

LEE COUNTY ORDINANCE # 09-20

AN ORDINANCE AMENDING AND RESTATING THE LEE COUNTY ANIMAL CONTROL ORDINANCE 06-12, PROVIDING FOR ANIMAL CONTROL IN UNINCORPORATED LEE COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR ESTABLISHMENT OF A COUNTY ANIMAL SHELTER; PROVIDING FOR DOMESTIC ANIMAL CONTROL ENFORCEMENT AGENCY; PROVIDING FOR ADOPTION BY REFERENCE: FLORIDA STATE STATUTES RELATING TO ANIMAL CONTROL, ANIMAL WELFARE AND ANIMAL CRUELTY; PROHIBITION AGAINST CRUELTY TO ANIMALS; PROVIDING FOR IMPOUNDMENT OF ANIMALS FOUND IN DISTRESS; PROHIBITION AGAINST ANIMAL FIGHTING OR BAITING; PROVIDING FOR STERILIZATION OF DOGS AND CATS RELEASED FROM ANIMAL SHELTER FACILITY; PROHIBITION AGAINST NUISANCE ANIMALS; MUSCOVY DUCKS AS NUISANCES; PROVIDING FOR SURRENDER OF STRAY ANIMALS TO DOMESTIC ANIMAL CONTROL ENFORCEMENT AGENCY; PROHIBITION AGAINST CONCEALMENT OF ANIMALS; PROHIBITION AGAINST ANIMALS FROM RUNNING-AT-LARGE; PROHIBITION AGAINST ALLOWING ANIMALS TO DISPLAY THREATENING AND MENACING BEHAVIOR; PROHIBITION AGAINST DANGEROUS DOGS; PROHIBITION AGAINST FAILING TO CONFINE FEMALE DOGS AND CATS IN SEASON; PROHIBITION AGAINST OPPOSING AN ANIMAL CONTROL OFFICER; PROVIDING FOR ENFORCEMENT OF VIOLATIONS; PROVIDING FOR VACCINATION REQUIREMENTS FOR DOGS, CATS AND FERRETS; PROVIDING FOR LICENSE REQUIREMENTS FOR DOGS, CATS AND FERRETS; PROVIDING FOR ANIMAL IDENTIFICATION REQUIREMENTS FOR DOGS, CATS AND FERRETS; PROVIDING FOR LICENSE FEES; PROVIDING FOR RESTRICTIONS ON CONFINING ANIMALS IN MOTOR VEHICLES; PROVIDING FOR HUMANE TREATMENT OF ANIMALS; PROVIDING FOR REDEMPTION AND DISPOSITION OF UNWANTED AND IMPOUNDED ANIMALS; REPORTING OF PERSONS BITTEN OR SCRATCHED BY ANIMALS AND THE QUARANTINE OF ANIMALS FOR RABIES OBSERVATION; PROVIDING FOR INSPECTION OF COMMERCIAL ANIMAL ESTABLISHMENTS; PROVIDING FOR THE REGISTRATION OF GUARD DOGS; PROVIDING FOR DISPOSAL OF BODIES OF DEAD OWNED ANIMALS; PROVIDING FOR FINES AND FEES; PROVIDING FOR CONFLICT; PROVIDING FOR 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 1: DEFINITIONS

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.

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: Domesticated animals including dogs, cats and ferrets.

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 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.

CAREGIVER: Any person who provides food, water or shelter to or otherwise cares for any animal, feral or domesticated, over a designated period of ten (10) days or longer that the person, whether of their own volition or by request of the owner of said animal provides care for the animal.

CITATION: A written notice issued to a person by an animal control officer stating that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly-enacted ordinance or of the applicable laws of the State of Florida and that the county court will hear the charge.

COMMERCIAL ANIMAL ESTABLISHMENT: Any pet shop, animal grooming shop, flea market, department store, guard dog training facility, riding school, any type of kennel, cattery; 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 27(A) of this Ordinance.

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

DANGEROUS ANIMAL: Any animal 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; has been used primarily or in part for the purpose of fighting or is an animal trained for fighting; 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: Person designated to fulfill the role in the absence of the Public Safety or Domestic Animal Services 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 six (6) 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.

DOMESTIC 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.

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.

FERAL ANIMAL: 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.

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 Domestic Animal Services 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.

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 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.

IMPOUNDMENT: Confining of any animal by Domestic Animal Services in a manner consistent with professionally recognized standards of humane treatment.

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., as may be amended, 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, as may be amended.

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 Domestic Animal Services 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/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 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.

