

LEE COUNTY ORDINANCE #14-22

AN ORDINANCE REPEALING ANIMAL CONTROL ORDINANCE 14-04; PROVIDING FOR ANIMAL CONTROL IN UNINCORPORATED LEE COUNTY, FLORIDA AND THOSE MUNICIPALITIES BY INTERLOCAL AGREEMENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR ESTABLISHMENT OF A COUNTY ANIMAL SHELTER; PROVIDING FOR AN ANIMAL CONTROL ENFORCEMENT AGENCY; PROVIDING FOR PROHIBITIONS AGAINST CRUELTY TO ANIMALS; PROVIDING FOR ADOPTION BY REFERENCE FLORIDA STATE STATUTES RELATING TO ANIMAL CONTROL, ANIMAL WELFARE AND ANIMAL CRUELTY, PROHIBITION AGAINST ANIMAL CRUELTY; IMPOUNDMENT OF ANIMALS FOUND IN DISTRESS; FIGHTING OR BAITING OF ANIMALS, STERILIZATION OF DOGS AND CATS RELEASED FROM ANIMAL SHELTER FACILITY; PROHIBITION AGAINST ALLOWING ANIMALS TO BECOME A NUISANCE, MUSCOVY DUCKS AS NUISANCES, CONCEALMENT OF ANIMALS, PROHIBITING ANIMALS FROM RUNNING AT LARGE; PROHIBITION AGAINST ALLOWING ANIMALS TO DISPLAY THREATENING AND MENACING BEHAVIOR, FAILURE TO EXERCISE CONTROL OVER DANGEROUS ANIMALS; FAILING TO CONFINE FEMALE DOGS AND CATS IN SEASON; PROHIBITING OPPOSING AN ANIMAL CONTROL OFFICER, DAMAGING ANIMAL SHELTER FACILITY, RELEASING ANIMALS; PROVIDING FOR ENFORCEMENT OF VIOLATIONS, REDEMPTION AND DISPOSITION OF UNWANTED AND IMPOUNDED ANIMALS, IMPOUNDING FEES; REPORTING OF PERSONS BITTEN OR SCRATCHED BY ANIMALS AND THE QUARANTINE OF ANIMALS FOR RABIES OBSERVATION; PROHIBITING THE KILLING OR REMOVAL FROM LEE COUNTY OF RABID ANIMALS; PROVIDING FOR THE SURRENDER OF THE CARCASSES OF RABID ANIMALS; PROVIDING FOR THE REGISTRATION OF GUARD DOGS; PROVIDING FOR LICENSING AND FOR VACCINATION REQUIREMENT, ANIMAL IDENTIFICATION REQUIREMENTS FOR DOGS, CATS, FERRETS, AND LICENSE FEES; INSPECTION OF ANIMAL ESTABLISHMENTS, DISPOSAL OF BODIES OF DEAD OWNED ANIMALS, SETTING RESTRICTIONS ON

CONFINING ANIMALS IN MOTOR VEHICLES; PROVIDING FOR TREATMENT OF ANIMALS IN A HUMANE MANNER; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lee County Board of County Commissioners acknowledges the enjoyment derived from pet ownership; and

WHEREAS, the Board of County Commissioners further appreciates the need to protect all animals from themselves, from other animals and from humans; and

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

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

This Ordinance is entitled the Lee County Animal Control Ordinance.

SECTION ONE REPEALER

Lee County Ordinance 14-04 is hereby repealed and of no further force and effect.

SECTION TWO

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

ABANDON: To give up possession of, to neglect, to forsake an animal entirely or to refuse to provide or perform the legal obligations for care and support of an animal by its owner or owner's agent.

ADEQUATE FOOD: Uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the individual animal's age and condition.

ADEQUATE WATER: A continual access to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, and in sufficient amounts to maintain good health. Such water will be provided in a secure manner so that the container cannot be overturned.

ADEQUATE SHELTER: A structurally sound, properly ventilated, sanitary and weather-proof shelter suitable for the species, condition and age of the animal, which provides access to shade from direct sunlight and protection from exposure to inclement weather.

ADEQUATE HEALTH CARE: The provision to each animal of all immunizations and preventative care required to maintain good health; and the provision to each sick, diseased or injured animal of veterinary care or humane death.

ANIMAL: Every living dumb creature.

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

ANIMAL CARE FACILITY: Any person, group or business that provides for the care, sustenance, housing, maintenance or other necessary care of an animal, usually but not necessarily for a fee. Including, but are not limited to, veterinary facilities, boarding facilities, groomers, animal sitters/foster care, rescues, shelters and pet stores.

ANIMAL SERVICES: An entity composed of persons and officers which have full and complete authority to enforce the provisions, regulations and requirements of this ordinance and applicable laws of the State of Florida relating to animals and animal cruelty.

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

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

BAITING: To attack with violence, to provoke or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. "Baiting" also means the use of live animals in the training of racing greyhounds or dogs used in "Hog Dog Rodeos", or any other performing animal exhibition.

BOARD: The Board of County Commissioners of Lee County, Florida; (or "BOCC").

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

COMMERCIAL ANIMAL ESTABLISHMENT: Any pet shop, animal grooming shop, flea market, department store, guard dog training facility, riding school, any type of kennel, cattery, zoological park, circus or a performing animal exhibition; or any other premises or property where animals are kept as part or whole of a business concern. *Bonafide commercial agricultural animal establishments are excluded from this definition, with the

exception of cruelty to animal investigations as authorized in Section XXVI.A of this ordinance.

