



35 **SECTION 2.** Chapter 14, Animals - Article I. “In General” is hereby repealed in its  
36 entirety. The deleted provisions are attached hereto as Exhibit “A.”

37 **SECTION 3.** Chapter 14, Animals - Article I. “Animal Control and Enforcement” of the  
38 City Code is hereby created as follows:

39 **Chapter 14 – Animals.**

40 **Article I. Animal Control and Enforcement**

41 Sec. 14-1. Adoption of Marion County Animal Control Ordinance

42 The City of Dunnellon hereby adopts the Marion County Code of Ordinances Chapter 4, Animal  
43 Control and Enforcement in its entirety.

44 Sec. 14-2. Services and Enforcement through Interlocal Agreement.

45 Animal control services and enforcement shall be provided for the City of Dunnellon through  
46 interlocal agreement with Marion County Florida.

47 **SECTION 4.** Chapter 14, Animals - Article II. Animal Control, Sections 14-31 through 14-36  
48 and Sections 14-38 through 14-106 are hereby deleted. The deleted provisions are attached hereto  
49 as Exhibit “B.”

50 **SECTION 5.** Chapter 14, Animals - Article II of the City Code is hereby renamed ‘Chicken  
51 Keeping’ and the sole remaining section is hereby renumbered as follows:

52 **Chapter 14 – Animals.**

53 **Article II. ~~Animal Control~~ Chicken Keeping**

54 ~~Sec. 14-37.~~ Sec. 14 – 20. Chicken-keeping as an accessory use.

55  
56 (a) Chicken-keeping means the keeping of hens (*Gallus domesticus*). Chickens shall not include  
57 any male chicken or rooster, any duck, goose, turkey, peafowl, guinea fowl or other poultry  
58 or fowl. Chicken-keeping is a permitted accessory use within single-family residential zoning  
59 designations of R-1 (one-family dwelling), R-1A (single-family residential), and R-3A  
60 (residential medium density) where the lot or parcel is occupied by a single-family detached  
61 residence. Chickens shall not be permitted at residential property with a townhome, duplex,  
62 condominium, apartment, or other multi-family residential unit. Chicken-keeping in all other  
63 zoning districts is also prohibited, except that poultry is permitted on farms in the agricultural  
64 zoning district (A-1).

- 65 (b) Chicken-keeping within the city limits shall be subject to the following standards and  
66 conditions:
- 67 (1) Chickens shall be kept in a chicken coop and fenced pen area. The chicken coop and  
68 fenced pen area shall meet the following requirements:
- 69 a. The maximum size of the coop and pen area shall be 100 square feet.
- 70 b. The maximum height of a coop and the pen fence around the coop shall be eight feet,  
71 as measured from the existing grade to the highest part of the coop or fence.
- 72 c. The coop and pen area shall be located in the rear yard of the single-family detached  
73 residence and a minimum of 25 feet from any side street. The coop and fenced pen  
74 area shall comply with all other zoning district setback requirements, so long as the  
75 coop and pen area shall be at least 20 feet from any residential structure on an  
76 adjoining lot.
- 77 d. Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is  
78 required. The coop and pen must be constructed in a way that establishes a clean,  
79 safe and pleasant environment free of odor, vermin, noise, and disease.
- 80 1. Enclosures shall be kept in neat condition, including provision of clean, dry  
81 bedding materials and regular removal of waste materials, so as to not create an  
82 odor.
- 83 e. The space per bird in the coop shall not be less than three square feet.
- 84 f. All chicken feed shall be kept in a secured and covered metal or plastic container, or  
85 otherwise protected so as to prevent rodents and other pests from gaining access to  
86 it.
- 87 g. Chicken coops and pens shall not be visible from adjacent roadways and parcels.
- 88 (2) A maximum of six chickens may be kept on a lot or parcel with a detached single-family  
89 residence.
- 90 (3) Chickens shall be housed at all times within a covered coop or fenced pen area, except  
91 that they may be removed from the coop or fenced pen area by a resident or visitor of the  
92 home, provided the resident keeps them under his or her continuous custody and control  
93 while they are outside the coop or fenced pen area.
- 94 (4) Chickens must be secured within the chicken coop or fenced pen area during non-daylight  
95 hours (from dusk to dawn).
- 96 (5) Chickens shall not be permitted to trespass on neighboring properties, run at large, be  
97 released or set free at any time.
- 98 (6) Chickens are allowed to be kept in single-family residential areas for noncommercial  
99 purposes. Hens, eggs or manure produced by the chickens shall not be sold or utilized for  
100 commercial purposes.
- 101 (7) Chickens shall not be bred or slaughtered on the premises.
- 102 (8) All deceased chickens shall be properly disposed of, off-site, within 24 hours of expiring.
- 103 (9) Roosters and poultry or fowl other than chickens shall be prohibited.