SECURE ENCLOSURE OF A DANGEROUS ANIMAL: While on the owner's or keeper's property, a dangerous animal is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall include a concrete base with a minimum of eight (8) inches of block above concrete base with secure fencing material that is tied into the base and secured behind the block and the enclosure shall further include a full, secure top and locking access door that must

remain locked at all times while the dangerous animal is inside. The pen or structure shall also provide adequate ventilation and protection from the elements.

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: Domestic Animal Services 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 twenty-four (24) hours in which to contact Domestic Animal Services.

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.

UNPROVOKED BEHAVIOR OF AN ANIMAL: An animal that has been bitten or chased in a menacing fashion or attacked a person or another animal who has been conducting themselves peacefully and lawfully.

VETERINARIAN: A person who is licensed to engage in the practice of veterinary medicine as provided for in Chapter 474, Florida Statutes, as may be amended.

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

VETERINARY HOSPITAL: Any place or facility owned or operated by a licensed veterinarian and used for the practice of veterinary medicine in the diagnosis, treatment, and care of diseases and injuries to animals, or used for the boarding of animals during such diagnosis, treatment or care, or used for the temporary boarding of animals belonging to the veterinarian's clients.

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.

ZONOOSES OR ZONOTIC DISEASES: Those diseases transmittable to humans and animals by other animals including parasitic, bacterial, fungal and viral diseases.

SECTION 2: 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 shall be of adequate size and design for the safe confinement of animals.

SECTION 3: DOMESTIC ANIMAL CONTROL ENFORCEMENT AGENCY

Lee County Domestic Animal Services hereafter referred to as “Domestic Animal Services” is hereby established as the official domestic 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 Statute §162.21(2), as may be amended, 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.

SECTION 4: 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.

SECTION 5: 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 animal in the care, custody, or control of a person shall be neglected, beaten, cruelly treated, tormented, overworked, overloaded, abused, mutilated or killed.
- 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 5(D) and 5(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. 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 "slaughter" is defined in accordance with Chapter 828.23(3), Florida Statutes (2008), as may be amended.
- 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 Domestic Animal Services if not redeemed within three (3) days. The Officer may issue citations if the owner or agent is subsequently located.

3. It shall be unlawful for a person to willfully and knowingly provide false or misleading information to Domestic 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. TETHERING

No person shall under any circumstances tether or otherwise confine any animal in a manner that is injurious to the animal's health, safety and well-being.

Proper and humane tethering includes, but is not limited to the following:

1. Collars used to attach an animal should be comfortable and properly fitted as to not choke the animal. The use of choke chains is prohibited.
2. The tether shall not extend over an object or edge in such a manner that could result in strangulation of or injury to the animal. The length of the tether must be a minimum of ten (10) feet, or at least three times the length of the animal measured from the animal's nose to the base of its tail, whichever is greater, unless the tether is being used to secure the animal to the bed of an open

vehicle or pick-up truck. Restraints should allow the animal to move about and lie down comfortably.

3. Tethering of an animal is prohibited during natural disasters such as floods, fires, tornados or hurricanes.

SECTION 6: 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 three (3) consecutive days shall become the property of Domestic Animal Services.

SECTION 7: 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 fighting or baiting between two or more animals.
- D. Paying for admission to an animal fight/baiting or attending fighting or baiting as a spectator.

SECTION 8: 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 spay/neuter deposit, which will be fully refunded upon proof that the sterilization has been accomplished.
- D. Any unsterilized animal impounded for a second or subsequent redemption that is reclaimed by the owner shall be sterilized at the expense of the owner prior to the animal being released from Domestic Animal Services. Sterilization may be deferred only on the recommendation of a licensed veterinarian.

SECTION 9: NUISANCE ANIMALS

It shall be unlawful for any owner or owner's agent to fail to care for or control owned animals that 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 damage the property of anyone other than its owner.
 3. Any animal to roam on school grounds or in the area of school transportation vehicles.
 4. Any animal to cause unsanitary conditions in enclosures or surroundings where the animal is kept or confined, as determined by Domestic Animal Services to be unsanitary.
 5. 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.
 6. 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.
- C. Caregivers of a community cat or community cat colony shall be exempt under the provisions of Section 9 Nuisance Animals, Section 20 License Requirements and Section 21 Animal Identification Requirements by furnishing the Director of Lee County Domestic Animal Services a signed statement agreeing to the following conditions:
1. Regularly feed the community cat colony including weekends and holidays insuring sanitary conditions at all times.