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

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

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

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

DOMESTIC ANIMAL: Any animal kept for enjoyment and/or companionship rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent upon people for food, shelter and survival.

DOWNER: Any animal that is non-ambulatory.

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

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

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

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

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

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

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

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

HEALTH DEPARTMENT: Lee County Health Department.

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

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

HUMANE MANNER: A manner consistent with the physical and behavioral needs of a species; including but not limited to adequate heat, ventilation and sanitary shelter, wholesome food and water consistent with the normal requirements and feeding habits of the particular animal according to its size, species and breed; including necessary veterinary care.

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

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

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

KENNEL OR CATTERY: Any premises where animals are kept for profit rather than enjoyment, by boarding, grooming, buying, training, selling, letting-for-hire or offering of stud services. Animal hospitals maintained by a Florida licensed veterinarians,

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

LIVESTOCK: As defined in §828.23, F.S. (as it may be amended), means all animals of the bovine, equine, or swine class and also includes goats, sheep, mules, horses, hogs, and domesticated poultry, or any other animal used in and for utility or preparation of meat or meat products.

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

OFFICIAL HEALTH RECORD: A certificate signed by a licensed veterinarian that shows the age, sex, breed, name, description and health record of an animal; as well as the name, address and phone number of the owner or agent of the owner.

OWNER: Any person or entity owning, keeping, harboring or having control of one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for ten (10) or more consecutive days. Any implied owner will also be construed as being the owner of an animal. An animal owner is responsible for keeping their animals under direct control at all times and will be held accountable for any violation of this ordinance.

OWNER'S AGENT: A person or entity capable of acting or empowered to act for and on behalf of the owner.

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

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

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

PROVIDER: Any person or entity that provides for the sustenance, medical care, housing, or other essential items/care to any animal. Florida Licensed Veterinarians are exempt from this definition while providing care for an animal owned by a client, customer, or shelter.

PROBABLE CAUSE: Exists where the facts and circumstances within the Officer's knowledge and of which the Officer has reasonably accurate information sufficient in themselves to lead a reasonable person to believe that an offense has been or is being committed.

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

PUBLIC PROPERTY: Lands and improvements owned, leased or controlled by the Federal Government, the State, the County, or a municipality, and includes sovereignty submerged lands located adjacent to the County or municipality, buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, right-of-ways, and other similar property.

QUARANTINE: The strict indoor confinement, isolation and observation of an animal for symptoms of rabies. Such confinement must prevent the animal from coming into

unplanned contact with any other animal or human being for a period of ten (10) days from the date of the bite.

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

SANITARY: Clean and free from infectious or deleterious influences.

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

TETHERING: means the restraining of an animal by the tying of it to any object or structure, without limitation, a house, tree, fence, post, garage, shed or weighted object of any kind, by means of rope, cord, lash, leash, running line or other attachment, without limitation; but does not include a leash when same is used to walk or exercise the animal.

THREATENING & MENACING BEHAVIOR: Any aggressive behavior toward a human or another animal, whether by barking, growling or charging, without provocation, where such action on the part of the aggressor creates a reasonable apprehension of immediate injury. This does not include an animal that is secured on its own property.

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

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

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

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

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

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

SECTION THREE

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

2. **ANIMAL CONTROL ENFORCEMENT AGENCY.** Lee County Animal Services hereafter referred to as "Animal Services" is hereby established as the official animal control authority and enforcement agency for Lee County and those municipalities with which the Agency may enter into interlocal agreements. It shall employ qualified persons who shall be invested with full and complete authority to enforce the provisions, requirements and regulations set forth herein and to discharge the duties of the office. Those persons designated as Animal Control Officers, are duly appointed as code enforcement officers in accordance with Chapter §162.21(2) Florida Statutes (2001) (as amended), of Lee County

shall have the authority to issue citations and to enforce this Ordinance and the Laws of the State of Florida relating to animals.

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

The Board hereby adopts by reference, as a part of this ordinance, all Laws of the State of Florida relating to Animal Control, Animal Welfare and Animal Cruelty.

4. **CRUELTY TO ANIMALS.**

- A. No owner, keeper or agent of an animal shall fail to provide the animal with adequate food, water, shelter or veterinary care; or restrain the animal by any means other than those defined in this Ordinance.
- B. No animal shall be kept in unsanitary conditions, or in areas where there is vermin-harboring debris or other material which can provide an opportunity for injury or a danger to the animal's health or welfare.
- C. No person shall neglect, beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse or unnecessarily mutilate or kill any animal, or cause the same to be done.
- D. It shall be unlawful for any person or owner, or group of persons, to abuse, cause bloodletting or death of an animal.
- E. It shall be unlawful for any person to molest or penetrate an animal or use the body parts of an animal for sexual gratification.
- F. It shall be unlawful to procure an animal for the purposes set forth in Sections D. and E.
- G. No person other than a licensed veterinarian shall crop the ears or dock the tail of any dog.
 - 1. A person commits an offense if he crops or cuts off or causes or procures to be cropped or cut off, the whole or part of the ear, ears or tail of a dog.

