

## Chapter 4 ANIMALS<sup>1</sup>

### ARTICLE I. IN GENERAL

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

This chapter is enacted pursuant to Florida law and is intended to regulate the possession, ownership, care and custody of animals in the interest of the health, safety and welfare of both the citizens and animals of the county.

(Ord. No. 2017-49, § 1, 8-7-17)

#### Sec. 4-2. Jurisdiction and scope.

This chapter shall apply to, and be effective within, the unincorporated areas of the county and any municipality which has not adopted an ordinance covering the subject matter, activity or conduct regulated herein.

(Ord. No. 2017-49, § 1, 8-7-17)

#### Sec. 4-3. 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 by its owner. An animal will not be considered abandoned if the owner arranges for a person to feed, water, and monitor the animal's condition on a scheduled or regular basis. Intervals between monitoring, watering, and feeding shall not exceed twenty-four (24) hours.

*Adoption-based business model* means a business model whereby all dogs and cats offered for rehoming at a pet shop shall only be sourced from pets that have been taken in by an animal shelter or animal rescue organization to rehome stray and abandoned pets. It also means that no commercially-bred dogs or cats may be offered for sale, adoption, transfer or other outcome whether purchased directly from the commercial breeder or from some other intermediary such as a broker or wholesaler.

*Animal* means any living non-human creature.

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<sup>1</sup>Editor's note(s)—Ord. No. 2017-49, § 1, adopted Aug. 7, 2017, repealed the former Ch. 4, §§ 4-26—4-43, and enacted a new Ch. 4 as set out herein. The former Ch. 4 pertained to similar subject matter and derived from Ord. No. 87-16, §§ 1, 3—13, 15, 17—20; Ord. No. 99-23, §§ 1—6, 8—17, 19, adopted June 21, 1999; and Ord. No. 00-28, §§ 1, 2, adopted Dec. 11, 2000; Ord. No. 03-03, §§ 1—18, 20—22, adopted Oct. 20, 2002; Ord. No. 05-56, § 1, adopted Dec. 19, 2005; Ord. No. 12-36, §§ 1, 2, adopted Oct. 15, 2012; Ord. No. 13-34, § 6, adopted Sept. 19, 2013; Ord. No. 13-50, § 1, adopted Aug. 12, 2013; Ord. No. 2014-21, §§ 1, 2, adopted Jan. 6, 2014; Ord. No. 2014-85, § 1, adopted June 2, 2014; Ord. No. 2014-128, § 2, adopted July 7, 2014.

Cross reference(s)—Health and human services, Ch. 12; animals in parks, § 16-30.

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*Animal abuse offense* shall mean the commission of any act that constitutes the criminal offense of:

- (1) Cruelty to animals under F.S. § 828.12;
- (2) Fighting or baiting animals under F.S. § 828.122;
- (3) Killing a dog or cat with the intent to sell or give away its pelt under F.S. § 828.123;
- (4) Killing or aggravated abuse of horse or cattle under F.S. § 828.125;
- (5) Sexual activities involving animals under F.S. § 828.126;
- (6) Confinement of animals without sufficient food, water, or exercise under F.S. § 828.13.

*Animal abuser* means any person eighteen (18) years of age or older convicted of an animal abuse offense in Osceola County for conduct that occurs on or after January 1, 2019, except youthful offenders whose convictions or adjudications include sealed records.

*Animal abuser link* shall mean the online link at Osceolaclerk.com identifying persons convicted in Osceola County of an animal abuse offense that occurs on or after January 1, 2019.

*Animal control officer* means any person employed or appointed by the county to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations.

*Animal rescue organization* means a duly incorporated nonprofit organization properly organized under Section 501(c)(3) of the United States Internal Revenue Code, devoted to the rescue, care, humane treatment, and adoption of stray, abandoned or surrendered animals and which does not breed dogs or cats or accept dogs or cats from commercial breeders, either directly or indirectly.

*Animal shelter* means the Osceola County Animal Shelter or any other local animal control authority, public animal shelter or private animal shelter maintained by or under contract with the county or a municipality.

*Appropriate disposition* means an animal is adopted, sent to rescue, fostered, transferred, reclaimed by the owner, or euthanized. This definition excludes any cat that qualifies as a community cat under this chapter.

*At-large* means an animal, except those meeting the qualifications of a community cat as defined herein, that is off the premises of its owner and not under the direct control of a competent adult by means of a leash, cord, chain, bridle, rope, halter or other appropriate physical restraint. In the case of dogs, in addition to the above, at-large means a dog that is on the premises of its owner and is not under the direct control of a competent adult by the means described above or confined to the property by a secure fence or other appropriate enclosure or physical restraint designed to confine the dog to the property. An animal engaged in hunting, agricultural tasks, ranching tasks, competition, trial or a show, or at a recognized dog park, while being supervised in a manner which is necessary under the circumstances, shall not be considered at-large.

*Commercial breeder* means any natural person, corporation, partnership, association or other legal entity or business unit and every officer, agent, or employee thereof who intentionally seeks to have animals reproduce for sale or other commercial purpose, either willfully or through failure to exercise due care and control and regardless of the number of litters produced and/or to selectively mate animals with desirable genetic traits and/or to maintain or enhance the traits in future generations. This classification will not apply to a hobby breeder as defined in this section or to a pet owner who breeds his or her own pets and keeps all of the offspring.

*Community cat* means any free roaming cat that may be cared for by one or more residents in the area, known or unknown. Community cats that are ear-tipped indicate the animal is sterilized and vaccinated against rabies at least one time. A community cat may also mean a cat that is found outside with no valid identification that is brought to the animal shelter and is not yet sterilized, ear-tipped, and rabies vaccinated.

*Community cat caregiver* means a person who provides care to a community cat in the form of food, water, shelter and veterinary care, while not being considered the owner, custodian, harbinger, possessor, or keeper of a community cat.

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*Complaint* means any verbal or written notification filed with the county or the Osceola County Sheriff's Office or another law enforcement agency regarding animal issues in Osceola County.

*Convicted or conviction* means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether or not adjudication is withheld.

*County* means Osceola County.

*County manager* means the county manager or a designee thereof.

*Department* means the Osceola County Animal Services Department.

*Director* means the director of the Osceola County Animal Services Department or a designee thereof.

*Ear-tipped* refers to removing approximately a quarter-inch off the tip of the cat's left ear in a straight line cut.

*Hobby breeder* means a person or entity that is a member of a national, state, or local breeder organization and that houses or breeds dogs or cats at or adjoining a private residence for the purpose of: continuing genetic lines of specific breeds, exhibiting dogs or cats at shows operated by a national, state, or local breeder organizations; or raising service animals or animals used for law enforcement or other types of work. A hobby breeder may sell no more than two (2) litters of puppies or kittens per year per legal residence. A hobby breeder that sells more than two (2) litters per year per household shall be deemed to be a commercial breeder. Any person or entity acting as a breeder for the purposes of offering and/or supplying service animals as defined under the Americans with Disabilities Act is exempt from this requirements of this definition.

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

*Material error* means error that reasonably might have affected the outcome.

*Officer* means any animal control officer or any law enforcement officer as defined by F.S. § 943.10.

*Owner* means any individual or entity owning, harboring or having control, custody or possession of an animal; any individual or entity who feeds or shelters an animal for a period of fourteen (14) days or more; or any individual or entity who knowingly permits an animal to remain on the property of said individual or entity for a period of fourteen (14) days or more, consecutive or not. If an animal is owned by an individual under the age of eighteen (18), the parent or guardian of that individual is deemed to be the owner of the animal. Community cat caregivers are not owners as defined in this chapter.

*Pet seller* means any individual or person, partnership, firm, corporation or other entity which offers animals for sale or is engaged in the sale, exchange, or other transfer of ownership of animals. This definition applies to specifically to section 4-41, Osceola County Code of Ordinances.

*Pet shop* means a business entity that has obtained a business tax receipt or occupational license, open to the public, that sells or transfers, or offers for sale or transfer, dogs or cats, regardless of the age of the dog or cat or the physical location of the animal. Such an establishment may be a permanent, temporary or virtual establishment.