2. Regularly and frequently trap the community cats over the age of twelve (12) weeks for purposes of sterilization.
3. Identify all community cats by tipping their ears and implanting with a microchip.
4. All community cats must be vaccinated for rabies.
5. All community cats with illness and/or injury that cannot be provided with treatment shall be humanely euthanized to prevent pain and suffering.
6. Caregivers are not permitted to release community cats onto private or public property without the permission of property owner.
7. Any caregiver determined to be in violation of Section 9(C) shall be issued a written warning and be permitted up to and including thirty (30) days compliance. Failure to comply may result in the issuance of a citation.

SECTION 10: MUSCOVY DUCKS AS NUISANCES

- A. Animal Services is hereby given the authority to declare Muscovy ducks to be a public nuisance. If a public nuisance is determined to exist, Animal Services 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 person responsible for the ducks can be determined, the person may be issued a citation for contributing to the creation of a public nuisance.

- B. The possession of or feeding of Muscovy ducks on public property and private property zoned residential is hereby prohibited.

SECTION 11: SURRENDER OF STRAY ANIMALS TO DOMESTIC ANIMAL CONTROL ENFORCEMENT AGENCY

Stray animals shall be released by the finder to Domestic Animal Services within twenty-four (24) hours of being found to provide owners the opportunity to reclaim their animal during the stray holding period. A finder may adopt the found animal if unclaimed by the owner at the expiration of the stray holding period with a completed and approved adoption application through Domestic Animal Services.

SECTION 12: 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, or to conceal any other animal that is subject to an investigation by Domestic Animal Services.

SECTION 13: PROHIBITING ANIMALS FROM RUNNING AT-LARGE

- A. It shall be unlawful for any person owning or having possession, charge, custody or control of any animal, 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.
- B. Any animal found in violation of this Section may be impounded.
- C. Any property owner or tenant upon property may seize an unrestrained animal, unattended animal, or animal at large on his or her property and

shall surrender said animal within twenty-four (24) hours to Domestic Animal Services 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.

SECTION 14: 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 Statute Chapter 767, as may be amended.
- 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, Domestic Animal Services may investigate the incident. After investigation, Domestic 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 dangerous animal for the purpose of Section 15 as defined in this Ordinance. A record of the order to confine, the written warning,

the citation, and any supporting affidavits will be held on file at Domestic 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 Domestic Animal Services. 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 twenty-four (24) hours of the notice being issued. The Animal Control 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.

SECTION 15: DANGEROUS ANIMALS

- A. The Director of Domestic Animal Services or Designee may declare that an animal is a dangerous animal, in accordance with applicable County Administrative Code.

- B. Any animal declared to be a dangerous animal shall be confined in a secure enclosure on the premises of the owner or keeper of such animal. No dangerous animal shall be allowed off the premises of the owner or keeper unless such animal remains:
1. Inside a secure marked carrier identifying the animal as dangerous, or
 2. Under the physical control of such owner or keeper who is competent and over the age of eighteen (18) years, 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 attached to an approved harness which identifies the animal, provided by Domestic Animal Services at owner's expense. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration; or
 3. Subject to conditions established by the Director of Domestic Animal Services.
- C. It is a violation of this Ordinance for the owner or keeper of a dangerous animal to refuse or fail to confine or restrain such animal as required by this Section.
- D. No dangerous animal impounded pursuant to this Ordinance shall be released until:

1. The owner or keeper of such dangerous animal presents proof to the Director of Domestic Animal Services 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 dangerous, 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 dangerous.
3. Provides proof that the animal has been electronically implanted, sterilized, vaccinated for rabies and has made payment of a one-time dangerous dog registration fee of \$1,500 with the acknowledgement of an additional annual registration fee of \$500 per year. This annual registration fee is in addition to the pet licensing fee required in Section 22 of this Ordinance.
4. Posts warning signs with attached number identifying the dangerous animal, provided by Domestic Animal Services at owner's expense, on owner or keeper's premise stating "Dangerous Animal" on the property at all entry points to the property.
5. If applicable, a notarized statement must be submitted to the Director of Domestic Animal Services by the landlord of said property that will house a dangerous animal including adherence to all posting regulations.

