A ~~companion-aAnimal~~ not claimed and not adopted from Animal ~~ServicesResources~~ within the relevant holding period established in ~~section 72.29(a)~~ may be ~~disposed-of-euthanized~~ in a humane manner.
- (c) ~~In the event any unidentifiable animal is found in a state of pain and suffering or becomes so during confinement, Animal Services may euthanize the animal in a humane manner~~ ~~Regardless of the relevant holding period established in section 72.29(a), Animal Resources may humanely euthanize any impounded diseased, ill, or injured animal, whether having identification or not, if deemed necessary by the Shelter Veterinarian for the wellbeing of the Animal and prevents the Animal from further pain or suffering or for the health of other Animals in the animal shelter.~~

Sec. 72.32. - Disposal of an animal carcass by owners.

- (a) Upon the death of an ~~aAnimal~~, the ~~eOwner~~ of the animal shall dispose of the carcass either by burying the carcass at a sufficient depth, of at least two feet, below the surface of the land in order to prevent predators from exhuming the carcass, or by recognized alternative methods of disposal such as cremation or rendering ~~services of a Veterinarian~~. An ~~eOwner~~ shall not dispose of any animal carcass by dumping such carcass on any public or private property or in any waterway.
- (b) A person who, upon demand, does not surrender to Animal ~~ServicesResources~~ the carcass of any dead animal exposed to rabies shall be guilty of a misdemeanor of the second degree. Each violation constitutes a separate offense.

Sec. 72.33. - Duties of person who injures an animal.

Any person who injures an ~~aAnimal~~ shall immediately notify the ~~eOwner~~ of the ~~aAnimal~~ if the ~~eOwner~~ is known. If the ~~eOwner~~ is not known, a person who injures an ~~aAnimal~~ shall immediately notify Animal ~~ServicesResources~~, the county sheriff's office, or a law enforcement agency that has jurisdiction over the location where the ~~aAnimal~~ was injured.

Sec. 72.34. - ~~Companion-aAnimals~~ in motor vehicle.

- (a) A motor vehicle operator shall not place or confine an ~~companion aAnimal~~ or allow it to be placed, confined, or remain ~~inside~~ an unattended motor vehicle for such a period of time as may reasonably be expected to endanger the health or well-being of the ~~aAnimal~~, due to considerations such as insufficient ventilation, heat, or lack of water.
- (b) A motor vehicle operator, ~~operating on a public right of way~~, shall not transport or keep a ~~eCompanion aAnimal~~ in or on any motor vehicle, unless the companion ~~aAnimal~~ is in the passenger compartment of the vehicle, or protected by a container, cage, or other appropriate tethering device that will prevent the ~~aAnimal~~ from falling from, being thrown from, or jumping from the motor vehicle.
- (c) Any enforcement officer who finds an ~~companion aAnimal~~, in a motor vehicle under conditions violating ~~section 72.34(a)~~ shall make a reasonable attempt to notify the operator of the vehicle. In the event the operator of the vehicle cannot be located after a reasonable attempt, the ~~eEnforcement eOfficer~~ may contact law enforcement and request assistance. If the animal is removed from the vehicle, then the ~~eEnforcement eOfficer~~ shall leave a written notice bearing the name of the officer, his ~~or her~~ department's name and telephone number,

and the address where the ~~owner may claim the~~Animal can be reclaimed. Animal ~~Services~~Resources shall make reasonable efforts to contact the owner of the animal and give notice that the animal is in its custody. Within the relevant holding period established in section 72.29(a), the owner may reclaim the animal upon payment of the ~~reasonable maintenance charges, which may include veterinary fees, reclaim fees, boarding fees, licensing fees, and vaccination~~applicable fees.

~~(d) Nothing in this section shall be deemed to prohibit the transportation of Livestock in trailers or other vehicles designed or built for such purposes.~~

Sec. 72.35. - Animal exploitation.

