

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20060772

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing and consider the adoption of an Ordinance to amend Lee County Ordinance #98-10; entitled, "Lee County Animal Control".

2. WHAT ACTION ACCOMPLISHES: Board must formally adopt an Ordinance at a scheduled, advertised Public Hearing.

3. MANAGEMENT RECOMMENDATION: Adopt Ordinance.

4. Departmental Category:

5:00 PA#4

5. Meeting Date: August 22, 2006

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner
Department Animal Services /
Division General Services
By: *Melody A. Bowers*
 Melody A. Bowers
 Assistant County Attorney

9. Background:

It has been eight (8) years since the Animal Control Ordinance was amended.

The proposed changes to Lee County's Animal Control Ordinance include stricter requirements that dogs, cats and ferrets be properly vaccinated against rabies and that veterinarians provide copies of the rabies vaccination certificate to Animal Services within thirty (30) days after the vaccination. This will ensure that Animal Services has an accurate vaccine record in the event of a dog bite. Additionally, the proposed changes require that all dogs, cats, and ferrets must have some form of identification indicating the owner's name and current telephone number. This change will significantly improve the efforts of Animal Control Officers to locate owners of lost pets. Other changes include: mandatory micro-chipping of any animal leaving the shelter; authority to euthanize exotic invasive animals brought to the shelter (will prevent owners from releasing non-native species into the wild, if shelter will take-in); defines nuisance animals and classifies Muscovy ducks as potential nuisance animals.

A Public Hearing is required to provide the public an opportunity to comment on the proposed changes.

ATTACHMENTS: Proposed Ordinance
 Notice of Intent
 Financial Impact Statement (FAIS)

10. Review for Scheduling:

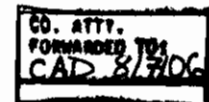
Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>Melody A. Bowers</i>	<i>8/9/06</i>	<i>M/2/8/06</i>	<i>7/8/06</i>	<i>8/7/06</i>	<i>8-9-06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
 COUNTY ADMIN:
 8-7-06 10:45

COUNTY ADMIN
 FORWARDED TO:
 8/9/06
 TAM



rw

LEE COUNTY ORDINANCE # _____

AN ORDINANCE AMENDING AND RESTATING THE LEE COUNTY ANIMAL CONTROL ORDINANCE 98-10, PROVIDING FOR ANIMAL CONTROL IN UNINCORPORATED LEE COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR REPEAL OF COUNTY ORDINANCE 88-49 AND 90-05; PROVIDING FOR ESTABLISHMENT OF A COUNTY POUND ANIMAL SHELTER; PROVIDING FOR AN ANIMAL CONTROL ENFORCEMENT AGENCY; PROVIDING FOR PROHIBITIONS AGAINST CRUELTY TO ANIMALS; PROVIDING FOR ADOPTION BY REFERENCE FLORIDA STATE STATUTES RELATING TO ANIMAL CONTROL, ANIMAL WELFARE AND ANIMAL CRUELTY, MALICIOUSLY HARMING OR KILLING ANIMALS, POISONING ANIMALS PROHIBITION AGAINST ANIMAL CRUELTY; IMPOUNDMENT OF ANIMALS FOUND IN DISTRESS, FIGHTING OR BAITING OF ANIMALS, STERILIZATION OF DOGS AND CATS RELEASED FROM ANIMAL SHELTER FACILITY; NUISANCE ANIMALS, PROHIBITION AGAINST ALLOWING ANIMALS TO BECOME A NUISANCE, MUSCOVY DUCKS AS NUISANCES, CONCEALMENT OF ANIMALS, PROHIBITING ANIMALS FROM RUNNING AT LARGE; PROHIBITION AGAINST ALLOWING ANIMALS TO DISPLAY THREATENING AND MENACING BEHAVIOR, FAILURE TO EXERCISE CONTROL OVER VICIOUS ANIMALS, FAILING TO CONFINE FEMALE DOGS AND CATS IN SEASON; PROHIBITING OPPOSING AN ANIMAL CONTROL OFFICER, DAMAGING ANIMAL SHELTER FACILITY, RELEASING ANIMALS; PROVIDING FOR ENFORCEMENT OF VIOLATIONS, REDEMPTION AND DISPOSITION OF UNWANTED AND IMPOUNDED ANIMALS, IMPOUNDING FEES; REPORTING OF PERSONS BITTEN OR SCRATCHED BY ANIMALS AND THE QUARANTINE OF ANIMALS FOR RABIES OBSERVATION; PROHIBITING THE KILLING OR REMOVAL FROM LEE COUNTY OF RABID ANIMALS; PROVIDING FOR THE SURRENDER OF THE CARCASSES OF RABID ANIMALS; PROVIDING FOR THE REGISTRATION OF GUARD DOGS; PROVIDING FOR LICENSING AND FOR VACCINATION REQUIREMENT, ANIMAL IDENTIFICATION REQUIREMENTS FOR DOGS, CATS, FERETS, AND LICENSE FEES; INSPECTION OF ANIMAL ESTABLISHMENTS, DISPOSAL OF BODIES OF DEAD OWNED ANIMALS, SETTING RESTRICTIONS ON

CONFINING ANIMALS IN MOTOR VEHICLES; PROVIDING FOR TREATMENT OF ANIMALS IN A HUMANE MANNER; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR 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 further appreciates the need to protect all animals from themselves, from other animals and from humans; and

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

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

This Ordinance is entitled the Lee County Animal Control Ordinance.

SECTION ONE

The following definitions are established for purposes of and apply to this ordinance:

ABANDON: 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: 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, and as defined in 9 Code of Federal Regulations, Section 3.9, Subchapter A, Part 3, Subpart A.

ADEQUATE WATER: A 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. Such water will be provided in a secure manner so that the container cannot be overturned.

ADEQUATE SHELTER: A 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.

ADEQUATE HEALTH CARE: 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.

ANIMAL: Every living dumb creature.

ANIMAL ROAMING AT LARGE: Any animal not under the restraint, confinement or direct control of the owner or his agent, as defined further herein.

ANIMAL CARE FACILITY: 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. Including, but are not limited to, veterinary facilities, boarding facilities, groomers, animal sitters/foster care, rescues, shelters and pet stores.

~~ANIMAL CONTROL AGENCY~~ ANIMAL SERVICES: An entity composed of persons and officers which have 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.

ANIMAL CONTROL OFFICER: Any person employed or appointed by Lee County who is authorized to investigate, pursuant to law, civil infractions or criminal offenses relating to Animal Control or animal cruelty, and to issue citations as provided in this ordinance, and to file charges based on such investigation.

AUCTION: Any facility or place where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this ordinance. This section does not apply to individual sale of animals by owners.

BAITING: 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.

BOARD: The Board of County Commissioners of Lee County, Florida.

CITATION: The form used to cite owners or agents for any violations of this Ordinance, or of the applicable laws of the State of Florida.

COMMERCIAL ANIMAL ESTABLISHMENT: Any pet shop, animal grooming shop, flea market, department store, guard dog training facility, riding school, any type of kennel, cattery, zoological park, circus or a performing animal exhibition; or any other premises

or property where animals are kept as part or whole of a business concern. ***Bonafide commercial agricultural animal establishments are excluded from this definition, with the exception of cruelty to animal investigations as authorized in Section XXVI.A of this ordinance.**

CRUELTY TO ANIMALS: As defined in Chapter 828, Florida Statutes, as it may be amended from time to time.