104 (10) Nothing herein shall be construed or interpreted to mean that chickens are permitted  
105 where private covenants or restrictions prohibit such use, or where rules promulgated  
106 under such covenants and restrictions prohibit such use

107

108 **SECTION 6. CONFLICTS.** In any case where a provision of this Ordinance is found to be in  
109 conflict with a provision of any other ordinance of this City, the provision which establishes the  
110 higher standards for the promotion and protection of the health and safety of the people shall  
111 prevail.

112

113 **SECTION 7. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this  
114 Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not  
115 be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,  
116 word, or portion of this Ordinance not otherwise determined to be invalid, unlawful or  
117 unconstitutional.

118

119 **SECTION 8. CODIFICATION.** The provisions of this Ordinance shall be codified as and  
120 become and be made a part of the City of Dunnellon Code of Ordinances. The sections of this  
121 Ordinance may be renumbered or re-lettered to accomplish such intention and the word  
122 “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate word.  
123 The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

124

125 **SECTION 9. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon  
126 adoption at the second reading/public hearing.

127

128 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first  
129 reading on the \_\_\_\_ day of \_\_\_\_\_, 2021.

130

131 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon  
132 the second and final reading and public hearing on the \_\_\_\_ day of \_\_\_\_\_, 2021.

133

134 Ordinance Posted on the City’s website on December 2, 2021. Public hearing advertised on the  
135 City’s website on \_\_\_\_\_, 2021 and advertised in the Riverland News on \_\_\_\_\_,  
136 2021.

137

138 ATTEST:

**CITY OF DUNNELLON**

139

140 \_\_\_\_\_

\_\_\_\_\_

141 Amanda L. Odom, CMC  
142 City Clerk

William P. White, Mayor

143

144 Approved as to Form:

145

146 \_\_\_\_\_

147 Andrew J. Hand, City Attorney

148

149

150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160

**CERTIFICATE OF POSTING**

**I HEREBY CERTIFY** that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 2nd day of December 2021.

---

Amanda L. Odom, CMC  
City Clerk

## EXHIBIT "A"

### Sec. 14-1. ~~Applicability of general regulations.~~

~~All sections in this article shall govern all other articles and sections of this chapter.~~

### Sec. 14-2. ~~Definitions.~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

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

~~*Animal* means any living creature, domestic or wild, except human beings.~~

~~*Animal control enforcement officer* means the persons authorized by the city council to enforce the provisions of this chapter, the ordinances and resolutions of the city relating to the licensure, seizure, impoundment and disposition of animals, and state regulations relating to domestic animals.~~

~~*Chicken-keeping* means the keeping of hens (*Gallus domesticus*). Chickens shall not include any male chicken or rooster, any duck, goose, turkey, peafowl, guinea fowl or other poultry or fowl.~~

~~*Dangerous dog* means any dog that has:~~

- ~~(1) Aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;~~
- ~~(2) More than once severely injured or killed a domestic animal while off the property of the owner;~~
- ~~(3) Been used primarily or in part for the purpose of dogfighting, or is a dog trained for dogfighting;~~  
~~or~~
- ~~(4) When unprovoked, chased or approached a person upon the street, sidewalk 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.~~

~~*Defecate* means to discharge excreta.~~

~~*Department of public services* means the agency operated by the city responsible for the control of rabies, regulation, licensure, seizure, impoundment of and prevention of cruelty to animals, and the enforcement of the provisions of this chapter and state regulations relating to domestic animals as deemed necessary.~~

~~*Excreta* means waste matter excreted from the bowels.~~

~~*Livestock or animals running at large or straying* means any livestock found or being on any public road or right-of-way and either apparently a neglected animal or not under manual control of a person.~~

~~*Owner* means any person over the age of 18, or any firm, corporation or organization, who owns, manages, harbors, maintains, or controls an animal. For the purposes of this chapter, an animal shall be deemed to be harbored or maintained if it is fed and/or sheltered for five or more consecutive days. If the animal is owned by a person under the age of 18, then that person's parent or guardian shall be the owner.~~

~~*Proper confinement* means, while on the owner's property, a dangerous dog is securely confined and restrained 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 have secure sides and a secure top to prevent the dangerous dog from escaping over, under or through the structure and shall also provide protection of the dog from direct sun, wind, rain, cold and other adverse weather conditions.~~

