

## Chapter 4 - ANIMALS

### Footnotes:

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**Editor's note**— *Ord. No. 2009-47, § 2, adopted September 1, 2009, effective September 9, 2009, repealed former Ch. 4, in its entirety, and enacted provisions designated as a new Ch. 4 to read as herein set out. Prior to inclusion of said ordinance, Ch. 4 pertained to similar subject matter. See also the Code Comparative Table.*

## ARTICLE I. - ADMINISTRATION

### Sec. 4-1. - Purpose and intent.

This chapter is enacted pursuant to F.S. Chs. 828, 162, 588 and 767, Florida Statutes, as amended, to regulate the possession, ownership, care, and custody of animals, including dangerous dogs and seizure and impoundment of animals, in the interest of the health, safety and welfare of the citizens and animals of Lake County. The Lake County Board of County Commissioners hereby declares:

- (a) Protecting animals is a legitimate and compelling public interest;
- (b) Animals held in shelters deserve proper care and humane treatment including prompt veterinary care, adequate nutrition, shelter, exercise, environmental enrichment, and water;
- (c) Shelters should not Euthanize adoptable animals at the request of their owners;
- (d) The Lake County Animal Shelter shall adopt and follow standard operating procedures that include industry based best practices with regard to humane standards of care, which may include following the principles outlined in "*Guidelines for Standards of Care in Animal Shelters*," published by the Association of Shelter Veterinarians;
- (e) The Lake County Animal Shelter will not Euthanize any animal if a safe and appropriate life outcome can be achieved with the available resources or with the willingness of a partner organization to receive the animal;
- (f) The Lake County Animal Shelter will not ban, bar, limit, or otherwise obstruct the adoption or transfer of any animal based on arbitrary criteria, such as breed, age, color, or other criteria except as to the individual animal's medical condition and behavioral condition or the adopter's fitness to adopt; and
- (g) Members of the community deserve full and complete disclosure about how the Lake County Animal Shelter operates.

The Lake County Animal Shelter Director or designee must ensure that the purpose and intent of this Chapter is implemented.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

#### Sec. 4-2. - Scope.

This chapter shall be applied and enforced within all unincorporated areas and within the following incorporated areas: Astatula, Tavares, Eustis, Umatilla, Leesburg, Fruitland Park, Mascotte, Groveland, Clermont, Minneola, Montverde, and Howey in the Hills.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2012-66, § 2, 10-23-2012)

#### Sec. 4-3. - Definitions.

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

*Animal* means any living dumb creature.

*Animal Control Officer* means any law enforcement officer, employee of the Lake County Sheriff, or other authorized agents, whose duties, in whole or in part, include aiding in the enforcement of the codes and ordinances of Lake County and any other law relating to the licensure of animals, control of animals, dangerous dogs and animals, or seizure and impoundment of animals, and who is authorized to investigate, on public or private property, alleged violations of this chapter.

*Animal establishment* means any pet shop, grooming shop, flea market, auction, riding school or stable, boarding, Kennel, cattery, or any other premises or property where animals are kept as part or whole of a business concern.

*Animal Rescue Organization* means a humane society or not for profit corporation who operates a charitable organization under section 501(c)(3) of the Internal Revenue Code and whose mission includes the rescue, care, or adoption of animals, and which does not obtain animals from a breeder or broker for payment or compensation.

*Animal Services* means the Lake County Office of Animal Services.

*Animal Shelter* means any facility, including any sub-shelter, devoted to the rescue, care and adoption of animals and which does not obtain animals from a breeder or broker for payment for compensation.

*At large* means any animal not under proper restraint or the direct control, custody, charge or possession of the owner.

*Attack* means any threatening or menacing act by an animal that requires a defensive action by any person to prevent injury, or that results in hostile contact, or causes some type of injury.

*Community Cat* shall mean a feral cat which has been spayed/neutered, vaccinated, and ear-tipped. A

Community Cat shall not be subject to the definition of "kennel" in Chapter II of the Lake County Land Development Regulations.

*Community Cat Caregiver* means a person who, in accordance with a 'Trap-Neuter-Return' (TNR) Program, provides care, including food, water, shelter or veterinary care to a Community Cat. A Community Cat Caregiver shall not be considered the owner of a Community Cat and shall not be subject to the definition of "kennel" in Chapter II of the Lake County Land Development Regulations.

*Control* means the regulation of the possession, ownership, care, and custody of animals.

*Cruelty* means any act of neglect, torture, or torment which causes unjustifiable pain or suffering to an animal.

*Dangerous animal* means any animal other than a dog which by reason of its nature, training, disposition, size, or other characteristics constitutes a danger to humans or other animals.

*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 owner's property; or
- (3) Been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or
- (4) 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 (1) or more persons and dutifully investigated by the appropriate authority.

*Director* means any person employed or appointed by Lake County as the manager or director of the Lake County Office of Animal Services.

*Domestic animal* means equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry, ostrich, emu, rhea, or other domesticated beast or bird.

*Eartipping* means the removal of the ¼ inch tip of a Community Cat's left ear, performed while the cat is under anesthesia, to identify the Community Cat as being sterilized and lawfully vaccinated for rabies.

*Euthanasia* is swift and merciful means whereby animals are destroyed in a humane and proficient manner as set forth in F.S. § 828.058.

*Feral animal* means any wild domestic animal, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication.

*Law enforcement officer* means any person as defined by F.S. § 943.10.

*Livestock* means grazing animals, such as cattle, horses, sheep, swine, goats, other hoofed animals, ostriches, emus, and rheas which are raised for private use or commercial purposes.

*Livestock running at large or straying* means any livestock found or being on any public land or land belonging to a person other than the owner of the livestock, without the landowner's permission, and posing a threat to public safety.

*Nuisance animal* means any animal that unreasonably annoys or disturbs other persons, threatens the safety of other animals or persons, or substantially interferes with the ordinary use and enjoyment of life or property.

*Owner* means any person who is eighteen (18) years of age or older who owns, possesses, has custody of, or control of an animal. If an animal is owned by a minor under the age of eighteen (18), a parent or guardian of the minor shall be considered the owner for purposes of this chapter.

*Proper enclosure of a dangerous dog* means, while on the owner's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of any person, or of any body part of any person, and designed to prevent the animal from escaping, or partially advancing through the locked pen or structure. The pen or structure shall have secure sides, a secure top, and a secure floor to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements.

*Proper restraint* means:

- (1) Securely and humanely confined within a house, vehicle, building, fence, crate, pen, or other enclosure to prevent escape; or
- (2) Leashed or otherwise controlled by a responsible person or is obedient to the voice command of a person present with the animal at any time it is not secured as provided for in (1) above. The voice command must be demonstrated as an effective restraint if requested.

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

*Special master* means that person appointed by the Board of County Commissioners as the Lake County Code Enforcement Special Master.

*Suffering Animal* means an animal with an illness, infection, disease, medical condition, behavioral condition, or injury that has a grave prognosis for being able to live or grave prognosis for rehabilitation.