- (a) A person shall not promote, operate, run, participate in, conduct, or allow any exploitative live animal contests, performances, or exhibitions, or other similar activity in which animals are encouraged, forced, or trained to perform in an exploitative, cruel, or harmful manner.
- (b) A person or organization whether for profit, nonprofit, charity, or any other purpose, shall not offer an animal as a prize in response to participation in a contest, drawing of chance, merchandising premiums, promotional giveaways, or any other similar event.

Sec. 72.36. - Sale or donation of impounded animals for purpose of scientific research.

~~All animals in the custody of Animal Services shall be disposed of via adoption, transfer to an animal welfare organization, community cat return to field, owner reclamation, or euthanasia.~~ Animal ~~Services~~Resources shall not release, sell, or give any live animal to any institution, private firm, or individual for the sole purpose of medical or scientific research.

Sec. 72.37. - Inspection of animal establishments.

- (a) Animal ~~Services~~Resources shall have authority to enter and inspect any animal establishment, including any records pertaining to the animals; any location where animals are boarded, sold, bred, trained, or groomed, including but not limited to pet dealerships, kennels, catteries, roadside zoos, zoological parks, flea markets, fairs, circuses or performing animal exhibitions; and any other premise or property where animals are kept as a business.
- (b) Animal ~~Services~~Resources shall not inspect any research and instructional program conducted in the interest of medical science by universities registered with the USDA and operated under federal statutes and rules, any establishments owned by a ~~licensed~~ ~~v~~Veterinarian in private practice, the U.F. College of Veterinary Medicine, or any animal establishment where ~~H~~Livestock is raised by a bona fide commercial enterprise regulated by another governmental agency.

Sec. 72.38. - Authority ~~of animal services~~ to assist with ~~certain animals~~other agencies.

Animal ~~Services~~Resources is authorized, by permit from the Florida Fish and Wildlife Conservation Commission, to humanely trap, transport, relocate, release, or euthanize indigenous or non-indigenous, nongame wildlife. Animal ~~Services~~Resources may also release indigenous wildlife to rehabilitators as permitted by the Florida Fish and Wildlife Conservation Commission. Animal ~~Services~~Resources is authorized to assist a law enforcement agency in any situation involving ~~H~~Livestock, upon request of such agency. Animal ~~Services~~Resources may provide assistance to any citizen and law enforcement agency regarding any incidents involving any ~~a~~Animal.

Sec. 72.39. - Trapping an animal.

- (a) Any person trapping ~~e~~Community ~~e~~Cats for trap-neuter-return or nuisance wildlife shall:
- (1) Use a humane trap;
 - (2) Provide the trapped animal with protection from the direct rays of the sun and direct effects of any wind, rain, irrigation and sprinkler system;
 - (3) Provide fresh bait in the trap each time the trap is set;
 - (4) Provide fresh water for any animal held for more than 18 hours;
 - (5) Make every reasonable attempt to locate the offspring of any trapped lactating mother; and
 - (6) Not leave a trap unattended for more than eight hours.
 - (7) Immediately release any healthy ear-tipped cat.
- (b) Animal ~~Services~~Resources will not ~~longer~~ relocate non-rabies vector species nuisance wildlife or rabies vector species nuisance wildlife without documented human exposure. ~~Please contact a commercial wildlife removal expert.~~

Sec. 72.40. - Fees.

- (a) The board shall establish by resolution the fees to be charged in connection with the provisions of this chapter, including those for adoption, reclaim, license, miscellaneous, surrender, transfer, and diagnostic test and/or procedures. Adoption fees may be decreased or waived by the ~~Animal Services County Manager or the~~ Director during special promotions, to promote efficient shelter operations, to promote adoptions, and/or to optimize animal life-saving.
- (b) No reclaim fees shall be assessed for ~~e~~Community ~~e~~Cats.
- (c) Any person with a disability who has a ~~dog that is specially~~ service animal as defined in F.S. § 413.08(1)(d) trained to assist the person, and any law-enforcement agency or fire rescue department with a dog trained for assisting the agency, is exempt from the cost of the license tag.
- ~~(d) No fees shall be assessed if an animal is improperly impounded.~~

Sec. 72.41. - Waiver of fees.