## EXHIBIT "A"

~~*Public grounds* means any street, sidewalk, alley, highway or other way open to travel by the public, including rights-of-way, bridges, common ground, easements and tunnels.~~

~~*Severe injury* means any physical injury that results in broken bones, multiple punctures or disfiguring lacerations requiring sutures or cosmetic surgery.~~

~~*Shelter* means provision of and access to a three-dimensional structure having a roof, walls and a floor, which is dry, sanitary, clean, weatherproof, and made of durable material. At a minimum, the structure must be:~~

- ~~(1) Sufficient in size to allow each sheltered animal to stand up, turn around, lie down, and stretch comfortably;~~
- ~~(2) Designed to protect the sheltered animal from the adverse effects of the elements and provide access to shade from direct sunlight and regress from exposure to inclement weather conditions;~~
- ~~(3) Free of standing water, accumulated waste and debris, protect the sheltered animal from injury, and have adequate ventilation, and for dogs and cats, provide a solid surface, resting platform, pad, floor mat or similar device that is large enough for the animal to lie on in a normal manner;~~
- ~~(4) Properly lighted to provide a regular lighting cycle of either natural or artificial light corresponding to the natural period of daylight unless otherwise directed by a veterinarian;~~
- ~~(5) Structures with wire, grid or slat floors which permit the animal's feet to pass through the openings, or which sag under the animal's weight or which otherwise do not protect the animal's feet or toes from injury are prohibited, except for birds where perches are provided. Shelters for chickens as an accessory use are regulated under section 14-37 herein.~~

~~*Unprovoked attack* includes situations where a person who has been conducting himself peacefully and lawfully has been bitten, chased in a menacing fashion, or attacked.~~

~~Sec. 14-3. Penalties; additional remedies.~~

- ~~(a) Penalties for violations of this chapter shall be set forth in a resolution approved by the city council, which shall be amended from time to time at the discretion of council.~~
- ~~(b) The city may enforce this chapter through the special magistrate established in Ordinance No. 2009-10.~~
- ~~(c) The city, at its option and as an additional enforcement remedy, may refer any violation of this chapter to the code enforcement board of the city for enforcement and imposition of fines.~~
- ~~(d) Failure to comply with the provisions of section 14-37 regarding chicken-keeping may result in fines. Imposition of a fine shall take place upon a finding by the special magistrate or code enforcement board that an owner has violated the requirements of section 14-37.~~

~~Sec. 14-4. Authority of council; adoption of fees; responsibility for enforcement.~~

~~The city council shall have full and complete authority to establish rules, regulations and fees governing animals kept as pets within the geographical areas of the city, including but not limited to animal seizure, impoundment, certification, disposition, animal rabies vaccination, licensure and registration requirements and fees. The council shall set fees by adopting a resolution setting forth such fees; provided, however, that a lower license fee shall be set for sterile dogs and cats than that established for unsterilized dogs and cats. The public services department is hereby designated as the city agency responsible for the proper enforcement of this chapter. The city council may authorize the city to enter into interlocal agreements with Marion County whereby the county agrees to enforce the provisions of this article within the municipal limits of the city.~~

~~Sec. 14-5. Affidavits of complaint; enforcement procedure.~~

- ~~(a) Upon receipt of an affidavit of complaint, made under oath before an individual authorized to take acknowledgments, setting forth the nature and date of the act, the owner or keeper, and the description~~

## EXHIBIT "A"

~~of the animal, an animal control enforcement officer shall investigate the complaint to determine whether there is probable cause to believe a violation of this chapter has occurred. If probable cause exists, the animal control enforcement officer shall:~~

- ~~(1) Issue a misdemeanor citation or notice to appear to the person suspected of violation of this chapter. A subpoena shall be obtained by the appropriate agency appointed by the city and delivered to persons signing each affidavit of complaint to be present and appear on the day and time set to testify on behalf of the city. Sufficient quantities of affidavit forms shall be made available at the department of public services; or~~
  - ~~(2) In the alternative, if probable cause exists, file a complaint thereon with the code enforcement board, which will then process the complaint as provided for by chapter 2, article V, division 2.~~
- ~~(b) All misdemeanor citations and notices to appear shall be prosecuted as provided by law and by the Florida Rules of Criminal Procedure.~~
- ~~(c) Nothing in this section prevents other law enforcement officers of the city from issuing citations for the enforcement of this chapter as set forth in subsection (a) of this section.~~