2. The possession by any person of a dog with an ear or ears cut off or cropped, or tail docked, and with the wound resulting therefrom unhealed, or any such dog being found in the charge or custody of any person, or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation of this Section, unless the cropping or docking has been carried out by a licensed veterinarian.
- H. It shall be unlawful for any person to leave or deposit any poison or any substance containing poison in any common street, road, alley, lane or thoroughfare of any kind, or in any yard or enclosure other than that person's own yard or enclosure, for the purpose of inflicting injury or killing any animal.
- I. The humane slaughter of either domestic or wild animals for food purposes (as defined in Chapter 828.23 Florida Statutes (2001) (as it may be amended from time to time) (including but not limited to all lawful hunting activities) is exempt from the provisions of this section.
- J.
 1. No owner or agent of an animal shall abandon any animal in any public or private place.
 2. If an Animal Control Officer suspects that an animal has been abandoned, but such animal does not appear to be in immediate distress or danger, the Officer may leave notices posted in a conspicuous place informing the owner or agent to contact said Officer within 24 hours. Failure to do so will result in the animal being removed by the Animal Control Officer. The animal will become the property of the Lee County Animal Control Agency if not redeemed within five (5) days. The Officer may issue citations if the owner or agent is subsequently located.
- K. SUPERVISION, CONFINEMENT, CAGING AND TETHERING
1. No person shall fasten, chain, tether, or otherwise tie an animal to any inanimate objects such as trees, buildings, fences, posts or other stationary or highly immobile objects by means of rope,

chain, cable, leash, lead, strap or other physical restraint for the purposes of restraining an animal.

2. Animals must wear a specifically manufactured and properly fitted collar or harness for purposes of attended, temporary tethering for recreational purposes. A leash or lead may not be attached directly to the animal's neck in lieu of a manufactured collar or harness. Chain, choke or prong collars are prohibited during tethering of an animal.
3. Perimeter property fencing, a kennel or a run may be used to restrain a domestic animal provided it is sufficient to prevent an animal from running at large. The minimum area for each animal must be configured so to as to provide each animal sufficient room to move about freely, stand, turn around and lie down without touching the sides of the perimeter fencing. It must also include a solid top or covered area and bottom to protect an animal from the direct rays of the sun, wind or rain, and it must be free from unsanitary conditions, including bodily waste, stagnant water and/or stale food, odor and parasites, including fleas, ticks and rodents.
4. A structure in which an animal is housed must be well ventilated with fresh air by means of windows, doors, vents or fans.
5. An electronic confinement system will be deemed an acceptable enclosure if the equipment is properly installed and maintained in continuous working order and the animal being contained wears the appropriate electronic collar when within the system perimeter.
6. This section does not apply to animal owners using a leash or lead (including a retractable leash or lead) for the purposes of supervised recreational or outdoor enjoyment with their pet or caretakers of registered TNR colonies.
7. Owners will be provided 30 days from the date of the citation issued to comply with this Section of the Ordinance.

5. **IMPOUNDMENT OF ANIMALS FOUND IN DISTRESS.** Animal Control Officers shall have the authority to impound any animal found to be cruelly treated or in obvious distress. Any animal so impounded may be taken to a veterinarian without the owner's consent for examination and/or treatment, if necessary. The owner of said animal shall be liable for all costs incurred. Any animal impounded under the provisions of this ordinance and not redeemed by its owner after five (5) consecutive days shall become the property of the Animal Control Agency.
6. **ANIMAL FIGHTING OR BAITING.** It shall be unlawful for any person to promote, allow or permit any animal to engage in animal fighting or baiting for amusement or gain, including:
- A. Knowingly owning, managing or operating a facility kept or used for fighting or baiting any animal.
 - B. Owning, possessing, keeping, training, promoting, purchasing or knowingly selling any animal for animal fighting or baiting.
 - C. Promoting, staging, advertising, wagering or charging an admission fee to a fight (baiting) between two or more animals.
 - D. Paying for admission to an animal fight/baiting or attending a fight/baiting as a spectator.
7. **STERILIZATION OF DOGS AND CATS RELEASED FROM ANIMAL SHELTER FACILITY.**
- A. No unclaimed dog or cat shall be released for adoption without being sterilized prior to entering the new home. Animal Control Officers are authorized to issue citations for failure to sterilize any cat or dog adopted from the animal shelter.
 - B. Sterilization may be deferred only on the recommendation of a licensed veterinarian.

- C. Any person who adopts an unaltered animal shall be required to leave a cash spay/neuter deposit, which will be fully refunded upon proof that the sterilization has been accomplished.
 - D. Any unsterilized animal impounded for a second or subsequent redemption that is reclaimed by the owner shall be sterilized at the expense of the owner prior to the animal being released from Animal Services. Sterilization may be deferred only on the recommendation of a licensed veterinarian.
8. **NUISANCE ANIMALS.** It shall be unlawful for any owner or owner's agent to fail to care for or control owned animals, or to allow animal or animals to become a nuisance. The owner of every animal shall be responsible for the removal of any excreta deposited by the animal on public walks, recreation areas, private property, or any other place where such excreta deposits may create a nuisance injurious to the public health.
- A. It shall be unlawful for:
 - 1. Any animal to make unreasonable disturbing noises, including, but not limited to: barking, howling, whining, screeching or other utterances causing annoyance, discomfort or disturbance of the peace or sleep of a reasonable person(s).
 - 2. Any animal to roam at-large.
 - 3. Any animal to damage the property of anyone other than its owner.
 - 4. Any animal to roam on school grounds or in the area of school transportation vehicles.
 - 5. Any animal to cause unsanitary conditions in enclosures or surroundings where the animal is kept or confined, as determined by Animal Services or the Health Department to be unsanitary.
 - 6. Any person to keep any animals that are dangerous to the public health, safety or welfare by virtue of the number or types of animals maintained.
 - 7. Any animal to disturb or turn over any garbage containers.