- E. If a dangerous animal is sold or given away, the owner or keeper of a dangerous animal shall report, in writing, the names, addresses and telephone numbers of the new owner or keeper to the Director of Domestic Animal Services prior to the transfer of ownership or custody of such animal. It is a violation of this Ordinance not to report the name and address of the new owner. The owner or keeper shall update all relevant information with the national registry applicable to the microchip and shall provide Domestic Animal Services with confirmation that the microchip information has been updated. The new responsible party shall comply with all of the requirements of this Section even if the animal is later moved from this county to another county within the State of Florida. If an animal that has been designated by another jurisdiction as dangerous and is housed within Lee County, the owner or keeper shall immediately register the animal with Domestic Animal Services. If an animal is declared dangerous by another municipality, the animal will automatically be declared a dangerous animal in Lee County, requiring the owner or keeper to comply with Section 15 of this Ordinance.
- F. The owner or keeper of a dangerous animal shall report in writing or by telephone the death of such animal to the Director of Domestic Animal Services 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. The owner or keeper of a dangerous animal, whether or not it has been declared dangerous, 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 dangerous animal bites, attacks or causes injury to any person or domestic animal.
- H. 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.
- I. Domestic Animal Services shall have the authority to make inspections as necessary to ensure that the owner or keeper of a dangerous animal is in compliance of county ordinance. Animals classified as dangerous under this Ordinance:
1. shall not be used as a guard dog.
 2. shall not be used for the purposes of hunting.
- J. Upon declaration of euthanasia of a dangerous animal provided by Domestic Animal Services, Domestic Animal Services shall provide the owner of a classified dangerous animal written notice containing all costs and fees incurred by the department in the confiscation, maintenance, quarantine and euthanasia of the animal with a deadline not less than thirty (30) days from receipt of the notice of payment of the costs and fees.

- K. EXCEPTION TO CLASSIFICATION UNDER SECTION 14 OR 15. No animal shall be classified as threatening or dangerous 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 16: 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 Domestic Animal Services 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. Domestic 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.

SECTION 17: 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, equipment, vehicle, or to release or remove any animal from the custody of an Animal Control Officer, Domestic Animal Services shelter or trap owned by Domestic Animal Services.

SECTION 18: ENFORCEMENT OF VIOLATIONS

- A. 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.
- B. If after a reasonable effort the seizure of any such unrestrained animal cannot be made, or should the animal be dangerous 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.
- C. 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 (2008), as may be amended, are hereby adopted, and will be utilized.

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

SECTION 19: 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 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 four(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 twelve (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.

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 Domestic Animal Services.

SECTION 20: LICENSE REQUIREMENTS FOR DOGS, CATS AND FERRETS

- A. 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 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. 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, cat, or ferret has been vaccinated against rabies. Owners of animals that are exempt from rabies vaccination due to a medical condition and who possess a valid medical certificate of exemption issued by a licensed veterinarian are required to purchase a one-year county license regardless of the exemption from a licensed veterinarian. One year licenses shall only be issued with a one-year rabies vaccination and three-year licenses shall only be issued with a three-year rabies vaccination.
- D. Owners of animals who visit Lee County or reside in Lee County for less than thirty (30) days per year are exempt from the license requirement provided that they have proof of a valid current rabies vaccination.
- E. No license 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 of this Ordinance even if the animal has a valid license of its own.
- F. The license tag may be issued by a licensed veterinarian or other entity approved by the Director of Domestic Animal Services to issue County license tags upon being shown a current vaccination certificate from any licensed veterinarian.
- 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 Domestic 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.

SECTION 21: ANIMAL IDENTIFICATION REQUIREMENTS FOR DOGS, CATS AND FERRETS

- A. All dogs, cats and ferrets must have some form of identification indicating the owner's name and current telephone number 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. It shall be unlawful 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 license tag and/or rabies

certificates, and shall produce the same if called upon to verify that any cat, dog or ferret has the required license and vaccination.

SECTION 22: **LICENSE FEES**

- 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 Domestic Animal Services within forty-five (45) days of the sale of the tag. The Director of Domestic 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 Domestic 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 governmental police dogs, or 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 Domestic 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.

SECTION 23: 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.

SECTION 24: 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 four (4) weeks of age, or rabbits under two (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.

SECTION 25: REDEMPTION AND DISPOSITION OF IMPOUNDED AND UNWANTED ANIMALS.

- A. Any cat, dog, or ferret impounded under the provision of this Ordinance and not redeemed by its owner after three (3) consecutive days shall become the property of the Domestic Animal Services. The three (3) day period does not apply to sick, injured, diseased or orphaned sucklings, or

wild animals regulated by state wildlife agencies. Any stray cat, dog or ferret impounded that possesses a valid County license and/or microchip shall be held for five (5) consecutive days before becoming the property of Domestic Animal Services. Litters of animals or individual members of a litter of animals, including the nursing mother and unweaned animals, that do not possess 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. Individual members of litters of animals who are at least six weeks of age, including the mother, may be adopted immediately upon impoundment.