DESIGNEE: Person designated to fulfill the role in the absence of the Public Safety or Animal Control Director.

DIRECT CONTROL: Shall mean immediate and continuous physical control of an animal at all times; such as by means of a fence, leash not to exceed 8 feet in length, cord, or chain of sufficient strength to restrain said animal (excluding herding dogs, dogs in process of hunting, police dogs, dogs participating in a registered field trial, obedience training or trial, or on its owner's property).

DOMESTIC ANIMAL: Any animal kept for enjoyment and/or companionship rather than 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.

DOWNER: Any animal that is non-ambulatory.

EUTHANASIA: The humane and painless putting to death of an animal that is hopelessly sick, injured or ultimately unclaimed. In the case of dogs and cats, by injection of sodium pentobarbital as defined in Chapter 828, Florida Statutes, as it may be amended, from time to time.

FARM ANIMAL: Any animal kept for utility or pleasure, but not used in the preparation of meat.

FERAL ANIMAL: Any animal that is not socialized to humans and is not approachable, nor able to be handled, and/or is unpredictable in its behavior due to fear.

GROOMING SHOP: Any commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

GUARD DOG: Any type of dog used primarily for the purposes of defending, patrolling or protecting property or life.

GUARD DOG REGISTRATION: The process of presenting a guard dog to the Animal Control Agency for purposes of documenting pertinent data of the dog, which shall include name, address and telephone number of the guard dog service, the service's manager, the owner (if other than the service), and/or the handler; the dog's breed, sex, color, microchip registration number (if applicable); certification of rabies vaccination;

any other distinguishing physical characteristics of the animal, and any "stop attack/release" commands.

GUARD DOG SERVICE: Any person, firm or corporation which trains, sells, rents, leases or loans guard dogs for the purpose of defending, patrolling or protecting properties or persons.

GUIDE DOG: A properly trained dog certified by a licensed seeing-eye, hearing-ear-dog, or helper dog agency, and actually being used by a visually/hearing impaired or handicapped person.

EXOTIC SPECIES: Any animal whose natural habitat is outside the continental United States, excluding non-venomous reptiles and fish.

HEALTH DEPARTMENT: Lee County Health Department.

HOBBY BREEDER: A person owning and breeding purebred dogs or cats, whose primary purpose is for exhibition and improvement of their specific breed, and not for financial gain.

HUMANE CAPTURE METHODS: Use of control poles, muzzles, nets, humane traps and tranquilizer equipment.

HUMANE MANNER: 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 METHOD: (A) A method of slaughter whereby the animal is rendered insensible to pain by mechanical, electrical, chemical or other means that are rapid and effective, before being shackled, hoisted, thrown, cast or cut; or (B) A method of slaughter in accordance with ritual requirements of any religious faith whereby the animal suffers loss of consciousness by anemia of the brain, caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

HUMANE TRAP: A device used to capture animals, which does not cause injury to the animal upon capture or confinement.

IMPLIED OWNER: Any person who is harboring an animal without ownership being openly or directly expressed.

KENNEL OR CATTERY: 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 a Florida licensed veterinarians, shelters

operated by the Board of County Commissioners or tax exempt animal care facility shall not be considered commercial kennels or catteries.

LIVESTOCK: As defined in §828.23, F.S., 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.

NUISANCE ANIMAL: Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to reasonable enjoyment of life or property.

OFFICIAL HEALTH RECORD: 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.

OWNER: Any person or entity owning, keeping, harboring or having control of one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for ten (10) or more consecutive days. Any implied owner will also be construed as being the owner of an animal. 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: A person or entity capable of acting or empowered to act for and on behalf of the owner.

PERSON: A natural person or persons, firm, association, corporation or any other entity, legal or otherwise, as defined in Chapter 828, Florida Statutes.

PET SHOP: A store, person, partnership, corporation or franchise operation whether operated separately or in connection with another business enterprise that buys, sells, or boards any species of animal for a fee or reimbursement.

PET LICENSE: A document and/or tag issued by the Animal Control Agency indicating that the animal described on the license is owned, kept or boarded by the individual named thereon.

PROVIDER: Any person or entity that provides for the sustenance, medical care, housing, or other essential items or 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: Exists where the facts and circumstances within the Officer's knowledge and of which the Officer has reasonably accurate information sufficient in themselves to lead a reasonable person to believe that an offense has been or is being committed.

PUBLIC NUISANCE: For the purposes of this ordinance, means any animal that unreasonably annoys the community, injures the health of citizens in general, or other animals or substantially interferes with the rights of other persons to the quiet enjoyment of life or property.

PUBLIC PROPERTY: 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: 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 (10) days from the date of the bite.

RECOGNIZED NATIONAL, REGIONAL OR LOCAL DOG/CAT CLUB: Any National, Regional or Local Dog or Cat Club which is Chartered, Organized, and has by-laws, Directors and Members.

RESTRAINT: The restraint of an animal by leash, fence, building, chain, cage, crate or other secure enclosure that prevents such animal from roaming at large. Dogs that are restrained exclusively by a chain or tether may be so restrained if the restraint is at least ten (10) feet in length. This may be attached to a pulley or trolley mounted on a cable. No chain or tether shall weigh more than 1/8 of the dog's weight, and shall have swivels on both ends. Each chain, tether or leash shall be attached to a properly fitting collar or harness. Animals must be restrained in a clear area free from obstructions or vermin-harboring debris.

SANITARY: Clean and free from infectious or deleterious influences.

SECURE ENCLOSURE: Confinement of an animal in a building or other enclosure that renders such animal inaccessible to any other animal or people.

THREATENING & MENACING BEHAVIOR: 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.

TWENTY-FOUR (24) HOUR NOTICE: An animal control agency form left upon a property in an attempt to notify an owner or owner's agent of an existing violation or an abandoned animal, and that they have 24 hours in which to contact Animal Control Agency.

UNATTENDED ANIMAL: An animal on its own property that is not securely confined and no owner or owner's agent is present, and where that animal is at liberty to come and go freely from its own property.

VETERINARY CARE: Medical treatment by a licensed veterinarian having as its purpose the mitigation of disease, suffering and/or injury.

VICIOUS ANIMAL: Any animal that bites, scratches or attacks in a menacing fashion, or otherwise injures humans, domesticated or other animals without provocation, or which because of temperament, conditioning or training has a history of attacking, biting or injuring humans or any domesticated or other animals.

WARNING NOTICE: An animal control agency form served on an owner or owner's agent advising them of an existing violation of this ordinance.

WILD ANIMAL: Any non-domesticated member of the animal kingdom, including those born or raised in captivity that are not dependent upon human beings for survival.

ZOOLOGICAL PARK: Any facility operated by a person, partnership, corporation or government agency other than a pet shop or kennel, displaying or exhibiting one or more species of animal.

SECTION TWO

~~I. **REPEAL OF EXISTING COUNTY ORDINANCE(S)**. Lee County Ordinance No. 88-49 and Lee County Ordinance No. 90-05 are hereby repealed and declared null and void as of the effective date of this Ordinance.~~

~~II.1. **ESTABLISHMENT OF A COUNTY POUND ANIMAL SHELTER**. There is hereby established and created, an animal shelter to provide Animal Control services for Lee County. The shelter shall be of adequate size and design for the safe confinement of animals.~~

~~III.2. **ANIMAL CONTROL ENFORCEMENT AGENCY**. The Lee County Animal Services Control Enforcement Agency, hereafter referred to as the "Animal Services" Control Agency, is hereby established as the official animal control authority and enforcement agency for Lee County. It shall employ qualified~~

persons who shall be invested with full and complete authority to enforce the provisions, requirements and regulations set forth herein and to discharge the duties of the office. Those persons designated as Animal Control Officers, are duly appointed as code enforcement officers in accordance with Florida Statutes §162.21(2), of Lee County shall have the authority to issue citations and to enforce this Ordinance and the Laws of the State of Florida relating to animals.