- B. No person shall offer a bounty for the collection or the elimination of any animal determined to be a nuisance under the provision of this ordinance.

9. **MUSCOVY DUCKS AS NUISANCES.**

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

10. **SURRENDER OF STRAY ANIMALS TO ANIMAL CONTROL ENFORCEMENT AGENCY**

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

11. **CONCEALMENT OF ANIMALS.**

It shall be unlawful for any person to confine, hide or conceal any animal to which the person does not have legal title; or any animal which has been involved in a bite or scratch or rabies exposure incident for which formal investigation is pending, unless that person shall have reported possession of such animal to Animal Control within twenty-four (24) hours after acquiring possession of the animal or within twenty-four (24) hours after making reasonable attempts to locate its owner; or to conceal any other animal that is subject to an investigation by the Animal Control Agency.

12. **PROHIBITING ANIMALS FROM RUNNING AT-LARGE.**

- A. 1. It shall be unlawful for any person owning or having possession, charge, custody or control of any animal, including but not limited to domestic, livestock, farm, wildlife or fowl raised in captivity, to permit the animal to stray, run, go or roam at-large in or upon any public street, sidewalk, school grounds, in the area of school vehicles, beaches, parks or on the private property of others without the consent of the owner of such property.
- 2. Any animal found in violation of this Section may be impounded.
- 3. Any property owner or tenant may seize an unrestrained animal, unattended animal, or animal at large on his or her property and turn said animal over to Animal Services for disposition. Any person seizing an unrestrained, or animal at large shall capture the animal in a safe and humane manner, and may employ certain humane traps for such purpose.

13. **THREATENING OR MENACING BEHAVIOR.**

- A. It shall be unlawful for the owner or agent of any animal to allow that animal to act in a threatening or menacing manner toward any other animal not belonging to said owner or agent, when that animal is not on the property of said owner or agent. **This section shall not apply to animals which are securely enclosed, or under the direct control of the owner/agent as defined in this Ordinance.**
- B. It shall be unlawful for the owner or agent of any animal to allow that animal to act in a threatening or menacing manner toward any person not on the property of said owner or agent.
- C. Upon receipt of a report of any animal acting in this manner, Animal Services may investigate the incident. After investigation, Animal Services may order the owner or agent to keep the animal restrained or confined as defined in this Ordinance, and may issue a written warning or a citation and a notice ordering confinement.

- D. Upon an owner's conviction under this section, the subject animal will be considered a dangerous animal for the purpose of Section Three, Part 14 as defined in this Ordinance. A record of the order to confine, the written warning, the citation with court results, and any supporting affidavits will be held on file at Animal Services.
- E. An order to confine will be a written notice issued by an Animal Control Officer to a person who owns or harbors a dog that has acted in a threatening or menacing manner. One copy will be left with the owner of the animal and one copy will be kept on file at Animal Services. Such notice shall include name, address and telephone number of owner; sex, color, breed of dog; license and rabies vaccination registration numbers; time, date and nature of incident; signature of owner agreeing to confinement and signature of issuing Officer. The confinement must be completed within 24 hours of the notice being issued. The Officer conducting the investigation will check to ensure that the confinement has been completed.
- F. Failure or refusal to confine any animal in violation of this section may result in the animal being impounded and/or citations being issued.
- G. EXCEPTION TO THREATENING OR MENACING BEHAVIOR. An animal that is secured on its own property cannot be found to be threatening or menacing.

14. **DANGEROUS ANIMALS.**

- A. The Director of Animal Services or Designee may declare that an animal is a dangerous animal, in accordance with applicable County Administrative Code.
- B. Any animal declared to be a dangerous animal shall be confined in a secure enclosure on the premises of the owner or keeper of such animal. No dangerous animal shall be allowed off the premises of the owner or keeper unless such animal remains:
 - 1. Inside a secure animal carrier, or

2. Under the physical control of such owner or keeper, and securely muzzled and restrained by a chain with a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length; or
 3. Subject to conditions established by the Director of Animal Services.
- C. It is a violation of this ordinance for the owner or keeper of a dangerous animal to refuse or fail to confine or restrain such animal as required by this Section.
- D. No dangerous animal impounded pursuant to this ordinance shall be released until:
1. The owner or keeper of such dangerous animal presents proof to the Director of Animal Services that the animal will be confined as required by this section;
 2. The owner or keeper executes an affidavit acknowledging that the animal has been declared dangerous, agreeing to confine and restrain the animal, and recognizing the County's right to ownership and custody of the animal if it bites or injures a human or another animal after being declared dangerous.
 3. Provides proof that the animal has been electronically implanted, sterilized, vaccinated for rabies and has made payment of a one-time dangerous dog registration fee of \$1,500 with the acknowledgement of an additional annual registration fee of \$500 per year. This annual registration fee is in addition to the pet licensing fee required in Section 20 of this Ordinance.
 4. Posts warning signs with attached number identifying the dangerous animal, provided by Animal Services at owner's expense, on owner or keeper's premise stating "Dangerous Animal" on the property at all entry points to the property.