- ~~(a)~~ The ~~d~~Director may waive a required fee or charge, except a fee or charge for licensing, anytime the owner's animal has been impounded as a direct result of a crime committed against the owner and the owner has been referred to Animal ~~Services~~Resources by the Alachua County Office of Victim Services, Peaceful Paths, the Alachua County Sheriff's Office, or any other law enforcement office or victim assistance program.
- ~~(b) In the event that the Codes Enforcement Board is designated as a Hearing Officer and if an owner consents to a hearing extension under subsection 72.15 so as to avoid the necessity of scheduling a special hearing of the codes enforcement board, the director shall waive all boarding fees and charges that accrue from the twenty first day after the date of receipt of the owner's written request through the date of the hearing.~~

* * *

Sec. 72.44. – Pet Breeder Regulations.

- (a) Definitions

As used in this chapter, the following words and phrases are defined as follows:

Breeder means both hobby breeder and commercial breeder, as defined herein.

Breeder permit shall mean a formal authorization issued by Alachua County which allows a Breeder to engage in a breeding of animals as provided for by this section.

Commercial breeder means any person, firm, partnership, corporation, or other association which, in the ordinary course of business, engages in the sale of more than two litters, or 20 or more dogs or cats, per year, whichever is greater, to the public. This definition includes breeders of animals who sell such animals directly to a consumer.

Health Certificate means “Official Certificate of Veterinary Inspection” is as defined in (OCVI) [Form DACS 09805, in accordance with Sec. 828.29, Florida Statutes] ~~issued by a Florida licensed veterinarian and accredited by the U.S.D.A.~~

Hobby breeder means any person, business, or organization who breeds and/or raises ~~on their property~~ dogs or cats for the purposes of transferring ownership with or without monetary compensation of no more than two litters, or 20 dogs or 20 cats, per year, whichever is greater.

(b) Breeder Permit Requirements.

- (1) No ~~b~~Breeder shall cause or allow the breeding of a dog or cat, or offer a dog or cat for breeding or stud purposes, without first obtaining a ~~b~~Breeder permit issued by ~~Animal Services~~ the County. The cost of the Breeder permit and other related fees shall be established by the Board of County Commissioners by resolution and shall be maintained in a fee schedule.
- (2) A ~~b~~Breeder permit is valid for a period of one (1) year from the date of issuance and must be renewed annually. ~~Renewal applications for permits shall be made at least thirty (30) days prior to expiration.~~
- (3) No Breeder permit shall be issued or renewed ~~hereunder~~ to any applicant that has outstanding and unsatisfied civil penalties or unpaid citations imposed due to violations of this ~~section~~ chapter.
- (4) A ~~b~~Breeder permit is not transferable, assignable, or refundable. A Breeder permit is limited to one per person, per business, and per organization.
- (5) Hobby Breeder shall:
 - a. Not ~~intentionally~~ breed more than two (2) litters or more than twenty (20) dogs, cats, puppies, or kittens during a ~~one-year~~ 365 day period; and
 - b. Not offer for sale, trade, receive any compensation for or give away more than two (2) litters or more than twenty (20) dogs, cats, puppies, or kittens during a ~~one-year~~ 365 day period.
- (6) Commercial Breeders may:
 - a. Breed at least two (2) litters or at least twenty (20) dogs, cats, puppies, or kittens during a ~~one-year~~ 365 day period; and
 - b. ~~o~~ffer for sale, trade, receive any compensation for or give away at least two (2) litters or at least twenty (20) dogs, cats, puppies, or kittens during a ~~one-year~~ 365 day period;
- (7) All Breeders shall comply with the following:
 - a. Keep records, for the duration of the ~~b~~Breeder permit and ~~all permit renewals~~ for at least the three years from the date a Breeder permit was issued, of the birth of