*Tether* or *tethering* means to restrain a dog by tying the dog to any object or structure, including

without limitation a house, tree, fence, post, garage or shed, by any means, including without limitation, a chain, rope, cord, leash, or running line. Walking a dog on a leash shall not be considered to be tethering.

*Trap-Neuter-Return* means, generally, the process of humanely trapping, sterilizing, vaccinating for rabies, Eartipping, and returning Community Cats to their original location.

*Unprovoked* means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2012-26, § 2, 4-10-12; Ord. No. 2012-66, § 3, 10-23-2012; Ord. No. 2015-20, § 2, 6-9-15; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

#### Sec. 4-4. - Duty of Animal Control Officers generally.

- (a) The Animal Control Officers shall be responsible for enforcement of this chapter of the Lake County Code and the provisions of the Florida Statutes relating to animal control and welfare, other than the misdemeanor provisions thereof.
- (b) The Animal Control Officers shall investigate formal complaints of alleged violations of this chapter, provide all notices to affected animal owners requiring that violations cease or be corrected, and take appropriate action as is reasonably necessary to accomplish the purposes of this chapter.
- (c) Animal Control Officers shall have the same powers and limitations as code enforcement officers prescribed by Chapter 8 of this Code and by F.S. Ch. 162.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17)

**Editor's note**— Ord. No. 2017-16, § 2, adopted April 4, 2017, amended § 4-4, to read as set out herein. Previously § 4-4, was titled "Duty of division generally."

#### Sec. 4-5. - County manager authorized to adopt procedures to implement this chapter of the Lake County Code.

The county manager may adopt procedures which are incidental to the proper administration and implementation of the provisions of this chapter of the Lake County Code.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17)

#### Sec. 4-6. - Entry power of the Animal Control Officers.

- (a) For the purposes of discharging the duties imposed by this chapter and statute, including investigation of possible violations and enforcement of any provision, Animal Control Officers are hereby empowered to enter upon public property and private property with the consent

of the property owner or occupant or proper warrant or as otherwise provided by law within the county, for the purposes of investigating possible violations and enforcement of any provision of this chapter or statute, examining or capturing any animal, and issuing notices and citations. Each Animal Control Officer shall have the power to enforce this chapter and the provisions of state law, rules and regulations relating to animal cruelty and control.

(b) Animal Control Officers shall have appropriate official identification with them when they enter private property for the purpose of this section.

(c) Animal Control Officers shall have the same powers and limitations as code enforcement officers prescribed by Chapter 8 of this Code and by F.S. Ch. 162.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

**Editor's note**— Ord. No. 2018-22, § 2, adopted May 8, 2018, amended § 4-6 to read as set out herein. Previously § 4-6 was titled "Entry power of the Manager and Animal Control Officers."

#### Sec. 4-7. - Administrative fees.

A schedule of fees may be established by resolution of the Board of County Commissioners to cover the cost of administration, services, appeals and any other expenses related to the procedures found in this chapter.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2018-22, § 2, 5-8-18)

#### Sec. 4-8. - Violations and enforcement.

- (a) If an Animal Control Officer has probable cause to believe that a person or owner has committed an act in violation of this chapter, such act is a civil infraction and the Animal Control Officer may issue a written notice to the owner of a hearing before the Special Master in the manner prescribed in Chapter 8 of the Lake County Code. Any penalties imposed pursuant to this chapter are in addition to and shall not be deemed to supersede any other penalty as provided by law, including criminal penalties and injunctive relief.
- (b) A violation of any provision of this chapter is a civil infraction which carries a penalty set forth herein. Pursuant to F.S. § 828.27(4), a surcharge of five dollars (\$5.00) will be imposed in addition to each penalty for a violation of this chapter and the funds shall be used to pay the costs for training of Animal Control Officers.
- (c) If a violator fails to pay the penalty or fails to appear at the hearing to contest the violation, the violator shall be deemed to waive his or her right to contest the penalty and an order may be entered by the Special Master for the penalty, plus surcharge.
- (d) In addition to the penalties otherwise provided in this chapter, the county or law enforcement

agency shall have the right to enforce by injunction, or any other appropriate legal means, compliance with the regulations and requirements of this chapter.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2018-22, § 2, 5-8-18)

Sec. 4-9. - Impoundment of animals.

- (a) The Board of County Commissioners and its authorized agent(s) may construct, operate and maintain the Animal Shelter or subshelter. Animal Control Officers may impound any animal found in violation of any provision of this chapter.
- (b) When an animal is impounded it shall be held by the Animal Shelter for a period of at least one hundred twenty (120) hours; with the exception that a cat with no method of identification shall be held for at least seventy-two (72) hours. During this period Animal Services shall make a reasonable effort to ascertain or notify the owner, except as provided in subsection (c) below. This section shall not apply to Community Cats diverted to a Trap-Neuter-Return program.
- (c) When an animal appearing to be feral is impounded, it shall be held for a period of at least twenty-four (24) hours, after which period Animal Services shall make a determination of whether the animal is a feral animal. If Animal Services determines the animal is feral, the animal may be diverted to a Trap-Neuter-Return program, or shall be humanely destroyed unless the owner requests a hearing pursuant to section 4-60, below.
- (d) The Director or designee may transfer ownership or custody to an Animal Rescue Organization, place for adoption, or divert to a Trap-Neuter-Return program, any animal impounded pursuant to this chapter where:
  - (1) No owner exists;
  - (2) An owner cannot be identified;
  - (3) An owner is identified but cannot be notified;
  - (4) An owner is notified but, by his or her statements, actions, or failure to act, indicates an intent to abandon the animal;
  - (5) An owner does not claim the animal within the holding time set in section 4-9(b); or
  - (6) The animal is determined by Animal Services to be a feral animal or Community Cat.The Director may consider euthanasia if a safe and appropriate live outcome cannot be achieved with the available resources or with the willingness of a partner organization to receive the animal.
- (e) Upon compliance with the provisions herein, the county shall be deemed to have complied fully with due process of law and the owner shall not be entitled to compensation for loss of

the animal.