5. If applicable, a notarized statement must be submitted to the Director of Animal Services by the landlord of said property that will house a dangerous animal including adherence to all posting regulations.
- E. If a dangerous animal is sold or given away, the owner or keeper of a dangerous animal shall report, in writing, the names, addresses and telephone numbers of the new owner or keeper to the Director of Animal Services prior to the transfer of ownership or custody of such animal. It is a violation of this Ordinance not to report the name and address of the new owner. The owner or keeper shall update all relevant information with the national registry applicable to the microchip and shall provide Animal Services with confirmation that the microchip information has been updated. The new responsible party shall comply with all of the requirements of this Section even if the animal is later moved from the county to another county within the State of Florida. If an animal that has been designated by another jurisdiction as dangerous and is housed within Lee County, the owner or keeper shall immediately register the animal with Animal Services. If an animal is declared dangerous by another municipality, the animal will automatically be declared a dangerous animal in Lee County, requiring the owner or keeper to comply with Section 14 of this Ordinance.
 - F. The owner or keeper of a dangerous animal shall report in writing or by telephone the death of such animal to the Director of Animal Services immediately, and it is a violation of this ordinance not to do so. The death of such animal shall be verified by a licensed veterinarian or an Animal Control Officer.
 - G. 1. The owner or keeper of a dangerous animal, whether or not it has been declared dangerous, who permits, allows or causes such animal to run, stray or be uncontrolled or at large in or upon public or private property, shall be in violation of this ordinance if such

dangerous animal bites, attacks or causes injury to any person or domestic animal.

2. It is a violation of this ordinance for any person convicted under this subsection to own, keep, possess, control or be in charge of any animal of the breed which caused the bite, attack or injury for which a conviction was rendered for a period of three (3) years from the date of conviction. No license certificate, license tag or other permit shall be issued for such type of animal to such person within three (3) years of such conviction.

H. EXCEPTION TO CLASSIFICATION UNDER SECTION 12 OR 13. No animal shall be classified as threatening or dangerous if the threat of injury was sustained by a person who, at the time, was committing or attempting to commit a crime upon the owner of the animal, or who was committing a willful trespass upon premises occupied by the owner of the animal, or who was teasing, tormenting, abusing or assaulting the animal or its owner.

- I. Animal Services shall have the authority to make inspections as necessary to ensure that the owner or keeper of a dangerous animal is in compliance of county ordinance. Animals
 1. shall not be used as a guard dog.
 2. shall not be used for the purposes of hunting.

J. Upon declaration of euthanasia of a dangerous animal provided by Animal Services, Animal Services shall provide the owner of a classified dangerous animal written notice containing all costs and fees incurred by the department in the confiscation, maintenance, quarantine and euthanasia of the animal with a deadline not less than thirty (30) days from receipt of the notice of payment of the costs and fees.

15. FAILURE TO CONFINE FEMALE DOGS AND CATS IN SEASON.

- A. It shall be unlawful for the owner or agent of any female dog or cat in season to fail to keep such animal confined in a building or secure

enclosure, veterinary hospital, or boarding kennel to prevent such dog or cat coming into contact with another dog or cat except for intentional breeding purposes. Confinement solely by a leash, chain or other similar restraint, or within a fence, open kennel, open cage or run, may be, but shall not be presumed to be, in compliance with this section.

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

16. **OPPOSING AN ANIMAL CONTROL OFFICER.**

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

17. **ENFORCEMENT OF VIOLATIONS.**

- A. 1. Animal Control Officers shall have the authority to impound any animal in violation of this ordinance by using recognized capture techniques and methods. Such methods and techniques may include but are not limited to: leashes, control poles, nets, humane traps and recognized tranquilizer equipment.

2. If after a reasonable effort the seizure of any such unrestrained animal cannot be made, or should the animal be dangerous or have an injury or physical condition which causes the animal to suffer, the Animal Control Officer may incapacitate the animal by the most reasonable and humane means then available.
 - B. Animal Control Officers, on determining that a violation of this Ordinance has occurred, may issue a citation or warning notice to the owner or his agent. The citation criteria as set forth in Chapter 828.27, Florida Statutes (2013) (as amended from time to time) are hereby adopted, and will be utilized.
 - C. Any person who willfully refuses to sign and accept a citation issued by an Officer is guilty of a misdemeanor of the second degree, punishable as provided for in Florida Statutes.
 - D. Any duly sworn law enforcement officer in Lee County may enforce the provisions of this ordinance in any jurisdiction where this ordinance applies.
18. **SURRENDER OF CARCASS OF RABID ANIMAL.** Any person who, upon demand, does not surrender to the Animal Services or the Health Department the carcass of any dead animal exposed to rabies shall be guilty of a misdemeanor of the second degree, for each separate offense.
19. **VACCINATION REQUIREMENTS FOR DOGS , CATS AND FERRETS.**
 - A. Any person who owns, keeps, possesses, provides for or harbors within Lee County any dog, cat, or ferret four (4) months of age or older must have such animal vaccinated against rabies. Any person owning, keeping, possessing or harboring any dog, cat, or ferret without proof of a current valid vaccination shall be deemed to be violating this provision.
 - B. All dogs, cats, and ferrets 4 months of age or older must be vaccinated against rabies by a licensed veterinarian with a vaccine that is licensed for use in such species and in the following manner:

