

ORDINANCE NO. 14-04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA: REPEALING AND REPLACING LEE COUNTY ANIMAL CONTROL ORDINANCE NUMBERS 09-20 AND 06-12; PROVIDING FOR A REPEALER; SHORT TITLE; TABLE OF CONTENTS; APPLICABILITY; ESTABLISHMENT OF LEE COUNTY DOMESTIC ANIMAL SERVICES; ESTABLISHMENT OF A COUNTY ANIMAL SHELTER; DEFINITIONS; RELIANCE ON FLORIDA STATUTES; OWNERSHIP REQUIREMENTS; LICENSE OR COUNTY TAG FEES; BREEDER CERTIFICATES; PET DEALERSHIPS/PET STORES; IMPOUNDMENT PROVISIONS; ENFORCEMENT, VIOLATIONS; DANGEROUS OR VICIOUS DOG DETERMINATIONS; COMMERCIAL ESTABLISHMENTS; DISPOSAL OF DEAD ANIMAL BODIES; CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Board of County Commissioners acknowledges the enjoyment derived from pet ownership; and

WHEREAS, the Board of County Commissioners realizes the importance of maintaining control of communicable diseases transmitted to and from non-human life forms;

WHEREAS, the Board of County Commissioners recognizes the importance of ensuring a safe, healthy and compassionate community for both citizens and animals; and

WHEREAS, the Board of County Commissioners supports responsible animal ownership and compliance of Lee County Ordinance and State Statutes relating to animal ownership; and

WHEREAS, the Board of County Commissioners is committed to reducing pet overpopulation through non-lethal humane methods and reducing stray animal control costs to taxpayers.

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

SECTION ONE: REPEALER

Lee County Ordinances 09-20 and 06-12 are hereby repealed and of no further force and effect.

SECTION TWO: SHORT TITLE

This Ordinance will be known and may be cited as the Lee County Animal Control Ordinance.

SECTION THREE: TABLE OF CONTENTS

Section One – Repealer.....	1
Section Two – Short Title.....	2
Section Three – Table of Contents.....	2
Section Four – Applicability.....	4
Section Five - Establishment of Lee County Domestic Animal Services.....	4
Section Six - Establishment of a County Animal Shelter.....	4
Section Seven – Definitions.....	4
Section Eight - Reliance on Florida State Statutes.....	13
Section Nine - Ownership Requirements.....	13
A. License Requirements for Dogs, Cats and Ferrets.....	13
B. Vaccination Requirements for Dogs, Cats and Ferrets.....	15
C. Supervision, Confinement, Caging and Tethering.....	16
D. Sterilization Requirements.....	18
E. Requirements for Using Dogs for Purposes of Guarding.....	19
Section Ten - License or County Tag Fees.....	20
A. Fee Amount.....	20
B. Payment of Fee.....	20
C. Collection of License Fee by Others.....	21
Section Eleven - Breeder Certificates.....	21
A. Certificate Required.....	21
B. Fees.....	21
C. Certificate Application Requirements.....	21
D. Record Keeping and Quarterly Reporting.....	22
E. Certificates.....	22
F. Minimum Age.....	23
G. Advertising Requirements.....	25
H. Inspection Authority.....	23
I. Basis for Denial of Certificate.....	23
J. Basis for Denial of Renewal.....	23
K. Violations.....	25
Section Twelve - Pet Dealerships/Pet Stores.....	24
A. Certificate Required.....	24
B. Certificate Fees.....	24
C. Certificate Application Requirements.....	24
D. Record Keeping.....	24
E. Quarterly Reporting.....	24
F. Requirement to Provide Certificate and Registration.....	24
G. Advertising Requirements.....	25
H. Certificate Duration.....	25
I. Certificate Renewal.....	25

J. Certificate Non Transferable	25
K. Prohibition on Sale or Give Away under 8 Weeks of Age	25
L. Inspection Authority.....	25
M. Alteration or Destruction of Certificate.....	25
N. Providing False Information	25
O. Basis for Denial of Certificate.....	25
P. Basis for Denial of Renewal	25
Q. Violations	26
Section Thirteen - Impoundment Provisions	26
A. Impoundment of Animals Found in Distress.....	26
B. Surrender of Stray Animals.....	26
C. Holding Periods, Redemption and Disposition of Animals	26
D. Adoption of Animals That Are Property of Animal Services	28
E. Quarantine of Animals for Rabies Observation	29
Section Fourteen – Enforcement.....	30
A. Fines, Fees and Penalties.....	30
B. Enforcement of Violations	31
Section Fifteen – Violations.....	32
A. Cruelty to Animals	32
B. Animal Fighting or Baiting	33
C. Community Cat Colonies	34
D. Concealment of Animals	35
E. Prohibiting Animals from Running At-Large	35
F. Threatening or Menacing Behavior	35
G. Failure to Confine Female Dogs and Cats in Season.....	35
H. Opposing an Animal Control Officer.....	35
I. Inhuman Treatment of Animals	36
J. Animals in Motor Vehicles	36
K. Providing False or Misleading Information	36
L. Domestic Animals – Nuisance Barking.....	37
Section Sixteen - Dangerous or Vicious Dog Determinations	37
A. Dangerous Dog.....	37
B. Vicious Dog.....	37
C. Written Notification	37
D. Request for Hearing	37
E. Release	37
F. Hearing Officer Determination.....	37
G. Responsibility for Fees after Abandonment	38
H. Notification of Determination	38
I. Appeal of Determination.....	38
J. Registration Required.....	38
K. Applicable Fee	38
L. Certificate of Registration.....	39
M. Dangerous or Vicious Dog Ownership	39
N. Limitations on Use	39
O. Confinement Required	39

P. Exceptions	40
Section Seventeen – Commercial Domestic Animal Establishments	40
A. Inspection	40
B. Production of Records	40
C. Standards of Care	40
D. Violations	41
Section Eighteen - Disposal of Dead Animal Bodies	41
A. Disposal	41
B. Alternative Disposal	41
C. No Dumping	41
Section Nineteen – Conflicts of Law	41
Section Twenty – Severability	41
Section Twenty-One – Codification and Scrivener’s Errors	41
Section Twenty-Two – Effective Date	42

SECTION FOUR: APPLICABILITY

This ordinance is applicable Countywide. However, any duly adopted municipal ordinance covering the same topic will prevail in the respective municipality to the extent of any conflict.

SECTION FIVE: ESTABLISHMENT OF LEE COUNTY DOMESTIC ANIMAL SERVICES

Lee County Domestic Animal Services, hereafter referred to as "Domestic Animal Services" or "Animal Services," is hereby established as the official domestic animal control authority and enforcement agency for Lee County. Animal Services will employ qualified persons. Officers of Animal Services will have full and complete authority to enforce the provisions, requirements and regulations set forth herein and to discharge the duties of the office. Animal Control Officers, are duly appointed as Lee County code enforcement officers in accordance with §162.21(2), Florida Statutes, as may be amended, with the authority to issue citations to enforce this Ordinance and the Laws of the State of Florida relating to animals.

SECTION SIX: ESTABLISHMENT OF A COUNTY ANIMAL SHELTER

There is hereby established and created, an animal shelter to provide domestic animal control services for Lee County. The shelter will be of adequate size and design for the safe housing and care of animals.

SECTION SEVEN: DEFINITIONS

The following words, terms and phrases will have the meaning stated unless the context clearly indicates otherwise:

Abandon means to give up possession of, to neglect, to forsake an animal entirely or to refuse to provide or perform the legal obligations for care and support of an animal by its owner or owner's agent.

Adequate food means uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the individual animal's age and condition.

Adequate Health Care means the provision to each animal of all immunizations and preventative care required to maintain good health; and, the provision to each sick, diseased or injured animal of veterinary care or humane death.

Adequate Water means continual access to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, and in sufficient amounts to maintain good health. Water must be provided in a secure manner so that the container cannot be overturned.

Adequate Shelter means structurally sound, properly ventilated, sanitary and weather-proof shelter suitable for the species, condition and age of the animal, which provides access to shade from direct sunlight and protection from exposure to inclement weather.

Administrative Code or Lee County Administrative Code means rules and regulations enacted pursuant to Lee County Ordinance No. 97-23, which adopted the Lee County Administrative Code pursuant to Section 2.2.E. of Ordinance No. 96-01, of the Lee County Charter.

Agricultural Working Dog means a dog owned by a bona fide agricultural livestock business used for purpose of herding livestock.

Animal means domesticated animals, including dogs, cats, birds, and ferrets. (For Service Animals see the definition herein.)

Animal Care Facility means any person, group or business that provides for the care, sustenance, housing, maintenance or other necessary care of an animal, usually, but not necessarily, for a fee. An animal care facility, includes, but is not limited to, veterinary facilities, boarding facilities, kennels, groomers, animal sitters/foster care, rescues, shelters, pet dealerships, and pet stores.

Animal Control Officer means any person employed or appointed by Lee County as a code enforcement officer in accordance with §162.21(2), Florida Statutes, as that section may be amended, and who is authorized to investigate, pursuant to law, civil infractions or criminal offenses relating to Animal Control or animal cruelty, and who will have the authority to issue citations and enforce this Ordinance, and to file charges with the State Attorney's office based on such investigation.

Animal running at large means any animal not under the restraint, confinement or direct control of the owner or owner's agent, as defined further herein.

Auction means any facility or place where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this Ordinance. The individual sale of an animal by its owner is not an auction.

Baiting means to attack with violence, to provoke or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. "Baiting" also means the use of live animals in the training of racing greyhounds or dogs used in "Hog Dog Rodeos," or any other performing animal exhibition.