- (f) Live animals may not be disposed of to any medical school, college, university, person, firm, association or corporation, for experimentation or vivisection purposes, or to any person providing, selling, or supplying dogs and cats and other animals to any medical school, college, university, person, firm, association or corporation for experimentation or vivisection purposes.
- (g) The County may retain the services of a licensed veterinarian(s) to spay or neuter any impounded fertile dog or cat, and/or to treat any sick or injured animal retained in the Animal Shelter. When the owner is identified, the owner shall be liable for payment of the veterinary expenses or reimbursement of the county's expenses in treating the animal. Animal Services employees and Animal Control Officers may administer medication and veterinary care as prescribed by a veterinarian. Neither the Animal Control Officers, nor the county, its employees and agents, shall be liable for any act or omission in rendering care.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2015-20, § 2, 6-9-15; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

#### Sec. 4-10. - Redemption of animals.

- (a) No animal impounded pursuant to this article shall be released to its owner until:
  - (1) The owner provides proof of vaccination against rabies, or the animal is vaccinated by and issued a current rabies certificate from Animal Services at owner's expense, or arrangements are made with the Director to accomplish such. If arrangements are made with the Director for the animal to be vaccinated after the release and the owner does not provide proof of vaccination within thirty (30) days of the date of the release, the owner shall be in violation of section 4-35;
  - (2) The owner of an impounded animal pays all applicable fees due, including those for impoundment, board and feed;
  - (3) The owner of an impounded animal pays any expenses incurred by the County for veterinary treatment;
  - (4) The owner of an impounded animal pays any current or outstanding penalties and fines imposed by the special master, including surcharges;
  - (5) The owner of an impounded animal presents proof of ownership or executes a sworn statement of ownership or responsibility; and
  - (6) If applicable, an animal being considered by Animal Services for possible classification as a feral animal is determined to be not feral, or if determined to be feral and the owner appeals, the special master or county court orders the animal's release.



- (b) Any fertile dog or cat impounded a second or successive time shall be spayed or neutered by Animal Services, at the owner's expense, in accordance with the provisions of subsection (1) below and prior to release of the dog or cat, unless the Director or designee determines otherwise in accordance with subsection (2) below.
  - (1) If ownership of the dog or cat can be determined, written notification of intent to sterilize the animal shall be given to the owner. The cost of the spay or neuter shall be charged to the owner upon redemption.
  - (2) Any owner of an impounded animal subject to mandatory spay/neuter may petition in writing to the Director or designee. The petition must be made by the owner within twenty-four (24) hours after Animal Services notifies the owner of the impoundment. The Director or designee shall require the animal to be spayed or neutered unless the Director or designee has determined that good cause exists for not requiring that the animal be spayed or neutered.
- (c) The County Manager or designee may waive fees or expenses for hardship or extenuating circumstances.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

#### Sec. 4-11. - Surrender of animals.

- (a) An owner who shows proof of residence in Lake County, Florida may, at the discretion of the Director or designee, surrender an animal to Animal Services or Animal Control Officer. Prior to acceptance of the animal, the owner shall sign an ownership release statement and shall pay all applicable fees, as determined by the Director or designee to be due, including the impound fee. Animal Services may permit the adoption of the animal to a new owner, Animal Rescue Organization, or Euthanize the animal. In either event, the owner shall not be entitled to compensation.
- (b) Any person, other than an Animal Control Officer, surrendering an animal not his or her own, shall disclose the identity of the owner, if known, or must sign a statement that he or she does not know the identity of the owner of the animal. The animal may be diverted to a Trap-Neuter-Return program if determined to be a feral cat; or confined for one hundred twenty (120) hours or seventy-two (72) hours if the animal is a cat with no method of identification. At the expiration of the holding time, the animal shall be deemed abandoned and Animal Services may permit the adoption of the animal to a new owner. Animal Rescue Organization, or Euthanize the animal. Neither the person surrendering the animal nor the owner shall be entitled to compensation. If a Community Cat is surrendered to Animal Services, after a period of twenty-four (24) hours, the Director shall determine whether the cat shall be returned to

the Trap-Neuter-Return program or Euthanized.

- (c) It is a violation of this section for any person to falsely identify himself or herself as an owner or owner's agent. The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00).

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2015-20, § 2, 6-9-15; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

#### Sec. 4-12. - Adoption of unsterilized animals.

The county may, at the discretion of the Director, allow persons or Animal Rescue Organizations to adopt unsterilized animals from the Animal Shelter upon execution of a written agreement and payment of a refundable deposit pursuant to F.S. § 823.15, as amended. The deposit amount shall be set in the schedule of fees established by a resolution of the board of county commissioners.

If written evidence of sterilization is not provided the person or Animal Rescue Organization shall forfeit its deposit to the county.

In addition to the forfeit of the deposit, the county manager or designee may prohibit any person or Animal Rescue Organization failing to provide the proper proof of sterilization from adopting any other unsterilized animal until such proof is provided.

(Ord. No. 2013-28, § 2, 6-4-13; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

#### Secs. 4-13—4-25. - Reserved.

### ARTICLE II. - ANIMAL CONTROL

#### Sec. 4-26. - Unlawful interference with Animal Control Officer.

- (a) It is a violation of this section for any person to:
- (1) Interfere with, hinder, resist, obstruct, molest or threaten bodily injury to any Animal Control Officer in the legal performance of his or her duties, or take or attempt to take an animal from any Animal Control Officer or agent from any vehicle used by him or her to transport the animal;
  - (2) Knowingly mislead, give false information, or provide a false report or statement to any Animal Control Officer or agent;
  - (3) Take or attempt to take any animal from the Animal Shelter without proper authority; or
  - (4) Knowingly remove, without authorization, an animal from a trap placed by an Animal

Control Officer or agent; or, without authorization, to knowingly tamper with, damage, or relocate a trap placed by an Animal Control Officer or agent.

- (b) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00). Any person who willfully refuses to sign and accept a citation issued by an Animal Control Officer is guilty of a misdemeanor of the second degree pursuant to F.S. § 828.27(5).

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

#### Sec. 4-27. - Nuisance animals.

- (a) It is a violation of this section for the owner of any animal to fail to exercise sufficient care and control of his or her animal and the animal commits any of the following acts:

- (1) Runs at large, other than hunting dogs in authorized areas during authorized hunting seasons;
- (2) Continuously or repeatedly barks, cries, howls, whines or causes any other objectionable noise;
- (3) Emits offensive odors which disturb the comfort, peace, or repose of any person(s) residing in the vicinity;
- (4) Damages, harms, or destroys the property of a person other than the animal owner or person in custody of the animal; or
- (5) Deposits solid excreta on public or private property other than the property of the owner or person in custody of the animal, without the authorization or consent of the property owner, unless the animal owner or person in custody of the animal immediately removes and properly disposes of the excrement.

- (b) Animal Control Officers shall have the authority to trap, hold, and impound any animal that commits any of the above described acts.

- (c) The recommended penalty for a violation of this section is a fine of one hundred and fifty dollars (\$150.00) for the first offense and five hundred dollars (\$500.00) for any repeat violation within five (5) years of a previous offense.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2018-22, § 2, 5-8-18)

#### Sec. 4-28. - Attack or bite to persons and/or animals.

- (a) It is a violation of this section for the owner of any animal to fail to exercise due care and control of his or her animal and the animal, when Unprovoked, attacks or bites any person or animal.