*Proper shelter* for a dog means a structure with three (3) sides, a top and a bottom, a waterproof roof, that is structurally sound, and is sufficient to protect the animal from the elements with space to stand up, sit down, turn around, lie down, and stretch out. The structure must also provide for adequate ventilation, exchange of fresh air, and maintain a temperature that is appropriate for the safety and well-being of the animal. The structure and surrounding areas shall be free of trash or waste so as not to threaten the physical well-being of the animal. Examples of inadequate shelter include, but are not limited to, lean-tos, cardboard boxes, airline carriers, vehicles, uncovered porches or decks, or any material that does not provide sufficient protection from the elements.

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*Retail adoption* means a retail transaction, regardless of any exchange of consideration for the animal, that takes place at the same time or same location; offer for sale; auction; barter; display for sale; adoption; re-home; exchange for compensation; or otherwise give away, trade, deliver, lease, rent, include as part of a package deal, advertise for sale, or otherwise dispose of dogs or cats to a person in a pet shop or in association with a pet shop.

*Service animal* means an animal that meets the definition as set forth in federal and state law.

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

*Sterilize* means rendering an animal permanently incapable of reproduction.

*Urban growth boundary* means the area as defined in the Osceola County Comprehensive Plan.

*Valid identification* means any form of identification that is found on an animal which provides current owner contact information.

*Veterinarian* means an individual licensed to practice veterinary medicine in the State of Florida.

*Working day* means any day the county animal shelter is open for business including Saturday when applicable.

(Ord. No. 2017-49, § 1, 8-7-17; Ord. No. 2018-25, § 1, 4-9-18; Ord. No. 2018-69, § 1, 11-5-18; Ord. No. 2019-109, § 1, 12-16-19)

#### **Sec. 4-4. Director of animal control.**

The county manager is authorized to employ a suitable individual to serve as the director of the animal control department.

- (1) The director shall generally supervise and administer the department including all aspects of the county animal shelter and shall be responsible for the administration and enforcement of this chapter, as well as developing procedures for implementing the purpose and intent of this chapter.
- (2) The director may waive citations issued or fees and costs if the director determines that the waiver of same is in the best interest of the county.
- (3) The director may execute stipulated agreements with animal owners, on behalf of the county, regarding the future care and custody of animals. It shall be a violation of this chapter for any animal owner entering into a stipulated agreement to fail to comply, in whole or part, with the provisions of that agreement. The stipulated agreement shall provide as such.

(Ord. No. 2017-49, § 1, 8-7-17)

#### **Sec. 4-5. Animal control officers.**

- (a) Animal control officers shall be trained and certified in accordance with Florida law.
- (b) Animal control officers shall investigate complaints relating to animals and take appropriate action as is reasonably necessary to enforce the provisions and accomplish the purposes of this chapter.

(Ord. No. 2017-49, § 1, 8-7-17)

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#### **Sec. 4-6. Animal shelter.**

The county may construct, operate and maintain a county animal shelter or sub-shelters for the purpose of impounding and maintaining animals, at the county's discretion, under circumstances which include but are not limited to the following:

- (1) At-large animals;
- (2) Aggressive animals;
- (3) Dogs subject to a dangerous dog investigation;
- (4) Animals which are voluntarily surrendered;
- (5) Animals which are not properly secured or restrained;
- (6) Animals which are creating a nuisance;
- (7) Animals which have or are believed to have rabies, or another infectious or contagious disease;
- (8) Rabies susceptible animals which are not licensed and/or rabies inoculated, as required herein;
- (9) Animals found in distress, neglected, mistreated or abused;
- (10) Animals being maintained or kept in violation of this chapter or any other rule, regulation, law, court order or stipulated agreement;
- (11) Animals that have bitten a person or come into contact with a known or suspected rabid animal; and
- (12) A community cat that has bitten or otherwise exposed a person or has come into contact with a known or suspected rabid animal. Community cats that are ill or injured are also subject to impoundment.

(Ord. No. 2017-49, § 1, 8-7-17; Ord. No. 2018-25, § 1, 4-9-18)

#### **Sec. 4-7. Veterinary care.**

The director may utilize the services of a licensed veterinarian to sterilize any impounded fertile dog or cat, treat any sick or injured animals, inoculate rabies-susceptible animals and perform any and all other services for which a licensed veterinarian might be required. If the owner of sterilized or treated animal can be identified, such owner shall be liable for payment of all veterinary expenses. The animal control staff may administer medication and veterinary care as prescribed by the veterinarian. The county, its employees, agents, veterinarians, representatives and the like shall not be liable for any act or omission in rendering such care.

(Ord. No. 2017-49, § 1, 8-7-17)

#### **Sec. 4-8. Holding periods for impounded animals.**

- (a) An animal, other than a cat, not exhibiting valid identification shall be held for a minimum of three (3) working days, provided a reasonable attempt is made to locate the owner of the animal. A cat not exhibiting valid identification shall not be subject to a minimum holding period and shall be sterilized, ear tipped, rabies vaccinated, and returned to the general location from which it came within a reasonable amount of time.
- (b) An animal exhibiting valid identification shall be held for a minimum of five (5) working days from the date notice is received by the owner or reasonable efforts have been made to notify the owner. In the event such an animal exhibiting identification has been found in a severely injured state which necessitates euthanasia

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in the best interest of the animal, then a reasonable attempt will be made to contact the owner prior to euthanizing the animal.

- (c) An animal that is voluntarily surrendered by its owner or agent of the owner is not subject to a minimum holding period.

(Ord. No. 2017-49, § 1, 8-7-17; Ord. No. 2018-25, § 1, 4-9-18)

#### **Sec. 4-9. Disposition of impounded animals.**

- (a) After holding requirements have been met, the department may provide for appropriate disposition of any impounded animal. Any community cat is exempted from this section.
- (b) In the event the animal is appropriate for adoption or for transfer to an adoption agency, foster or rescue, the animal must be vaccinated against rabies, licensed, and sterilized prior to relinquishing custody of the animal, or as otherwise provided in F.S. § 823.15.
- (c) When appropriate, an animal may be euthanized. Euthanasia shall be performed in accordance with F.S. § 828.058. The county shall, by way of a licensed veterinarian, have its euthanasia procedures examined yearly to ensure that euthanasia is being carried out humanely and, thereafter, the animals are being disposed of in an appropriate manner.
- (d) Unless otherwise stated herein, no animal impounded pursuant to this chapter shall be released to its owner until:
- (1) The owner of the impounded animal provides evidence of ownership;
  - (2) All dogs and cats which are four (4) months of age and older shall be vaccinated against rabies and issued a current county license and tag at the expense of its owner unless the owner can provide proof of current rabies vaccination;
  - (3) The owner of the impounded animal pays all expenses incurred by the county for impoundment, veterinary care and daily maintenance; and
  - (4) The owner pays any outstanding fees, penalties or citations for violations of this chapter.
- (e) Any fertile dog or cat impounded on three (3) or more occasions shall be sterilized prior to the release of same by the department. If the ownership of the dog or cat is discoverable upon reasonable investigation, written notification by hand-delivery or U.S. First Class mail of the county's intent to sterilize the animal shall be given to the owner or keeper of the animal. The owner may petition the animal services department in writing for a hearing. Procedures for the hearing will be developed by the department. Such petition must be made within three (3) working days of receipt of the notice of intent to sterilize. Sterilization shall occur immediately following the three-day period unless after a properly requested hearing, the director determines that good cause exists for not mandating sterilization.

(Ord. No. 2017-49, § 1, 8-7-17; Ord. No. 2018-25, § 1, 4-9-18)

#### **Sec. 4-10. Voluntary surrender.**

- (a) Any person surrendering his or her own animal to the department or an animal control officer must sign a voluntary surrender statement. Any person acting as an agent of the owner in surrendering an animal must provide written proof of same and must sign a voluntary surrender statement on behalf of the owner. The department may immediately provide for appropriate disposition of any such animal. In any event, the owner of the animal shall not be entitled to compensation.

- (b) Any person who voluntarily surrenders an animal by leaving it unattended outside of the animal shelter, whether during or outside of normal operating hours of the shelter, shall be penalized in accordance with the provisions of this chapter.

(Ord. No. 2017-49, § 1, 8-7-17)

**Sec. 4-11. Unclaimed animal.**

- (a) Failure of the owner to remove an animal from the department and satisfy all conditions of removal within five (5) working days of notification, written or verbal, that the animal may be removed from the department, will result in the department considering the animal unclaimed. In such an event, the department may provide for appropriate disposition of the animal.
- (b) Failure of the owner to remove an animal that has been held for rabies quarantine within three (3) working days post quarantine will result in the department considering the animal unclaimed and at its sole discretion will provide for appropriate disposition of the animal.