### ~~Sec. 14-6. – Luring, seizing or molesting animals; cruelty to animals.~~

- ~~(a) The provisions of F.S. Ch. 828, as may be amended from time to time, pertaining to animal cruelty are adopted in their entirety as part of this article. All procedures, regulations, requirements and restrictions pertaining to animal cruelty are applicable under this ordinance, and any violation of F.S. Ch. 828 shall constitute a violation of this article.~~
- ~~(b) Luring, enticing, seizing, molesting, or teasing animals, or cruelty to animals, is prohibited.~~
- ~~(c) Any person who entices or lures any animal out of an enclosure, or off the property of its owner or keeper, or seizes, molests, torments, tortures, abuses, assaults, or teases any animal while the animal is held or controlled by its owner or keeper in proper confinement, shall be guilty of a misdemeanor of the first degree, punishable as provided by F.S. §§ 775.082 and 775.083.~~
- ~~(d) Any person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily or cruelly beats, mutilates, or kills any animal or causes such acts to be done, or who carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, shall be guilty of a misdemeanor of the first degree, punishable as provided by F.S. § 775.083.~~
- ~~(e) Any person who tortures any animal with intent to inflict intense pain, severe injury, or death, shall be guilty of a felony of the third degree, punishable as provided by F.S. §§ 775.082 and 775.083.~~

### ~~Sec. 14-7. – Animal care.~~

- ~~(a) It shall be unlawful for the owner or anyone having custody or control over any animal to fail to provide that animal with sufficient food, water and exercise.~~
- ~~(b) It shall be unlawful for the owner or anyone having custody or control over any animal to fail to provide that animal with shelter as defined in this chapter.~~
- ~~(c) It shall be unlawful for a person to abandon any animal, dispose of any animal on the property of another or on public property, or to leave behind any animal when relocating to a new residence.~~
- ~~(d) F.S. § 823.15 contains a determination by the state legislature that uncontrolled breeding of dogs and cats results in many dogs, cats, puppies and kittens being unwanted, becoming strays and suffering privation and death, being impounded and destroyed at great expense to the community, and constituting a public nuisance. In accordance with this determination, the city hereby declares the following to be unlawful:~~
- ~~(1) To promote, contribute to or encourage in any way, including by feeding, the congregation of dogs or cats which have not been spayed or neutered, and which are not monitored and cared for.~~



## EXHIBIT "A"

- ~~(2) To fail to humanely confine a female dog or cat in heat (estrus) in a building or secured enclosure so as to make it inaccessible to any male dog or cat, except for controlled and intentional breeding purposes.~~
- ~~(3) To allow animals, whether male or female, which have not been spayed or neutered, to roam freely and breed indiscriminately.~~

### Sec. 14-8. ~~Animals in vehicles or vessels.~~

- ~~(a) It shall be a violation of this chapter for a motor vehicle or vessel operator to place or confine an animal or allow it to be placed, confined or to remain in an unattended motor vehicle or vessel without sufficient ventilation or under conditions for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to adverse effects of the elements, including but not limited to excessive heat, lack of water or such other circumstances as may be reasonably expected to cause suffering, disability or death.~~
- ~~(b) Any officer of the city who finds an animal in a motor vehicle or vessel which appears to be suffering due to adverse effects of the elements may enter the motor vehicle or vessel by using the amount of force which is reasonably necessary to remove the animal. The officer removing the animal shall take said animal or have said animal delivered to the animal impoundment center or to a veterinarian if the animal is deemed to be in distress. In the event the motor vehicle or vessel operator cannot be located, the officer shall leave in prominent place in or on the motor vehicle or vessel a written notice bearing the name of the officer, his department's name and telephone number. In addition, the officer shall notify the city animal control authority with all pertinent information regarding the incident, including the circumstances under which the animal was taken, and where and when the animal was taken.~~
- ~~(c) At the discretion of the investigating officer, the animal may be held while the officer pursues charges of cruelty or may be surrendered to the owner or agent of the owner if the owner or agent claims the animal within the proper impoundment period and pays all fees and costs accrued for the maintenance of the animal. If the owner does not claim the animal within the proper impoundment period the animal impoundment center having custody of the animal shall provide for the animal to be adopted or otherwise dispose of the animal as deemed necessary.~~

## EXHIBIT "B"

### DIVISION 1. GENERALLY

#### Sec. 14 31. Exemptions.

The following classes of animals are exempt from this article:

- (1) ~~Animals maintained as alert status animals for visually handicapped owners who have sufficient recognized debility and possess specifically trained aid animals.~~
- (2) ~~Animals maintained as alert status animals for hearing-impaired owners who have sufficient recognized debility and possess specifically trained aid animals.~~
- (3) ~~Dogs used by law enforcement officials for law enforcement work.~~

#### Sec. 14 33. Animals running at large.

- (a) ~~*Dogs and cats.* It shall be unlawful for keepers of dogs or cats within the city to allow the animals to be upon the public thoroughfares, streets, avenues or alleys of the city, or in public places such as restaurants, public stores and the like, or upon property other than the property belonging to the animal's owner, unless the animal shall be fastened to a suitable leash of dependable strength not to exceed six feet in length, or otherwise and under the control of the owner.~~
- (b) ~~*Livestock.* It shall be unlawful for the owner of any hogs, cattle, cows, steer, bulls, swine, donkey, ostrich, emu, llamas, lambs, hens, chickens, roosters, rabbits, turkeys, geese, ducks, or other fowl, horses, mules, sheep and goats or other similar domesticated "farm animals" within the city to suffer or permit such animals to wander, forage, or run at large in the city.~~
- (c) ~~It shall be unlawful for the owner of an animal or anyone having custody or care of an animal to:~~
  - (1) ~~Allow an animal to bite or otherwise injure a human being, unless such animal was reacting to a person unlawfully on its property or protecting itself, its owner or keeper from an unjustified attack or assault;~~
  - (2) ~~Allow such animal to attack another domestic animal while off the owner's or keeper's property;~~  
~~or~~
  - (3) ~~Allow such animal while off the owner's property to trespass upon school property; or commit any act which damages or threatens to damage public or private property of another; or destroy or damage the property of another person; or turn over trash containers, scatter litter, or interfere with the reasonable use and enjoyment of public or private property.~~

#### Sec. 14 34. Maximum number of dogs and cats.

~~It shall be unlawful to keep more than four dogs and four cats over four months of age in any one residence within the city unless the keeper of the animals is operating a properly licensed kennel or non-profit rescue operation.~~

#### Sec. 14 35. Noisy dogs or cats.

~~It shall be unlawful for any person to keep any dog or cat, confined or unconfined, in the city, which by repeated or continual barking or howling shall disturb the comfort, peace, quiet or repose of any person residing in the vicinity of such animal.~~

#### Sec. 14 36. Removal of excreta from public and private property.

~~It shall be unlawful for any animal owner or person in charge of an animal to fail to remove deposits of excreta made by a dog or other animal in that person's charge when the deposit of excreta occurred in the presence of the animal owner or person in charge of the animal on any public property, including, but not limited to, municipal parks and public rights-of-way, or on private property not belonging to the owner or person in charge of the animal. If such depositing of excreta occurs, the owner or person in charge of~~

## EXHIBIT "B"

~~the animal shall immediately cause its removal for disposal at the premises of the owner or person in charge of the animal.~~

### ~~DIVISION 2. LICENSES AND PERMITS~~

#### ~~Sec. 14-61. License fee.~~

~~Except as otherwise provided, no person shall own or harbor a dog or cat within the city limits without paying an annual license fee to the city each year in the amounts established from time to time by resolution of the city council.~~

#### ~~Sec. 14-62. Permit tags; rabies vaccination.~~

- ~~(a) *Tag required.* All animals required to be registered and vaccinated shall wear a city animal permit tag when not on the owner's property, or when not in proper confinement or in the control, custody, charge or possession of the owner.~~
- ~~(b) *Removal of tag.* No person shall remove or cause to be removed from any animal a city animal permit tag or substitute or impose or cause to be substituted or imposed any tag instead of or in addition to the city animal permit tag as long as the animal is within the city. Temporary removal of a city permit tag from a dog classified as dangerous shall be for the purposes of hygiene or veterinary care by a licensed veterinarian. Temporary removal for the purpose of this section shall mean removal immediately prior to and solely for the duration of necessary activities involving hygiene, grooming, bathing and medical examination or veterinary procedure.~~
- ~~(c) *Rabies vaccination required.* Every owner of a dog or cat over the age of three months shall cause such animals to be vaccinated annually against rabies by a licensed veterinarian or other qualified person designated by the city council.~~
- ~~(d) *Annual revaccination.* Every owner of a dog or cat shall cause such animals to be revaccinated annually against rabies, as recommended by the Animal Rabies Vaccine Compendium of the National Association of State Public Health Veterinarians, with an approved animal rabies vaccine administered intramuscularly in one site in the thigh.~~
- ~~(e) *Evidence of vaccination.* Evidence of such vaccination against rabies shall consist of a rabies vaccination certificate, signed by the person administering the vaccine and containing all pertinent information requested to identify the breed, age, sex, status, classification and type of vaccinated animal, the person administering the vaccine, the vaccine administered to the animal, and the date the vaccine was administered.~~
- ~~(f) *Vaccination certificate form.* A standard vaccination certificate established by the National Association of State Public Health Veterinarians shall be considered valid under the provisions of this section.~~