Bona fide Agricultural Business means a good faith commercial livestock enterprise operating on agricultural lands as classified by the Lee County Property Appraiser.

Board means the Board of County Commissioners of Lee County, Florida.

Breeder means an individual or business breeding domestic animals for the purpose of producing off-spring for sale, adoption or other placement. A Breeder is subject to the definitional and locational limitations for animal kennels as contained in the Lee County Land Development Code.

Caregiver any person providing food, water or shelter to, or otherwise caring for any animal, feral or domesticated, over a designated period of ten days or longer. The person may provide the care of their own volition or at the request of the animal's owner. Once care is provided to the animal for ten or more consecutive days, the animal will no longer be classified as stray.

Citation means a written notice issued to a person by an animal control officer stating the officer has probable cause to believe the person has committed a civil infraction in violation of a duly-enacted ordinance or of the applicable laws of the State of Florida. Citations are heard and discharged by the County Court.

Collar and/or Harness means a manufactured band of nylon or leather put around the neck or body of an animal for identification or manual control/restraint.

Commercial Domestic Animal Establishment means any pet dealership/store, animal grooming shop, flea market, department store, guard dog training facility, any type of kennel, cattery; or, any other premises or property where domestic animals are housed as part or whole of a Such a use or business must also comply with the definitional and locational limitations for animal kennels as contained in the Lee County Land Development Code.

County means Lee County, Florida.

County License, County Tag, Pet License or License means a document and/or tag issued by Animal Services indicating the animal described on the license is owned, kept or boarded by the individual named thereon.

Cruelty to animals has the same meaning as set forth in Chapter 828, Florida Statutes, as it may be amended from time to time.

Dangerous Dog means any dog that, according to the records of the appropriate authority, has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property, has more than once severely injured or killed a domestic animal while off the owner's property, or has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.

Designee means the person designated to fulfill the role in the absence or at the direction of the Director.

Direct control means immediate and continuous physical control of an animal at all times by means such as a fence, electronic confinement system, lead or leash that does not exceed six feet in length and is of sufficient strength to restrain the animal (excluding herding dogs; dogs in process of hunting; K-9 or police dogs; dogs participating in a registered field trial; obedience training, trial, show or match; or on its owner's property).

Director means the Lee County Domestic Animal Services Director or their designee.

Domestic Animal means any dog, cat, ferret or any animal kept for enjoyment and/or companionship or utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent upon people for food, shelter and survival.

Eartip means felines whose ear was tipped by a licensed veterinarian as part of the Trap, Neuter and Return (TNR) program.

Euthanasia means the humane and painless putting to death of an animal under appropriate circumstances, which include animals that are hopelessly sick, injured or ultimately unclaimed. In the case of dogs and cats, by injection of Nembutal Sodium (pentobarbital) as defined in Chapter 828, Florida Statutes, as it may be amended, from time to time.

External Fee Manual, Fee Manual or Fee Schedule means the schedule of fees or charges adopted by the Board (and contained in the Lee County Administrative Code).

Feral Animal means any wild cat or dog, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication.

Florida Statutes (F.S.) means the duly adopted laws of the State of Florida.

Grooming Shop means any commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

Guard Dog means any type of dog used primarily for the purposes of defending, patrolling or protecting property or life.

Guard Dog Registration means the process of presenting a guard dog to Animal Services for purposes of documenting pertinent data regarding the dog.

Guard Dog Service means any person, firm or corporation that trains, sells, rents, leases or loans guard dogs for the purpose of defending, patrolling or protecting properties or persons.

Guide Dog – See Service Animals.

Exotic Species means any animal whose natural habitat is outside the continental United States, excluding non-venomous reptiles and fish.

Health Department means the Lee County Health Department.

Humane Capture Methods means the humane use of control poles, muzzles, nets, humane traps and tranquilizer equipment.

Humane Manner means a manner consistent with the physical and behavioral needs of a species; including but not limited to adequate heat, ventilation and sanitary shelter, wholesome food and water consistent with the normal requirements and feeding habits of the particular animal according to its size, species and breed, including necessary veterinary care.

Humane Trap means a device used to capture animals, which does not cause injury to the animal upon capture or confinement.

Hunting or Sporting Dog means a dog trained to work with sportsmen/hunters while hunting game.

Impoundment means confinement of an animal by Animal Services in a manner consistent with professionally recognized standards of humane treatment.

Incapacitate means a humane method to render an animal unable to escape for the animal's safety or the safety of the public.

K-9 or Law Enforcement K-9 means a dog utilized by law enforcement officers.

Kennel or Cattery means any premises where animals are kept for profit rather than enjoyment, by boarding, grooming, buying, training, selling, letting-for-hire or offering of stud services. Animal hospitals maintained by Florida licensed veterinarians, shelters operated by the Board of County Commissioners, or tax exempt animal care facilities are not considered to be commercial kennels or catteries.

Kennel or Run means a structure for providing confinement of an animal to prevent it from running at large, with a minimum area of 400 32 square feet per animal being contained/restrained. The kennel or run must contain proper food, clean and fresh water, ventilation and shade, and it must be free from unsanitary conditions, including bodily waste, stagnant water and/or stale food, odor and parasites, including fleas, ticks and rodents. The kennel or run must also have a solid top and bottom to provide an animal with protection from the elements and to include protection from the direct rays of the sun and the direct effect of the wind and rain.

Leash or Lead means a line or length of material made of nylon, leather, rope, or cord specifically manufactured for maintaining the immediate and continuous physical control of an animal at all times. This includes retractable devices.

Lee County Domestic Animal Services, Domestic Animal Services or Animal Services means an entity of Lee County Government composed of persons and officers having full and complete authority to enforce the provisions, regulations and requirements of this Ordinance and applicable laws of the State of Florida relating to animals and animal cruelty.

License, or County License, see County License.

Livestock means all animals of the bovine, equine, or swine class and also includes goats, sheep, mules, horses, hogs, and domesticated poultry, or any other animal used in and for utility or preparation of meat or meat products. See also, §828.23, F.S.

National breed animal means a dog or cat that is registered with a nationally recognized dog or cat club.

Nationally Recognized Dog or Cat Club means any National Dog or Cat Club that is Chartered, Organized, and may have by-laws, Directors and Members, and advocates the advancement of a breed(s) or sanctions shows.

Nuisance Animal means any animal that endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, corrupts public morals or interferes with reasonable enjoyment of life or property.

Official Certificate of Veterinary Inspection means a legible certificate of veterinary inspection signed by the examining veterinarian license by the State of Florida and accredited by the United States Department of Agriculture, that shows the age, sex, breed, color, and health record of the dog, cat, or ferret; printed or typed names and addresses of the person or business from whom the animal was obtained; the consignor or seller, the consignee or purchaser; and the examining veterinarian, and the veterinarian's license number. The official certificate of veterinary inspection must list all vaccines and deworming medications administered to the dog or cat, including the manufacturers, vaccine, type, lot number, expiration date, and the dates of administration thereof, and must state that the examining veterinarian warrants that, to the best of his/her knowledge, the animal has no sign of contagious or infectious disease and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks.

Official Health Record means a certificate signed by a licensed veterinarian that shows the age, sex, breed, name, description and health record of an animal, as well as the name, address and phone number of the owner or agent of the owner.

Officer means any law enforcement officer defined in §943.10, F.S., or any animal control officer.

Owner means a person possessing proof of animal ownership that include veterinary records within the past three years, a microchip or a valid county license registered to the rightful owner. An animal owner is responsible for keeping their animals under direct control at all times and will be held accountable for any violation of this Ordinance.

Owner's Agent means a person or entity capable of acting or empowered to act for and on behalf of the owner. The owner may appear in person at Animal Services consenting to action by a specific agent of the owner or provide a written notarized statement authorizing and consenting to action by the owner's designated agent.

Person means a natural person, firm, association, corporation or any other legal entity.

Pet Dealership or Pet Store means a store, person, partnership, corporation or franchise operation, whether operated separately or in connection with another business enterprise, which buys, sells, or boards any species of animal for a fee or reimbursement.

Pet License or License, see County Tag.

Pet Placement Partner means an Internal Revenue Service recognized non-profit organization approved by Animal Services that transfers stray animals from the municipal shelter to their non-profit operated location.

Provider means any person or entity that provides for the sustenance, medical care, housing, or other essential items/care to any animal. Florida Licensed Veterinarians are exempt from this definition while providing care for an animal owned by a client, customer, or shelter.

Probable Cause means where the facts and circumstances within the Officer's knowledge and of which the Officer has reasonably accurate information that is sufficient to lead a reasonable person to believe an offense has been or is being committed.

Public Property means lands and improvements owned, leased or controlled by the Federal Government, the State, the County, or a municipality, and includes sovereignty submerged lands located adjacent to the County or municipality, buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, right-of-ways, and other similar property.

Quarantine means the strict indoor confinement, isolation and observation of an animal for symptoms of rabies. Such confinement must prevent the animal from coming into unplanned contact with any other animal or human being for a period of ten days from the date of the bite.

Restraint means the control or containment of an animal by fence, electronic confinement system or leash. Except for fencing or an electronic confinement system, a restraint may not exceed six feet in length and must be of sufficient strength to restrain the animal and it from prevent running at large.

Sanitary means clean and free from elements such as filth or pathogens that endanger health.