(Ord. No. 2017-49, § 1, 8-7-17)

**Sec. 4-12. Fees and civil penalties.**

- (a) By resolution, the board of county commissioners shall establish reasonable fees for administration of the provisions and procedures of this chapter. All such fees shall remain valid until modified by a new resolution.
- (b) The board of county commissioners hereby adopts the following schedule of civil penalties for violations of this chapter. All such penalties shall remain valid until modified by ordinance. The adopted penalties are set forth as follows:

Violation	1st Offense	2nd Offense	3rd Offense	4th Offense	Surcharge F.S. Ch. 828
Failure to obtain tags	\$ 50.00	\$ 100.00	\$ 150.00	\$ 200.00	\$ 5.00
Failure to wear tags	50.00	100.00	150.00	200.00	5.00
Invalid; counterfeit or forged tags	50.00	100.00	150.00	200.00	5.00
Failure to vaccinate	100.00	200.00	300.00	400.00	5.00
At large or improperly confined animal	100.00	200.00	300.00	400.00	5.00
At large or improperly confined animal with destruction or loss of personal property	100.00	200.00	300.00 and mandatory appearance	400.00 and mandatory appearance	5.00
At large or improperly confined animal resulting in unprovoked biting, attacking or	450.00 (person); 250.00 (animal)	500.00 and mandatory appearance	500.00 and mandatory appearance	500.00 and mandatory appearance	5.00

wounding of a person or a domestic animal					
Animal creating nuisance	100.00	200.00	300.00	400.00	5.00
Failure to properly confine or control and aggressive animal	150.00	250.00	350.00	450.00	5.00
Failure to comply with requirements for registration and maintenance of a dangerous dog	500.00	500.00	500.00	500.00	5.00
Cruel treatment of animal	500.00	500.00 and mandatory appearance	500.00 and mandatory appearance	500.00 and mandatory appearance	5.00
Interference with animal control officer	500.00	500.00	500.00	500.00	5.00
Exceeds animal number or animal number/type combination per residence	100.00	200.00	300.00	400.00	5.00
Inhumane or unsafe transportation of an animal in an open vehicle	150.00	250.00	350.00 and mandatory appearance	500.00 and mandatory appearance	5.00
Failure to notify animal services department of trapping of feral and domesticated cats	100.00	200.00	300.00	500.00	5.00
Failure to comply with trapping of feral or domesticated cat guidelines as established by the department	100.00	200.00	300.00	500.00	5.00
Failure to surrender an animal for quarantine	500.00	500.00	500.00 and mandatory appearance	500.00 and mandatory appearance	5.00
Breach of terms of stipulated agreement	150.00	250.00	350.00	500.00	5.00

Violation of dogs and cats offered for sale; health requirements	100.00	200.00	350.00	500.00	5.00
Transfer of dog or cat to animal abuser	150.00	250.00	350.00	450.00	5.00
Falsification of pet shop records	100.00	200.00	350.00	500.00	5.00
Noncompliance with requirements of the adoption-based business model for retail adoption of dogs and cats	100.00	200.00	350.00	500.00	5.00

(Ord. No. 2017-49, § 1, 8-7-17; Ord. No. 2018-69, § 1, 11-5-18; Ord. No. 2019-109, § 1, 12-16-19)

**Sec. 4-13. Enforcement of violations.**

- (a) The code enforcement board and special master shall have jurisdiction to hear and decide violations of this chapter. Any person who is found to violate any of these provisions shall be punished as provided in chapter 7, article I, of this Code. The jurisdiction of the code enforcement board and special master shall not be exclusive. Any alleged violation of any of the provisions of this chapter may be pursued by appropriate remedy, whether by injunctive, declaratory or other civil sanction, at the option of the county.
- (b) Any person who has committed an act in violation of this chapter will receive a citation from the department by an animal control officer or law enforcement officer. A citation issued by an animal control officer under the provisions of this chapter shall list the procedure for the violator to follow in order to pay the civil penalty, to contest the citation, or to appear before the special master when a mandatory appearance is required as specified in the citation. Subject to the limitations now or hereafter specified in F.S. § 828.27, a mandatory special master or court appearance may be required by the issuing officer. Mandatory appearances before a special master may also be ordered by the special master as specified in this section, or as otherwise within the special master's authority.
- (c) The maximum civil penalty for a violation of this chapter shall not exceed five hundred dollars (\$500.00) per violation.
- (d) If a person does not contest the citation and pays the citation within ten (10) days of issuance, that person shall be entitled to a twenty-five dollar (\$25.00) reduction for each violation charged.
- (e) Any person cited for a violation of at-large, failure to vaccinate or license, wearing a forged tag, or nuisance, may elect to participate in a responsible pet ownership course offered by the department. Once the owner has registered, attended and successfully completed such course, any penalty shall be waived. The course must be completed within forty-five (45) days of issuance of the citation. This option is only available to a person one (1) time in a twenty-four (24) month period.
- (f) In the event an animal services officer investigates a complaint and finds a violation of the criminal provisions of Florida law relating to animals, the department shall, in accordance with F.S. § 828.03, assist the state attorney's office in prosecuting any such criminal violation.

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- (g) General penalties as set forth in section 1-6 of the Osceola County Code of Ordinances are applicable to this chapter.
  - (h) The department may require mandatory special master or court appearances for certain aggravated violations of this chapter resulting in the unprovoked biting, attacking or wounding of a domestic animal; violations resulting in the destruction or loss of personal property; second or subsequent violations of local animal cruelty laws; or violations resulting in the issuance of a third or subsequent citation to a person. The citation shall clearly inform the person of the mandatory master or court appearance. The department shall maintain records to prove the number of citations issued to the person. A person who is required to make a mandatory appearance before the special master or court does not have the option of paying the fine instead of appearing before the special master or court. All violations shall be accrued by owner, not by the individual animal.
  - (i) For purposes of this chapter, the special master shall have the power to:
    - (1) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by a sheriff or other authorized persons consistent with Rule 1.410(d), Florida Rules of Civil Procedure upon request by the special master.
    - (2) Subpoena records and other documentary materials.
    - (3) Take testimony under oath.
    - (4) Issue orders having the full force and effect of law to command whatever steps are necessary to bring a violation into compliance.
    - (5) Issue orders requiring an owner to reimburse the county for any costs incurred to care for an animal.
  - (j) Any aggrieved party may appeal an order of the special master, including the county, to the circuit court of the Ninth Judicial Circuit Court in and for Osceola County. Such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special master. Any appeal filed pursuant to this chapter shall be considered timely if it was filed within thirty (30) days of the execution of the order to be appealed.

(Ord. No. 2017-49, § 1, 8-7-17; Ord. No. 2018-69, § 1, 11-5-18)

**Secs. 4-14—4-25. Reserved.**

## ***ARTICLE II. ANIMAL CONTROL***

### **Sec. 4-26. Unlawful interference.**

It shall be a violation for any person to:

- (1) Interfere with, hinder, obstruct, resist, oppose or threaten bodily harm to any animal control officer, law enforcement officer or any person authorized to assist an officer.
- (2) Mislead, give false information, or provide a false report or statement to an animal control officer or other county employee regarding any animal.
- (3) Without proper authorization, remove or attempt to remove any animal from an animal control officer, remove or attempt to remove any animal from any vehicle used by the officer or remove or attempt to remove any animal from the animal shelter.

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- (4) Without proper authorization, remove any animal from a trap placed by an animal control officer or tamper with, damage or relocate a trap placed by an animal control officer.

(Ord. No. 2017-49, § 1, 8-7-17)

#### **Sec. 4-27. Transporting in open vehicles.**

Animals that are transported in the bed of a truck or on a flat-bed trailer must be safely and humanely secured.

(Ord. No. 2017-49, § 1, 8-7-17)

#### **Sec. 4-28. Dogs and cats offered for sale; age and health requirements.**

- (a) All dogs and cats offered for sale must be at least eight (8) weeks of age.
- (b) All dogs and cats offered for sale must be accompanied by a certificate of veterinary inspection indicating the date and types of vaccines, anthelmintics, and tests administered to the animal. The certificate shall be made available to the county upon request, and a copy of the certificate shall be provided to the purchaser of the animal. All dogs and cats offered for sale must be current on vaccinations.
- (c) All dogs and cats offered for sale that are four (4) months of age or older must have a current rabies vaccination and county license.
- (d) All dogs that are six (6) months of age or older must be tested for heartworm disease and the result of the test must be provided on the certificate.
- (e) All cats shall be tested for Feline Leukemia and Feline Immunodeficiency Virus and the results of the tests must be provided on the certificate.