### ~~DIVISION 3. IMPOUNDMENT~~

#### ~~Sec. 14-81. Impoundment authorized.~~

~~Animal control enforcement officers shall have full and complete authority to pick up, catch, seize or procure any animal found at large, or believed to be a stray, or infected with any contagious disease, or any dog classified as dangerous or that has bitten or severely injured a person or domestic animal under the provisions of this chapter, or believed to be infected with rabies or any contagious or infectious disease, and cause such animal to be impounded at the city or county animal impoundment center.~~

#### ~~Sec. 14-82. Interference with animal control officer.~~

- ~~(a) Animal control officers shall have full and complete authority under the provisions of this chapter to pick up, catch, seize or procure any animal found neglected or cruelly treated, sick, injured, or in need of immediate medical treatment; any animal at large, or any animal not properly confined, restrained or secured, or believed to be a stray; any dangerous dog not maintained in compliance with this~~

## EXHIBIT "B"

~~chapter; any animal infected with or suspected of carrying rabies or any contagious disease; any animal being observed for rabies not properly quarantined; any animal causing injury, or threat of injury to a person, endangering or chasing persons, or causing property damage to property other than that of the animal's owner; any female dog or cat in heat and not properly confined; or any dog that is the subject of a dangerous or vicious dog investigation, and cause such animal to be impounded at the city or county animal impoundment center.~~

- ~~(b) It shall be a violation of the provisions of this chapter for any person to interfere with, prevent, hinder or impede any animal control enforcement officer, or cause such officer to be interfered with, prevented, hindered or impeded, in the performance of duties as provided for in this chapter; or to take or attempt to take any animal from any officer or vehicle used to transport animals; or to take or attempt to take any animal from the animal impoundment center without proper authority.~~
- ~~(c) The animal control enforcement officer or his designee may place animal trapping cages on private property with the property owner's permission or on public property within the city. An animal trapped or confined shall be in the custody of the city and it shall be unlawful and a violation of this article for any person to remove, damage or destroy or cause the removal, damage or destruction of any trapping cage placed by the animal control enforcement officer or any designee, or of any animal contained therein.~~

~~Sec. 14-83. Holding period; notification of owner.~~

- ~~(a) Impounded animals will be held at the department of public services until Friday of each week, unless the animal is diseased, injured, a threat to the public and/or city employees, weather does not permit, or sufficient room is not available. In these instances, impounded animals will be transported to the county animal pound. Animals not reclaimed by Friday will be transported to the county animal pound and placed for adoption or euthanasia.~~
- ~~(b) If the identity of the owner can be determined, every effort will be made to notify him before an animal is transported to the county animal pound.~~

~~Sec. 14-84. Redemption of animal by owner; disposition of unclaimed animals.~~

~~Any animal impounded at the city animal impoundment center shall be maintained in accordance with the following provisions and policies as set forth by the city council:~~

- ~~(1) If any impounded animal not classified as dangerous is properly identified by the legal owner or authorized agent of the owner, the animal shall be released to the owner or agent upon payment of all fees as established by the city and all fees incurred by the city on behalf of the impounded animal for the provision of proper care and confinement.~~
- ~~(2) If any impounded animal is not claimed prior to the expiration of the impoundment period, the animal impoundment center may release, adopt, destroy or otherwise dispose of such animal in accordance with the established laws, rules and regulations and the policies of the city, without any compensation being paid to the owner.~~
- ~~(3) Animals may be reclaimed from the department of public services upon presentation of proof of ownership, rabies vaccination and licensing. The owner must pay all fees as established from time to time by resolution of the city council.~~
- ~~(4) No live dog or cat shall be released to any entity, business, firm, corporation, institution or enterprise for biomedical research, teaching or experimental purposes.~~

### ~~DIVISION 4. DANGEROUS DOGS~~

~~Sec. 14-101. Investigation of incidents; determination that dog is dangerous.~~

- ~~(a) The provisions of F.S. ch. 767, as may be amended from time to time, are adopted in their entirety as a part of this chapter. All procedures, regulations, requirements, and restrictions contained in F.S. ch. 767 are applicable under this chapter and any violation of the statute shall constitute a violation of this~~