Service Animal means an animal, as defined under Chapter 413, Florida Statutes, generally described as being trained to perform tasks for an individual with a disability. The tasks may include, but are not limited to, guiding a person who is visually impaired or blind, alerting a person who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting a person who is having a seizure, retrieving objects, or performing other special tasks. A service animal is not a pet.

Severe Injury means any physical injury that results in broken bones, multiple bites or disfiguring lacerations requiring sutures or reconstructive surgery.

Shelter or Animal Shelter means a facility operated by or under contract with the Board of County Commissioners, or a tax exempt animal care entity.

Sterilization means a medical procedure performed by a licensed veterinarian on an animal causing permanent incapacity of a domestic animal to reproduce offspring.

Stray means a domestic animal wandering or running at large without identification and whose owner is unknown or cannot be located. An animal may not be deemed stray if the animal is harbored, fed or sheltered for ten or more consecutive days by a caregiver.

Supervised Recreational or Outdoor Enjoyment means an activity where the owner has direct control and supervision of the animal.

Tethering means the restraining of an animal by the tying to any object or structure, without limitation, a house, tree, fence, post, garage, weight or shed, by means, including, without limitation, rope, cord, leash, running line, but does not include the use of a leash used to walk the animal.

Threatening and Menacing Behavior means any aggressive behavior toward a human or another animal, whether by barking, growling or charging, without provocation, where such action on the part of the aggressor creates a reasonable apprehension of immediate injury. This does not include an animal that is secured on its own property.

Trap, Neuter and Return (TNR) means feral felines that sterilized, microchipped, vaccinated for rabies, and eartipped (the universal sign for TNR).

24 Hour Notice means the written form left by Animal Services upon a property that provides notice to an owner or owner's agent regarding an existing violation or an abandoned animal. The notice will give the owner or owner's agent 24 hours in which to contact Animal Services.

Unaltered means a domestic animal that has not been sterilized.

Unattended Animal means an animal that is not under direct control and the owner or owner's agent is not present on the property.

Unprovoked Behavior of an Animal means an animal that has bitten or chased in a menacing fashion or attacked a person or another animal who has been conducting themselves peacefully and lawfully.

Veterinarian means a healthcare practitioner licensed to engage in the practice of veterinary medicine as provided for in Chapter 474, Florida Statutes, as may be amended.

Veterinary Care means medical treatment by a licensed veterinarian having as its purpose the mitigation of disease, suffering and/or injury.

Veterinary Hospital means any place or facility owned or operated by a licensed veterinarian and used for: (1) the practice of veterinary medicine in the diagnosis, treatment, and care of diseases and injuries to animals; (2) the boarding of animals during such diagnosis, treatment or care; or (3) the temporary boarding of animals belonging to the veterinarian's customer.

Vicious Dog means any dog that, according to the records of appropriate authority, has severely injured or killed a domestic animal while off the owner's property, where such actions are attested to a sworn statement by one or more persons and dutifully investigated by the appropriate authority.

Warning Notice means Animal Services' notice served on an owner or owner's agent advising them of an alleged violation of this Ordinance. A warning notice may also be referred to as a "24 hour notice".

Wild Animal means any non-domesticated member of the animal kingdom, including those born or raised in captivity that is not dependent upon human beings for survival.

Zoonosis or zoonotic diseases means those diseases transmittable to humans and animals by other animals including parasitic, bacterial, fungal and viral diseases.

SECTION EIGHT: RELIANCE ON FLORIDA STATE STATUTES

The Board hereby adopts by reference, as a part of this Ordinance, all Laws of the State of Florida relating to Animal Control, Animal Welfare and Animal Cruelty. The provisions of this ordinance are intended to supplement the state regulations.

SECTION NINE: OWNERSHIP REQUIREMENTS

A. LICENSE REQUIREMENTS FOR DOGS, CATS AND FERRETS

1. *Animal license required.* All dogs, cats and ferrets that are 4 months old or older and live or are present with their owner, in Lee County at least 30 consecutive days per calendar year must be licensed by Lee County.
2. *Persons Responsible for Obtaining License.* A person that owns, keeps, possesses, provides for, or harbors within Lee County any dog, cat or ferret four months of age or older must obtain a license for the animal.
 - a. *Exclusions.* Approved Pet Placement Partners, TNR felines and law enforcement are exempt from this section.
 - b. *Display of County License or Tag.* Dogs must possess and wear identification that includes the owner's name and current telephone number. A commercially available tag imprinted with the required information attached to the collar or harness of the animal or a current

County license meets the requirements of this section. Exempt from this section are cats and ferrets that possess an implanted microchip that contains the owner's current information and has been registered with Animal Services.

- c. It is unlawful to remove the collar and/or tag of an animal for the purpose of preventing or falsifying the identification of an animal. During a recognized breed or agility/trial show, the owner of the dog, cat or ferret must have the license tag and/or rabies certificate available for immediate production if called upon to verify that any cat, dog or ferret has the required license and vaccination.

3. *Issuance of a County Tag.*

- a. *Who can issue.* A County Tag may be obtained from Animal Services, a licensed veterinarian or by an entity specifically approved by Animal Services.

- b. *License application requirements.*

- 1) The owner must provide their name, physical and mailing address, and phone number and the name for the animal being licensed. Each dog, cat or ferret must possess a separate license tag.
- 2) *Rabies vaccination.* In order to obtain a license, the dog, cat or ferret must be vaccinated against rabies. A copy of the current rabies vaccination certificate must be provided to Animal Services as proof of vaccination.
- 3) *Exemption from Vaccination.* Animals unable to receive rabies vaccinations are exempt from this requirement. The owner must provide Animal Services with a valid medical certificate from a licensed veterinarian indicating the reasons why vaccination is not possible, and whether the condition requires temporary or permanent exemption. Written proof of exemption must be provided to Animal Services from the veterinarian. With the exception of permanent exemption the animal owner may only obtain a 1-year license and will be required renew the license tag annually. Licenses due to an exemption may only be issued by Animal Services.
- 4) A license will not be issued for any animal that does not have either a valid rabies certificate or a valid medical certification from licensed veterinarian as to why vaccination is not medically recommended.

- c. *License fee.* The license fee established by Lee County must be paid at the time the license is obtained. The license is valid for the same period of time that the rabies vaccine is effective. For example: upon proof the

animal has received a one-year rabies vaccine the owner will receive a license tag valid for a period of 1 year; likewise proof as to a three-year vaccine will allow the owner to obtain a license tag valid for 3 years. A permanent license may also be available upon request through Animal Services, but an animal will still be required to maintain a current rabies vaccination and microchip registration.

- d. *License renewal.* Prior to expiration of the license, the animal owner is required to seek a renewal tag. Proof of an updated rabies certificate will be required.
- e. *Licenses are not transferable.* No license tag issued for one animal may be considered valid for any other animal. Any person that owns, keeps, harbors, provides for or possesses an animal wearing the license tag of another animal is in violation of this Ordinance, even if the animal has a valid license of its own.
- f. *License issued by Veterinarian.* Any licensed veterinarian vaccinating dogs, cats or ferrets in Lee County must issue a Lee County vaccination/license only if the veterinarian verifies that the proper rabies certificate has been issued. The veterinarian may only issue the County approved license provided by Animal Services. Issuance of a license not approved by Lee County is prohibited. Each individual tag or object issued in violation of this provision will be deemed a separate violation.
- g. The owner must immediately produce the animal's County's license and certificate of rabies when requested by an authorized Animal Services employee in the course of an investigation.
- h. *Notice required.* All veterinarians, clinics, shelters, pet placement partners, breeders, pet stores, pet dealerships, and other outlets where cats, dogs, and/or ferrets are available, sold or vaccinated against rabies, must inform the public in writing of the rabies and license requirements within Lee County. This information must include the cost of the license and how a license may be obtained (including information on getting a license through the mail or in person at Animal Services). To satisfy the information requirement the facility may post a sign or provide an informational brochure or provide the written information in a manner easily accessible and understandable.

B. VACCINATION REQUIREMENTS FOR DOGS, CATS AND FERRETS

- 1. *Timing of Vaccination.* All dogs, cats, and ferrets four months of age or older must be vaccinated against rabies by a licensed veterinarian with a vaccine that is licensed for use in such species in the following manner:
 - a. The animal must be revaccinated 12 months after the initial vaccination.

- b. For subsequent vaccinations the interval between vaccinations must conform to the vaccine manufacturer's directions.
 - c. Evidence of circulating rabies virus neutralizing antibodies may not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations.
 - d. Vaccines must be administered by a licensed veterinarian.
 - e. A dog, cat, or ferret is exempt from vaccination against rabies requirement only if a licensed veterinarian has examined the animal and certified in writing that the vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. An exempt animal must be vaccinated against rabies as soon as its health permits. A county license must be purchased regardless of the exemption from the rabies vaccination, and may only be purchased directly from Animal Services.
2. *Rabies Vaccination Certificate.* A licensed veterinarian must provide a copy of the rabies vaccination certificate to the animal's owner at the time of the vaccination. The licensed veterinarian must also provide a copy of the rabies certificate to Animal Services within 45 days of the vaccination, or immediately upon demand by Animal Services in conjunction with an investigation, or other enforcement purpose.
- a. Each veterinarian must use the "Rabies Vaccination Certificate - Form 51" of the National Association of State Public Health Veterinarians (NASPHV) or an equivalent form approved by the County.
 - b. Failure to provide the rabies vaccination certificate as required by this Ordinance may be deemed a separate and distinct violation for each certificate not issued or provided to Animal Services.
 - c. *Violation of rabies certification provisions.* Any person owning, keeping, possessing or harboring any dog, cat, or ferret, four months old or older, without proof of a current valid vaccination may be deemed in violation of this ordinance.