- (b) If a dog that has not been previously declared dangerous attacks, bites and causes the death

of person, the dog shall be immediately confiscated, placed in quarantine, if necessary, for the proper length of time, or held for ten (10) business days after the owner is given written notification, and thereafter Euthanized. Animal Services shall provide written notification of the confiscation of the dog by registered mail, return receipt requested, hand delivery by an Animal Control Officer, or service in conformance with the provisions of F.S. Ch. 48, relating to service of process, as amended. This ten (10) day time period shall allow the owner to file a written request for a hearing with the special master. If the owner files a written appeal, the dog must be held and may not be destroyed while the appeal is pending. The owner is responsible for payment of all impound fees, 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 not been declared dangerous attacks and causes Severe Injury to, or the death of, a person, and the owner of the dog had knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog commits a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or § 775.083.
- (d) If the dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner of the dog is not guilty of any crime under this section.
- (e) A police dog, as defined in F.S. § 843.19, shall be exempt from this section.
- (f) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00).

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

#### Sec. 4-29. - Female dogs and female cats in heat.

- (a) It is a violation of this section for the owner of any female dog or cat to fail to restrain or confine his or her animal when the animal is in heat in such a manner as to make the animal inaccessible to any male dog or cat, except for intentional breeding purposes.
- (b) The recommended penalty for a violation of this section is a fine of two hundred and fifty dollars (\$250.00) for the first offense and five hundred dollars (\$500.00) for any repeat violation within five (5) years of a previous offense.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2018-22, § 2, 5-8-18)

#### Sec. 4-30. - Wildlife hybrids prohibited.

- (a) It is a violation of this section to own, harbor, keep, transport, sell, or breed any wildlife hybrid of the family canis or felis, or breed any wildlife with a dog or cat, unless the owner is in

possession of an appropriate permit issued by an agency of the state authorizing such activity.

- (b) Any wildlife hybrid not exempted from the application of this section by virtue of being the subject of a state permit described in subsection (a) is contraband. The wildlife hybrid shall be delivered to an individual possessing an appropriate state permit, an Animal Rescue Organization, or be Euthanized.
- (c) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00).

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

#### Sec. 4-31. - Disposition of dead animals.

- (a) It is a violation of this section for any animal owner or private property owner, when any animal dies on public or private property, to fail to immediately remove and dispose of the animal.
- (b) If the owner is not aware of the dead animal, the following procedures shall be followed:
  - (1) When any dead animal is found on public property, the owner of the animal shall remove and dispose of the animal, upon notification by an Animal Control Officer, or any other law enforcement officer. If the owner of the animal fails to do so within a reasonable time, Animal Control Officer shall remove and dispose of the animal and charge the cost of the removal and disposal to the owner of the animal, if known; or
  - (2) When any dead animal is found on private property, the owner of the animal or the owner of the property shall remove and dispose of the animal, upon notification by an Animal Control Officer, or any other law enforcement officer. If the owner of the animal or the owner of the property fails to do so within a reasonable time, an Animal Control Officer shall remove and dispose of the animal and charge the cost of the removal and disposal to the owner of the animal, if known, and if not known, then to the owner of the property.
- (c) The recommended penalty for a violation of this section is a fine of one hundred and fifty dollars (\$150.00) for the first offense and five hundred dollars (\$500.00) for any repeat violation within five (5) years of a previous offense.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17)

#### Sec. 4-32. - Housing and care of animals.

- (a) It is a violation of this section for any Owner, Animal Rescue Organization, or for any person who has, owns, conducts, manages, or operates any Animal Establishment or Kennel or Cattery to fail to comply with the following:

- (1) Housing facilities for animals shall be structurally sound and meet all provisions of the Lake County Code and shall be maintained in good repair, to contain the animals, to protect the animals from injury, and to restrict the entrance of other animals. All animal rooms, cages, kennels, shipping containers, and runs shall be of sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept within. All areas of housing and confinement shall be maintained in a healthful and sanitary condition. These areas shall be cleaned and disinfected regularly as conditions warrant. All areas in which animals are confined shall be connected to an outside ventilating system or some other appropriate means of ventilation, or air filtration shall be provided. The area shall be illuminated during the daylight hours but not directly into cages;
- (2) All cages shall be constructed of a nonabsorbent material. All cages, except bird cages, shall have floors of either solid construction or woven or wire mesh construction, or any combination thereof. Cages having woven or wire mesh floors may be used to confine animals provided that the spaces between the wire mesh or weave are smaller than the pads of the feet of the animals confined therein. Cages having wire construction shall be constructed of wire which is of sufficient thickness so as to preclude injury to the animals confined therein. Cages shall be of sufficient height to permit each animal to sit erect with at least four (4) inches clearance above the head, and of sufficient width to permit each animal to turn around with at least four (4) inches clearance beyond the length of the body, and of sufficient length for each animal to walk to the equivalent of its body length. No cages shall be enclosed entirely by solid walls. Stacked cages shall have solid floors. Each cat crate shall have a litter pan. Each bird cage shall contain at least two (2) horizontal perches and provide sufficient perch space for every bird confined therein. Perches shall not be aligned vertically. Parrots and other large birds shall not be confined in a cage with smaller birds, or in a cage smaller than their wing span. Pigeon lofts are exempt from this section;
- (3) No animal shall be transported, whether by private or public means, unless housed in a container designed for that purpose and provided with adequate ventilation and food and water or unless transported compliance with section 4-41;
- (4) Any bedding utilized shall be clean and dry;
- (5) All animals which are natural enemies, temperamentally unsuited, or otherwise incompatible shall not be confined together or so near each other as to cause injury, fear, or torment. If two (2) or more animals are so trained or inclined by nature that they can be placed together and do not attack each other or perform or attempt any hostile act to the others, the animals shall be deemed not to be natural enemies and shall not be required

to be kept in separate runs or accommodations or otherwise segregated. Any animal which exhibits symptoms of disease or illness shall be separated to the greatest extent possible from other healthy animals. No animal which is known to have, or may reasonably be suspected of having, a disease contagious or communicable to humans may be exposed to or offered for sale to the public;

- (6) All animals requiring the daily intake of food shall be fed at least once every twenty-four (24) hour period, including Sundays and holidays. The type of food provided shall be appropriate for each particular species and shall be of sufficient nutritive content for the health and well-being of the species. Dogs and cats under six (6) months of age shall be fed twice each twenty-four (24) hours, including Sundays and holidays. The food containers shall be emptied and cleaned daily. In addition to birdseed and water, each bird cage shall contain an amount of fresh gravel needed for digestion sufficient for the number of birds confined therein;
- (7) Fresh water shall be continuously available to all animals and replenished whenever necessary during each day, including Sundays and holidays. The water containers shall be emptied and cleaned daily;
- (8) Dogs which have been weaned shall be taken from cages and allowed to exercise each and every day, including Sundays and holidays;
- (9) All animals exhibiting symptoms of illness or disease shall be treated under the supervision of a licensed veterinarian. A Suffering Animal may be Euthanized. Every Animal Establishment and Kennel shall keep a permanent record of the deaths of any warm-blooded animals under its control. The record shall state the species of the deceased animal and the date and the cause of death, if known. These records shall be open to inspection by any Animal Control Officer;
- (10) All animals in an Animal Establishment and Kennel shall be properly fed and cared for at all times and the Animal Establishment and Kennel shall be maintained in a clean and sanitary condition so that the facility is not allowed to emit any offensive odors or noises as shall disturb the comfort, peace, quietude, or repose of any person residing in the vicinity of the establishment. The premises of the Animal Establishment and Kennel may be periodically inspected during reasonable hours by an Animal Control Officer. Failure to maintain in compliance with this section may result in the closing of the Animal Establishment or Kennel and the revocation of any county license held by the Animal Establishment or Kennel; and
- (11) Every Animal Establishment, or Kennel shall keep on record a medical statement from or notation of consultation with a licensed veterinarian, if for any reason an animal in its care would need to be exempted from any requirement of this section.