(Ord. No. 2017-49, § 1, 8-7-17)

#### **Sec. 4-29. Rabies vaccination and county licenses.**

- (a) It shall be unlawful for the owner of any dog, cat or ferret which is four (4) months of age or older, to fail to have said animal vaccinated against rabies by a licensed veterinarian of his or her choice with a modified live virus, rabies vaccine, inactivated rabies vaccine or other vaccine which is approved by the U.S. Department of Agriculture for use in those species.
- (b) Upon vaccination against rabies, the licensed veterinarian shall provide the animal's owner and the department with Form 51, "Rabies Vaccination Certificate", of the National Association of State Public Health Veterinarians (NASHPHV), or other form approved by the county, which shall contain at least the following information:
  - (1) The license number of the administering veterinarian;
  - (2) The name, address, and phone number of the veterinarian and owner;
  - (3) The date of the vaccination;
  - (4) The expiration of the vaccination;
  - (5) The species, age, sex, color, breed, weight, and name of the animal vaccinated;
  - (6) The rabies vaccine manufacturer;

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- (7) The vaccine lot number and expiration date;
  - (8) The type and brand of vaccine used and the duration of immunity;
  - (9) The route of administration of the vaccine;
  - (10) The signature or signature stamp of the licensed veterinarian.

The licensed veterinarian shall provide the rabies vaccination certificate to the department the first week of the month following the month the vaccination was given. Failure to comply shall constitute a violation of this section. For first violations, a written warning will be issued. For a second violation, the fine shall be one hundred dollars (\$100.00) per violation. For third and subsequent violations, the fine shall be two hundred dollars (\$200.00) per violation.

- (c) Upon rabies vaccination of any dog or cat that resides in Osceola County, the owner shall acquire a county license tag. If the veterinarian that administers the rabies vaccination does not issue county license tags, the owner shall have fifteen (15) days from the date of vaccination in which to acquire the necessary tag from the county. The owner must show proof of rabies certification to the department in order to acquire the necessary county license tag. Only tags approved by the department shall be valid in Osceola County. Community cats are exempted from the licensing requirement as they have no known legal owners. However, community cat caregivers shall make their best effort to ensure that rabies vaccinations are current.
- (d) Each tag shall be valid for the period of time indicated on the rabies vaccination certificate. The county recognizes both one (1) year and three (3) year rabies vaccinations. A tag issued for one (1) animal is not valid for any other animal. No tag shall be valid after the expiration of the rabies vaccination, regardless of the date of issuance. It shall be a violation to possess or use a stolen, invalid, counterfeit or forged certificate, tag or other document required by or issued pursuant to this chapter.
- (e) The department or public health unit may mandate revaccination of currently vaccinated animals in instances involving post-exposure treatment for rabies, regardless of the immunity period of the rabies inoculation.
- (f) The county license tag shall be attached to the collar of the animal and shall be worn at all times except:
  - (1) When the animal is participating in a sanctioned dog or cat show;
  - (2) When the animal is confined inside the home of the owner or a licensed kennel;
  - (3) When a licensed veterinarian orders, in writing, that the collar and tag of a dog or cat be removed for health reasons, the dog or cat shall be confined inside a residence, veterinary clinic, or boarding facility at all times, except when being walked on an appropriate tether, leash, or cord by a competent adult for the purpose of exercise or elimination, until a licensed veterinarian permits the collar and tag to be placed back on the dog or cat;
  - (4) A police dog, as defined in F.S. § 843.18, shall be exempt from wearing a license tag while being used by a law enforcement agency;
  - (5) A working agricultural animal or service animal shall be exempt from wearing a license tag while being used in the performance of such work or service;
  - (6) Community cats.
- (g) No rabies-susceptible animal need be vaccinated for rabies where a licensed veterinarian has examined the animal and certified in writing that at the time vaccination would endanger the health of the animal because of its age, infirmity, debility, illness or other physiological considerations, and such certification is presented to the department within five (5) days of a request. Any such animal must be vaccinated against rabies as

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soon as its health permits. No such certification shall be valid for more than twelve (12) months from the date of issuance of certification by the veterinarian.

- (h) Any person who brings a dog or cat into the county with the intent to reside in the county permanently, or temporarily for a minimum of six (6) months, shall comply with this section no later than thirty (30) days after arrival.
- (i) If a tag is lost or destroyed, a replacement tag shall be issued upon presentation of the corresponding certificate and payment of the appropriate fee.
- (j) For their services provided in the handling and distribution of said tags, veterinarians may be allowed to retain a portion of the license tag fee as shall be established by the board of county commissioners through a duly adopted resolution.
- (k) By resolution, the board of county commissioners shall establish a schedule of fees to be charged for tags issued pursuant to this section. All such fees shall remain valid until modified by a new resolution. Owners of working agricultural animals, service animals and law enforcement animals are exempt from paying license tag fees.

(Ord. No. 2017-49, § 1, 8-7-17; Ord. No. 2018-25, § 1, 4-9-18)

#### **Sec. 4-30. Animal ownership limitations.**

The number and type of animals which may be owned and/or possessed in unincorporated Osceola County is limited as follows:

- (a) In all non-agriculturally zoned districts inside the urban growth boundary, domesticated animals such as dogs, cats, ferrets, potbellied pigs (Vietnamese or Asian), rabbits, pigeons, goats, horses and chickens are permitted, but the following animals are specifically prohibited: roosters, quacking ducks, geese, pea fowl, game birds, cattle, sheep, swine other than the pot-bellied pigs provided herein, or the presence or use of animals for commercial purposes unless otherwise provided for in the Osceola County Land Development Code.
  - (1) Domesticated animals are limited to not more than twelve (12) in total per residence. The number of dogs shall not exceed four (4). The number of cats shall not exceed eight (8). The number of potbellied pigs shall not exceed two (2).
    - a. Pot-bellied pigs, if housed outside, shall be contained in a pen or opaque fenced enclosure that is a minimum of one hundred (100) feet from the property boundary.
    - b. Pens shall be accessory and incidental to the principal dwelling.
  - (2) One (1) horse or other equine shall be permitted for every one (1) contiguous acre. The land must be suitable for the keeping of horses and wetlands cannot be counted toward the one (1) contiguous acre. Exceptions to the horse or other equine limitation requirements in this subsection may be made at the discretion of the animal services director if the director finds that there is written documentation from a licensed veterinarian sufficient to indicate that housing space and living conditions are acceptable to accommodate a greater number.
  - (3) Pigeons and chickens shall be contained in coops or fenced enclosures designed to keep the pigeons and chickens from straying off the owner's property, but such coops or fencing must be accessory and incidental to the principal structure and must comply with all other applicable laws and regulations. The coop setback shall be a minimum of twenty-five (25) feet from rear and side property boundaries, and the height of the coop shall not exceed six (6) feet. A coop is not permitted within the front yard. A maximum of six (6) chickens are permitted except that

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duplexes, townhomes, multi-family and similar units are prohibited from keeping chickens. The number of chickens shall count toward the total number of animals permitted.