- each litter of puppies or kittens, and make such records available for review by Animal ~~Services~~Resources upon request; and
- b. ~~For a period of at least one (1) year of,~~ Keep veterinary records of rabies vaccinations, all other inoculations, and any medical condition(s) of each dog, cat, puppy, or kitten bred to be sold, given away, or otherwise conveyed, and all other records described herein; and maintain all veterinary and transactional records for each dog, cat, puppy, or kitten sold for a period of one (1) year from the sale of that animal; and
 - c. On a yearly basis, provide to Animal ~~Services~~Resources the name, address, and telephone number of the new owner of each dog, cat, puppy, or kitten sold, given away, or conveyed by the Breeder that remains within Alachua County; and
 - d. Furnish to each new owner of a dog, cat, puppy, or kitten with:
 - i. A copy of the complete record pertaining to the individual animal;
 - ii. The ~~b~~Breeder permit number, providing proof and assurance that the animal was legally bred; and
 - iii. The microchip number of the animal, and;
 - iv. A copy of the animal's Health Certificate, which must be signed on the date of examination by the examining ~~v~~Veterinarian no more than 30 days before the sale of the animal per F.S. 828.29(3)(c), and must include the ~~v~~Veterinarian's license number. Each dog or cat offered for transfer of ownership must receive vaccines and anthelmintics against the diseases and internal parasites stated in F.S. 828.29; and
 - e. Not offer a puppy or kitten under the age of eight (8) weeks for sale, trade, other compensation, or gift, with the exception of animals taken to an animal shelter or an Animal Welfare Organization; and
 - f. Recommend to each new owner that any animal sold, transferred, or given away be examined by a ~~licensed v~~licensed Veterinarian within one (1) week of the date of transfer and notify the new owner of state and local requirements for rabies vaccinations and County licenses; and
 - g. List the ~~b~~Breeder permit number on all advertisements and literature concerning the sale or gift of any dog, cat, puppy, or kitten of the breeder; and
 - h. Adhere to minimum standards regarding humane treatment and care and manner of keeping of animals, as provided in Section 72.10 of this Chapter; and
 - i. Provide, when available, a medical history of the sire and dam, ~~as well as, when possible, a medical family history of the sire and dam to the new owner; and~~
 - j. Present a copy of a valid, current Health Certificate to any ~~Animal Services Enforcement Officer or investigator~~ Animal Services Enforcement Officer upon demand for review, ~~provided, however, that animal shelters and rescue groups offering animals for adoption are exempt from this requirement; and~~
 - k. If a dog or cat dies while in the possession of a ~~b~~Breeder, the ~~b~~Breeder shall secure the services of a ~~licensed v~~licensed Veterinarian who to determine the cause of death or suspected cause of death. ~~The veterinarian~~ shall document the animal's date of death and known or suspected cause of death ~~on a Health Certificate; and~~

1. Consent to allow an ~~Animal Services Enforcement Officer or investigator~~ to view each animal that is the subject of a ~~bBreeder~~ permit and to inspect the premises where the animal is ~~harbored~~~~maintained~~, as well as the location where the breeding operation occurs. ~~The breeder may opt for the inspection to be conducted by a USDA accredited veterinarian instead of by an Animal Services officer or investigator, though if this option is selected, the breeder agrees to pay the veterinarian's costs for the visit and any other related costs, and the veterinarian must agree to fill out the Veterinarian inspection form created by Animal Services, including any additional documentation and photographs required by the inspection form, and must provide Animal Services with all of the above required information within 5 business days of the veterinarian's visit.~~

~~An inspection the premises where the animal is harbored and where the breeding operation occurs shall not be made between 6 p.m. of any day and 8 a.m. of the succeeding day or in the absence of the Breeder or the owner of the premise who is over the age of 18. Such inspection will be limited to that necessary to ascertain compliance with this section and with Section 72.10. If a bBreeder refuses to allow the Animal Services Enforcement Officer or investigator to perform such inspection, Animal Services Resources may apply for a warrant pursuant to applicable provisions of Chapter 933, Florida Statutes and the Director may revoke the Breeder Permit as provided in section 72.44(12). All reports of such inspections shall be in writing and maintained by Animal Services.~~