IV. 3. ADOPTION BY REFERENCE: FLORIDA STATE STATUTES RELATING TO ANIMAL CONTROL, ANIMAL WELFARE AND ANIMAL CRUELTY.

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.

V.4. CRUELTY TO ANIMALS.

- A. No owner, keeper or agent of an animal shall fail to provide the animal with adequate food, water, shelter or veterinary care; or restrain the animal by any means other than those defined in this Ordinance.
- B. No animal shall be kept in unsanitary conditions, or in areas where there is vermin-harboring debris or other material which can provide an opportunity for injury or a danger to the animal's health or welfare.
- C. No person shall neglect, beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse or unnecessarily mutilate or kill any animal, or cause the same to be done.
- D. It shall be unlawful for any person or owner, or group of persons, to abuse, cause bloodletting or death of an animal.

- E. It shall be unlawful for any person to molest or penetrate an animal or use the body parts of an animal for sexual gratification.
- F. It shall be unlawful to procure an animal for the purposes set forth in Sections D. and E.
- G. No person other than a licensed veterinarian, or an owner certified competent by a licensed veterinarian, shall crop the ears or dock the tail of any dog.
 - 1. A person commits an offense if he crops or cuts off or causes or procures to be cropped or cut off, the whole or part of the ear, ears or tail of a dog.
 - 2. The possession by any person of a dog with an ear or ears cut off or cropped, or tail docked, and with the wound resulting therefrom unhealed, or any such dog being found in the charge or custody of any person, or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation of this Section, unless the cropping or docking has been carried out by a licensed veterinarian or an owner trained by a licensed veterinarian.
- H. It shall be unlawful for any person to leave or deposit any poison or any substance containing poison in any common street, road, alley, lane or thoroughfare of any kind, or in any yard or enclosure other than that person's own yard or enclosure, for the purpose of inflicting injury or killing any animal.

- I. The humane slaughter of either domestic or wild animals for food purposes (including but not limited to all lawful hunting activities) is exempt from the provisions of this section.
- J. Nothing in this Section shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Ritual slaughter and the handling or other preparation of livestock for ritual slaughter shall be carried out in a humane method. For the purpose of this Section, the term "ritual slaughter" is defined in accordance with Chapter 828.23 (7)(b), Florida Statutes (1995).
- K.
 - 1. No owner or agent of an animal shall abandon any animal in any public or private place.
 - 2. If an Animal Control Officer suspects that an animal has been abandoned, 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 will result in the animal being removed by the Animal Control Officer. The animal will become the property of the Lee County Animal Control Agency if not redeemed within five (5) days. The Officer may issue citations if the owner or agent is subsequently located.

~~VI.5.~~ **IMPOUNDMENT OF ANIMALS FOUND IN DISTRESS.** Animal Control Officers shall have the authority to impound any animal found to be cruelly treated or in obvious distress. Any animal so impounded may be taken to a veterinarian

without the owner's consent for examination and/or treatment, if necessary. The owner of said animal shall be liable for all costs incurred. Any animal impounded under the provisions of this ordinance and not redeemed by its owner after five (5) consecutive days shall become the property of the Animal Control Agency.

VII.6. ANIMAL FIGHTING OR BAITING. It shall be unlawful for any person to promote, allow or permit any animal to engage in animal fighting or baiting for amusement or gain, including:

- A. Knowingly owning, managing or operating a facility kept or used for fighting or baiting any animal.
- B. Owning, possessing, keeping, training, promoting, purchasing or knowingly selling any animal for animal fighting or baiting.
- C. Promoting, staging, advertising, wagering or charging an admission fee to a fight (baiting) between two or more animals.
- D. Paying for admission to an animal fight/baiting or attending a fight/baiting as a spectator.

VIII.7. STERILIZATION OF DOGS AND CATS RELEASED FROM ANIMAL SHELTER FACILITY.

- A. No unclaimed dog or cat shall be released for adoption without being sterilized prior to entering the new home. Animal Control Officers are authorized to issue citations for failure to sterilize any cat or dog adopted from the animal shelter.
- B. Sterilization may be deferred only on the recommendation of a licensed veterinarian.

- C. Any person who adopts an unaltered animal shall be required to leave a cash spay/neuter deposit, which will be fully refunded upon proof that the sterilization has been accomplished.

~~IX.8.~~ **NUISANCE ANIMALS**. It shall be unlawful for any owner or owner's agent to fail to care for or control owned animals, or to allow animal or animals to become a nuisance. The owner of every animal shall be responsible for the removal of any excreta deposited by the animal on public walks, recreation areas, private property, or any other place where such excreta deposits may create a nuisance injurious to the public health.

A. It shall be unlawful for:

1. Any animal to make unreasonable disturbing noises, including, but not limited to: barking, howling, whining, screeching or other utterances causing annoyance, discomfort or disturbance of the peace or sleep of a reasonable person(s).
2. Any animal to roam at-large.
3. Any animal to damage the property of anyone other than its owner.
4. Any animal to roam on school grounds or in the area of school transportation vehicles.
5. Any animal to cause unsanitary conditions in enclosures or surroundings where the animal is kept or confined, as determined by ~~the Animal Control Agency~~ Animal Services or the Health Department to be unsanitary.

6. Any person to keep any animals that are dangerous to the public health, safety or welfare by virtue of the number or types of animals maintained.
 7. Any animal to disturb or turn over any garbage containers.
- B. No person shall offer a bounty for the collection or the elimination of any animal determined to be a nuisance under the provision of this ordinance.

~~X-9.~~ **MUSCOVY DUCKS AS NUISANCES.**

- A. ~~The Animal Services Control Agency~~ is hereby given the authority to declare ~~unsanitary conditions created by~~ Muscovy ducks to be a ~~health~~ public nuisance. If a ~~health~~ public nuisance is determined to exist, ~~the~~ Animal Services Control Agency may break the eggs and humanely euthanize the ducks, or authorize other qualified individuals to do the same. Where a nuisance is created by a Muscovy duck or ducks, and the ~~ownership of or~~ person responsible for the ducks can be determined, the ~~owner or~~ responsible person may be issued a citation for contributing to the creation of a ~~health~~ public nuisance.
- B. The possession of or feeding of Muscovy ducks on public property and private property zoned residential is hereby prohibited.

~~XI-10.~~ **CONCEALMENT OF ANIMALS.** It shall be unlawful for any person to confine, hide or conceal any animal to which the person does not have legal title; or any animal which has been involved in a bite or scratch or rabies exposure incident for which formal investigation is pending, unless that person shall have reported possession of such animal to Animal Control within twenty-four (24) hours after

acquiring possession of the animal or within twenty-four (24) hours after making reasonable attempts to locate its owner; or to conceal any other animal that is subject to an investigation by the Animal Control Agency.

XII.11. PROHIBITING ANIMALS FROM RUNNING AT-LARGE.