- a. The coop or fenced enclosure must be kept in a clean and sanitary manner, free of insects and rodents, offensive odors, excessive noise, or any other condition which could potentially cause a nuisance. Feed stored outside must be secured in a metal container to prevent mice and other pests.
  - b. Pigeons and chickens shall not be overcrowded, and adequate space must be allowed so that each animal has space to lie down, stand up, and turn around without touching another animal.
- (b) In all agriculturally zoned properties inside the urban growth boundary used for legitimate agricultural practices such as, but not limited to, the raising, breeding, selling and transporting of cattle or poultry shall be subject to the following animal limitation requirements:
- (1) The number of dogs shall not exceed four (4). The number of cats shall not exceed eight (8). The number of potbellied pigs shall not exceed two (2).
    - a. The potbellied pigs, if housed outside, shall be contained in a pen or opaque fenced enclosure that is a minimum of one hundred (100) feet from the property boundary.
  - (2) One (1) horse or other equine shall be permitted for every one (1) contiguous acre. The land must be suitable for the keeping of horses and wetlands cannot be counted toward the one (1) contiguous acre.
  - (3) No more than two (2) swine are permitted per parcel, not including potbellied pigs as provided herein.
    - a. The swine, other than potbellied pigs, shall be contained in a pen or opaque fenced enclosure that is a minimum of one hundred (100) feet from the property boundary.
    - b. Pens shall be accessory and incidental to the principal dwelling.
- (c) In all non-agriculturally zoned districts outside the urban growth boundary, dogs are limited to no more than four (4) per residence and cats shall be limited to no more than eight (8) per residence. The number of potbellied pigs shall not exceed two (2).
- (1) The keeping of swine is prohibited in non-agriculturally zoned districts outside the urban growth boundary, except that the keeping of potbellied pigs (Vietnamese or Asian) may be permitted.
    - a. The potbellied pigs, if housed outside, shall be contained in a pen or opaque fenced enclosure that is a minimum of one hundred (100) feet from the property boundary.
    - b. Pens shall be accessory and incidental to the principal dwelling.
- (d) In agriculturally zoned districts outside the urban growth boundary, the following animal limitations apply:
- (1) No more than two (2) swine are permitted per parcel, not including potbellied pigs as provided herein.
  - (2) The swine, other than pot-bellied pigs, shall be contained in a pen or opaque fenced enclosure that is a minimum of one hundred (100) feet from the property boundary.
  - (3) Pens shall be accessory and incidental to the principal dwelling.
- (e) References to domesticated animals shall mean domesticated animals that have been weaned. Domesticated animals are not counted toward the animal limitations until they are at least eight (8) weeks of age.

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- (f) Service animals are exempt from these requirements and are not counted toward the total number of animals permitted.
  - (g) The raising of otherwise prohibited animals by 4-H or Future Farmers of America members for exhibitions, fairs, or the like, is permitted and is not subject to the requirements or limitations herein, provided that proof of 4-H or Future Farmers of America registration for such animals can be provided upon request by the department.
  - (h) Community cats are exempt from the requirements of this section and are not counted towards the total number of animals permitted.

(Ord. No. 2017-49, § 1, 8-7-17; Ord. No. 2018-25, § 1, 4-9-18)

### **Sec. 4-31. Nuisance.**

The following occurrences shall constitute a violation of this section:

- (a) It shall be unlawful for an animal owner to permit an animal, either willfully or through failure to exercise due care and control, to bark, cry, howl, screech, squawk, scream, whine or make any other objectionable noise, in a continuing or repeated manner so as to disturb the comfort, peace, quiet or repose of any person residing in the vicinity;
- (b) Every animal owner, the operator of any kennel, cattery or the operator of any commercial animal facility, excluding commercial livestock operations, shall exercise due care and control so as to maintain the animals, or the premises upon which the animals are kept, in such a manner as to prevent the emission of offensive odors which disturb the comfort, peace or repose of any person residing in the vicinity;
- (c) The owner of an animal shall be responsible for the removal of any solid excreta deposited by his or her animal on public walks, in recreational areas and on private property, other than his or her own;
- (d) An owner allowing a dog or cat to run at large on any public or private property without the consent of the property owner or resident. All dogs and cats, when not on the premises of the owner or on the premises of another person who consents thereto, shall remain under the direct control of a person competent to control such dog or cat, at all times, or shall be kept within a suitable enclosure sufficient to prevent escape. Police dogs, as defined by F.S. § 843.19, shall be exempt from the requirements regarding direct control when such dogs are engaged by a law enforcement agency in an official capacity;
- (e) An owner failing to confine a female dog or cat which is in heat (estrus) so that such animal is not accessible to any male dog or cat, except for controlled and intentional breeding purposes;
- (f) An owner failing to confine an intact male dog or cat which is seeking to breed a female dog or cat in heat (estrus) so that such animal is not able to access such dog or cat, except for controlled and intentional breeding purposes;
- (g) It shall be a violation of this section for the owner of an animal which is killed on a public or private right-of-way to fail to properly dispose of same. If the owner of the animal cannot be determined, it shall be the responsibility of the agency or owner charged with caring for or maintaining said right-of-way to properly dispose of the subject animal;
- (h) No person shall leave food outside during hours of darkness for pets or community cats due to the potential to attract other animals including wildlife that may carry and transmit rabies except in cases where the food is placed inside a trap in an effort to capture an animal. Community cat caregivers, as defined in this chapter, must make every effort to minimize the impact on local wildlife and feed an

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appropriate amount of food given the number of cats. Measures must be taken to mitigate problems with other residents including but not limited to discarding food that is left over to prevent it from becoming rancid and attracting pests. Feeding areas must be kept free of debris. If caregivers are feeding on another's property, consent must be obtained from the landowner;

- (i) It shall be a violation of the section for an owner to allow an animal to damage, harm, or destroy the property of another;
- (j) When an animal dies on public or private property, it shall be the responsibility of the animal owner or the property owner to remove and dispose of the animal immediately. If the owner is not aware of the presence of the deceased animal, the following procedures should be followed.
  - (1) When a dead animal is found on public property, the animal owner shall remove and dispose of same upon notification by the department, agent of the county or any law enforcement officer. It shall be a violation of this section if the owner of the animal should fail to remove same within twenty-four (24) hours of notification. In such an event, the county may remove and dispose of the animal and charge the owner, if known, with the cost of removal and disposal.
  - (2) When a dead animal is found on private property, the owner of said animal, or the owner of the property, shall remove and dispose of same upon notification by the department, an agent of the county or any other law enforcement officer. It shall be a violation of this section if the owner of said animal, or the owner of the property, should fail to remove same within a reasonable amount of time. In such an event, the county may remove and dispose of the animal and charge the animal owner, if known, with the cost of removal and disposal, or if unknown, the owner of the property.
- (k) Slaughter of livestock and chickens is prohibited on any non-agriculturally zoned property within the urban growth boundary. Nothing herein shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Ritual slaughter and the handling or other preparation of animals for ritual slaughter is exempt from the regulations herein. Ritual slaughter of livestock shall be subject to the regulations as set forth in F.S. § 828.22—828.26.

(Ord. No. 2017-49, § 1, 8-7-17; Ord. No. 2018-25, § 1, 4-9-18)

#### **Sec. 4-32. Cruel treatment of animals.**

It shall be a violation for any person to abuse, neglect or mistreat any animal. Such conduct shall include but is not limited to the following:

- (a) Fail to supply an animal with a continuous supply of fresh water and a sufficient quantity of good and wholesome food;
- (b) Keep an animal in an enclosure without wholesome exercise, proper ventilation, or lighting, whether natural or artificial;
- (c) Keep, house or maintain an animal in unsanitary conditions or conditions inconsistent with acceptable standards of care for the particular species;
- (d) Entice or lure an animal off the property of its owner to molest or tease the animal;
- (e) Abuse, torture, torment or commit cruel acts on any animal, causing pain or suffering;
- (f) Crop the ears or tail of a dog, except through the services of a licensed veterinarian;
- (g) Tie, chain, fasten or otherwise secure any animal to a dog house, tree, fence or other stationary object, on any property, in such a manner that the animal could become entangled, injured or hung. Only

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nylon or leather buckle type collars and harnesses are permitted for tethering. The tether must not be of a weight and size that places excessive strain on the animal;

- (h) Fail to provide proper veterinary care allowing an animal to suffer from illness or injury unnecessarily;
- (i) Place or confine an animal, or allow it to be placed or confined or to remain, in an unattended vehicle under conditions that may reasonably be expected to endanger the health or well-being of the animal due to heat, cold, lack of water, lack of ventilation or other circumstances as may reasonably be expected to cause suffering, pain, distress, debility or death;
- (j) Abandon any animal.