~~An inspection shall not be made between 6 p.m. of any day and 8 a.m. of the succeeding day or in the absence of an owner or occupant over the age of 18 years of the particular place, dwelling, structure, or premises unless specifically authorized by the owner of the premises. An inspection shall not be made by means of forcible entry, except that the judge may expressly authorize a forcible entry when facts are shown which are sufficient to create a reasonable suspicion of a violation of a state or local law or rule relating to municipal or animal control, which, if such violation existed, would be an immediate threat to health or safety or when facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful. When prior consent has been sought and refused, notice that a warrant has been issued shall be given at least 24 hours before the warrant is executed. Immediate execution of a warrant shall be prohibited except when necessary to prevent loss of life or property.~~

- m. Allow an ~~Animal Services Enforcement Officer or investigator, or a USDA-accredited veterinarian if the breeder has elected to use one,~~ to view and examine any and all records ~~of the Breeder, as described in section 72.44(a)-(b),~~ upon request.

(8) Obtaining a ~~bBreeder~~ permit

- a. A person seeking a ~~bBreeder~~ permit shall apply to Animal Services Resources on a form approved by ~~Animal Services~~the County. ~~The applicable fee must accompany the application for a Breeder permit or its renewal.~~
- b. ~~The applicant shall provide a completed application to Animal Resources and supply all information requested by Animal Resources.~~ The permit application shall include, but not be limited to, the following information:
 - i. The name, address, and telephone number of the applicant;

- ii. A statement as to whether the applicant has ever been found to have violated the prohibitions ~~against cruelty to animals~~ in this section, or has been convicted of the offense of cruelty to animals, under State law, or has been the subject of a final judgment entered under Section 828.073, Florida Statutes, or any other Florida ~~s~~Statutes prohibiting animal neglect or mistreatment;
 - iii. A description (species, breed, sex, age, coloration) of each animal to be bred or used for stud under the permit;
 - iv. ~~A description of the activity for which the permit is requested. The physical address of the premise where the breeding will occur and where the animals will be harbored;~~ and
 - v. Verifiable proof that ~~all required animals~~each animal to be bred or used for stud are current on rabies vaccination and County license.
- c. ~~If the applicant withholds or falsifies any information on the application, no permit shall be issued and any each animal to be bred or used for stud under the permit previously issued to the applicant based on false or withheld information shall be revoked.~~
 - d. ~~No person previously found by a Hearing Officer to be in violation of the cruelty section of this chapter, or convicted of cruelty to animals pursuant to Section 828.073, Florida Statutes, or who has been the subject of a final judgment pursuant to Section 828.073, Florida Statutes, or any other Florida statute prohibiting animal neglect, cruelty or mistreatment, shall be issued a breeder permit.~~

(9) ~~Permit procedures~~*Reserved.*

~~The permit applicant shall provide a completed application to Animal Services, supply all information requested by Animal Services, and pay the applicable permit fee.~~

~~Permit applications shall remain open for thirty (30) days from the date of submittal to Animal Services in order for applicants to make corrections and to meet minimum requirements.~~

~~All dog or cat breeders who obtain a breeding permit shall be charged a discounted fee for licensing the unsterilized dogs or cats that are owned for the purpose of breeding, so long as the breeder maintains a valid breeding permit.~~

(10) Exemptions

- a. ~~Licensed~~vVeterinarians and licensed animal hospitals providing animal reproduction and related veterinary services in the course of their business shall be exempt from this ordinance.
- b. Alachua County, Animal Services, and Animal Welfare Organizations,~~humane societies, and 501(c)3 rescue organizations~~ shall be exempt from the provisions of this section.

(11) Violations and Enforcement

- a. Failure by a ~~b~~Breeder to obtain a Breeder permit prior to using or offering to use an animal for breeding or stud shall constitute a violation.