C. SUPERVISION, CONFINEMENT, CAGING AND TETHERING

- 1. No person shall fasten, chain, tether, or otherwise tie an animal to any inanimate objects such as trees, buildings, fences, posts or other stationary or highly immobile objects by means of rope, chain, cable, leash, lead, strap or other physical restraint for the purposes of restraining an animal.

- a. Perimeter property fencing, a kennel or a run may be used to restrain a domestic animal provided it is sufficient to prevent an animal from running at large. The minimum area enclosed shall be no less than 32 square feet for each animal and must be configured so to as to provide each animal sufficient room to move about freely, stand, turn around and lie down without touching the sides of the perimeter fencing. It must also include a solid top or covered area and bottom to protect an animal from the direct rays of the sun, wind or rain, and it must be free from unsanitary conditions, including bodily waste, stagnant water and/or stale food, odor and parasites, including fleas, ticks and rodents.
- b. A structure in which an animal is housed must be either air conditioned or well ventilated.
- c. An electronic confinement system will be deemed an acceptable enclosure if the equipment is properly installed and maintained in continuous working order and the animal being contained wears the appropriate electronic collar when within the system perimeter. The perimeter of the electronic confinement system must be clearly marked and identified to sufficiently warn persons lawfully entering upon or passing by the property as to the presence of the system and the possible presence of an animal therein. Size and placement of signage must be sufficient to provide reasonable notice to persons approaching the confinement area prior to actually reaching the perimeter of the area encompassed by the electronic confinement system.
- d. The housing of domestic animals outside during natural and/or manmade disasters, or during weather advisories for extreme heat or freezing temperatures is prohibited. Natural and/or manmade disasters may include, but are not limited to, floods, fires, tornadoes, hurricanes and lightning storms. A violation of this subsection may result in immediate impoundment for the preservation of life.
- e. Animals must wear a specifically manufactured and properly fitted collar or harness for purposes of attended, temporary tethering for recreational purposes. A leash or lead may not be attached directly to the animal's neck in lieu of a manufactured collar or harness. Chain, choke or prong collars are prohibited during tethering of an animal.
- f. This section does not apply to animal owners using a leash or lead (including a retractable leash or lead) for the purposes of supervised recreational or outdoor enjoyment with their pet or caretakers of registered TNR colonies.
- g. Owners will be provided 30 days from the date of the citation issued to comply with this Section of the Ordinance. Failure to comply with the provisions contained in this Section of the Ordinance may result in the

impoundment of the animal. The animal will not be returned to the owner if the owner has failed to remove all tethering devices. An owner may install an electronic containment system, perimeter fencing, kennel or run. The owner must also pay all applicable fees outlined in the External Fee Manual within 5 consecutive days of impoundment. If the impounded animal is in violation of the Ordinance's sterilization requirements, the impounded animal must be sterilized. All applicable fees shall be paid prior to the release of the impounded animal to the custody of the owner.

D. STERILIZATION REQUIREMENTS

1. Domestic dogs and cats over the age of 6 months must be sterilized by a licensed veterinarian. A certificate of sterilization must be submitted to Animal Services within 30 days of the date of sterilization.
2. Any unsterilized animal registered with a Nationally Recognized Dog or Cat Club impounded for a second or subsequent redemption that is reclaimed by the owner will be sterilized, at the expense of the animal's owner, prior to the animal being released from Animal Services. Sterilization may be deferred only upon the written recommendation of a licensed veterinarian documenting specific health reason dictating against sterilization and indicating whether the condition is temporary or permanent.
3. No unclaimed dog, cat or ferret may be released for adoption without being sterilized prior to adoption. Notwithstanding the forgoing, a person who adopts an unaltered animal will be required to leave a sterilization deposit, which will be fully refunded upon proof that the sterilization has been performed by a licensed veterinarian.
4. An owner possessing an unsterilized non-registered national breed animal will be provided thirty 30 days to comply with this Section of the Ordinance or produce proof of certificate of sterilization, registration with a national dog or cat club, or proof of medical exemption from a licensed veterinarian in the State of Florida. The failure to comply may result in the impoundment of the animal. An impounded animal may be released to the owner after sterilization and if all applicable fees have been paid as set forth in the External Fee Manual within 5 consecutive days of impoundment.
5. Exempt from this Section is animals used by:
 - a. Law Enforcement.
 - b. Animals Registered by a Nationally Recognized Cat or Dog Club.
 - c. Agricultural Working Dogs Owned by a bona fide Agricultural Business.

- d. Hunting or Sporting Animals with an Owner Possessing a Valid Hunting License.
- e. Animals with a Specific Health Condition(s) Attested to in Writing by a Practicing Licensed Veterinarian indicating whether the health condition is temporary or permanent.

E. REQUIREMENTS FOR USING DOGS FOR THE PURPOSE OF GUARDING

1. *Registration Required.* Dogs used to guard business or commercial property must be registered with Animal Services by the guard dog business owner. The registration must be obtained by the dog owner, which may be a business providing guard dog services. The registration must include name, physical and mailing address and telephone number, including an after-hours contact number, of the service's manager (i.e. dog owner); the breed, sex, weight, age, color, microchip registration number, other distinguishing physical features of the dog; and, certification of rabies vaccination.
2. *Vaccination Required.* Guard dogs must be vaccinated for rabies and registered with Animal Services no later than 72 hours after acquisition.
3. *Registration fee.* The fee for registration of a guard dog will be listed in the External Fee Manual.
4. *Registration information Must be Posted.* Each guard dog must be issued a separate registration number by Animal Services. This number must be posted at the entrance of any property using that guard dog service. At the time of registration, each dog will be microchipped and receive an identification tag that must be affixed to the dog at all times.
5. *Guard Dog Register.* Animal Services will maintain a guard dog register containing all required data. The guard dog service or dog owner is required to provide immediate notice to Animal Services regarding the transfer of ownership, death, disappearance or annual rabies inoculation of a guard dog. Upon receipt of the information, the appropriate entry will be made in the register. If the guard dog has disappeared, an entry must be made to reflect the locale and reason of the disappearance.
6. *Right to Inspect.* Registration of a guard dog provides Animal Services with the reasonable right to enter and inspect all kennels housing guard dogs and other premises where such dogs are in use to ensure owner registration compliance.
7. *Prohibited Activity.* It is unlawful for any person, firm or corporation to own or harbor any guard dog in the county that has not been inoculated, registered and microchipped as provided under this ordinance.

8. *Transportation of Guard Dogs.* Any vehicle used by a guard dog service to transport guard dogs must be clearly marked, showing that it is transporting a guard dog. A compartment separate from the driver and separating each dog is required. The compartment(s) must be arranged to ensure adequate ventilation for each animal.
9. *Utilization, Generally.* Persons or entities that hire or use a guard dog service to patrol the premises must provide adequate fencing or some other appropriate confining structure to keep the guard dog within the enclosed area.
10. *Utilization During Business Hours.* Persons who hire or use a guard dog service to patrol the premises during that business' operating hours must have the guard dog confined in such a manner so as not to pose a danger to the general public.
11. *Posting Warning Signs.* At each appropriate location and entry point, and at 50 foot intervals along the fence perimeter, if applicable, a sign must be posted including the words "Guard Dog," with a dog picture, provided by Animal Services with fees set by the External Fee Manual,
12. *Posting Registration Information.* The guard dog registration number must be posted at all entry points.
13. *Humane Treatment.* Dogs used for guarding businesses are considered to be a domestic animal and are afforded all of the protections of this ordinance.
14. *Prohibition.* No dog that has been classified as dangerous or vicious by Animal Services may be used as a guard dog.
15. *Prohibition.* The use of a dog to guard residential property is prohibited.
16. *Exception for Law Enforcement.* Except for animals utilized by law enforcement, persons using animals trained as attack dogs for business purposes must comply with the provisions of this section.

SECTION TEN: LICENSE OR COUNTY TAG FEES

- A. *Fee Amount.* The Board of County Commissioners will set the fee by Resolution. The amount of the fee will be published in the External Fee Manual.
- B. *Payment of Fee.* The established license fee must be paid at the time the license tag is provided to the animal's owner.

C. *Collection of License Fee by Others.*

1. License or County Tag fees collected by a County-authorized agency or a licensed veterinarian must be properly documented and remitted to Animal Services within 45 days of the sale of the tag.
2. Authorized sellers of the Lee County license must sell the license at the fee levels approved by the Board. However, authorized sellers may charge a reasonable administrative fee to cover the costs of providing the license tag service. The administrative fee charged by an authorized seller cannot exceed the amount set forth in the External Fee Manual. If an authorized seller charges an administrative fee, notice must be provided to the purchaser regarding the amount of the administrative fee charged and inform the purchaser that the administrative fee can be avoided by purchasing the license tag directly from Animal Services. The authorized seller may not add the administrative fee to the cost of a license but must list the administrative fee as a separate item on the invoice/receipt provided to the purchaser.
3. An authorized seller of license tags must keep complete and accurate records of tags sold and on hand as inventory. All theft or loss must be reported immediately to the proper authority, and a copy of the official law enforcement report must be provided to Animal Services. Unexplained shortages/losses of tags or sales of tags at the incorrect prices are the responsibility of the seller.