- (b) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00).

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

Sec. 4-33. - Animal cruelty or neglect.

- (a) It is a violation of this section for any owner, either willfully or negligently, to deprive any animal of food, water, shelter, or protection, or abandon any animal; or for any person to poison, beat, whip, mutilate, overdrive, overload, overwork, torment, torture, or otherwise cruelly ill-use any animal, including but not limited to, animal fighting; or for any person to kill any animal other than for humane or lawful purposes.
- (b) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00). The owner may in addition be subject to prosecution or guilt under Chapter 828, Florida Statutes.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2018-22, § 2, 5-8-18)

Sec. 4-34. - Confinement of animal in vehicle.

- (a) It is a violation of this section for any owner to place or confine an animal, or allow it to be placed or confined or to remain, in an unattended vehicle without sufficient ventilation or under conditions for a period of time as may reasonably be expected to endanger the health or well-being of the animal due to heat, cold, lack of water or other circumstances as may reasonably be expected to cause suffering, debility or death.
- (b) Any Animal Control Officer or law enforcement officer who finds an animal maintained in a vehicle in violation of this section may enter the vehicle by using the amount of force reasonably necessary to remove the animal, and the officer shall have no civil or criminal liability for his or her action pursuant to F.S. § 768.139. The officer removing the animal shall take the animal to, or arrange to have the animal delivered to, a veterinary facility or a shelter. The officer shall leave in a prominent place in or upon the vehicle a written note bearing the address of the facility or shelter where the animal may be claimed by the owner. The animal shall be surrendered to its owner if the owner claims the animal within one hundred twenty (120) hours from the time the animal was removed from the vehicle, and pays all reasonable charges and fees which have accrued for the impoundment, care of the animal, and penalty plus surcharge. The facility or shelter having custody of the animal shall make reasonable efforts to contact the owner and provide notice that the animal is in its custody and may be reclaimed by the owner upon payment of the reasonable charges and fees. If the owner fails to reclaim the animal within the specified time, the facility or shelter having custody of the



animal shall provide for the animal to be adopted or humanely disposed of.

- (c) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00).

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

Sec. 4-35. - Rabies vaccination required.

- (a) Pursuant to F.S. § 828.30, the owner of a dog, cat or ferret that is four (4) months of age or older shall have the animal vaccinated against rabies at all times.
- (b) Evidence of vaccination shall consist of a rabies vaccination certificate of the National Association of State Public Health Veterinarians (NASPHV), or an equivalent form that contains all of the same information, signed by the licensed veterinarian administering the vaccine. The veterinarian administering the vaccine shall retain one (1) copy of the certificate and shall provide one (1) copy of the certificate to the owner, and one (1) copy to Animal Services.
- (c) A dog, cat, or ferret is exempt from vaccination against rabies if a licensed veterinarian has examined the animal and certified in writing that vaccination would endanger the animal's health at that time because of its age, infirmity, disability, illness or other medical consideration, and the certificate is presented to Animal Services or an Animal Control Officer within five (5) days of the examination; provided that the certificate shall not be valid for more than twelve (12) months from the date of issuance, or as soon as the animal loses its exempt status, whichever occurs first. An exempt animal must be vaccinated against rabies as soon as its health permits.
- (d) All animals subject to this section shall be vaccinated with a vaccine that is licensed by the U.S. Department of Agriculture, and each ferret vaccinated according to this section must be quarantined, when necessary, according to rules of the Florida Department of Health.
- (e) The recommended penalty for a violation of this section is a fine of one hundred and fifty dollars (\$150.00) for the first offense and five hundred dollars (\$500.00) for any repeat violation within five (5) years of a previous offense.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2013-28, § 3, 6-4-13; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

Sec. 4-36. - Voluntary identification program.

- (a) The Director is hereby authorized to establish a voluntary animal identification program. Every ferret, dog and cat, four months of age or older, kept by an owner in the unincorporated Lake County or in a municipality which Lake County has animal control jurisdiction may voluntarily identify an animal with the county. A program fee may be set in the schedule of fees

established by resolution the board of county commissioners.

- (b) Each animal identified with the county will be issued a tag from Animal Services or its agent to be attached to the collar or harness of the animal, unless otherwise declined by the owner. In the event of loss or destruction of the original tag, the owner of the animal may obtain a duplicate tag from Animal Services at the established fee.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2013-28, § 4, 6-4-13; Ord. No. 2015-20, § 2, 6-9-15; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

**Editor's note**— Ord. No. 2018-22, § 2, adopted May 8, 2018, amended § 4-36 to read as set out herein. Previously § 4-36 was titled "Rabies certificate and county tag."

Sec. 4-37. - Impoundment, quarantine when suspected of having rabies.

- (a) Any rabies-susceptible animal suspected of having rabies shall be impounded and placed in quarantine at the owner's expense at a place designated by the Florida Department of Health in Lake County or, in the event the State lacks jurisdiction over the incident, the Director, or placed at the owner's expense in the custody of a licensed veterinarian. The period of impoundment or custody shall be based on the incubation period for rabies in the species of animal concerned.
- (b) Any rabies-susceptible animal bitten by a known rabid animal shall be placed under the surveillance of the Florida Department of Health in Lake County, or its authorized representative, and shall be handled pursuant to state law and the Florida Department of Health rules and regulations.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

Sec. 4-38. - Reporting and confinement of rabies-susceptible animals that have bitten people or animals, or appear to have rabies.

- (a) It is a violation of this section for any attending practitioner licensed to practice medicine, osteopathic medicine, or veterinary medicine or any other person knowing of or in attendance on a case to fail to promptly report to the Florida Department of Health in Lake County every instance in which a rabies-susceptible animal has bitten, scratched, or its saliva has come in contact with the mucous membrane or an open lesion of another animal or human.
- (b) All reporting requirements provided in Florida Administrative Code Section 64D-3 shall remain in effect.
- (c) Any rabies susceptible domestic animal which bites any person or animal or appears to have rabies shall be impounded or confined for the required quarantine period under suitable

observation or may be destroyed according to the direction of the state health officer or his or her duly authorized representative. Any expense incurred in handling the rabies-susceptible animal during this period shall be borne by the owner.

- (d) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00).