(Ord. No. 2017-49, § 1, 8-7-17)

### **Sec. 4-33. Animals found in distress.**

- (a) The county may lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location, or order the owner of any animal found neglected or cruelly treated to provide certain care to the animal, at the owner's expense, without removal of the animal from its present location. The county shall then file a petition in the county court within ten (10) days after the animal is seized or an order to provide care is issued. The court shall schedule and commence a hearing on the petition within thirty (30) days after the petition is filed to determine whether the owner, if known, is able to adequately provide for the animal and is fit to have custody of the animal. The hearing shall be concluded and the court order entered thereon within sixty (60) days after the date the hearing is commenced. The timeframes set forth herein are not jurisdictional; however, if a failure to meet such timeframe is attributable to the county, the owner is not required to pay the county for care of the animal during any period of delay caused by the county. A fee may not be charged for filing the petition. Nothing herein is intended to require court action for taking custody and properly disposing of stray or abandoned animals.
- (b) If the owner of the animal is known and residing in the county where the animal was seized, the county shall have written notice served upon the owner of the animal at least three (3) days prior to the hearing, in conformance with the provisions of F.S. Ch. 48, relating to service of process. The sheriff of the county may not charge a fee for service of such notice. If the owner of the animal is known but is residing outside of the county wherein the animal was taken, notice of the hearing shall be by publication in conformance with the provisions of F.S. Ch. 49.
- (c) The county shall provide for the animal taken into custody pursuant to this section until either:
  - (1) The owner is adjudged by a court to be able to adequately provide for and have custody of the animal, in which case the animal shall be returned to the owner upon payment of all costs associated with the care and provision of the animal while in the custody of the county; or
  - (2) The animal is turned over to the county by court order and the animal is adopted, sent to rescue, fostered, transferred or disposed of in a humane and appropriate manner.
- (d) If the court determines that the owner is able to provide adequately for and have custody of the animal, the order shall provide that the animal be claimed and removed by the owner and all fees and costs associated with the care of the animal, while in the custody of the county, be paid within seven (7) days after the date of the order. Failure to remove the animal from the animal control facility within the seven-day period stated above, without providing the department with a reasonable explanation for the delay, shall constitute abandonment of the animal and waiver of the holding periods of section 4-8 hereof, enabling the department to permit adoption or dispose of the animal in a humane and appropriate manner.
- (e) If the court determines that the owner of the animal is unable or unfit to adequately provide for the animal, the court may:

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- (1) Order that the current owner have no further custody of the animal and that the animal be sold by the sheriff at public auction or remanded to the county to be disposed of as the county sees fit; or
  - (2) Order the animal destroyed or remanded directly to the custody of the county to be disposed of as the county sees fit.
- (f) Upon proof of costs incurred by the county, the court may require that the owner pay for the care of the animal while in the custody of the county. A separate hearing may be held to determine the total costs incurred.
- (g) If the court determines that the owner is unable or unfit to adequately provide for the animal, the court may order that other animals in the custody of the owner, which were not seized by the county, be turned over to the county. The court may enjoin the owner from further possession or custody of animals or limit the number of animals an owner may possess without regard to the limitations set forth in section 4-30 hereof.
- (h) In determining a person's fitness to have custody of an animal, the court may consider, among other matters:
- (1) Testimony from the agent or officer who seized the animal and other witnesses as to the condition of the animal when seized and as to the conditions under which the animal was kept;
  - (2) Testimony and evidence as to the veterinary care provided to the animal;
  - (3) Testimony and evidence as to the type and amount of care provided to the animal;
  - (4) Expert testimony as to the community standards for proper and reasonable care of the same type of animal;
  - (5) Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody;
  - (6) The owner's past record of judgments under the provisions of this section;
  - (7) Convictions for cruelty to animals;
  - (8) Any other evidence the court considers to be material or relevant.
- (i) If the evidence indicates a lack of proper and reasonable care of the animal, the burden is on the owner to demonstrate by clear and convincing evidence that he or she is able and fit to have custody of and adequately provide for the animal.
- (j) In any case in which an animal is offered for auction, the proceeds shall be applied as follows:
- (1) First, to the cost of the sale;
  - (2) Second, to the care of and provision for the animal by the county;
  - (3) Third, to the payment of the owner for the sale of the animal;
  - (4) Paid over to the court if the owner is not known.

(Ord. No. 2017-49, § 1, 8-7-17)

#### **Sec. 4-34. Aggressive animal; failure to properly confine or control.**

It shall be a violation for an animal owner to fail to exercise due care and control over his or her animal so as to prevent same from causing physical injury to any person or, while off the premises of its owner, from causing severe injury to or killing livestock or a domesticated animal. It shall not be a violation of this section if an animal is reacting to a person unlawfully on its owner's property or is protecting its owner from an unprovoked attack or assault.

**Sec. 4-35. Bite reporting, quarantine, treatment and destruction.**

- (a) It shall be the duty of every attending practitioner licensed to practice medicine, osteopathic medicine, veterinary medicine or any other person knowing of or in attendance on a case in which a rabies-susceptible animal has bitten or its saliva has come in contact with the mucous membrane or an open lesion of a human, to promptly report same to the Osceola County Health Department. All reporting requirements set forth in Florida's Administrative Code shall remain in full force.
- (b) When an animal, regardless of its vaccination status, has bitten or potentially exposed a person, or if after proper investigation by animal services is believed to have bitten or potentially exposed a person it shall be held in quarantine for a period no less than ten (10) days from the date of exposure or, if applicable, until such time as a final determination has been made in a pending dangerous dog investigation. Quarantine may be at a veterinary clinic in Osceola County, the county animal shelter, or other location approved by the county health department and/or animal services including home quarantine when certain conditions are met.
- (c) When an animal that is positive for rabies or is suspected or likely to have rabies has bitten or attacked a dog, cat or ferret, the dog, cat, or ferret, if current on rabies vaccination, shall be quarantined for a minimum of forty-five (45) days. Upon initial quarantine, the dog, cat, or ferret shall be re-vaccinated against rabies using a vaccine as approved by the USDA.
- (d) When an animal that is positive for rabies or is suspected or likely to have rabies has bitten or attacked a dog, cat, or ferret, the dog, cat, or ferret, if not current on rabies vaccination, shall either be immediately euthanized or held in quarantine at a location approved by the public health department and/or animal services for a minimum of six (6) months. Upon initial quarantine, the dog, cat or ferret shall be vaccinated against rabies using a vaccine approved by the USDA or vaccinated thirty (30) days prior to conclusion of the quarantine period in accordance with the provisions of the Florida Department of Health Rabies Prevention and Control compendium. The owner is wholly and solely responsible for payment of all fees and costs associated with this quarantine period. In situations where an animal is quarantined at Osceola County Animal Services, payment for the first thirty (30) days of quarantine services must be paid upon admission to the animal shelter. For each subsequent thirty (30) day period, payment must be received seven (7) days in advance of the next thirty (30) day period. Failure of the owner to provide payment shall constitute abandonment of the animal and waiver of the holding periods of section 4-8 hereof, enabling the department to provide for appropriate disposition of the animal.
- (e) The county will work closely with the county health department in accordance with their established rules and guidelines and the Florida. Administrative Code for quarantine restrictions for all other animal types not covered in this section.
- (f) It shall be a violation of this section if any person fails to surrender an animal for quarantine when demand is made by the county health department or an animal control officer.
- (g) Any animal impounded because it is infected or carrying, or believed to be infected or carrying, an infectious or contagious disease, or if an animal is impounded in an injured condition, the director shall have authority to procure the services of a licensed veterinarian to treat the animal if, in the opinion of the director or the veterinarian, the animal can be treated successfully.
- (h) Animals that are ill or injured may be euthanized prior to the expiration of the holding period set forth in section 4-8 in accordance with F.S. § 828.05. In instances when the owner of an impounded animal can be determined, the director of animal services or any animal services officer shall make a reasonable and

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concerted attempt to locate the owner, the owner's agent, or a veterinarian before the disposition of the animal. In the event an owner is identified after the fact, the owner shall be due no compensation.

- (i) Any dog used as a service dog that bites another animal or a human is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination that was administered by a licensed veterinarian.