SECTION ELEVEN: BREEDER CERTIFICATES

- A. *Certificate Required.* A certificate issued by Animal Services is required in order to legally breed a domestic dog or cat or offer a domestic dog or cat for breeding or stud purposes. The breed of dog or cat must be registered with a nationally recognized dog or cat club. The certificate is subject to annual renewal.
- B. *Fees.* The cost of the certificate and other related fees are as set forth in the External Fee Manual.
- C. *Certificate Application Requirements.*
 1. Breeders of domestic animals of a nationally recognized dog or cat club must submit a completed application (available from Animal Services). The following must accompany the breeder certificate application for each animal listed:
 - a. A current rabies certificate;
 - b. A current County license;
 - c. Evidence of current annual boosters/vaccinations;

- d. Microchip registration; and
 - e. National breed registration.
2. Unsterilized animals housed in or on the premises of the owner, without the owner possessing a valid breeder certificate, proof of national breed club registration or proof of certificate of sterilization (or proof of medical exemption from a licensed veterinarian in the State of Florida), may be impounded by Animal Services. The owner will be responsible for paying the applicable County fees, including sterilization fees, for redemption of the animal if a breeder certificate is not obtained or approved by Animal Services within 5 consecutive days of the date of impoundment.

D. *Record Keeping and Quarterly Reporting.*

1. Consistent with §877.14, F.S., the breeder must keep a complete and true record of all animal sales transactions, showing the date of the transaction and the name and address of the person from whom each animal was purchased or otherwise obtained and to whom each animal was sold or otherwise transferred. The records must also include a sufficient description of the animal such as breed, sex, color, markings and distinguishing features.
2. On a quarterly basis, the name, address and telephone numbers of the new owner of any dog, cat, puppy or kitten must be provided to Animal Services. For purposes of this section the term "quarterly basis" means the calendar quarters ending March 31, June 30, September 30 and December 31.

E. *Certificates.*

1. *Requirement to Provide Certificate and Registration(s).* The breeder is required to provide the new owner with a certificate identifying their breeder certificate number and the breed of the animal purchased. The breeder must also provide a copy of the official certificate of veterinary inspection, prepared in accordance with §828.29, Florida Statutes, to the buyer of the animal, and the registration from the nationally recognized dog or cat club.
2. *Certificate Duration.* A breeder certificate is valid for a period of 1 calendar year and must be renewed annually with Animal Services.
3. *Certificate Renewal.* Renewal applications for certificates must be made within 30 days prior to expiration of the annual breeder certificate.
4. *Certificate Not Transferable.* A breeder certificate is not transferrable, assignable or refundable.

- F. *Minimum Age.* Breeders are prohibited from offering puppies or kittens for sale or give away under the age of 8 weeks. However, this does not prevent the surrender of an animal to a shelter at any age.
- G. *Advertising Requirements.* The breeder certificate number must be stated on all advertisements and literature concerning the sale or free give away of a domestic dog or cat produced by the breeder's business.
- H. *Inspection Authority.* Acceptance of a breeder certificate from Animal Services constitutes agreement to inspection of the breeding premises at reasonable times by an Animal Control Officer. Refusal to allow inspection of an animal or the premises constitutes a violation and may result in the revocation of the breeder certificate.
- I. *Basis for Denial of Certificate.* Breeder certificates may not be issued to an individual or business, or business involving a person convicted or otherwise found guilty of an offense involving cruelty to animals or where a final judgment has been entered against the applicant under §828.073, F.S., or any other state's regulations prohibiting animal neglect or mistreatment. A breeder certificate may also not be issued where there is any other person on or within the same premises who has been convicted or otherwise found guilty of an offense involving cruelty to animals or where a final judgment has been entered against a person under §828.073, F.S.
- J. *Basis for Denial of Renewal.* Breeder certificates will not be renewed to individuals or businesses that are not operating in full compliance with this ordinance.
- K. *Violations.* The following actions constitute a violation of this section and the Ordinance.
1. Failure to obtain a certificate prior to operating as a breeder.
 2. Continuing to operate a breeding business after a certificate is expired; failure to timely renew a certificate.
 3. Counterfeiting a breeder certificate or official certificate of veterinary inspection.
 4. Malicious destruction of a valid breeder certificate.
 5. Providing false information on the certificate application.
 6. *Violation for Non-possession of Breeder Certificates.* Unsterilized animals housed in or on the premises of the owner, without the owner possessing a valid breeder certificate, proof of certificate of sterilization or proof of medical exemption from a licensed veterinarian in the State of Florida, may be impounded by Animal Services. The owner will be responsible for the

payment of all applicable fees, including sterilization fees, for redemption of animals if a breeder certificate is not obtained or approved by Animal Services within 5 consecutive days of impoundment.

- L. **Agricultural Working Dog Exemption.** Agricultural working dogs owned by a bona fide Agricultural Business are exempt under this Section.

SECTION TWELVE: PET DEALERSHIPS / PET STORES

- A. ***Certificate Required.*** A certificate issued by Animal Services is required to legally sell a dog or cat by a pet dealership/pet store. The breed of dog or cat must be registered with a nationally recognized dog or cat club. The certificate is subject to annual renewal.
- B. ***Certificate Fees.*** The cost of the certificate and other related fees are as set forth in the External Fee Manual.
- C. ***Certificate Application Requirements.*** Pet dealerships selling animals must complete a Pet Dealership Application. A copy of the applicant's current business license from the Lee County Tax Collector and occupancy permit must accompany the application.
- D. ***Record Keeping.*** Consistent with §877.14, F.S., the pet dealership must keep a complete and true record of all animal sales transactions, showing the date of the transaction and the name and address of the person from whom each animal was purchased or otherwise obtained and to whom each animal was sold or otherwise transferred. The records must also include a sufficient description of the animal such as bred, sex, color, markings and distinguishing features.
- E. ***Quarterly Reporting.*** On a quarterly basis, the name, address and telephone numbers of the new owner of any dog, cat, puppy or kitten must be provided to Animal Services. For purposes of this section the term "quarterly basis" means the calendar quarters ending March 31, June 30, September 30 and December 31.
- F. ***Requirement to Provide Certificate and Registration.*** The pet dealership is required to provide the new owner with a certificate identifying their pet dealership certificate number and the breed of the animal purchased. The pet dealership must also provide the buyer with a copy of the official certificate of veterinary inspection, prepared in accordance with §828.29, F.S., and the registration from the nationally recognized dog or cat club.
- G. ***Advertising Requirements.*** The pet dealership must list their pet dealership certificate number on all advertisements and literature concerning the sale or free give away of a domestic dog or cat. The pet dealership certificate number

must be prominently displayed on a store front window or door or in a public lobby area for public viewing.

- H. *Certificate Duration.* A pet dealership certificate is valid for 1 year from the date of issuance.
- I. *Certificate Renewal.* The certificate must be renewed annually. Renewal applications for certificates must be made within 30 days prior to expiration of the annual pet dealership or certificate.
- J. *Certificate Non Transferable.* A pet dealership certificate is not transferrable, assignable or refundable.
- K. *Prohibition on Sale or Give Away Under 8 Weeks of Age.* A pet dealership may not offer puppies or kittens for sale or give away under the age of 8 weeks; however, animals may be surrendered to an animal shelter at any age.
- L. *Inspection Authority.* Acceptance of a pet dealership certificate from Animal Services constitutes agreement to inspection of the pet dealership premises at reasonable times by an Animal Control Officer. Refusal to allow inspection of an animal or the premises constitutes a violation and may result in the revocation of the pet dealership certificate.
- M. *Alteration or Destruction of Certificate.* It is a violation of this ordinance to alter or counterfeit a pet dealership certificate or official certificate of veterinary inspection, or maliciously destroy a pet dealership certificate.
- N. *Providing False Information.* It is a violation of this ordinance to provide false information on the certificate application.
- O. *Basis for Denial of Certificate.* A pet dealership certificate may not be issued to an individual or business, or business involving a person convicted or otherwise found guilty of an offense relating to cruelty to animals or where a final judgment has been entered against the applicant under §828, F.S., or any other state's regulations prohibiting animal neglect or mistreatment. A pet dealership certificate may also not be issued where there is any other person on or within the same premises who has been convicted or otherwise found guilty of an offense involving cruelty to animals or where a final judgment has been entered against a person under §828, F.S.
- P. *Basis for Denial of Renewal.* A pet dealership certificate will not be renewed for the individuals or businesses that are not operating in full compliance with this ordinance.
- Q. *Violations.* The following actions constitute a violation of this section and the Ordinance.

1. Failure to obtain a certificate prior to operating as a pet dealership.
2. Continuing to operate a pet dealership after a certificate is expired, including a failure to timely renew a certificate.
3. Counterfeiting a pet dealership certificate, or official certificate of veterinarian inspection.
4. Malicious destruction of a valid pet dealership certificate.
5. Providing false information on the certificate application.
6. Violations of this section, including operating without a valid pet dealership certificate, may result in impoundment of all animals found on the premises.

SECTION THIRTEEN: IMPOUNDMENT PROVISIONS

A. *Impoundment of Animals Found in Distress.* Animal Control Officers have the authority to impound any animal found to be cruelly treated or in obvious distress. Any animal so impounded may be seen by a veterinarian without the owner's consent for examination and/or treatment, if necessary. The owner of the impounded animal will be liable for any and all costs incurred. Any animal impounded under the provisions of this Ordinance and not redeemed by its owner prior to the expiration of the established holding period become the property of Animal Services.

B. *Surrender of Stray Animals.* Stray animals must be surrendered to the custody of Animal Services within 24 hours. The surrendered animal will be held by Animal Services to provide the owners an opportunity to reclaim their animal during the stray holding period. A finder may adopt the surrendered animal, if unclaimed by the owner and prior to the expiration of the stray holding period the finder submits an adoption application and the adoption is approved by Animal Services. Exempt from this Section are TNR felines displaying an eartip.