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

#### Sec. 4-39. - Treatment and euthanasia of animals.

- (a) The county may hire or procure the services of a licensed veterinarian to assist in providing vaccinations, medical treatment and care. The Owner, if identified, shall be responsible to pay the county for cost of veterinary care, including boarding fees.
- (b) A veterinarian, authorized Animal Services employee, or Animal Control Officer, after an effort to locate the Owner, may without delay Euthanize a Suffering Animal, destroy a Suffering Animal by shooting the animal, or injecting the Suffering Animal with a barbiturate drug. The hold period under section 4-9 does not apply to a Suffering Animal. The veterinarian, employee, or Officer acting in good faith and with due care pursuant to this section shall not be liable either criminally or civilly for such act, nor will any civil or criminal liability attach to the employer of the veterinarian, employee, or Officer. This section does not prohibit an owner from destroying his or her own animal in a humane and proficient manner when the owner's animal is suffering.
- (c) If determined to be the animal's best interest, the Director or designee, without loss of owner to redeem the animal, may transfer a Suffering Animal to an Animal Rescue Organization immediately after intake and without application of the hold period under section 4-9.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

**Editor's note**— Ord. No. 2018-22, § 2, adopted May 8, 2018, amended § 4-39 to read as set out herein. Previously § 4-39 was titled "Treatment or destruction of infected animals."

#### Sec. 4-40. - Livestock at large or straying.

- (a) It is a violation of this section for the owner of livestock to intentionally, willfully, carelessly, or negligently suffer or permit livestock to run at large or stray on public or private property. Any livestock found at large or straying shall be impounded by an Animal Control Officer, or any other law enforcement officers of the county, or state highway patrol officers, and disposed of in accordance with the requirements of F.S. Ch. 588.
- (b) Lake County shall be entitled to the recovery of a fee, which fee shall be set by resolution of

the Board of County Commissioners, for the following services:

- (1) For the impoundment of each individual animal;
  - (2) For the serving of any notice and making return thereon;
  - (3) For the feed and care of impounded animals;
  - (4) For advertising or posting of notices of sale of impounded animals;
  - (5) For the sale or other disposition of impounded animals; and
  - (6) For the report of sale of impounded animals.
- (c) Animal Services, upon making a sale or other lawful disposal, shall make a written return to the county finance department, with a full and accurate description of the livestock sold or disposed of, to whom the livestock was sold, and the sale price. At the time of making this report, Animal Services shall pay over to the finance department the entire proceeds of the sale. The finance department will pay all costs and fees allowed herein to Animal Services, and if there is any balance remaining, the balance shall be paid to the owner of the livestock, provided the owner makes satisfactory proof of ownership to the board of county commissioners within ninety (90) days from the date Animal Services reports the sale. If proof of ownership cannot be made within the time allowed, the finance department will pay the proceeds into the Lake County Animal Shelter Trust Fund. The finance department will keep a permanent record of all sales, disbursements, and distributions made under this section. If the amount realized from the sale or other disposition of the animal is insufficient to pay all fees, costs and expenses as provided in this section, the deficit shall be paid from the general fund.
- (d) The recommended penalty for a violation of this section is a fine of two hundred and fifty dollars (\$250.00) for the first offense and five hundred dollars (\$500.00) for any repeat violation within five (5) years of a previous offense.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

Sec. 4-41. - Prohibition of tethering dogs.

- (a) It is a violation of this section for any owner to tether a dog or to confine a dog on a tether, except when:
- (1) The dog is in visual range of the owner who must also be physically present with the dog and attending to it while it is tethered; and
    - i. The tether is connected to the dog by a commercially available buckle-type collar or a body harness made of nylon or leather that is of sufficient size to adequately and safely restrain the dog; and
    - ii. The tether is of a size and weight that is reasonably necessary to safely restrain the

dog without placing excessive strain or weight on the dog; and

- iii. The dog is not tethered outside in periods of extreme weather, including but not limited to extreme heat or cold, thunderstorms, lightning, tornadoes, tropical storms or hurricanes.

(2) A dog is tethered in a manner and under conditions that do not jeopardize its health, safety or well-being and the dog is:

- i. In attendance at, or participating in, any legal, organized publicly attended event in which both dog and owner are permitted attendees or participants; or
- ii. Actively engaged in conduct that is directly related to the business of shepherding or herding cattle or livestock or related to the business of cultivating agricultural products, as long as the restraint is reasonably necessary for the safety of the dog; or
- iii. Tethered, chained, tied, or restrained by a veterinarian or groomer while attending to the dog; or
- iv. Trained or being trained, to act in a law enforcement capacity; or
- v. Being lawfully used to actively hunt a species of wildlife in this state, during the hunting season, for that species of wildlife; or
- vi. Tethered temporarily while being kept in a bonafide humane shelter or at a commercial boarding facility; or
- vii. Tethered in accordance with the regulations of a camping or recreational area; or
- viii. Being cared for as part of a rescue operation during a natural or man-made disaster; or
- ix. Being transported inside a vehicle.

(3) Notwithstanding the exceptions provided above, a dog that is sick or injured cannot be tethered as a means of confinement by the owner nor may a puppy under the age of six (6) months be tethered at any time unless the owner is present and attending to the puppy during the entire time the puppy is tethered.

(b) Any animal being transported in the open bed of a truck shall be confined inside a crate or cage, or must be restrained by a tether attached to the truck so as to prevent the animal from falling, jumping or being thrown while the truck is in motion. It is a violation for an owner or the driver of the vehicle to fail or refuse to confine and restrain the animals as required by this section.

(c) The recommended penalty for a violation of this section is a fine of one hundred and fifty dollars (\$150.00) for the first offense and five hundred dollars (\$500.00) for any repeat violation within five (5) years of a previous offense.

(Ord. No. 2012-26, § 3, 4-10-12; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

**Editor's note**— It should be noted that § 7 of Ord. No. 2012-26 provides, "This Ordinances shall become effective as provided for by law. The fines provided for in this ordinance shall not become effective or be imposed until November 1, 2012."

Sec. 4-42. - Retail sale of dogs and cats.

- (a) The retail sale of dogs and cats shall be prohibited; provided, however, that this section shall not apply to any Animal Shelter, Animal Rescue Organization, or other person or entity if the dogs or cats are not obtained from a breeder or broker for payment or compensation.
- (b) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00).

(Ord. No. 2018-22, § 2, 5-8-18)

Secs. 4-43—4-55. - Reserved.

### ARTICLE III. - DANGEROUS DOGS AND ANIMALS

Sec. 4-56. - Investigation and classification of dangerous dogs.