- B. This time period may be extended or reduced at the discretion of Domestic Animal Services to relieve animal suffering or to limit disease contagious to humans and animals housed at Domestic Animal Services.
- C. Domestic Animal 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 animals that do not possess a valid County license and/or microchip may be humanely euthanized upon impoundment.
- 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 Domestic Animal Services must have a rabies vaccination and license or a license and rabies

vaccination must be obtained by the owner. If a rabies vaccination is not available at Domestic Animal Services for any reason, the person seeking to redeem or reclaim the animal must pre-pay 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 provided to Domestic Animal Services as a prerequisite to issuance of the license.

- F. An owner whose animal has been impounded more than one time shall be charged increasing fees for each subsequent impoundment. Fees shall be established by the Board in the external fees manual.
- G. When the ownership of an animal is deemed questionable, Domestic Animal Services will require proof of ownership. Proof of ownership may include valid County license, veterinary records, 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 Domestic Animal Services.
- H. Prior to release from Domestic 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 impounded 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.

SECTION 26: PROVIDING FOR THE REPORTING OF PERSONS BITTEN OR SCRATCHED BY ANIMALS AND QUARANTINE OF ANIMALS FOR RABIES OBSERVATION

- A. Any stray dog, cat or ferret that bites or scratches a person shall be impounded by Domestic Animal Services and held in quarantine for a minimum period of ten (10) days from the date of bite or scratch for rabies observation or humane euthanasia and sent to the State Board of Health for pathological examination after the expiration of the stray holding period. Animals not redeemed within the ten (10) day quarantine period shall be considered abandoned and may be euthanized.
- B. Owned dogs, cats or ferrets that have bitten a human may be permitted to be quarantined at home for a minimum period of ten (10) days from the date of bite or scratch for rabies observation. 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 to the Department of Health. An owner whose animal has bitten or scratched a human shall comply fully with Chapter 64D-3 Florida Administrative Code (Control of Communicable Diseases & Conditions Which May Significantly Affect Public Health).

- C. It shall be a violation of this Ordinance for any person to refuse to surrender any animal for quarantine.
- D. No owner of an animal placed under a Home Quarantine Agreement for rabies observation shall violate the Home Quarantine Agreement in any manner.
- E. Any dog, cat or ferret that dies or is humanely euthanized while under quarantine shall undergo pathological examination performed by the State Board of Health. It shall be a violation of this Ordinance for any person to refuse to surrender the body of a deceased animal while under quarantine.
- F. It is a violation of this Ordinance for anyone to kill or remove from Lee County, Florida, without the express written consent of Domestic Animal Services or the Health Department 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.

- H. It shall be the duty of any person having knowledge that an animal has bitten or otherwise exposed a person or any animal to rabies, to report the incident immediately to the Department of Health.
- I. Any person who, upon demand, does not surrender to Domestic 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.

SECTION 27: INSPECTION OF COMMERCIAL ANIMAL ESTABLISHMENTS

- A. Domestic 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.

SECTION 28: GUARD DOGS

- A. Any person utilizing a dog for the purpose of guarding a business shall register all dogs used in their business with Domestic Animal Services. 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 shall be vaccinated for rabies and registered with Domestic 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 will be issued with a registration number which will be obtained from Domestic Animal Services. 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 identification tag that must be affixed to the dog at all times.
- E. Domestic 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 Domestic Animal Services. 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 BUSINESSES USING DOGS FOR THE PURPOSE OF GUARDING:
1. Persons who hire or use 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. Persons who hire or use 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 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 by Domestic Animal Services shall be used as a guard dog.

J. Failure to comply with this Section is a violation of this Ordinance.

SECTION 29: 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, as may be amended.

SECTION 30: FINES AND FEES

All fines and fees, including licensing fees, are set by Resolution of the Board of County Commissioners and are included in the External Fees Manual.

SECTION 31: 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.

SECTION 32: 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.

SECTION 33: **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.

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

ROBERT JANES	<u>AYE</u>
BRIAN BIGELOW	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
TAMMY HALL	<u>AYE</u>
FRANK MANN	<u>AYE</u>

DULY PASSED AND ADOPTED this 24th day of March, 2009.

ATTEST: CHARLIE GREEN
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Marcia Wilson
Deputy Clerk

By: [Signature]
Chair



APPROVED AS TO FORM:

By: [Signature]
Office of the County Attorney



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

March 27, 2009

Honorable Charlie Green
Clerk of Court
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Ms. Marcia Wilson, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 25, 2009 and certified copies of Lee County Ordinance Nos. 09-19 through 09-20, which were filed in this office on March 27, 2009.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

RECEIVED
MINUTES OFFICE
2009 APR -2 PM 12:11

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dhis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
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STATE ARCHIVES OF FLORIDA
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ADMINISTRATIVE CODE AND WEEKLY
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