- A. 1. It shall be unlawful for any person owning or having possession, charge, custody or control of any animal, including but not limited to domestic, livestock, farm, wildlife or fowl raised in captivity, to permit the 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 the consent of the owner of such property.
2. Any animal found in violation of this Section may be impounded.
3. It shall be lawful under the provision of this Chapter for any property owner or tenant upon property to seize an unrestrained animal, unattended animal, or animal at large on his or her property and turn said animal over to Animal Services ~~the Animal Control Authority~~ for disposition. Any person seizing an unrestrained, or animal at large shall capture the animal in a safe and humane manner, and may employ certain humane traps for such purpose.

XIII.12. THREATENING OR MENACING BEHAVIOR.

- A. It shall be unlawful for the owner or agent of any animal to allow that animal to act in a threatening or menacing manner toward any other animal not belonging to said owner or agent, when that animal is not on

the property of said owner or agent. **This section shall not apply to animals which are securely enclosed, or under the direct control of the owner/agent as defined in this Ordinance.** As defined in Florida Statutes 767.

- B. It shall be unlawful for the owner or agent of any animal to allow that animal to act in a threatening or menacing manner toward any person not on the property of said owner or agent.
- C. Upon receipt of a report of any animal acting in this manner, ~~the Animal Control Agency~~ Animal Services may investigate the incident. After investigation, ~~the Animal Control Agency~~ Animal Services may order the owner or agent to keep the animal restrained or confined as defined in this Ordinance, and may issue a written warning or a citation and a notice ordering confinement.
- D. Upon an owner's conviction under this section, the subject animal will be considered a vicious animal for the purpose of Section Two, Part 14 as defined in this Ordinance. A record of the order to confine, the written warning, the citation with court results, and any supporting affidavits will be held on file at ~~Animal Control~~ Animal Services.
- E. An order to confine will be a written notice issued by an Animal Control Officer to a person who owns or harbors a dog that has acted in a threatening or menacing manner. One copy will be left with the owner of the animal and one copy will be kept on file at Animal Services ~~the Animal Control Agency~~. Such notice shall include name, address and telephone

number of owner; sex, color, breed of dog; license and rabies vaccination registration numbers; time, date and nature of incident; signature of owner agreeing to confinement and signature of issuing Officer. The confinement must be completed within 24 hours of the notice being issued. The Officer conducting the investigation will check to ensure that the confinement has been completed.

- F. Failure or refusal to confine any animal in violation of this section may result in the animal being impounded and/or citations being issued.
- G. EXCEPTION TO THREATENING OR MENACING BEHAVIOR. An animal that is secured on its own property cannot be found to be threatening or menacing.

XIV.13. VICIOUS ANIMALS.

- A. The Director of ~~Animal Control~~ Animal Services or Designee may declare that an animal is a vicious animal, in accordance with applicable County Administrative Code.
- B. Any animal declared to be a vicious animal shall be confined in a secure enclosure on the premises of the owner or keeper of such animal. No vicious animal shall be allowed off the premises of the owner or keeper unless such animal remains:
 - 1. Inside a secure animal carrier, or
 - 2. Under the physical control of such owner or keeper, and securely muzzled and restrained by a chain with a minimum tensile strength

of three hundred (300) pounds and not exceeding three (3) feet in length; or

3. Subject to conditions established by the Director of Animal Services ~~Animal Control~~.

C. It is a violation of this ordinance for the owner or keeper of a vicious animal to refuse or fail to confine or restrain such animal as required by this Section.

D. No vicious animal impounded pursuant to this ordinance shall be released until:

1. The owner or keeper of such vicious animal presents proof to the Director of Animal Services ~~Animal Control~~ that the animal will be confined as required by this section;

2. The owner or keeper executes an affidavit acknowledging that the animal has been declared vicious, agreeing to confine and restrain the animal, and recognizing the County's right to ownership and custody of the animal if it bites or injures a human or another animal after being declared vicious.

E. The owner or keeper of a vicious animal shall report in writing the name and address of the new owner or keeper to the Director of Animal Services ~~Animal Control~~ prior to transfer of ownership or custody of such animal, and it is a violation of this ordinance not to report the name and address of the new owner.

- F. The owner or keeper of a vicious animal shall report in writing or by telephone the death of such animal to the Director of Animal Services ~~Animal Control~~ immediately, and it is a violation of this ordinance not to do so. The death of such animal shall be verified by a licensed veterinarian or an Animal Control Officer.
- G. 1. The owner or keeper of a vicious animal, whether or not it has been declared vicious, who permits, allows or causes such animal to run, stray or be uncontrolled or at large in or upon public or private property, shall be in violation of this ordinance if such vicious animal bites, attacks or causes injury to any person or domestic animal.
2. It is a violation of this ordinance for any person convicted under this subsection to own, keep, possess, control or be in charge of any animal of the breed which caused the bite, attack or injury for which a conviction was rendered for a period of three (3) years from the date of conviction. No license certificate, license tag or other permit shall be issued for such type of animal to such person within three (3) years of such conviction.
- H. EXCEPTION TO CLASSIFICATION UNDER SECTION XIII 12 OR XIV 13. No animal shall be classified as threatening 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.

XV. 14. **FAILURE TO CONFINE FEMALE DOGS AND CATS IN SEASON.**

- A. It shall be unlawful for the owner or agent of any female dog or cat in season to fail to keep such animal confined in a building or secure enclosure, veterinary hospital, or boarding kennel to prevent such dog or cat coming into contact with another dog or cat except for intentional breeding purposes. Confinement solely by a leash, chain or other similar restraint, or within a fence, open kennel, open cage or run, may be, but shall not be presumed to be, in compliance with this section.

- B. For the purposes of this Section, a fenced yard may not be considered a secure enclosure, and any female in season chained on any unfenced lot, tract, yard or parcel of land may be removed by an Animal Control Officer and confined at the Animal Control facility until the owner of said animal provides alternative confinement, or the animal's condition has ceased to exist. The owner or agent shall be liable for all fees incurred. ~~The Animal Control Agency~~ Animal Services may issue citations for any violation of this Section.

- C. Violations of the above shall be subject to the appropriate penalties as set out in Florida law for violations of County ordinances.

XVI. 15. **OPPOSING AN ANIMAL CONTROL OFFICER.**

- A. It shall be unlawful for any person to oppose, resist, obstruct, hinder or in any manner prevent an Animal Control Officer from performing lawful duties.
- B. It shall be unlawful to tear down, burn, deface, destroy or otherwise damage any animal shelter or vehicle, or to release or remove any animal from the custody of an Animal Control Officer, ~~Animal Control~~ Animal Services shelter or trap owned by Animal Services ~~the Animal Control Agency~~.

~~XVII.16.~~ **ENFORCEMENT OF VIOLATIONS.**

- A.
 - 1. Animal Control Officers shall 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.
 - 2. If after a reasonable effort the seizure of any such unrestrained animal cannot be made, or should the animal be vicious or have an injury or physical condition which causes the animal to suffer, the Animal Control Officer may incapacitate the animal by the most reasonable and humane means then available.
- B. Animal Control Officers, on determining that a violation of this Ordinance has occurred, may issue a citation or warning notice to the owner or his agent. The citation criteria as set forth in Chapter 828.27 Florida Statutes (1995) are hereby adopted, and will be utilized.

C. Any person who 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.

D. Any duly sworn law enforcement officer in Lee County may enforce the provisions of this ordinance in any jurisdiction where this ordinance applies.