(Ord. No. 2017-49, § 1, 8-7-17)

#### **Sec. 4-36. Dangerous dog classification or destruction.**

- (a) The department shall investigate reported incidents involving any dog that may be dangerous and, if possible, shall interview the owner and require a sworn affidavit from any person, including any animal control officer or law enforcement officer, desiring to have a dog classified as dangerous.
- (b) After the investigation, the director 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. The department shall afford the owner an opportunity for a hearing prior to making a final determination regarding the classification or penalty. The director shall provide written notification of the sufficient cause finding and proposed penalty to the owner by registered mail, certified 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 regarding the dangerous dog classification, penalty, or both, within seven (7) calendar days after receipt of the notification of the sufficient cause finding and proposed penalty.
- (c) In the event the owner of the dog properly requests a hearing, the following procedures shall apply:
  - (1) The director shall set a date and time for the hearing to occur, not later than twenty-one (21) calendar days and not sooner than five (5) calendar days after receipt of such request. If a hearing is not timely requested regarding the dangerous dog classification or proposed penalty, the determination of the director as to such matter shall become final. The hearing may be continued to a date outside of the above stated time schedule at the request of either party if circumstances arise which necessitate same.
  - (2) The hearing shall be conducted before the county manager.
  - (3) The purpose of the hearing is to provide the owner with an opportunity to contest the initial determination, penalty or both. The burden rests upon the owner to demonstrate material error in the findings of the director.
  - (4) The format of the hearing shall be determined by the county manager and shall be released in the form of an agenda to the owner, or the owner's attorney, if represented, prior to the hearing.
  - (5) The owner may appear in person or may be represented by counsel and although the hearing will not be conducted with judicial formality, the owner may present testimony and/or evidence.
  - (6) Each party shall have the option to cross-examine any and all witnesses who present testimony.
  - (7) Minutes shall be taken of the hearing.
- (d) If the owner does not request a hearing or the county manager upholds the initial determination of the director, the dog shall be classified as a dangerous dog and a penalty imposed. The county shall provide a written final order to the owner by registered mail, certified mail, 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.
- (e) In the event a hearing is requested, the final determination shall be made by the county manager in accordance with the following:

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- (1) In making a final determination, both the evidence presented at the hearing and that gathered by the department during its initial investigation, will be considered.
  - (2) The final order shall be made in writing and released to the owner, or the owner's attorney, if represented, as soon as practicable.
  - (3) If the director has made the initial determination that a canine should be euthanized and, after a hearing regarding same, the county manager, determines that euthanasia is not warranted, the county manager shall have the option of classifying the dog as dangerous and impose specific maintenance requirements upon the owner in lieu of euthanasia.
  - (4) A final determination issued by the county manager, is final and shall be subject to review by the circuit court. An owner who wishes to contest the decision of the county manager 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.
- (f) Any dog that is the subject of a dangerous dog investigation because of severe injury to a human being may be immediately confiscated by the department, 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 chapter. 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.
- (g) Any dog that is the subject of a dangerous dog investigation which is not impounded by the department 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 chapter. The address at which the animal resides shall be provided to the department. 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 chapter. If the dog is to be destroyed, the dog may not be relocated or its ownership transferred.
- (h) The owner of a dog confiscated pursuant to this section shall be responsible for the cost of impoundment and all other fees incurred by the department for the care of the animal, regardless of the final determination or subsequent court order. All such fees and costs shall be paid prior to the release of the dog. In the event custody of the animal is relinquished to the department, the fees and costs may be waived at the discretion of the director.
- (i) 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 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.
- (j) 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 this section when engaged in any legal procedures. However, such dogs at all other times in all other respects are subject to this section. Dogs that have been classified as dangerous may not be used for hunting purposes.
- (k) Any dog that is owned, or the service of which is employed, by a law enforcement agency is exempt from this section.

**Sec. 4-37. Registration and maintenance of a dangerous dog.**

- (a) Except as otherwise provided in paragraph (b) of this section, the owner of a dog classified as dangerous 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 final order, in order to maintain such an animal in Osceola County, the owner of the dog shall be required to obtain a certificate of registration, renewable annually, and pay a registration fee as established by the board of county commissioners through a duly adopted resolution. Failure to pay all costs associated with maintaining the dog and the registration fee within the required fourteen-day period, without providing the department with a reasonable explanation for the delay, shall constitute abandonment of the dog and waiver of the holding periods of section 4-8 hereof, enabling the department to provide appropriate disposition of the animal. Prior to being issued a certificate of registration of dangerous dog, or any renewal thereof, the owner, who must be at least eighteen (18) years of age, must provide sufficient evidence of the following:
    - a. A current certificate of rabies vaccination for the dog;
    - b. The construction of a proper enclosure, approved by the director to confine the dangerous dog and the posting of the premises with a clearly visible warning sign at all entry and exit points which informs both children and adults of the presence of a dangerous dog on the property;
    - c. Permanent identification on the dog in the form of electronic implantation referred to as a microchip;
    - d. The owner has procured liability insurance or surety bond in the amount of not less than one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by the dangerous dog. Such insurance policy shall contain a provision requiring that the county be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, modified, terminated or expires;
    - e. The animal has been sterilized.
  - (2) The owner of a dog which has been classified as dangerous must not permit the dog to be outside of the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must 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 his or her sight and only members of the immediate household or persons eighteen (18) years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.
  - (3) The owner of a dangerous dog shall immediately notify the department in the event such a dog:
    - a. Is loose or unconfined;
    - b. Has attacked or bitten a human being or attacked or bitten another animal;
    - c. Is sold, given away, or dies;
    - d. Is moved to another address;
    - e. Is stolen, in which case a police report must be filed.

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- (4) In the event the owner of a dangerous dog wishes to sell or give the dog away, the owner must provide the name, address, and telephone number of the new owner to the department. The new owner must comply with all of the requirements herein and the final determination issued by the county manager.
  - (5) A dangerous dog tag will be issued upon payment of the registration fee and renewed annually thereafter. Failure to pay the dangerous dog fee or obtain a dangerous dog tag for a dog which has been deemed dangerous is a violation. It is a violation to remove, destroy, or deface a dangerous dog tag, and if the dangerous dog tag is lost, it shall be immediately replaced at the expense of the owner.
  - (6) If a dog which has been classified as dangerous in another jurisdiction is brought into the county, the owner must immediately register the dangerous dog with the department. Such owner will be required to pay all fees set forth hereunder, comply with the requirements set forth herein for maintaining a dangerous dog in the county and the order from the jurisdiction which classified the dog as dangerous, to the extent that same is not inconsistent with the requirements hereof. The owner of a dog which has been classified as dangerous must ensure that the dog wears the county issued dangerous dog tag at all times without exception.
  - (7) A violation of any of the provisions in the section for registering or maintaining a dangerous dog shall result in a civil citation or immediate confiscation of the dangerous dog.
- (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 the likelihood of a future threat to the public safety, health, and welfare, the dog may be destroyed in an expeditious and humane manner in accordance with the provisions of this section.

(Ord. No. 2017-49, § 1, 8-7-17)

#### **Sec. 4-38. Attack or bite by a dangerous dog; attack or bite by an unclassified dog.**

- (a) If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the dangerous dog shall be confiscated by the department immediately and, if necessary, placed in quarantine for the proper length of time or held for ten (10) business days after the owner is given written notification of the director's initial determination that the subject dog should be euthanized. Thereafter the dog may be destroyed in an expeditious and humane manner. This ten-day period shall allow the owner to request a hearing in accordance with section 4-36 hereof. If a hearing is properly requested, the procedures set forth in section 4-36 hereof shall apply. If the owner files a written appeal under section 4-36, the dog must be held and may not be destroyed while the appeal is pending.
- (b) If a dog that has previously been declared dangerous attacks and causes severe injury to or the death of any human, the dangerous dog shall be confiscated by the department immediately and, if necessary, placed in quarantine for the proper length of time or held for ten (10) business days after the owner is given written notification of the director's initial determination that the subject dog should be euthanized. Thereafter the dog may be destroyed in an expeditious and humane manner. This ten-day period shall allow the owner to request a hearing in accordance with section 4-36 hereof. If a hearing is properly requested, the procedures set forth in section 4-36 hereof shall apply. If the owner files a written appeal under section 4-36, the dog must be held and may not be destroyed while the appeal is pending.
- (c) If a dog that has not been declared dangerous attacks and causes the death of a human, the dog shall be immediately confiscated by the department and, if necessary, placed in quarantine for the proper length of time or held for ten (10) business days after the owner is given written notification of the director's initial determination that the subject dog should be euthanized. Thereafter the dog may be destroyed in an expeditious and humane manner. This ten-day period shall allow the owner to request a hearing in accordance with section 4-36. If a hearing is properly requested, the procedures set forth in section 4-36

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hereof shall apply. If the owner files a written appeal under section 4-36, the dog must be held and may not be destroyed while the appeal is pending.

- (d) If a dog that has not been previously declared dangerous attacks and causes severe injury to, or the death of, a human, 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 Florida Statutes. 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 paragraph.
- (e) The owner of a dog confiscated pursuant to this section is responsible for the cost of impoundment, and all other fees incurred by the department for the care of the animal during any appeal procedure, regardless of the final determination or a subsequent court order. All such fees and costs shall be paid prior to the release of the dog. In the event custody of the animal is relinquished to the department, the fees and costs may be waived at the discretion of the director.