## EXHIBIT "B"

~~chapter. In the event of a conflict between F.S. ch. 767 and this chapter, the provisions which are more strict shall apply.~~

- ~~(b) An animal control officer shall conduct an investigation into all reports of incidents involving dogs that may be dangerous and shall, if possible, interview the owner and require sworn affidavits from individuals, including any animal control officer, desiring to have a dog classified as dangerous. Any dog that is the subject of a dangerous dog investigation, that is not impounded with the animal control authority, shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the investigation. The address of where the dog resides shall be provided to the animal control authority. However, the animal control authority may at any time impound the dog when, in its discretion, impoundment is necessary to protect the public health, safety, or welfare or to prevent said dog from being relocated.~~

~~It shall be unlawful for the owner or keeper of such dog to refuse to surrender the dog upon lawful demand to the animal control authority. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the dog during impoundment. No dog that is the subject of a dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog classification. In the event that a dog is to be destroyed, the dog shall not be relocated or ownership transferred.~~

- ~~(c) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the owner's property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human being or another animal including livestock within the immediate vicinity of the dog from an unjustifiable attack or assault.~~

- ~~(d) After the investigation, the animal control authority shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall afford the owner an opportunity for a hearing prior to making a final determination. The animal control authority shall provide written notification of the sufficient cause finding to the owner, by registered mail, certified hand delivery, or service in conformance with the provisions of F.S. ch. 48, relating to service of process. The owner may file a written request for a hearing within seven calendar days from the date of receipt of the notification of the sufficient cause finding and, if requested, the hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than five days after receipt of the request from the owner. If the owner fails to timely request a hearing, the owner shall be deemed to have waived his rights to appeal the dangerous dog classification.~~

- ~~(e) When a final determination is made that a dog is dangerous, the animal control authority shall provide written notification to the owner by registered mail, certified hand delivery or service and the owner may file a written request in the County court to appeal the final determination within ten (10) business days after receipt of said written notification. The appeal shall be the traditional record review applicable to other types of appeals from quasi-judicial decisions of administrative bodies. During this appeal the owner must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal.~~

### ~~Sec. 14-102. Certificate of registration.~~

~~Within 14 days after the date a dog has been classified as dangerous by the animal control authority or the code enforcement board, or in the event a dangerous dog classification is upheld by the county court on appeal, the owner of the dog must obtain a certificate of registration for the dog from the animal control authority upon payment of any and all fees established by the city council, and annually renew the certificate of registration upon payment of any and all renewal fees. Only a person who is at least 18 years of age, and presents the following evidence, may obtain the certificate of registration for a dog classified as dangerous:~~

- ~~(1) A current rabies vaccination certificate signed by a licensed veterinarian or other qualified person.~~
- ~~(2) A current city animal license.~~

## EXHIBIT "B"

- ~~(3) Proper confinement for a dog classified as dangerous as provided for in this chapter.~~
- ~~(4) The posting of the property with clearly visible warning signs at all entry points that inform both children and adults of the presence of the dangerous dog on the property. Signs may be obtained from the animal control authority, upon payment of any and all sign fees established by the city council of the city. Such signs shall include the words, "warning: dangerous dog."~~
- ~~(5) Permanent identification of the dog by means of microchip implantation.~~
- ~~(6) Two current color photographs showing the color and size of the dog.~~
- ~~(7) Surgical sterilization of the dog.~~

~~It shall be unlawful for an owner of a dangerous dog to fail to obtain a certificate of registration as provided in this section.~~

### ~~Sec. 14-103. Required notifications to city by owner.~~

- ~~(a) The owner shall immediately notify the animal control authority when a dog classified as dangerous:
  - ~~(1) Is loose or unconfined;~~
  - ~~(2) Has bitten a human being or attacked another animal including livestock;~~
  - ~~(3) Is sold, given away or dies; or~~
  - ~~(4) Is moved to another address.~~~~
- ~~(b) Prior to a dangerous dog being sold or given away, the owner shall provide the name, address and telephone number of the new owner to the animal control authority. The new owner must comply with all the requirements as provided for in this chapter, even if the animal is moved from one local jurisdiction to another within the state. The receiving animal control authority in the new location must be notified by the owner of a dog classified as dangerous that the dog is in the authority's jurisdiction.~~