~~XVIII.~~17. **SURRENDER OF CARCASS OF RABID ANIMAL.** Any person who, upon demand, does not surrender to the ~~Animal Control Agency~~ Animal Services or the Health Department the carcass of any dead animal exposed to rabies shall be guilty of a misdemeanor of the second degree, for each separate offense.

~~XIX.~~18. **LICENSING AND VACCINATION REQUIREMENTS FOR DOGS, CATS AND FERRETS.**

A. Any person who owns, keeps, possesses, provides for or harbors within Lee County any dog, cat, or ferret ~~over the age of~~ four (4) months of age or older must have such animal vaccinated against rabies. Any person owning, keeping, possessing or harboring any dog, cat, or ferret without proof of a current valid vaccination shall be deemed to be violating this provision.

B. All dogs, cats, and ferrets 4 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 and in the following manner:

1. The animal must be revaccinated 12 months after the initial vaccination.

2. For subsequent vaccinations the interval between vaccinations shall conform to the vaccine manufacturer's directions.
 3. Evidence of circulating rabies virus neutralizing antibodies shall not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations.
 4. Any owner or agent doing a self-vaccination for rabies shall be deemed in violation of this Section.
 5. A dog, cat, or ferret is only exempt from vaccination against rabies if a licensed veterinarian has examined the animal and has certified in writing that at the time vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. An exempt 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.
- C. A licensed veterinarian shall provide the owner of the animal a rabies vaccination certificate at the time of the vaccination. Similarly, the licensed veterinarian shall provide Animal Services a copy of the actual rabies certificate within thirty (30) days of the vaccination or immediately upon demand for investigations, public safety or other reasons of enforcement.
1. Each veterinarian shall use the "Rabies Vaccination Certificate," of the National Association of State Public Health Veterinarians (NASPHV) or an equivalent form approved by the local

government. (See Appendix "A" for a copy of the County-approved form that may be used in lieu of the NASPHV form.)

2. Failure to provide the rabies vaccination certificate as required by this section shall be deemed a separate and distinct violation for each certificate not issued or provided to Animal Services.

19 . **LICENSE REQUIREMENTS FOR DOGS, CATS AND FERRETS**

- A. Beginning January 1, 2007, any veterinarian vaccinating dogs, cats or ferrets in Lee County shall only issue the County vaccination/license tag [along with the proper rabies certificate requirements described above] as proof of vaccination. No veterinarian, clinic, shelter or provider shall issue any tag or object that may be thought by a reasonable person to be the equivalent of the required County rabies/license tag. Each individual tag or object issued shall be deemed a violation.
- B. Any person who owns, keeps, possesses, provides for or harbors within Lee County any dog, cat or ferret over the age of four (4) months of age or older must have such animal licensed.
 1. Excluded from this license requirement are shelters operated by or under contract with the Board of County Commissioners, ~~tax exempt animal care facilities and pet shops.~~ Not exempt from this requirement are rescues, private animal facilities, greyhound or other sporting dog facilities, breeders, and other animal care facilities.
 2. The County license must be attached to a collar or harness on the animal at all times. Cats and ferrets that have a microchip registered to

the owner with current name, address, and phone number shall be exempt from the requirement that the license tag must be attached to the animal.

- C. No license shall be issued unless the dog or cat has been vaccinated against rabies and has a valid certificate of vaccination issued by a licensed veterinarian except for animals exempt from rabies vaccination due to medical condition in accordance with section 18(B)(5) above. Such license will be valid for one year beginning on the date of the vaccination. ~~until the expiration of the Rabies Certificate issued to the same animal, or one year if issued at the same time as the Rabies Certificate.~~ Animals with valid rabies vaccinations with recognized durations exceeding one year must purchase a license each year. ~~The vaccination certificate shall be valid for one year from the date of issue. The rabies license certificate shall have printed thereon an identification number together with the date, type and brand of vaccine administered; the vaccine manufacturer; the vaccine lot number; the signature or signature stamp of the veterinarian who administered the vaccine; the route of administration; the name of the person issuing the license; the name, address and telephone number of the owner; the name of the animal; the breed, age, weight, sex, color and markings of the animal; the call name of the animal; whether the animal has been spayed or neutered; and any other features which may help identify the animal. A State approved rabies vaccination certificate which includes the county license number will also be accepted.~~

- D. ~~Seasonal non-resident Owners of animals who reside in~~ visit Lee County ~~or reside in Lee County~~ for less than ~~thirty (30)~~ ninety (90) days per year are exempt from the license requirement ~~providing~~ provided that they have proof of a valid ~~a receipt showing a current rabies vaccination no more than one year old.~~
- E. ~~All dogs, cats or ferrets four (4) months of age or older shall be vaccinated by a licensed veterinarian against rabies. Any owner or agent doing self vaccination for rabies shall be deemed in violation of this Section.~~
- F. **EXCEPTION TO VACCINATION REQUIREMENTS.** ~~No dog, cat or ferret shall require rabies vaccination if a licensed veterinarian has examined the animal and certified that vaccination would endanger its health. A license will be issued by Animal Control upon presentation of an explanatory letter from the veterinarian and payment of the fee.~~
- E. ~~Upon payment of the fee and submittal of a certificate of rabies vaccination, a license shall be issued. Each animal so licensed shall be issued (1) a license certificate and (2) a metallic license tag. Such tag shall be impressed with a license identification number which corresponds to the number on the license certificate. No license identification tag issued for one animal shall 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 shall be in violation this ordinance even if the animal has a valid license of its own.~~

- ~~F. The license certificate and tag may be issued by a licensed veterinarian or the Animal Control Agency other entity approved by the Director of Animal Services to issue County license tags upon being shown a current vaccination certificate from any licensed veterinarian. Certificates shall be executed in triplicate: a copy of the license certificate shall be given to the owner, one to the Animal Control Agency and one to the veterinarian. A County license certificate need not be issued if a veterinarian issues a rabies certificate with the County license tag number already shown on it.~~
- ~~G. All veterinarians, clinics, shelters, pet stores 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. Such 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.~~

~~XX. ISSUANCE OF LICENSE CERTIFICATES AND TAGS FOR DOGS, CATS AND FERRETS~~

~~20. ANIMAL IDENTIFICATION REQUIREMENTS FOR DOGS, CATS AND FERRETS~~

- ~~B.-A. The metallic license tag All dogs, cats and ferrets must have some form of identification indicating the owner's name and current telephone number must be attached to the collar or harness of the animal, and must be worn~~

at all times. Examples of identification meeting the requirements of this section:

1. Any commercially available tag imprinted with the appropriate information attached to the collar or harness of a pet.
2. A current, valid County license/rabies tag attached to the collar or harness of a pet.
3. An implanted microchip identification device registered to the owner of the animal and with a current name, address, and telephone number.