C. *Holding Periods; Redemption and Disposition of Animals.*

1. *Established Holding Periods.* The established holding periods for animals impounded by Animal Services are as follows:

- | | |
|--|--------|
| a. Stray dog without identification | 3 days |
| b. Stray dog, feline or ferret with identification | 5 days |
| c. Felines, feral or small mammals and reptiles | 0 days |

2. *Holding Period Exceptions.*

- a. Stray holding periods do not apply to:

- 1.) Sick, injured, diseased or orphaned sucklings; or
- 2.) Wild animals regulated by state wildlife agencies.
- b. Litters of animals or individual members of a litter of animals, including the pregnant or nursing mother and unweaned animals, not possessing a valid County license and/or microchip may be transferred immediately upon impoundment to a private sheltering agency, rescue group or individuals for the purpose of adoption.
- c. Individual members of a litter of animals, who are at least 6 weeks of age, including the mother, may be adopted immediately upon impoundment.
- d. The holding period may be extended or reduced at the discretion of Director to relieve animal suffering or to limit disease contagious to humans and animals housed at Animal Services.
3. *Custody of Animal Deemed Abandoned.* Any dog, cat or ferret not redeemed by its owner prior to the expiration of the stray holding period will be deemed abandoned and become the property of Animal Services.
4. *Veterinarian Treatment During Impoundment.* Animal Services may utilize the services of a veterinarian to treat sick, injured or diseased animals while the animal is impounded. The animal owner will be responsible for the payment of all such costs incurred upon redemption of the animal.
5. *Conditions of Redemption.*
 - a. *Liability for Impoundment Fees and Costs.* Any person seeking to redeem or reclaim an animal impounded under the provisions of this Ordinance must pay the impoundment fees, boarding fees, license fees and all other fees resulting from impounding and caring for the animal.
 - b. *Rabies Vaccination.* If an animal released from Animal Services does not possess a valid rabies vaccination and license, the owner must agree to obtain a license and rabies vaccination within a period of time after redemption specified by Animal Services. The certificate of vaccination must be provided to Animal Services as a prerequisite to issuance of the license. If the owner of the redeemed animal does not obtain the rabies vaccination and license within the specified time frame, Animal Services may issue a citation for this failure.
 - c. *Proof of Ownership.* Proof of ownership is required for redemption of animals. Proof of ownership includes, but is not limited to, a valid County license, veterinary records within the past 3 years, or a registered microchip. Additional forms of identification or proof of ownership may be deemed acceptable at the discretion of the Director. The person claiming unproven

ownership may be afforded the opportunity to adopt the animal prior to the public at the discretion of Animal Services with an approved adoption application, payment of all applicable impound fees, daily board and adoption fees and compliance with state statutes and local ordinances, including sterilization.

d. *Microchipping.* Prior to release from Animal Services' shelter, all dogs, cats and ferrets must be microchipped. The microchip will be registered to the pet owner.

6. *Impoundment Fees.* Impoundment fees will be established by the Board in the External Fee Manual.

7. *Exotic Animal Impoundment.* Exotic invasive animal species found at large and impounded will be humanely euthanized. However, the Director may grant an exemption to this requirement for animals released to an educational facility for study to assist in the control and removal of the species; or animals to be used for educational purposes to inform the public of the dangers of invasive exotic animal species.

D. ADOPTION OF ANIMALS THAT ARE THE PROPERTY OF ANIMAL SERVICES

1. *Animal Deemed Property of Animal Services.* Animals will be deemed the property of Animal Services if:

a. The animal owner voluntarily gives custody to Animal Services by signing a release form specific describing the animal and relinquishing custody of the animal to Animal Services;

b. The animal is deemed abandoned under the provisions of this Ordinance; or

c. Custody is obtained through judicial action.

2. *Adoption.* Impounded dogs and cats that are deemed the property of Animal Services may be placed for adoption by Animal Services. Persons seeking to adopt a pet from Animal Services must file an adoption application and be approved by the Director. The Director has the discretion to deny an adoption application, and provide a reason for the denial.

3. *Conditions of Adoption.*

a. As a condition of adoption, the prospective owner must agree to:

1) Sterilize the animal prior to its entering their home; or

- 2) Submit the written recommendation of a licensed veterinarian clearly indicating that sterilization is not appropriate or should otherwise be deferred and why.
- b. Any person that adopts an unaltered animal is required to leave a sterilization deposit, which will be fully refunded upon proof that the sterilization has been accomplished or if a permanent exemption is provided in writing from a licensed veterinarian.

E. QUARANTINE OF ANIMALS FOR RABIES OBSERVATION

1. *Quarantine of Animals Without Identification.* Any stray dog, cat or ferret, without identification, that bites or scratches a person will be impounded by Animal Services and held in quarantine for a minimum period of 10 days from the date of the bite or scratch for rabies observation. Available information regarding the animal's description; current rabies vaccination date; owner's name, address and telephone number; the name of the animal; the address and telephone number of person bitten or scratched; and location of the wound will be reported to the Department of Health. Animals not redeemed within the 10-day quarantine period will be considered abandoned property of Animal Services.
2. *Quarantine of Animals With Identification.* Dogs, cats or ferrets with identification that have bitten a human may be permitted to be quarantined at home for a minimum period of 10 days from the date of bite or scratch for rabies observation pursuant to a Home Quarantine Agreement with Animal Services. Information regarding the animal's description; current rabies vaccination date; owner's name, address and telephone number; the name of the animal; the address and telephone number of person bitten or scratched; and location of the wound will be reported to the Department of Health. An owner whose animal has bitten or scratched a human must comply fully with the section of the Florida Administrative Code applicable to Control of Communicable Diseases & Conditions Which May Significantly Affect Public Health (currently indexed under Chapter 64D-3).

No owner of an animal placed under a Home Quarantine Agreement for rabies observation may violate the Home Quarantine Agreement.

3. *Duty to Report.* Any person having knowledge that an animal has bitten or otherwise exposed a person or any other animal to rabies is required to report the incident immediately to the Department of Health.
4. *Refusal to Quarantine Animal.* It is a violation of this Ordinance for any person to refuse to surrender an animal for quarantine when quarantine is required by state or local regulations.
5. *Examination by State Board of Health.* Any dog, cat or ferret that dies or is humanely euthanized while under quarantine will undergo pathological examination performed by the State Board of Health. It is a violation of this

Ordinance for any person to refuse to surrender the body of a deceased animal while under quarantine.

6. *Prohibited Actions Regarding Potential Infectious Animals.* It is a violation of this Ordinance for anyone to kill or remove from Lee County, Florida, without the express written consent of Animal Services or the Health Department, any of the following:
 - a. A rabid animal;
 - b. An animal suspected of rabies or any other infectious or contagious disease;
 - c. An animal exhibiting unusual behavior;
 - d. An animal that has scratched or bitten a person; or
 - e. An animal under quarantine.
7. *Penalties for Violation.* Any person violating the provisions of this Section may be punished as provided under this ordinance or as provided for in the Florida Statutes.

SECTION FOURTEEN: ENFORCEMENT

A. FINES, FEES AND PENALTIES

1. *Fees.* All fines and fees, including licensing fees, are set by Resolution of the Board of County Commissioners and are included in the External Fee Manual.
2. *Violation.* A violation of this Ordinance constitutes a civil infraction subject to a fine of up to \$500 as set forth Lee County Administrative Code 3-11. Prosecution or citation for a violation of this ordinance does not eliminate the right of the State to prosecute related statutory criminal offenses whether or not the basis of the criminal offense is set forth in this Ordinance.
3. *Fee to Animal Care Trust Fund.* In addition to any penalty ordered to be paid by a court for a violation of this Ordinance, either with or without an adjudication of guilt, a violator must also pay \$25.00 to the Lee County Domestic Animal Services Animal Care Trust Fund. This is a mandatory payment. The payment will be collected by the Clerk of the Court and paid over to the County's Animal Care Trust Fund at the same time and in the same manner as other funds so transferred.
4. *Surcharge.* Animal Services may impose and collect the maximum surcharge as set forth in §828.27(4)(b), F.S., upon each civil penalty imposed for a violation of an ordinance relating to animal control or cruelty. The proceeds from such

surcharge will be used to pay the costs of training animal control officers for Lee County.

B. ENFORCEMENT OF VIOLATIONS

1. *Enforcement entities.* The provisions of this ordinance are subject to enforcement by Animal Control Officers as well as the various law enforcement entities in Lee County.
2. *Impoundment Authority.* Animal Control Officers have the authority to impound any animal in violation of this Ordinance by using recognized capture techniques and methods. Such methods and techniques may include but are not limited to: leashes, control poles, nets, humane traps and recognized tranquilizer equipment.
3. *Seizing an Unrestrained Animal.* An Animal Control Officer may incapacitate an animal by the most reasonable and humane means then available if, after a reasonable effort, the seizure of an unrestrained animal that has violated the provisions of this ordinance cannot be made, the animal is deemed to be dangerous, vicious, or an injury or physical condition is causing the animal to suffer.
4. *Citations.* The provisions of this ordinance will be enforced through the use of the citation process set forth in §828.27, Florida Statutes. An Animal Control Officer may issue a citation if the Officer has probable cause to believe that a person has committed an act in violation of this Ordinance. The Officer also has the discretion to issue a warning notice to the animal owner or the owner's agent if, in the opinion of the Officer, the situation warrants notice as opposed to citation.
5. *Content.* Any citation issued by an Animal Control Officer must contain the following:
 - a. The date and approximate time the civil infraction was committed.
 - b. The facts constituting probable cause.
 - c. The ordinance provision violated.
 - d. The name and authority of the Officer.
 - e. The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to make a mandatory appearance in county court, if a mandatory appearance is required by Lee County Administrative Code 3-11.
 - f. The applicable civil penalty if the person elects to contest the citation.
 - g. The applicable civil penalty if the person elects not to contest the citation. (This amount must be less than the penalty attributable to the contested violation.)