- b. ~~Reapplication by a breeder for a permit less than thirty (30) days before the expiration of the existing permit shall constitute a violation.~~ Counterfeiting a ~~b~~Breeder permit or Health Certificate or maliciously destroying a breeder permit shall constitute a violation.
 - c. ~~Failure to comply with the requirements of this section shall constitute a violation. Violations of this section may be enforced pursuant to any mechanism pursuant to Chapter 24 and Section 10.08 of the Alachua County Code of Ordinances.~~
- (12) Permit denial, revocation, and ~~suspension~~appeals
- a. ~~The Director Animal Services~~ may deny, or revoke, ~~or suspend~~ any Breeder permit application or Breeder permit if it is determined that:
 - i. There has been a material misstatement or misrepresentation in the applicant or permit holder's permit application; or
 - ii. ~~The applicant or permit holder violates any provision of section 72.44;~~ or
 - iii. The applicant or permit holder has been previously found in violation ~~for at least three (3) violations of this article of section 72.44~~ within the preceding two-year period; or
~~The applicant or permit holder has failed to pay a fine or to request a hearing as provided in this article within thirty (30) days after issuance of a violation;~~
 - iv. The applicant or permit holder has been (a) found in violation of 72.10, Alachua County Code or other federal, state or local law or ordinance relating to animal welfare, treatment, and care; (b) criminally charged or convicted of violation of a section of Chapter 828, Florida Statutes, including but not limited to, laws by a Hearing Officer to be in violation of the cruelty section of this chapter, or convicted of a violation of law involving cruelty to animals; (c) has been enjoined by a court of law for possession or custody of animals or (d) has been subject to a final judgment pursuant to Section 828.073, Florida Statutes; or
 - v. An animal under the care and responsibility of an applicant or permit holder has been found to be in need of immediate veterinary care that, if not treated, would result in suffering, pain, or death, and the applicant or permit holder did not address the medical need in a timely manner; or
 - vi. A ~~b~~Breeder has exceeded the maximum number of litters or animals permitted in this section; per calendar year; or
 - vii. A ~~b~~Breeder ~~failing to~~refused consent to ~~the annual~~an inspection of the premise identified in the Breeder Permit as provided in this section article shall result in the revocation of the issued breeding permit.
 - b. No permit fee shall be refunded for a permit that is revoked or suspended.
 - c. If a permit is either denied, or revoked, ~~or suspended~~, Animal ServicesResources shall provide written notification of the denial, or revocation, ~~or suspension~~ to the applicant or permit holder by certified

mail, return receipt requested; hand delivery by an **Enforcement eOfficer** ~~evidenced by an affidavit of delivery~~; or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process.

- d. An applicant or permit holder may contest a denial or revocation of a Breeder permit by submitting an appeal in writing, received by the Director no later than 5:00 pm on the firth calendar day after receipt by the applicant or the permit holder of the written notification of the denial or revocation. Failure to timely submit an appeal shall constitute total and complete waiver of the right to appeal. The written appeal shall include a detailed statement of the basis for the appeal and include with it all supporting evidence or documents that substantiate the basis for the appeal. The County Manager will consider a timely appeal and may conduct any inquiry that the County Manger deems necessary. The County Manager will issue a written determination either upholding or rescinding the denial or the revocation and provide a copy to the applicant or permit holder. The determination of the County Manager shall be final and not subject to further appeal under this code.

SECTION 2. Amendment. Exhibit A entitled “Schedule of Codes And Ordinances With Brief Description Of Subject Matter of Violations and Penalties for Uncontested Violations”, referenced in Alachua County Code of Ordinances, Title 2, Chapter 24, Article II, Section 24.16, is amended to add the following. All other contents of the schedule of codes and ordinances, not included herein, shall remain unchanged by this ordinance.