~~B. No one is permitted to remove the collar and/or tag of an animal for the purpose of preventing or falsifying the identification of an animal. Cats are not exempt from this provision. During a recognized breed show, the owner of the dog, cat or ferret shall retain the rabies and license tag and/or rabies and license certificates, and shall produce the same if called upon to verify that any cat, dog or ferret in his possession or owned by him has the required license and vaccination. The certificate of vaccination may be produced if the tag has been lost.~~

~~C. Any client presenting to a veterinarian (or other qualified person) for rabies vaccination a dog, cat or ferret without an affixed license tag shall be informed by that veterinarian or qualified person that Lee County law requires that the animal be licensed and wear a license tag.~~

~~D. A duplicate license may be issued if the original is lost or destroyed. If a change of ownership of a dog or cat occurs during the license year, the new owner may have~~

~~the license transferred to his name upon payment of a transfer fee, as established in the Administrative Codes for the County.~~

XXI.21. **LICENSE FEE.**

- A. The Board of County Commissioners shall set the fee by Resolution.
- B. The fee is payable to the authorized agency or the authorized veterinarian.
License fees collected must be properly documented and funds remitted to Animal Services within forty-five (45) days of the sale of the tag. The Director of Animal Services may provide for an extension of the deadline, in writing, for special circumstances.
- C. Authorized Sellers of the Lee County license must sell the license at the fee levels approved by the Board and 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.
- D. Authorized sellers of the Lee County license tags may charge a reasonable administrative fee to cover costs of providing that service per license issued. The maximum allowable administrative fee shall be set by the Board through the external fees Administrative Code. Any authorized seller that charges an administrative fee must inform the client that such a fee is charged by that establishment/provider and that license tags are available through the County with no additional charge. Any such fees

may not be added to the cost of a license but must be listed separately on any invoice/receipt.

- E. License fees are not required for ~~certified seeing-eye leader dogs, hearing dogs, governmental police dogs, or other certified dogs~~, trained to assist the physically handicapped; but such animals must be licensed and must have received their rabies vaccination. In order to receive these license tags at no charge, the owner must have the animal licensed through Animal Services, no other outlet is authorized to issue these license tags.
- F. If an owner fails to obtain a valid license each year it is required, fees may be assessed for previous years' licenses for a period of up to three years.

XXII.22. ANIMALS IN MOTOR VEHICLES

- A. The owner or operator of a motor vehicle shall not place or confine an animal, nor allow an animal to be placed or confined in an unattended motor vehicle without sufficient ventilation or under conditions which may endanger the health or well-being of the animal due to heat, lack of water or any other circumstances which may cause suffering, disability or death.
- B. It shall be unlawful to transport any animal in any vehicle, if such vehicle is of open design, unless the animal is safely and humanely restrained.
- C. Any Animal Control Officer or law enforcement officer who 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 take the animal to a veterinarian if necessary. If the owner of said animal cannot be contacted, the Animal Control Officer or law

enforcement officer shall 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.

- D. Any person violating the provisions of this Section shall upon conviction be guilty of a misdemeanor of the second degree, punishable as provided for in Florida Statutes.

XXIII.23. HUMANE TREATMENT OF ANIMALS

- A. It is unlawful for any person to dye or artificially color any animal or fowl, including but not limited to rabbits, baby chickens and ducklings, or to bring any dyed or colored animal or fowl into this County.
- B. It is unlawful for any person to sell, offer for sale, or give away as merchandising premiums, baby chickens, ducklings, or other fowl under 4 weeks of age, or rabbits under 2 months of age, to be used as pets, toys or retail premiums.
- C. Any person violating the provisions of this Section shall upon conviction be guilty of a misdemeanor of the second degree, punishable as provided for in Florida Statutes.

XXIV.24. REDEMPTION AND DISPOSITION OF IMPOUNDED AND UNWANTED ANIMALS

- A. Any animal cat or dog impounded under the provision of this ordinance and not redeemed by its owner after five (5) consecutive days shall be come the property of the Animal Services Control Agency. The five (5)

day period does not apply to sick, injured, diseased or orphaned sucklings, or wild animals regulated by state wildlife agencies.

B. This time period may be extended or reduced at the discretion of Animal ~~Services Control~~ to relieve animal suffering or to limit disease contagious to humans.

C. ~~Animal Control~~ Services may utilize the services of a veterinarian to treat sick, injured or diseased animals. The owner shall be responsible for all such costs incurred.

D. ~~Feral cats~~ animals may only be held for three (3) consecutive days.

B- E. Any person seeking to redeem or reclaim an animal impounded under the provisions of this ordinance shall pay the impoundment fees, boarding fees, license fees and all other fees resulting from impounding and caring for the animal. Any animal to be released from the pound must have a rabies vaccination and ~~prior~~ license or a license and rabies vaccination must be obtained by the owner. If a rabies vaccination is not available at the shelter for any reason, the person seeking to redeem or reclaim the animal must pre-pay the ~~Upon payment of the~~ license fee, the animal will be released to its owner or his designee, who then must have the animal vaccinated for rabies by a licensed veterinarian. The certificate of vaccination must be ~~returned to the Animal Control Agency within ten (10) days (or a specified date for puppies or kittens)~~ provided to Animal Services as a prerequisite to issuance of the license.

- C-F. An owner whose animal has been impounded ~~for a second time within one year~~ more than one time shall be charged ~~twice the regular~~ increasing impoundment fees for each subsequent impoundment. Fees shall be established by the BOCC in the external fees manual.
- D-G. When the ownership of an animal is deemed questionable, the Animal Services ~~Control Agency~~ may require proof of ownership. Proof of ownership may include valid County license receipt, veterinary records, sworn and notarized affidavits from at least two unrelated neighbors living at different addresses, ~~photographs~~ registered microchip identification or other reliable, verifiable documentary evidence. If ownership cannot be proven by the required information the animal in question must be adopted rather than redeemed; the person claiming unproven ownership may be afforded the opportunity to adopt the animal prior to the public at the discretion of Animal Services.
- H. Prior to release from Animal Services' shelter, all dogs, cats and ferrets must be microchipped; with the microchip being registered to the pet owner.
- I. Exotic invasive animal species found at large and brought to the animal services shelter shall be humanely euthanized. The only exceptions to this provision is if the animal is released to an educational facility for study to assist in the control and removal of the species or if the animal is to be used for educational purposes to inform the public of the dangers of invasive exotic animal species.

XXV. 25. PROVIDING FOR THE REPORTING OF PERSONS BITTEN OR SCRATCHED BY ANIMALS AND QUARANTINE OF ANIMALS FOR RABIES OBSERVATION.

- A. Any dog, cat or ferret that bites or scratches a person shall be impounded by ~~Animal Control~~ Animal Services and held in quarantine for a minimum period of ten (10) days from the date of bite or scratch for rabies observation, either at the ~~Animal Control~~ Animal Services shelter or a veterinary clinic in Lee County approved by Animal Services as a quarantine location. Animals not picked up within 48 hours of the end of the quarantine period shall be considered abandoned and shall be euthanized. 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 wound, shall be reported.
- B. If the dog, cat or ferret has a current rabies vaccination and a current license, the Animal Control Officer may allow the animal to be quarantined at home by agreement with ~~Animal Control~~ Animal Services if and only if the animal has not bitten a person previously.
- C. It shall be a violation of this ordinance for any person to refuse to surrender any animal for quarantine.
- D. No person shall allow an animal under home quarantine to violate the Home Quarantine Agreement in any way, or allow said animal to roam at large.

- E. Any dog, cat or ferret that dies or is humanely euthanized while under quarantine shall be decapitated without mutilation and the head sent to the State Board of Health for pathological examination. All other animals (except dogs or cats or ferrets) which bite or scratch a person shall not be quarantined, but shall be impounded until instructed by the Health Department as to its disposition.
- F. It is a violation of this Ordinance for anyone to kill or remove from Lee County, Florida, without the express written consent of the Animal Services Animal Control Agency, any of the following:
1. Any rabid animal;
 2. Any animal suspected of rabies or any other infectious or contagious disease;
 3. Any animal exhibiting unusual behavior;
 4. Any animal which scratches or bites a person, or
 5. Any animal under quarantine.
- G. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided for in Florida Statutes.