- (a) Animal Control Officers shall investigate reported incidents involving any dog that maybe dangerous and if possible, shall interview the owner and require a sworn affidavit from any person or law enforcement officer desiring to have a dog declared dangerous.
  - (1) An animal that is the subject of a dangerous dog investigation because of Severe Injury to a human being may be immediately confiscated by an Animal Control Officer, placed in quarantine, if necessary, for the proper length of time, or impounded and held. The animal may be held pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. If the dog is to be destroyed, the dog may not be destroyed while an appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal pending any hearing or appeal.
  - (2) An animal that is the subject of a dangerous dog investigation which is not impounded at the Animal Shelter must be humanely and safely confined by the owner in a securely fenced or enclosed area. The animal shall be confined in such manner pending the outcome of the investigation and the resolution of any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. The address at

which the animal resides shall be provided to the county. A dog that is the subject of a dangerous dog investigation may not be relocated or its ownership transferred pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. If a dog is to be destroyed, the dog may not be relocated or its ownership transferred.

(b) A dog may not be declared dangerous if:

- (1) The threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the dog owner's property or who, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member.
- (2) The dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(c) After the investigation, Animal Services shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous, and if sufficient cause is found, as to the appropriate penalty. Animal Services shall afford the owner an opportunity for a hearing prior to making a final determination regarding the classification or penalty. Animal Services shall provide written notification of the sufficient cause finding and proposed penalty to the owner by registered mail, return receipt requested, 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 with Animal Services for a hearing regarding the dangerous dog classification, penalty, or both within seven (7) calendar days after receipt of the sufficient cause finding and proposed penalty. If the owner requests a hearing, the hearing shall be held as soon as possible, but not later than twenty-one (21) calendar days. If a hearing is not timely requested regarding the dangerous dog classification or proposed penalty, the determination of Animal Services as to such matter shall become final.

(d) Upon timely receipt of the owner's written request for a hearing, the special master shall hold a hearing to decide if the dog should be declared dangerous. At the hearing the dog owner or his or her representative and any other interested person may present any evidence relevant to a determination of whether the dog is dangerous. The special master shall hear and consider the evidence presented at the hearing and make a determination as to whether the dog should be declared dangerous.

(e) Upon a dangerous dog classification and penalty becoming final after a hearing or by operation of law pursuant to subsection (c), the county shall provide a written final order to the owner by registered mail, return receipt requested, certified hand delivery or service. The owner may appeal the classification, penalty, or both, to the circuit court in accordance with the Florida Rules of Appellate Procedure after receipt of the final order. If the dog is not held at the Animal Shelter, the owner must confine the dog in a securely fenced or enclosed area

pending resolution of the appeal.

- (f) This section does not apply to dogs used by law enforcement officers for law enforcement work.
- (g) Hunting dogs are exempt from this section when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from the provisions of this section when engaged in any legal procedures. However, such dogs at all other times in all other respects are subject to this and local laws. Dogs that have been classified as dangerous may not be used for hunting purposes.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

#### Sec. 4-57. - Dangerous dog requirements.

- (a) Exempt as otherwise provided in section (b) below, the owner of a dog classified as a dangerous dog shall:
  - (1) Within fourteen (14) days after issuance of the final order classifying the dog as dangerous or the conclusion of any appeal that affirms such order, the owner of the dog shall obtain a certificate of registration for the dog from Animal Services, and renew the certificate annually. Animal Services is authorized to issue the certificate of registration, and renewals thereof, only to persons who are at least eighteen (18) years of age and who present sufficient evidence of:
    - (i) A current rabies vaccination certificate and county tag for the dog;
    - (ii) A proper enclosure to confine a dangerous dog and the posting of the premises at all entry points with a clearly visible warning sign which informs both children and adults of the presence of a dangerous dog on the property;
    - (iii) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation;
    - (iv) Sterilization within thirty (30) days of being declared dangerous; and
    - (v) Payment of the appropriate fee for the issuance of required certificates of registration, which fee shall be set by resolution of the Board of County Commissioners.
  - (2) Immediately notify the county when the dog:
    - (i) Is loose or unconfined;
    - (ii) Has bitten a human being or attacked another animal;
    - (iii) Is sold or given away, or dies; or
    - (iv) Is moved to another address.



Before a dangerous dog is sold or given away, the owner shall provide the name, address, and telephone number of the new owner to Animal Services. The new owner shall comply with all of the requirements of this chapter.

- (3) Not permit a dangerous dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle shall be made in a manner which will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within his or her sight and only members of the immediate household or person eighteen (18) years of age or older are allowed in the enclosure when the dog is present. When being transported, the dog must be safely and securely restrained and muzzled within a vehicle.
- (4) Not remove, destroy or deface a dangerous dog tag. If the dangerous dog tag is lost, the owner shall immediately replace it at the owner's expense.
- (b) If a dog is classified as a dangerous dog due to an incident that causes Severe Injury to a human being, based upon the nature and circumstances of the injury and likelihood of a future threat to the public safety, health, and welfare, the dog may be destroyed in an expeditious and humane manner.
- (c) An owner who brings into the county a dog declared dangerous in any other jurisdiction, with the intent to reside permanently or temporarily for more than six (6) months in the county, shall comply with the requirements of this section no later than fourteen (14) days after arrival.
- (d) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00).

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

Sec. 4-58. - Attack or bite by dangerous dog.

- (a) It is a violation of this section for the owner of any dog previously declared dangerous to fail to exercise due care and control of his or her animal, and the animal attacks or bites any person or animal.
- (b) If a dog that has previously been declared dangerous attacks or bites a person or animal without provocation, the dog shall be immediately confiscated by an Animal Control Officer and placed in quarantine, if necessary, for the proper length of time, or impounded and held for 10 business days after the owner is given written notification, and thereafter destroyed in an expeditious and humane manner. The county shall provide written notification of the

confiscation of the dog by registered mail, return receipt requested, certified hand delivery, or service in conformance with the provisions of F.S. Ch. 48, relating to service of process, as amended. This ten (10) day time period shall allow the owner to file a written request for a hearing with the special master to determine whether the dog should be destroyed. 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 previously been declared dangerous attacks and causes Severe Injury to or death of any human, the dog shall be immediately confiscated by an Animal Control Officer, placed in quarantine, if necessary, for the proper length of time, or held for ten (10) business days after the owner is given written notification and thereafter destroyed in an expeditious and humane manner. The county shall provide written notification of the confiscation of the dog by registered mail, return receipt requested, certified hand delivery, or service, in conformance with the provisions of F.S. Ch. 48, relating to service of process. This ten (10) day time period shall allow the owner to file a written request for a hearing with the special master to determine whether the dog should be destroyed.
- (d) Upon timely receipt of the owner's written request for a hearing under section (b) or (c) above, the special master shall hold a hearing to decide whether the owner is able to safely confine and control the dog, and shall make a determination as to whether the dog should be destroyed. If the special master determines that the dog should be destroyed, the owner may file a written request for a hearing in the county court to appeal the decision within ten (10) business days after entry of the order of the special master. If the special master determines that the dog should be released to the owner, the special master may impose additional conditions for secure keeping of the dog. 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 hearing.
- (e) Any order which provides for the destruction of a dog shall include a date before which the destruction of the dog shall not take place. All decisions of the special master shall be final and subject to review only by the county court. If the special master determines that the dog should be destroyed, the owner may file a written request for a hearing in the county court to appeal the decision within ten (10) business days after entry of the order of the special master. The destruction shall be stayed pending court review, but the owner of the dog shall be responsible for confining the dog in accordance with subsection 5-56(a)(2) pending a resolution of the appeal regarding destruction. All costs of impounding the dog shall be paid by the owner prior to the release of the dog.
- (f) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00).