### ~~Sec. 14-104. Muzzling and restraint.~~

- ~~(a) It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper confinement unless the dog is muzzled and restrained by a substantial chain or leash rated to withstand the weight and strength of the dog, and under the control of a competent adult physically able to restrain the dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but will prevent it from biting any person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within the owner's sight and only members of his immediate household or persons 18 years of age or older are allowed in the enclosure when the dog is present. When being transported, the classified dangerous dog shall be safely and securely restrained within a vehicle, which vehicle shall be posted with warning signs as provided for in section 14-102 of this chapter. It shall be unlawful for the owner of a dangerous dog to fail to maintain compliance with all provisions under this section. Upon having probable cause that an owner has failed to maintain compliance, the animal control authority shall confiscate, impound and dispose of the dog in a humane manner after the expiration of 14 calendar days from the date of receipt of written notification by the owner that such animal shall be destroyed. Notice shall be by registered mail, hand delivery, or service of process in conformance with F.S. ch. 48. The 14-day time period shall allow the owner to apply to a court having competent jurisdiction for any remedies that may be available. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the dog during the impoundment.~~
- ~~(b) As a condition to each dog's classification, any animal control officer shall, at any reasonable hour, have the right to inspect the owner's premises to determine compliance with Chapters 767 and 828, Florida Statutes, and this chapter. It shall be unlawful for an owner to deny the animal control authority access to inspect the owner's premises to determine compliance as provided in this section.~~

## EXHIBIT "B"

~~(c) The animal shelter shall not release any dog subject to a dangerous dog investigation unless the owner presents evidence that all fines and fees related to such dog have been paid. If the owner fails to make payment of all fines and fees within 14 days of the completion of all hearings and appeals, the dog shall be considered abandoned by the owner and thereafter destroyed in an expeditious and humane manner.~~

### ~~Sec. 14-105. Exemptions.~~

~~(a) Hunting dogs are exempt from the provisions of this division when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibition in the legal sports of obedience training, conformation shows, field trials, hunting and retrieving trials, and herding trials are exempt from the provisions of this division when engaged in any legal procedures. However, such dogs at all other times in all other respects shall be subject to this chapter and all other provisions of state and local animal laws. Dogs that have been officially classified as dangerous as provided for in this chapter shall not be used for hunting or herding purposes.~~

~~(b) This division shall not apply to dogs used by law enforcement officials for law enforcement work.~~

~~(c) Any person who violates any provisions of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 and 775.083.~~

### ~~Sec. 14-106. Attack or bite by dangerous dog; penalties; confiscation and destruction.~~

~~(a) If a dog that has not been declared a dangerous dog, aggressively and without provocation, attacks and causes severe injury to or death of any human being while the dog is off the premises of the owner and not in the control, custody, charge or possession of a competent person, the owner of the dog, upon conviction, shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 and 775.083.~~

~~(1) In addition, the dangerous dog shall be immediately confiscated (expropriated or seized) by the animal control enforcement officer, placed in quarantine, if necessary, for the proper length of time (ten consecutive days), or impounded and held for ten business days, and thereafter destroyed in an expeditious and humane manner.~~

~~(2) This ten-day period shall allow the owner to apply to a court having competent jurisdiction for any remedies that may be available.~~

~~(3) The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.~~

~~(b) If a dog that has been declared a dangerous dog attacks or bites a person or domestic animal without provocation, the owner of the dog, upon conviction, is guilty of a misdemeanor of the first degree, punishable as provided in F.S. §§ 775.082 and 775.083. The animal control enforcement officer shall cite persons reported as, or found to be, in violation of this chapter.~~

~~(1) In addition, the dangerous dog shall be immediately confiscated (expropriated or seized) by the department of public services, placed in quarantine, if necessary, for the proper length of time (ten consecutive days), or impounded and held for ten business days, and thereafter destroyed in an expeditious and humane manner.~~

~~(2) This ten-day period shall allow the owner to apply to a court having competent jurisdiction for any remedies that may be available.~~

~~(3) The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.~~

~~(c) If a dog that has been declared a dangerous dog aggressively attacks and causes severe injury to or death to a human being, the owner of the dog, upon conviction, is guilty of a felony of the third degree, punishable as provided in F.S. §§ 775.082 and 775.083.~~

~~(1) In addition, the dangerous dog shall be immediately confiscated (expropriated or seized) by the animal control enforcement authority, placed in quarantine, if necessary, for the proper length of~~

## EXHIBIT "B"

~~time (ten consecutive days), or impounded and held for ten business days, and thereafter destroyed in an expeditious and humane manner.~~

- ~~(2) This ten-day period shall allow the owner to apply to a court having competent jurisdiction for any remedies that may be available.~~
- ~~(3) The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.~~