1. The animal must be revaccinated 12 months after the initial vaccination.
 2. For subsequent vaccinations the interval between vaccinations shall conform to the vaccine manufacturer's directions.
 3. Evidence of circulating rabies virus neutralizing antibodies shall not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations.
 4. Any owner or agent doing a self-vaccination for rabies shall be deemed in violation of this Section.
 5. A dog, cat, or ferret is only exempt from vaccination against rabies if a licensed veterinarian has examined the animal and has certified in writing that at the time vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. An exempt animal must be vaccinated against rabies as soon as its health permits. A county license must be purchased regardless of the exemption from the rabies vaccination.
- C. A licensed veterinarian shall provide the owner of the animal a rabies vaccination certificate at the time of the vaccination. Similarly, the licensed veterinarian shall provide Animal Services a copy of the actual rabies certificate within thirty (30) days of the vaccination or immediately upon demand for investigations, public safety or other reasons of enforcement.
1. Each veterinarian shall use the "Rabies Vaccination Certificate," of the National Association of State Public Health Veterinarians (NASPHV) or an equivalent form approved by the local government. (See Appendix "A" for a copy of the County-approved form that may be used in lieu of the NASPHV form.)

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

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

- A. Beginning upon adoption, any veterinarian vaccinating dogs, cats or ferrets in Lee County shall only issue the County vaccination/license tag [along with the proper rabies certificate requirements described above] as proof of vaccination. No veterinarian, clinic, shelter or provider shall issue any tag or object that may be thought by a reasonable person to be the equivalent of the required County rabies/license tag. Each individual tag or object issued shall be deemed a violation.
- B. Any person who owns, keeps, possesses, provides for or harbors within Lee County any dog, cat or ferret four (4) months of age or older must have such animal licensed.
 1. Excluded from this license requirement are shelters operated by or under contract with the Board of County Commissioners. Additionally exempt from this requirement are rescues, private animal facilities, approved pet placement partners. Not exempt are greyhound or other sporting dog facilities, breeders, and other animal care facilities.
 2. The County license must be attached to a collar or harness on the animal at all times. Cats and ferrets that have a microchip registered to the owner with current name, address, and phone number shall be exempt from the requirement that the license tag must be attached to the animal.
- C. No license shall be issued unless the dog, cat or ferret has been vaccinated against rabies and has a valid certificate of vaccination issued by a licensed veterinarian except for animals exempt from rabies vaccination due to medical condition in accordance with section 18(B)(5)

above. One-year license shall only be issued with a one-year rabies vaccination and a three-year license shall only be issued with a three-year rabies vaccination.

- D. Owners of animals who visit Lee County or reside in Lee County for less than thirty (30) days per year are exempt from the license requirement provided that they have proof of a valid current rabies vaccination
- E. No license tag issued for one animal shall be considered valid for any other animal. Any person that owns, keeps, harbors, provides for or possesses an animal wearing the license tag of another animal shall be in violation this ordinance even if the animal has a valid license of its own.
- F The license tag may be issued by a licensed veterinarian or other entity approved by the Director of Animal Services to issue County license tags upon being shown a current vaccination certificate from any licensed veterinarian.
- G. All veterinarians, clinics, shelters, pet stores and other outlets where cats, dogs, and/or ferrets are available, sold or vaccinated against rabies must inform the public in writing of the rabies and license requirements within Lee County. Such information must include the cost of the license and how a license may be obtained (including information on getting a license through the mail or in person at Animal Services). To satisfy the information requirement the facility may post a sign or provide an informational brochure or provide the written information in a manner easily accessible and understandable.

21. **ANIMAL IDENTIFICATION REQUIREMENTS FOR DOGS, CATS AND FERRETS.**

- A. All dogs, cats and ferrets must have some form of identification indicating the owner's name and current telephone number at all times. Examples of identification meeting the requirements of this section:

1. Any commercially available tag imprinted with the appropriate information attached to the collar or harness of a pet.
 2. A current, valid County license/rabies tag attached to the collar or harness of a pet.
 3. An implanted microchip identification device registered to the owner of the animal and with a current name, address, and telephone number.
- B. No one is permitted to remove the collar and/or tag of an animal for the purpose of preventing or falsifying the identification of an animal. Cats are not exempt from this provision. During a recognized breed show, the owner of the dog, cat or ferret shall retain the license tag and/or rabies certificates, and shall produce the same if called upon to verify that any cat, dog or ferret has the required license and vaccination.

22. **LICENSE FEE.**

- A. The Board of County Commissioners shall set the fee by Resolution.
- B. The fee is payable to the authorized agency or the authorized veterinarian. License fees collected must be properly documented and funds remitted to Animal Services within forty-five (45) days of the sale of the tag. The Director of Animal Services may provide for an extension of the deadline, in writing, for special circumstances.
- C. Authorized Sellers of the Lee County license must sell the license at the fee levels approved by the Board and must keep complete and accurate records of tags sold and on hand as inventory. All theft or loss must be reported immediately to the proper authority, and a copy of the official law enforcement report must be provided to Animal Services. Unexplained shortages/losses of tags or sales of tags at the incorrect prices are the responsibility of the seller.
- D. Authorized sellers of the Lee County license tags may charge a reasonable administrative fee to cover costs of providing that service per license issued. The maximum allowable administrative fee shall be set by

the Board through the external fees Administrative Code. Any authorized seller that charges an administrative fee must inform the client that such a fee is charged by that establishment/provider and that license tags are available through the County with no additional charge. Any such fees may not be added to the cost of a license but must be listed separately on any invoice/receipt.