(Ord. No. 2017-49, § 1, 8-7-17)

### **Sec. 4-39. Impoundment of livestock running at large or straying; disposition of such livestock.**

- (a) The department shall impound any livestock found to be running at large or straying. Upon the impoundment of any at large or straying livestock into the animal control facility, the director shall have the owner of the livestock served with written notice, advising the owner of the location or place where the livestock is being held and impounded, the amount due by reason of such impounding, and that unless the livestock is redeemed within three (3) days from the date of receipt of the notice, the livestock will be disposed of as provided herein.
- (b) In the event the owner of the livestock is unknown or cannot be found, service upon the owner shall be obtained by once publishing notice in a newspaper of general circulation where the livestock is impounded (Sundays and holidays excluded). The notice shall be in the following form:

To Whom It May Concern:

You are hereby notified that the following described livestock (giving full and accurate description of same, including marks and brands) is now impounded at (giving location where livestock is impounded) and the amount due by reason of such impounding is \_\_\_\_\_ dollars. The above described livestock will, unless redeemed within three (3) days from date hereof, be offered for sale at public auction to the highest and best bidder for cash.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Director of Animal Services of Osceola County, Florida

- (c) Unless the impounded livestock is redeemed within three (3) days from the date of notice, the department shall give notice of sale, which shall be held not less than five (5) days nor more than ten (10) days, excluding Sundays and legal holidays, from the date of publication of the notice of sale. Said notice of sale shall be published in a newspaper of general circulation in the county (excluding Sundays and holidays) and by posting a copy of such notice at the courthouse door. Such notice of sale shall be in substantially the following form:

To \_\_\_\_\_  
(Name of owner, if known, otherwise To Whom It May Concern):

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You are hereby notified that I will offer for sale and sell at public sale to the highest and best bidder for cash the following described livestock (giving full and accurate description of each head of livestock) at \_\_\_\_\_ o'clock, \_\_.m. (the hour of sale to be between 11 a.m. and 2 p.m. Eastern Standard Time) on the \_\_\_ day of \_\_\_\_\_ at the following place (which place shall be where the livestock is impounded or at the place provided by the County Commissioners for the taking up and keeping of such livestock) to satisfy a claim in the sum of \_\_\_\_\_ for fees, expenses for feeding and care and costs hereof.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Director of Animal Services of Osceola County, Florida

- (d) Notwithstanding the requirements above, the department may offer for adoption or humanely dispose of stray livestock, excluding cattle. If the livestock is to be offered for adoption or humanely disposed of, the department shall:
- (1) Provide written notice to the owner, if known, advising the owner of the location where the livestock is impounded and of the amount due by reason of the impounding, and that unless the livestock is redeemed within three (3) business days, the livestock will be offered for adoption or humanely disposed of; or
  - (2) If the owner is unknown or cannot be located, obtain service upon the owner by publishing notice on the department's website. If the livestock is not redeemed within three (3) business days, the livestock will be offered for adoption or humanely disposed of.
- (e) In the event that the livestock is not bid upon at the sale, the department may either offer the livestock for adoption, take the livestock to a bona fide market, humanely destroy the livestock or cause same to be humanely destroyed and thereafter dispose of in a proper manner.
- (f) In such an event that disposition of the livestock produces revenue, the proceeds shall be distributed as follows:
- (1) First, to cover the cost of the sale;
  - (2) Second, to cover any costs incurred by the county in impounding and for caring for the animal;
  - (3) All remaining proceeds shall be paid to the owner, if known.

(Ord. No. 2017-49, § 1, 8-7-17)

#### **Sec. 4-40. Trapping of feral and domesticated cats.**

Any company or individual that engages in the trapping of feral and/or domesticated cats within the unincorporated areas of Osceola County must first notify the department of the location and duration of placement of any trap. Companies, individuals, and other entities must adhere to the guidelines for trapping of feral and/or domesticated cats as established by the department. It shall be a violation of this section to trap feral or domesticated cats without providing advanced notification to the department or without adhering to the guidelines established by the department.

(Ord. No. 2017-49, § 1, 8-7-17)

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**Sec. 4-41. Transfer of a dog or cat to an animal abuser prohibited.**

- (a) No person shall knowingly sell, exchange, or otherwise transfer the possession of a dog or cat to any person identified as the animal abuser, who has not otherwise had his or her right to own animals restored pursuant to a valid court order, as found on the animal abuser link.
- (b) Prior to the sale, exchange, or other transfer of possession of a dog or cat, animal shelters (including any operated by privately owned organization, humane societies, animal protective associations or animal rescue groups), pet sellers, humane organizations, large kennels, kennels, breeders, and rescue organizations shall examine the animal abuser link to confirm that the potential owner of the dog or cat is not identified on the link as a convicted animal abuser. If the website information is unavailable, then the records shall state that an attempt was made, including the date and time of the attempt. Upon request from the animal control officer, the entity shall provide proof by affidavit or otherwise, that it verified the information on the animal abuser link at the time of transfer. The entity shall create records at or before the time of the transfer to show who examined the link, the date and time of the examination, and results of the examination of the online link; these records shall be retained for five (5) years. Entities shall produce the records to Osceola County for examination upon request. Failure to examine the animal abuser link prior to the transfer, maintain required records, or to produce them upon request are violations of this Code.
- (c) This section does not apply to service animals.
- (d) This section does not apply to animal abusers when the abuser's conviction is successfully appealed, expunged, or more than five (5) years old.
- (e) Osceola County does not maintain or operate the online website link and therefore makes no express or implied guarantee concerning the accuracy or completeness of any of the data contained therein.

(Ord. No. 2018-69, § 1, 11-5-18)

**Sec. 4-42. Adoption-based business model for retail adoption of dogs and cats and other requirements.**

- (a) An adoption-based business model shall be required for the retail adoption of dogs or cats at a pet shop whereby all dogs or cats will be sourced from stray and unwanted pets that have been taken in by an animal shelter or animal rescue organization. Dogs and cats purchased directly from a commercial breeder, a hobby breeder or indirectly through some other intermediary such as a broker or wholesaler may not be offered for sale, adoption, transfer, or other outcome.
- (b) No pet shop shall offer dogs or cats in Osceola County, unless the dog or cat was obtained from an animal shelter or an animal rescue organization.
- (c) This adoption-based business model for the retail adoption of dogs or cats in the county applies to any pet shops opened, transferred, assigned or sold by owners of existing pet shops after the effective date of the ordinance from which this section derives. This section shall not apply to lawfully operating pet shops in existence on or before the effective date of the ordinance from which this section derives until such time that the pet shop is transferred, assigned, sold by owners, has a lapse in the maintenance of any licenses necessary to operate their business, is abandoned, or is found to be in violation of any federal or state administrative rules, regulations or statutes. At that time, the pet shop shall be subject to this section.
- (d) Disclosures: A pet shop must be able to produce information upon request by an animal services officer regarding the source of dogs and cats in the store.

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- (e) Pet shops shall maintain records, stating the name; address, telephone number and email of the animal shelter or animal rescue organization from which each dog or cat was acquired for three (3) years following the date of acquisition of the dog or cat and maintain a copy of the record for the previous year subject to inspection by the county's animal control officers or any other county officials charged with enforcing the provisions of this section. Any such records shall be made available immediately upon request. Falsification of records by pet shops is hereby deemed unlawful and subject to the penalties under this chapter.
- (f) Any pet shop found to be in violation of the provisions of this section may be subject to any applicable enforcement mechanism available to the county, including but not limited to: prosecution in the same manner as a misdemeanor, as provided in F.S. § 125.69, and section 4-13 of this Code. It shall be a violation of this section to fail to comply with any of the requirements or restrictions contained in this section. Violations of this section are classified as a civil infraction in accordance with F.S. § 828.27(2) and the penalties shall be set forth in section 4-12 of this Code.
- (1) Each animal produced, reared, bred, kept, sold, or released in violation of this section will be deemed a separate offense.
  - (2) A separate offense will be deemed committed on each day during which a violation occurs or continues.
  - (3) Imposition of a penalty for a violation does not excuse the violation nor does it imply permission for the violation to continue. All pet shops found to be in violation will be required to correct or remedy such violations immediately.
  - (4) The county may initiate a civil action in any court of competent jurisdiction to enjoin any violation of this section.
  - (5) Nothing precludes this section from being enforced in any other way in accordance with the law.
- (g) This section shall be applicable in both incorporated and unincorporated portions of Osceola County until such time that the municipalities adopt a conflicting ordinance.

(Ord. No. 2019-109, § 1, 12-16-19)