EXHIBIT A. SCHEDULE OF CODES AND ORDINANCES WITH BRIEF DESCRIPTION OF SUBJECT MATTER OF VIOLATIONS AND PENALTIES FOR UNCONTESTED VIOLATIONS

* * *

Animal Services

Code or Ordinance	Section	Section this Volume	Description	Class	Penalty
<u>23-</u>	1	72.09	Obstruction of enforcement equipment	III	\$125

Code or Ordinance	Section	Section this Volume	Description	Class	Penalty
<u>23-</u>	1	72.09	Obstruction of enforcement officer	IV	250
<u>23-</u>	1	72.10	Failure to treat animal humanely	IV	250
<u>23-</u>	1	72.11	Failure to confine animal in heat	II	75
<u>23-</u>	1	72.12	Failure to physically control dog	I	250
<u>23-</u>	1	72.13	Failure to remove exereta feces	I	50
<u>23-</u>	1	<u>72.15</u>	Failure to comply with aggressive dog requirements	V	MCA, up to 500
<u>23-</u>	1	<u>72.14</u>	Failure to comply w/dangerous dog requirements	V	MCA, up to 500
<u>23-</u>	<u>1</u>	<u>72.17</u>	<u>Attack by non classified dog</u>	<u>V</u>	<u>MCA, up to 500</u>
<u>23-</u>	<u>B1</u>	<u>72.18</u>	Attack by dangerous dog	V	MCA, up to 500
23-	a	72.18	Severe injury or death by nondangerous dog	V	MCA, up to 500
23-	e	72.18	Severe injury or death by dangerous dog	V	MCA, up to 500
<u>23-</u>	1	<u>72.19</u>	Failure to comply with quarantine	IV	200
<u>23-</u>	1	<u>72.21</u>	Animal creating a public nuisance	II	250
<u>23-</u>	1	<u>72.22</u>	Failure to vaccinate animal; failure to post sign	I	50
<u>23-</u>	1	<u>72.22</u>	Failure to provide vaccination certificate	III	125

Code or Ordinance	Section	Section this Volume	Description	Class	Penalty
<u>23-</u>	1	<u>72.23</u>	Failure to license	I	125
<u>23-</u>	1	<u>72.23</u>	Failure to have tag on animal	I	50
<u>23-</u>	1	<u>72.24.5</u>	Requirement for permanent pet identification	II	125
<u>23-</u>	1	<u>72.26</u>	Owning primary vectors of rabies	IV	200
<u>23-</u>	1	<u>72.27</u>	Keeping a stray animal	I	50
<u>23-</u>	1	<u>72.30</u>	Failure to sterilize adopted animal	III	125
<u>23-</u>	1	<u>72.32</u>	Failure to dispose of animal carcass	I	50
<u>23-</u>	1	<u>72.33</u>	Failure to report injured animal	II	75
<u>23-</u>	1	<u>72.34</u>	Animal left in motor vehicle	IV	250
<u>23-</u>	1	<u>72.34</u>	Animal not safely transported	IV	200
<u>23-</u>	1	<u>72.35</u>	Exploiting animals	IV	200
<u>23-</u>	1	<u>72.37</u>	Failure to allow inspection	IV	200
<u>23-</u>	1	<u>72.39</u>	Failure to comply with trapping requirements	II	75
<u>23-</u>	<u>1</u>	<u>72.44</u>	<u>Violation pet breeder regulations</u>	<u>V</u>	<u>500</u>

* * *

SECTION 3. Modification. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

SECTION 4. Severability. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or

unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5. Inclusion in the Code, Scrivener’s Error. It is the intention of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Alachua County, Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such intent and that the word “ordinance” may be changed to “section”, “article”, or other appropriate designation. The correction of typographical errors that do not affect the intent of the ordinance may be authorized by the County Manager or designee, without public hearing, by filing a corrected or re-codified copy of the same with the Clerk of the Circuit Court.”, “article”, or other appropriate designation.

SECTION 6. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board and shall take effect upon filing with the Department of State.

DULY ADOPTED in regular session, this ____ day of _____, 2023.

**BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA**

ATTEST:

J.K. “Jess” Irby, Esq.
Clerk

BY: _____
Anna Prizzia, Chair
Board of County Commissioners

APPROVED AS TO FORM

County Attorney