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

23. **ANIMALS IN MOTOR VEHICLES.**

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

the animal and the owner of the motor vehicle are responsible for any costs incurred.

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

24. **HUMANE TREATMENT OF ANIMALS.**

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

25. **REDEMPTION AND DISPOSITION OF IMPOUNDED AND UNWANTED ANIMALS.**

- A. Any dog impounded under the provisions of this ordinance and not redeemed by its owner after three (3) consecutive days shall become the property of the Animal Services. Any cat, ferret, small mammal shall have a zero (0) day hold before becoming the property of Animal Services. Any stray animal that possesses a valid County license and/or microchip shall be held for five (5) consecutive days before becoming the property of Animal Services. The three (3) days period does not apply to sick, injured, diseased or orphaned sucklings, or wild animals regulated by state wildlife agencies. Litters of animals or individual members of a litter of animals, including the nursing mother and unweaned animals, that do not possess

a valid County license and/or microchip may be transferred immediately upon impoundment to a private sheltering agency, rescue group or individuals for the purpose of adoption. Individual members of litters of animals who are at least six weeks of age, including the mother, may be adopted immediately upon impoundment.

- B. This time period may be extended or reduced at the discretion of Animal Services to relieve animal suffering or to limit disease contagious to humans.
- C. Animal Services may utilize the services of a veterinarian to treat sick, injured or diseased animals. The owner shall be responsible for all such costs incurred.
- D. Any person seeking to redeem or reclaim an animal impounded under the provisions of this ordinance shall pay the impoundment fees, boarding fees, license fees and all other fees resulting from impounding and caring for the animal. Any animal to be released from Animal Services must have a rabies vaccination and license or a license and rabies vaccination must be obtained by the owner. If a rabies vaccination is not available at the shelter for any reason, the person seeking to redeem or reclaim the animal must pre-pay the license fee, the animal will be released to its owner or his designee, who then must have the animal vaccinated for rabies by a licensed veterinarian. The certificate of vaccination must be provided to Animal Services as a prerequisite to issuance of the license.
- E. An owner whose animal has been impounded more than one time shall be charged increasing fees for each subsequent impoundment. Fees shall be established by the BOCC in the external fees manual.
- F. When the ownership of an animal is deemed questionable, Animal Services may require proof of ownership. Proof of ownership may include valid County license, veterinary records, registered microchip identification or other reliable, verifiable documentary evidence. If ownership cannot be proven by the required information the animal in question must be adopted rather than redeemed; the person claiming

unproven ownership may be afforded the opportunity to adopt the animal prior to the public at the discretion of Animal Services.

- G. Prior to release from Animal Services' shelter, all dogs, cats and ferrets must be microchipped; with the microchip being registered to the pet owner.
- H. Exotic invasive animal species found at large and brought to the animal services shelter shall be humanely euthanized. The only exceptions to this provision is if the animal is released to an educational facility for study to assist in the control and removal of the species or if the animal is to be used for educational purposes to inform the public of the dangers of invasive exotic animal species.

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

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

Conditions Which May Significantly Affect Public Health).

- C. It shall be a violation of this Ordinance for any person to refuse to surrender any animal for quarantine.
- D. No owner of an animal placed under a Home Quarantine Agreement for rabies observation shall violate the Home Quarantine Agreement in any manner.
- E. Any dog, cat or ferret that dies or is humanely euthanized while under quarantine shall undergo pathological examination performed by the State Board of Health. It shall be a violation of this Ordinance for any person to refuse to surrender the body of a deceased animal while under quarantine.
- F. It is a violation of this Ordinance for anyone to kill or remove from Lee County, Florida, without the express written consent of Animal Services or the Health Department any of the following:
 - 1. Any rabid animal;
 - 2. Any animal suspected of rabies or any other infectious or contagious disease;
 - 3. Any animal exhibiting unusual behavior;
 - 4. Any animal which scratches or bites a person, or
 - 5. Any animal under quarantine.
- G. Any person violating the provisions of this Section shall, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided for in Florida Statutes.
- H. It shall be the duty of any person having knowledge that an animal has bitten or otherwise exposed a person or any animal to rabies, to report the incident immediately to the Department of Health.
- I. Any person who, upon demand, does not surrender to Animal Services or the Health Department the carcass of any dead animal exposed to rabies shall be guilty of a misdemeanor of the second degree, for each separate offense.

27. **INSPECTION OF COMMERCIAL ANIMAL ESTABLISHMENTS.**

- A. Animal Services shall have the authority to enter and inspect any commercial animal establishment in Lee County during reasonable hours, for the purpose of ascertaining violations of this Ordinance or of Florida State Statutes. **Bonafide commercial agricultural animal establishments which includes livestock as defined herein, are specifically exempt from the provisions of this sub-paragraph A.**
- B. Any owner, manager or staff person upon demand of an Animal Control Officer must produce any and all records pertaining to sale or purchase of animals, veterinary care, rabies certification, health certification, feed receipts, business or exhibitors licenses or permits, relating to each animal on the premises.
- C. Standards of care required to be maintained at all commercial animal establishments in Lee County must include, but are not limited to:
1. All animals must be given adequate food, water, shelter and veterinary care, as defined in this Ordinance.
 2. All cages, kennels, stalls or enclosures shall be cleaned daily. Any bedding provided must be clean.
 3. In shops or kennels, room temperature shall be maintained at a level that is healthful for every species of animals kept on the premises. Adequate ventilation shall be maintained.
 4. All buildings and sheds used for stabling animals shall be well ventilated and provide adequate protection from the elements.
 5. Each animal shall have sufficient space to stand up, lie down, and turn around in a natural position, without touching the sides or top of the cage, stall, kennel or enclosure. Overcrowding will be determined by the inspecting officer.
 6. Any animal that appears to be sick must be quarantined away from other animals to avoid the spread of disease and examined by a licensed veterinarian before being placed back with other animals or sold.