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

Sec. 4-59. - Confinement of dangerous animals.

- (a) It is a violation of this section for the owner of any dangerous animal to fail to confine the animal within a building, cage or other secure enclosure, or to take the animal from the building, cage or secure enclosure unless the animal is securely leashed, tethered, chained, muzzled, anesthetized and/or otherwise restrained so as to protect persons and other animals.
- (b) This section shall not apply to law enforcement or rescue animals actually engaged in law enforcement or rescue operations.
- (c) Any animal of wild or exotic nature, so classified by the Florida Fish and Wildlife Conservation Commission as requiring a specific pen or enclosure, shall be caged in accordance with the commission's regulations.
- (d) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00).

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2018-22, § 2, 5-8-18)

Sec. 4-60. - Disposal of dangerous animals found at large.

When any dangerous animal is found at large anywhere within the county, whether licensed or otherwise, and whether owned or otherwise, the animal shall be taken into custody by an Animal Control Officer, or any other law enforcement officer, to be impounded at the Animal Shelter and disposed of as follows:

- (a) Where the animal bears no indicia of ownership, it shall be confined for at least seventy-two (72) hours. At the expiration of seventy-two (72) hours, if the Director determines that the animal is dangerous, and if no owner has appeared to claim the animal, the animal shall be deemed abandoned and euthanized.
- (b) Where the animal bears indicia of ownership, Animal Services shall notify the owner of the animal's impoundment by registered mail, return receipt requested, certified hand delivery, or service, in conformance with the provisions of F.S. Ch. 48, relating to service of process. The animal shall be confined by for at least one hundred twenty (120) hours. At the expiration of one hundred twenty (120) hours, if the Director determines that the animal is dangerous and if no one has appeared to claim the animal, the animal shall be deemed abandoned and Euthanized.
- (c) Where the animal is claimed in writing by its owner, the animal shall remain confined by at

the Animal Shelter, or, at the owner's request and expense, at some other secure quarters subject to the sole discretion of the Director, pending a hearing. An owner may file a written request for a hearing to determine whether the animal is dangerous within seven (7) calendar days from the date of the animal's impoundment. 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 this time. If the owner fails to timely file a written request for a hearing, Animal Services may deem the animal abandoned and may Euthanize the animal.

- (d) Upon timely receipt of the owner's written request for a hearing, the special master shall hold a hearing to decide if the animal is dangerous and impose penalties. The hearing shall be held as soon as possible, but not more than twenty-one (21) days. If the animal is found to be dangerous, the special master shall enter an order requiring that the dangerous animal be destroyed in a humane fashion or otherwise safely disposed of alive. All decisions of the special master shall be final and subject to review only by a court of competent jurisdiction upon petition of the owner.
- (e) The owner may file a written request for a hearing in the county court to appeal the order of the special master within ten (10) days from the date of the order. The destruction shall be stayed pending court review, but the owner shall be responsible for confining the animal in accordance with subsection 5-56(a)(2) pending a resolution of the appeal. All costs of impounding, boarding and veterinary care of the animal shall be paid by the owner prior to release of the animal.

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

#### Sec. 4-61. - Attack or bite by dangerous animal.

- (a) It is a violation of this section for the owner of a dangerous animal to fail to exercise due care and control of his or her animal and the animal attacks or bites any person or animal.
- (b) Upon the written, sworn complaint of any person alleging that an animal has actually bitten, mauled, attacked, or otherwise injured any person or any animal, an Animal Control Officer shall take the animal into custody with the owner's consent, or shall require that the owner confine the animal in a securely fenced or enclosed area. Lake County Sheriff's Office may apply to a court of competent jurisdiction for an order permitting the pickup and impoundment of the animal. In entering its order, the court shall make a preliminary finding that probable cause exists to believe the animal to be dangerous under this chapter and a threat to public safety. The court may order impoundment at the Animal Shelter or, at the request and expense of the owner, may in its discretion require impoundment to be at some other secure quarters. If the animal has been taken into custody and quarantined pursuant to

section 4-37 above, the animal shall remain in the custody of Animal Services until a determination has been made with regard to the dangerousness of the animal. All costs of impounding, boarding and veterinary care of the animal shall be paid by the owner prior to release of the animal.

- (c) Animal Services shall make a determination of the animal's dangerousness in accordance with the procedure set forth in section 4-60 above. If an animal is determined to be dangerous, it shall thereafter be Euthanized, pending any further appeal of the owner.
- (d) Nothing in this section shall be deemed to affect any criminal proceeding, nor shall any determination or deliberation by the special master be admissible in evidence in any criminal proceeding against the owner of the impounded animal.
- (e) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00).

(Ord. No. 2009-47, § 2, 9-1-09; Ord. No. 2017-16, § 2, 4-4-17; Ord. No. 2018-22, § 2, 5-8-18)

Secs. 4-62—4-80. - Reserved.

#### ARTICLE IV. - TRAP-NEUTER-RETURN (TNR) PROGRAM

Sec. 4-81. - Purpose.

The purpose of this Article is to permit a TNR program, in order to reduce the population of feral or stray cats as a means to reduce the euthanasia of such cats. Such programs may be administered by any animal welfare organization authorized by Animal Services.

(Ord. No. 2015-20, § 2, 6-9-15)

Sec. 4-82. - TNR program.

- (a) A feral or stray cat impounded by Animal Services shall be evaluated for disease, health condition, and temperament and behavior for adoptability purposes.
- (b) A feral or stray cat may be diverted to the TNR program, adopted, or humanely destroyed.
- (c) If a healthy feral or stray cat is diverted to the TNR program, it shall be sterilized so that it can no longer reproduce, eartipped, vaccinated against rabies and returned to the location where it was found or trapped, unless an alternative location is approved through the Animal Services Manager in writing.
- (d) Community Cat Colony location. Properties with Community cats shall maintain the following

minimum buffers:

Use	Buffer distance required
Schools	250 feet
Public playgrounds	250 feet
Public parks	250 feet
Conservation Land	750 feet

This requirement may be waived, if specific written authorization is provided by the property owner containing the use.

(e) Animal Services may formulate procedures to implement the provisions of this Section.

(Ord. No. 2015-20, § 2, 6-9-15)

Sec. 4-83. - Community cats and public health and safety.

Animal Services has the right to immediately seize and humanely destroy any Community Cat that poses a public health or safety concern by virtue of disease (rabies or other epizootic events), aggressive temperament resulting in unprovoked attacks on humans, or any other reason concerning public health and safety.

(Ord. No. 2015-20, § 2, 6-9-15)

Secs. 4-84—4-95. - Reserved.