XXVI.26. INSPECTION OF COMMERCIAL ANIMAL ESTABLISHMENTS.

- A. The ~~Animal Control Agency~~ Animal Services shall have the authority to enter and inspect any commercial animal establishment in Lee County during reasonable hours, for the purpose of ascertaining violations of this Ordinance or of Florida State Statutes. **Bonafide commercial**

agricultural animal establishments which includes livestock as defined herein, are specifically exempt from the provisions of this sub-paragraph A.

- B. Any owner, manager or staff person upon demand 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 animal on the premises.
- C. Standards of care required to be maintained at all commercial animal establishments in Lee County must include, but are not limited to:
 - 1. All animals must be given adequate food, water, shelter and veterinary care, as defined in this Ordinance.
 - 2. All cages, kennels, stalls or enclosures shall be cleaned daily. Any bedding provided must be clean.
 - 3. In shops or kennels, room temperature shall be maintained at a level that is healthful for every species of animals kept on the premises. Adequate ventilation shall be maintained.
 - 4. All buildings and sheds used for stabling animals shall be well ventilated and provide adequate protection from the elements.
 - 5. Each animal shall 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. Any animal that appears to be sick must be quarantined away from other animals to avoid the spread of disease and examined by a licensed veterinarian before being placed back with other animals or sold.
- D. Each animal found in violation of this Section shall be deemed a separate offense.

~~XXVI~~27. **GUARD DOGS.**

- A. ~~Within 90 days of enacting this ordinance,~~ Guard dog services shall register all dogs used in their business with Animal Services ~~the Animal Control Agency~~. The registration shall include name, address and telephone number of the service's manager; the breed, sex, weight, age, color, tattoo registration number of the guard dog, and other distinguishing physical features of the dog; and certification of rabies vaccination.
- B. Guard dogs newly acquired ~~by guard dog services~~ shall be vaccinated for rabies and registered with ~~Animal Control~~ Animal Services no later than seventy-two (72) hours after acquisition.
- C. The fee for registration of a guard dog will be listed in the Lee County Administrative Codes.
- D. Each guard dog ~~service~~ will be issued with a registration number which will be obtained from Animal Services ~~the Animal Control Agency~~. This number will be posted at the entrance of any property using that guard dog service. At the time of registration, each dog will be Micro chipped and receive an I.D. tag that must be affixed to the dog at all times.

- E. The ~~Animal Control Agency~~ Animal Services shall maintain a guard dog register which shall contain all data required by this section. Immediately upon transfer of ownership, death, disappearance or annual rabies inoculation of a guard dog, each guard dog service or owner shall notify Animal Services ~~the Animal Control Agency~~. Upon receipt of the information, the appropriate entry shall be made in the register. If the guard dog has disappeared, an entry should be made to reflect the locale and reason of such disappearance.
- F. An Animal Control Officer shall have the right to enter and inspect all kennels housing guard dogs and other premises where such dogs are in use for determination of owner registration compliance.
- G. It shall be unlawful for any person, firm or corporation to own or harbor any guard dog in the county that has not been inoculated, registered and tattooed as provided by this Section.
- H. TRANSPORTATION OF GUARD DOGS: The vehicle of every guard dog service transporting any guard dog must be clearly marked, showing that it is transporting a guard dog. A compartment separate from the driver and separating each dog is required, which shall be arranged to ensure maximum ventilation for the animal.
- I. REQUIREMENTS OF BUSINESS USING GUARD DOGS:
1. Each business which hires or uses a guard dog service to patrol the premises shall provide adequate fencing or some other confining structure to keep the guard dog within the enclosed area.

2. Each business which hires or uses a guard dog service to patrol the premises during that business' operating hours shall have said dog confined in such a manner so as not to pose a danger to the public.
3. At each appropriate location and entry point, and at 50 foot intervals along the fence perimeter, if applicable, a sign shall be posted including the words "Bad Dog" or "Guard Dog", with a dog picture.
4. All entry points shall be posted with the guard dog service registration number.
5. Dogs used for guarding businesses must be given a humane existence, including adequate shelter, food, water and exercise.
6. No dog which has been classified as dangerous or vicious by ~~the Animal Control Agency~~ Animal Services shall be used as a guard dog.

J. Failure to comply with this section is a violation of this ordinance.

~~XXVIII.~~ **28. DISPOSAL OF DEAD BODIES OF OWNED ANIMALS**. Upon the death of an animal, the owner shall be responsible for disposing of the carcass by burial at least two (2) feet below the surface of the ground. The approved alternative method of disposal is cremation at a Lee County approved licensed crematory. Nothing in this Section prohibits the disposal of animal carcasses to rendering companies licensed to do business in this state. It is unlawful to dispose of the carcass of any domestic animal by dumping the carcass on public property, road or right-of-way, pursuant to Chapter 823.041 Florida Statutes.

29. **CONFLICT.** In the event that this ordinance is found to be contrary to any other Lee County Ordinance which regulates the same subject matter, then in said event, the more restrictive ordinance shall apply.

~~XXIX.~~30. **SEVERABILITY.** The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included therein.

~~XXX.~~31. **EFFECTIVE DATE.** This Ordinance shall take effect immediately upon receipt of the official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with that office.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and being put to a vote, the vote was as follows:

ROBERT JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
TAMMARA HALL	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED this _____ day of _____, 2006.

ATTEST: CHARLIE GREEN
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairwoman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

LEE COUNTY
NOTICE OF INTENT TO ENACT A COUNTY ORDINANCE

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 22nd day of August 2006, at 5:00 o'clock p.m., in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment of a County Ordinance pursuant to Article VIII, Section 1, of the Florida Constitution and Chapter 125, Florida Statutes. The title of the proposed County Ordinance is as follows:

AN ORDINANCE AMENDING AND RESTATING THE LEE COUNTY ANIMAL CONTROL ORDINANCE 98-10, PROVIDING FOR ANIMAL CONTROL IN UNINCORPORATED LEE COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR ESTABLISHMENT OF A COUNTY ANIMAL SHELTER; PROVIDING FOR AN ANIMAL CONTROL ENFORCEMENT AGENCY; PROVIDING FOR PROHIBITIONS AGAINST CRUELTY TO ANIMALS; PROVIDING FOR ADOPTION BY REFERENCE FLORIDA STATE STATUTES RELATING TO ANIMAL CONTROL, ANIMAL WELFARE AND ANIMAL CRUELTY, PROHIBITION AGAINST ANIMAL CRUELTY; IMPOUNDMENT OF ANIMALS FOUND IN DISTRESS; FIGHTING OR BAITING OF ANIMALS, STERILIZATION OF DOGS AND CATS RELEASED FROM ANIMAL SHELTER FACILITY; PROHIBITION AGAINST ALLOWING ANIMALS TO BECOME A NUISANCE, MUSCOVY DUCKS AS NUISANCES, CONCEALMENT OF ANIMALS, PROHIBITING ANIMALS FROM RUNNING AT LARGE; PROHIBITION AGAINST ALLOWING ANIMALS TO DISPLAY THREATENING AND MENACING BEHAVIOR, FAILURE TO EXERCISE CONTROL OVER VICIOUS ANIMALS; FAILING TO CONFINE FEMALE DOGS AND CATS IN SEASON; PROHIBITING OPPOSING AN ANIMAL CONTROL OFFICER, DAMAGING ANIMAL SHELTER FACILITY, RELEASING ANIMALS; PROVIDING FOR ENFORCEMENT OF VIOLATIONS, REDEMPTION AND DISPOSITION OF UNWANTED AND IMPOUNDED ANIMALS, IMPOUNDING FEES; REPORTING OF PERSONS BITTEN OR SCRATCHED BY ANIMALS AND THE QUARANTINE OF ANIMALS FOR RABIES OBSERVATION; PROHIBITING THE KILLING OR REMOVAL FROM LEE COUNTY OF RABID ANIMALS; PROVIDING FOR THE SURRENDER OF THE CARCASSES OF RABID ANIMALS; PROVIDING