- D. Each animal found in violation of this Section shall be deemed a separate offense.

28. **GUARD DOGS.**

- A. Any person utilizing a dog for the purpose of guarding a business shall register all dogs used in their business with Animal Services. The registration shall include name, address and telephone number of the service's manager; the breed, sex, weight, age, color, tattoo registration number of the guard dog, and other distinguishing physical features of the dog; and certification of rabies vaccination.
- B. Guard dogs newly acquired shall be vaccinated for rabies and registered with Animal Services no later than seventy-two (72) hours after acquisition.
- C. The fee for registration of a guard dog will be listed in the Lee County Administrative Codes.
- D. Each guard dog will be issued with a registration number which will be obtained from Animal Services. This number will be posted at the entrance of any property using that guard dog service. At the time of registration, each dog will be Micro chipped and receive an I.D. tag that must be affixed to the dog at all times.
- E. The Animal Services shall maintain a guard dog register which shall contain all data required by this section. Immediately upon transfer of ownership, death, disappearance or annual rabies inoculation of a guard dog, each guard dog service or owner shall notify Animal Services. Upon receipt of the information, the appropriate entry shall be made in the register. If the guard dog has disappeared, an entry should be made to reflect the locale and reason of such disappearance.
- F. An Animal Control Officer shall have the right to enter and inspect all kennels housing guard dogs and other premises where such dogs are in use for determination of owner registration compliance.

- G. It shall be unlawful for any person, firm or corporation to own or harbor any guard dog in the county that has not been inoculated, registered and tattooed as provided by this Section.
- H. TRANSPORTATION OF GUARD DOGS: The vehicle of every guard dog service transporting any guard dog must be clearly marked, showing that it is transporting a guard dog. A compartment separate from the driver and separating each dog is required, which shall be arranged to ensure maximum ventilation for the animal.
- I. REQUIREMENTS OF BUSINESS USING GUARD DOGS:
 - 1. Persons who hire or use a guard dog service to patrol the premises shall provide adequate fencing or some other confining structure to keep the guard dog within the enclosed area.
 - 2. Persons who hire or use a guard dog service to patrol the premises during that business' operating hours shall have said dog confined in such a manner so as not to pose a danger to the public.
 - 3. At each appropriate location and entry point, and at 50 foot intervals along the fence perimeter, if applicable, a sign shall be posted including the words "Bad Dog" or "Guard Dog", with a dog picture.
 - 4. All entry points shall be posted with the guard dog registration number.
 - 5. Dogs used for guarding businesses must be given a humane existence, including adequate shelter, food, water and exercise.
 - 6. No dog which has been classified as dangerous or dangerous by Animal Services shall be used as a guard dog.
- J. Failure to comply with this section is a violation of this ordinance.

29. DISPOSAL OF DEAD BODIES OF OWNED ANIMALS. Upon the death of an animal, the owner shall be responsible for disposing of the carcass by burial at least two (2) feet below the surface of the ground. The approved alternative method of disposal is cremation at a Lee County approved licensed crematory.

Nothing in this Section prohibits the disposal of animal carcasses to rendering companies licensed to do business in this state. It is unlawful to dispose of the carcass of any domestic animal by dumping the carcass on public property, road or right-of-way, pursuant to Chapter 823.041, Florida Statutes (1975) (as amended).

30. **FINES AND FEES.**

- A. All fines and fees, including licensing fees, are set by Resolution of the Board of County Commissioners and are included in the External Fees Manual.
- B. Fee to Animal Care Trust Fund. In addition to any penalty ordered to be paid by a court for a violation of this Ordinance, either with or without an adjudication of guilt, a violator must also pay \$25.00 to the Lee County Animal Services Animal Care Trust Fund. This is a mandatory payment. The payment will be collected by the Clerk of the Court and paid over to the County's Animal Care Trust Fund at the same time and in the same manner as other funds so transferred.
- C. Surcharge. Animal Services may impose and collect the maximum surcharge as set forth in §828.27(4)(b), F.S., upon each civil penalty imposed for a violation of an ordinance relating to animal control or cruelty. The proceeds from such surcharge will be used to pay the costs of training animal control officers for Lee County.

31. **APPLICABILITY.** This ordinance is applicable Countywide. However, any duly adopted municipal ordinance covering the same topic will prevail in the respective municipality to the extent of any conflict.

32. **MODIFICATION.** It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

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

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

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

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

John Manning	Aye
Cecil L Pendergrass	Nay
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 2nd day of December, 2014.

ATTEST:
LINDA DOGGETT, CLERK

BY: Marcia Wilson
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Brian Hamman, Chair- Commissioner
FRANK MANN

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Jack N. Peterson
County Attorney's Office



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 5, 2014

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Marcia Wilson

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 14-22, which was filed in this office on December 5, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

RECEIVED
MINUTES OFFICE
2014 DEC -5 AM 9:43