- h. 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, the person will be deemed to have waived the right to contest the citation and that judgment may be entered against the person for an amount up to the maximum civil penalty.
 - i. A conspicuous statement that if appearance in court is mandatory the person does not have the option of paying a fine in lieu of appearing in court.
6. *Refusal to Sign or Accept a Citation.* Any person that willfully refuses to sign and accept a citation issued by an officer is guilty of a misdemeanor of the second degree, punishable as provided for in Florida Statutes. (See §162.21, F.S.)
7. *Order to Show Cause.* If a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to make the mandatory court appearance required under Administrative Code 3-11, then the Court may issue an order to show cause upon the request of the County. The order will require the person to appear before the court to explain why action on the citation has not been taken. If the person subject to the order to show cause fails to appear in response to the court's directive, the person may be held in contempt of court.
8. *Standard of Proof.* During a hearing regarding the charge cited, the County must prove the existence of the violation by a preponderance of the evidence.

SECTION FIFTEEN: VIOLATIONS

A. CRUELTY TO ANIMALS

1. *Violations.* The following actions of any person, owner, owner's agent, caregiver or keeper are prohibited and constitute a violation of this ordinance and §828.12, Florida Statutes:
- a. The failure to provide the animal with adequate food, water, shelter or veterinary care.
 - b. Restraining or confining an animal by any means other than those defined in this Ordinance.
 - c. The keeping of an animal in unsanitary conditions, or in areas where there is vermin-harboring debris or other material that can provide an opportunity for injury or a danger to the animal's health or welfare.
 - d. Neglecting, beating, cruelly treating, overworking, overloading, abusing, mutilating or killing an animal under a person's care, custody and/or control.
 - e. Abandoning any animal in any public or private place. If an Animal Control Officer suspects that an animal has been abandoned on private property, but

such animal does not appear to be in immediate distress or danger, the Officer may leave notices posted in a conspicuous place informing the owner or agent to contact said Officer within 24 hours. Failure to do so may result in the animal being removed by the Animal Control Officer. The animal will become the property of Animal Services if not redeemed within the established holding period. The Officer may issue citations if the owner or agent is subsequently located. Felines displaying an eartip from this TNR program are exempt from this Section.

- f. Molesting or penetrating an animal or using the body parts of an animal for sexual gratification.
 - g. Procuring an animal for the purposes of abuse, bloodletting, killing or human sexual gratification.
 - h. Leaving or depositing poison, or any substance containing poison, in a common street, road, alley, lane or thoroughfare of any kind, or in any yard or enclosure (including on the owner's property) that could inflict injury or kill any animal.
 - i. Advertising to perform, or performing, the cropping of ears or docking the tail or cutting of the vocal cords of any animal, unless this procedure was performed by a licensed veterinarian.
 - j. Branding, piercing (other than microchip insertion) or tattooing for the purpose of artistry and not identification.
 - k. Keeping an animal in any enclosure without daily exercise.
2. *Additional Violations.* Possession of an animal with an unhealed wound relating to an ear or ears cut off or cropped, or a tail docked tail, constitutes prima facie evidence of a violation, unless the person in possession or control of the animal can produce proof that the cropping or docking was performed by a licensed veterinarian.
3. *Slaughter.* The humane slaughter of livestock or wild animals for food purposes (including but not limited to all lawful hunting activities) is exempt from the provisions of this Section. The slaughter of domestic dogs, cats or ferrets for the purpose of consumption is prohibited. For the purposes of this Section, the term "slaughter" is defined in accordance with §828.23(3), F.S.

B. ANIMAL FIGHTING OR BAITING

The following actions of any person, owner, owner's agent, caregiver or keeper are prohibited and constitute a violation of this ordinance and F.S. §828.122.

1. Knowingly owning, managing or operating a facility kept or used for fighting or baiting any animal.
2. Owning, possessing, keeping, breeding, transporting, baiting, training, using, promoting, purchasing or knowingly selling any animal for animal fighting or baiting.
3. Owning, possessing, or selling equipment or paraphernalia for use in any activity described in this section.
4. Owning, leasing, managing, operating or having control of any property kept or used for any activity described in this section.
5. Promoting, staging, advertising, or charging an admission fee to fighting or baiting between two or more animals.
6. Betting or wagering money or other valuable consideration on the fighting or baiting of animals.
7. Attending the fighting or baiting of animals as a spectator.

C. COMMUNITY CAT COLONIES

Caregivers of a community cat or community cat colony may be deemed exempt under the provisions of License Requirements and Animal Identification Requirements of this Ordinance, by:

1. Regularly feeding the community cat colony, including weekends and holidays.
2. Insuring sanitary conditions at all times.
3. Regularly and frequently trap the community cats over the age of 12 weeks for purposes of sterilization.
4. Identifying all community cats by tipping their ears and implanting with a microchip.
5. Vaccinating all community cats against rabies.
6. Ensuring that all community cats with illness and/or injury that cannot be provided with treatment will be humanely euthanized to prevent pain and suffering.
7. Ensuring that caregivers are not permitted to release community cats onto environmentally sensitive conservation land and private or public property without the permission of the property owner.

8. Recognizing that any caregiver determined to be in violation of the Nuisance Animal section of this ordinance will be issued a written warning and be permitted 30 days to come into compliance. Failure to comply may result in the issuance of a citation.

D. CONCEALMENT OF ANIMALS

The following activities constitute a violation of this ordinance:

1. Concealing, hiding or confining an animal that belongs to another person or for which legal title is not held.
2. Concealing, hiding or confining an animal involved in a formal investigation involving a bite, scratch or rabies exposure incident.
3. Concealing, hiding or confining any animal that is the subject of an investigation by Animal Services.

E. PROHIBITING ANIMALS FROM RUNNING AT-LARGE

1. It is unlawful for a domestic animal to stray, run, go or roam at-large in or upon any public street, sidewalk, school grounds, in the area of school vehicles, beaches, parks, or on the private property of others without consent of the property owner.
2. Any animal found in violation of this Section may be impounded immediately.
3. Any person may seize an unrestrained animal, unattended animal, or animal at large on his or her property and surrender the animal within 24 hours to Animal Services for disposition. Any person seizing an unrestrained or animal at large must capture the animal in a safe and humane manner and may employ certain humane traps for such purpose.

F. THREATENING OR MENACING BEHAVIOR

A domestic animal acting in a threatening or menacing manner toward a person or another animal while off of the domestic animal owner's property is prohibited.

G. FAILURE TO CONFINE FEMALE DOGS AND CATS IN SEASON

It is unlawful for the owner (or agent) of any female animal in season to fail to protect the animal from unplanned breeding.

H. OPPOSING AN ANIMAL CONTROL OFFICER

1. It is unlawful for any person to oppose, resist, obstruct, hinder or in any manner prevent an Animal Control Officer from performing lawful duties.

2. It is unlawful to tear down, burn, deface, destroy or otherwise damage any animal shelter, equipment, or vehicle; or, to release or remove any animal from the custody of an Animal Control Officer, Animal Services shelter or a trap owned by Animal Services.
3. It is unlawful for a person to willfully and knowingly provide false or misleading information to Animal Services regarding animal ownership, licensing, rabies vaccination, medical treatment and condition or any other matters pertaining to the enforcement of state law or county ordinance.

I. INHUMANE TREATMENT OF ANIMALS

It is unlawful for any person to sell, offer for sale, or give away as merchandising premiums, baby chickens, ducklings, or other fowl under four weeks of age, or rabbits under two months of age, to be used as pets, toys or retail premiums.

J. ANIMALS IN MOTOR VEHICLES

1. The owner or operator of a motor vehicle may not place or allow an animal to be confined in an unattended motor vehicle without sufficient ventilation or under conditions potentially endangering the health or well-being of the animal due to heat, lack of water or any other circumstances that may cause suffering, disability or death.
2. It is unlawful to transport an animal in any vehicle of open design unless the animal is safely and humanely restrained by a secured, ventilated cage or crate to prevent injury. The size of the cage or crate must provide the animal with space to move about and lie down. A solid covering over the top and bottom of the cage or crate must be used to provide proper protection from the elements during transport.
3. Any Animal Control Officer or Law Enforcement Officer that observes an animal in a motor vehicle in obvious danger or distress may enter the motor vehicle by any means necessary to remove and impound the animal or transport the animal to a veterinarian, if necessary. If the owner of the animal cannot be contacted, the Animal Control Officer or Law Enforcement Officer will leave, in a prominent place in or upon the vehicle, a written notice as to the reason for removal of the animal. The owner of the animal and the owner of the motor vehicle are responsible for any costs incurred.

K. PROVIDING FALSE OR MISLEADING INFORMATION

It is unlawful for a person to willfully and knowingly provide false or misleading information to Animal Services regarding animal ownership, licensing, rabies vaccination, medical treatment and condition and/or other matters pertaining to the enforcement of state law or county ordinance.

L. DOMESTIC ANIMALS – NUISANCE BARKING

It is a violation of this ordinance for domestic animals to make unreasonable or prolonged noise that disrupts comfort or disturbs the peace or sleep of humans.