FOR THE REGISTRATION OF GUARD DOGS; PROVIDING FOR LICENSING AND FOR VACCINATION REQUIREMENT, ANIMAL IDENTIFICATION REQUIREMENTS FOR DOGS, CATS, FERRETS, AND LICENSE FEES; INSPECTION OF ANIMAL ESTABLISHMENTS, DISPOSAL OF BODIES OF DEAD OWNED ANIMALS, SETTING RESTRICTIONS ON CONFINING ANIMALS IN MOTOR VEHICLES; PROVIDING FOR TREATMENT OF ANIMALS IN A HUMANE MANNER; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

1. Copies of this Notice and the proposed Ordinance are on file in the Minutes Office of the Clerk of Courts of Lee County. The public may inspect or copy the proposed Ordinance during regular business hours at the Office of Public Resources. The Minutes Office and Public Resources are located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. Public Resources is located on the first floor and the Minutes Office is located on the second floor of the Courthouse Administration Building.

2. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed Ordinance.

3. Anyone wishing to appeal the decision(s) made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

4. The Ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State, or as may be otherwise prescribed in the Ordinance.

5. If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Lee County Division of Public Resources at 335-2269 for information.

PLEASE GOVERN YOURSELF ACCORDINGLY

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Charlie Green, Ex-Officio Clerk
to the Board of County Commissioners
of Lee County, Florida

APPROVED AS TO FORM:

By: M. J. D. Bowen
Office of the County Attorney

Ad Size: 2 x 5

**Publishing Dates: August 8, 2006 &
August 15, 2006**

LEE COUNTY, FLORIDA

FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT

PROPOSED COUNTY ORDINANCE:

NAME OF ORDINANCE: Lee County's Animal Control Ordinance

A. Statement of Purpose

This Ordinance will amend and restate Lee County Ordinance 98-10; it will provide for stricter requirements that dogs, cats and ferrets be properly vaccinated against rabies; it will require that veterinarians provide copies of the rabies vaccination certificate to Animal Services within thirty (30) days after the vaccination; the proposed changes will require that all animals leaving the shelter receive a micro-chip; it will allow Animal Services to accept exotic invasive animals into the shelter for purposes of humane euthanasia.

B. Narrative Summary of Ordinance (Several Sentence Summary)

Lee County's Animal Control Ordinance establishes Lee County Animal Services as the official animal control authority and enforcement agency in Lee County. The Ordinance prohibits cruelty to animals and provides for penalties against such acts committed by humans to animals. The Ordinance requires that all dogs, cats and ferrets be properly vaccinated against rabies and that the animal's owners obtain a county license tag for such pet. The Ordinance provides the frame work for effective animal regulation and control in Lee County.

C. Principal Division(s) or Department(s) Affected (List)

Lee County Animals Services.

LEE COUNTY, FLORIDA
 FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT
 PROPOSED COUNTY ORDINANCE:

II. Fiscal impact on County Agencies/County Funds (This section to be completed by OBS). NO IMPACT – NO ADDITIONAL FUNDING REQUIRED

- A. What is estimated Demand? (Develop Indicators)
- B. What is estimated Workload? (Develop Indicators)
- C. What are estimated costs? NO COSTS

	1st Year \$'s		2nd Year \$'s	
	Existing	New	Existing	New
Personnel	0	0	0	0
Fringe	0	0	0	0
Operating	0	0	0	0
Capital Outlay	0	0	0	0
Total	0	0	0	0

- D. List the anticipated revenues to cover costs identified in II, C, above. If a fee is to be charged, answer the following;
 - 1. What is the basis (rationale) for the fee? NO NEW FEES
 - 2. Do the anticipated fees cover the full cost of operation? If not, what percentage of the costs are covered? N/A
- E. Give a brief narrative analysis of the information contained in II, A-D, above.

Changes to ordinance 98-10 should have not meaningful change in costs of enforcement, personnel, equipment or administrative time/supplies. The changes are administrative and reflect current industry protocol.

LEE COUNTY
NOTICE OF INTENT TO ENACT A COUNTY ORDINANCE

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 22nd day of August 2006, at 5:00 o'clock p.m., in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment of a County Ordinance pursuant to Article VIII, Section 1, of the Florida Constitution and Chapter 125, Florida Statutes. The title of the proposed County Ordinance is as follows:

AN ORDINANCE AMENDING AND RESTATING THE LEE COUNTY ANIMAL CONTROL ORDINANCE 98-10, PROVIDING FOR ANIMAL CONTROL IN UNINCORPORATED LEE COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR ESTABLISHMENT OF A COUNTY ANIMAL SHELTER; PROVIDING FOR AN ANIMAL CONTROL ENFORCEMENT AGENCY; PROVIDING FOR PROHIBITIONS AGAINST CRUELTY TO ANIMALS; PROVIDING FOR ADOPTION BY REFERENCE FLORIDA STATE STATUTES RELATING TO ANIMAL CONTROL, ANIMAL WELFARE AND ANIMAL CRUELTY, PROHIBITION AGAINST ANIMAL CRUELTY; IMPOUNDMENT OF ANIMALS FOUND IN DISTRESS; FIGHTING OR BAITING OF ANIMALS, STERILIZATION OF DOGS AND CATS RELEASED FROM ANIMAL SHELTER FACILITY; PROHIBITION AGAINST ALLOWING ANIMALS TO BECOME A NUISANCE, MUSCOVY DUCKS AS NUISANCES, CONCEALMENT OF ANIMALS, PROHIBITING ANIMALS FROM RUNNING AT LARGE; PROHIBITION AGAINST ALLOWING ANIMALS TO DISPLAY THREATENING AND MENACING BEHAVIOR, FAILURE TO EXERCISE CONTROL OVER VICIOUS ANIMALS; FAILING TO CONFINE FEMALE DOGS AND CATS IN SEASON; PROHIBITING OPPOSING AN ANIMAL CONTROL OFFICER, DAMAGING ANIMAL SHELTER FACILITY, RELEASING ANIMALS; PROVIDING FOR ENFORCEMENT OF VIOLATIONS, REDEMPTION AND DISPOSITION OF UNWANTED AND IMPOUNDED ANIMALS, IMPOUNDING FEES; REPORTING OF PERSONS BITTEN OR SCRATCHED BY ANIMALS AND THE QUARANTINE OF ANIMALS FOR RABIES OBSERVATION; PROHIBITING THE KILLING OR REMOVAL FROM LEE COUNTY OF RABID ANIMALS; PROVIDING FOR THE SURRENDER OF THE CARCASSES OF RABID ANIMALS; PROVIDING

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By: _____
Charlie Green, Ex-Officio Clerk
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APPROVED AS TO FORM:

By: Michael A. Bowen
Office of the County Attorney

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Fringe	0	0	0	0
Operating	0	0	0	0
Capital Outlay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total	0	0	0	0

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