SECTION SIXTEEN: DANGEROUS OR VICIOUS DOG DETERMINATIONS

- A. *Dangerous Dog.* A dog may be declared dangerous and may be automatically impounded if the dog according to the records of Animal Services:
1. Has aggressively bitten, attacked or endangered or has inflicted severe injury on a human being on public or private property;
 2. Has more than once severely injured or killed a domestic animal while off the owner's property;
 3. Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or
 4. Has been 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 a sworn statement by one or more persons and dutifully investigated by the appropriate authority.
- B. *Vicious Dog.* A dog may be declared vicious and may be automatically impounded if the dog, according to the records of the appropriate authority, has severely injured or killed a domestic animal while off the owner's property, provided that such actions are attested to a sworn statement by one or more persons and dutifully investigated by the appropriate authority.
- C. *Written Notification.* Upon an initial determination finding a dog dangerous or vicious, the Director of Animal Services, or a designee, must prepare a written notification to the dog owner as defined in Lee County Administrative Code 1-1.
- D. *Request for Hearing.* Once the owner has received written notice by Animal Services that their dog has been deemed dangerous or vicious, the owner has 7 days to file a written request for a hearing with Animal Services. If the owner does not file a written request within 7 days of receipt of notice from Animal Services, the dog will become the property of Animal Services.
- E. *Release.* The dog deemed dangerous or vicious may not be released by Animal Services to the owner until completion of the hearing, expiration of any subsequent filed appeals and full payment of applicable fees
- F. *Hearing Officer Determination.* The hearing officer must issue a determination within 3 calendar days after the hearing is completed based upon a preponderance of the

evidence. All determinations of the hearing officer must:

1. Be in writing;
2. Be signed and dated by the hearing officer; and
3. Be fact and conclusions of law, and served upon the owner by certified, hand delivery or personal service by the Lee County Sheriff's Office or other designated special process server.

G. *Responsibility for Fees After Abandonment.* If the owner abandons the animal after the determination is made by the Hearing Officer that the animal is dangerous or vicious, the owner will be responsible for any applicable fees. Animal Services has the right to issue a written invoice for payment to the animal's owner and take all necessary and appropriate legal action to obtain fees and costs evidenced by the invoice.

H. *Notification of Determination.* Upon notification by the hearing officer that the dog has been deemed dangerous or vicious, Animal Services will notify the owner in writing. The written notification will be mailed certified mail, hand-delivery, or personal service by the Lee County Sheriff's Office or other designated special process server. The notice will inform the owner that a written Appeal of the hearing officer's determination:

1. May be filed in County Court within 10 business days of the owner's receipt of the notice of classification.
2. The notice of classification will also inform the owner that the subject dog must follow all rules established for a declared dangerous or vicious dog pending a resolution of any appeal filed by the owner.

I. *Appeal of Determination.* Upon notice to Animal Services by the hearing officer that a dog has not been classified as dangerous or vicious, Animal Services may file a written appeal of the hearing officer's determination in County Court within 10 business days of the receipt of the notice of determination from the hearing officer.

J. *Registration Required.* Within 15 days after a dog has been classified as dangerous or vicious by Animal Services and upheld on appeal, the dog owner shall obtain a certificate of registration for the dog from Animal Services. Upon the receipt of all applicable fees paid to Animal Services and compliance with all requirements of this Ordinance, the dangerous or vicious dog will be released to the custody of its owner.

K. *Applicable Fee.* Applicable fees are set forth in the External Fee Manual.

L. A Certificate of Registration may only be issued to persons who are at least 18 years of age and possess documentation attesting to:

1. A current certificate of rabies vaccination for the dangerous or vicious dog.
2. Warning signs stating "Dangerous or Vicious Dog" have been posted at all entry points on the property. Signage will be provided by Animal Services at the cost of the owner.
3. The dangerous or vicious dog has been electronically implanted with a microchip by Animal Services or a licensed veterinarian.
4. Proof of sterilization or sterilization of the dangerous or vicious dog by Animal Services will be performed prior to the dangerous or vicious dog's release to the custody of the owner.
5. Written, notarized approval by the legal property owner that a dangerous or vicious dog may be housed on the rented property.

M. *Dangerous or Vicious Dog Ownership.* The owner of a dangerous or vicious dog must immediately notify Animal Services within 24 hours if the dangerous or vicious dog:

1. Is missing or running at large.
2. Has bitten or attacked a human being or a domestic animal.
3. Is permanently relocated to a new address either within or outside of Lee County. The owner must provide Animal Services with the physical location (including street address) of where the dangerous or vicious dog is now kept.
4. Is deceased. The death of the dangerous or vicious dog must be confirmed in writing by a licensed veterinarian, including the electronic implantation number or the dangerous or vicious dog.
5. Is transferred to another owner. The current and new owner must appear at Animal Services in person to complete the transfer of ownership of a dangerous or vicious dog. The new owner will be responsible for compliance with this Ordinance, including requirements for a Dangerous or Vicious Dog and payment of applicable fees outlined in the External Fee Manual.

N. *Limitation on Use.* Animals classified as dangerous or vicious under this Ordinance may not be used for such purposes as guarding.

O. *Confinement Required.* It is a violation of this Ordinance for the owner of a dangerous or vicious animal to refuse or fail to confine or restrain such animal as

required by this Section. Failure to comply with the requirements of this Section may result in the impoundment and euthanasia of the animal.

- P. *Exceptions.* An animal may not be classified as threatening, menacing, dangerous or vicious if the threat of injury was sustained by a person who, at the time, was committing or attempting to commit a crime upon the owner of the animal, or who was committing a willful trespass upon premises occupied by the owner of the animal, or who was teasing, tormenting, abusing or assaulting the animal or its owner.

SECTION SEVENTEEN: COMMERCIAL DOMESTIC ANIMAL ESTABLISHMENTS

- A. *Inspection.* Animal Services has the authority to enter and inspect any commercial domestic animal establishment in Lee County for the purpose of ascertaining violations of this Ordinance or of Florida State Statutes.
- B. *Production of Records.* Any owner, manager or staff person, upon request of an Animal Control Officer, must produce any and all records pertaining to sale or purchase of animals, veterinary care, rabies certification, health certification, feed receipts, business or exhibitors licenses or permits, relating to each domestic animal on the premises.
- C. *Standards of Care.* Standards of care required to be maintained at all commercial animal establishments in Lee County must include, but are not limited to:
1. Domestic animals must be given adequate food, water, shelter and veterinary care, as defined in this Ordinance.
 2. All cages, kennels, stalls or enclosures must be cleaned daily. Any bedding provided must be clean.
 3. In shops or kennels, room temperature must be maintained at a level that is healthful for every species of domestic animals kept on the premises. Adequate ventilation must be maintained.
 4. Outdoor buildings and sheds used for housing domestic animals must be well ventilated and provide adequate protection from the elements.
 5. Domestic animals must have sufficient space to stand up, lie down, and turn around in a natural position, without touching the sides or top of the cage, stall, kennel or enclosure. Overcrowding will be determined by the inspecting officer.
 6. Domestic animals that appear to be unhealthy must be quarantined away from other domestic animals to avoid the spread of disease and must be examined by a licensed veterinarian before being housed with or close to other domestic animals or sold.

7. Commercial animals are afforded all of the protections of this ordinance.

D. *Violations.* Each domestic animal found in violation of this Section will be deemed a separate offense.

SECTION EIGHTEEN: DISPOSAL OF DEAD ANIMAL BODIES

A. *Disposal.* Upon the death of an animal, the owner is responsible for disposing of the carcass by burial at least two feet below the surface of the ground. The approved alternative method of disposal is cremation at a County-approved licensed crematory.

B. *Alternative Disposal.* Nothing in this Section prohibits the disposal of animal carcasses to rendering companies licensed to do business in this state.

C. *No dumping.* It is also unlawful to dispose of the carcass of any animal by dumping the carcass on public property, road or right-of-way, pursuant to §823.041, F.S., as that section may be amended.

SECTION NINETEEN: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

SECTION TWENTY: SEVERABILITY

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such unconstitutional provision was not included.

SECTION TWENTY-ONE: CODIFICATION AND SCRIVENER'S ERRORS

The Board of County Commissioners intend that this ordinance will be made part of the Code of Laws and Ordinances of Lee County; and that sections of this ordinance can be renumbered or re-lettered and that the word "ordinance" can be changed to "section," "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or re-lettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Administrator, County Manager or their designee, without the need for a public hearing.

SECTION TWENTY-TWO: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner John Manning made a motion to adopt the foregoing ordinance. The motion was seconded by Commissioner Cecil L Pendergrass. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

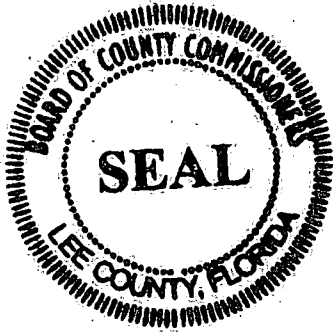
DULY PASSED AND ADOPTED THIS 4th day of February, 2014.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Marcia Wilson
Deputy Clerk

By: Larry Kiker
Larry Kiker, Chair



APPROVED AS TO FORM:

By: [Signature]
Assistant County Attorney
Office of the County Attorney



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 7, 2014

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Lisa Pierce, Deputy Clerk

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 14-04, which was filed in this office on February 7, 2014.

Sincerely,

Liz Cloud
Program Administrator

LC/elr

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MINUTES OFFICE
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