**ORDINANCE NO. 2022 - 14**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING IN ITS ENTIRETY ARTICLE 2 OF CHAPTER 4 OF THE CLAY COUNTY CODE BEING THE CODIFICATION OF CLAY COUNTY ORDINANCES 86-47, 88-55, 96-44, 01-66, 08-10 AND 2018-22, RELATING TO ANIMAL SERVICES, AS THE SAME MAY HAVE BEEN AMENDED, IN ORDER TO PROVIDE FOR: THE TITLE, AUTHORITY AND PURPOSE; DEFINITIONS; AUTHORITY TO ENACT RULES AND REGULATIONS; THE CONSTRUCTION AND MAINTENANCE OF THE ANIMAL SERVICES FACILITIES AND FEES; THE APPOINTMENT AND DUTIES OF THE DIVISION OF ANIMAL SERVICES MANAGER; VACCINATIONS; ANIMALS AT LARGE AND OWNERS' RESPONSIBILITIES; ANIMAL CRUELTY, NEGLECT AND TETHERING; CONFINEMENT OF AGGRESSIVE OR DANGEROUS DOGS; LURING, ENTICING, MOLESTING OR TEASING ANIMALS; SEIZURE, DESTRUCTION, AND DISPOSAL OF ANIMALS, NO COMPENSATION TO OWNERS; SEIZURE OF ANIMALS BY PROPERTY OWNERS OR TENANT, DELIVERY TO DIVISION MANAGER, IMPOUNDMENT, DISPOSAL AND STANDARD OF CARE TO BE EXERCISED; QUARANTINE, IMPOUNDMENT AND TREATMENT OF SICK AND INJURED ANIMALS, DISPOSAL OF DEAD ANIMALS; SURRENDER OF ANIMAL TO DIVISION MANAGER AND INTERFERENCE WITH PERFORMANCE OF DUTY; ENFORCEMENT, PENALTY AND PROCEEDINGS FOR VIOLATIONS; DISPOSAL OF ANIMALS; CONSTRUCTION OF PROVISIONS; AREAS OF ENFORCEMENT; DETERMINATION OF AGGRESSIVE OR DANGEROUS DOG; PROCEDURES FOR DETERMINATIONS; RETAIL SALE OF DOGS AND CATS; BREEDERS OF DOGS AND CATS; SEVERABILITY; AND AN EFFECTIVE DATE.**

Be It Ordained by the Board of County Commissioners of Clay County:

**Section 1.** Article II of Chapter 4 of the Clay County Code, being the codification of Clay County Ordinances 86-47, 88-55, 96-44, 01-66, 08-10 and 2018-22, as the same may have been amended, is hereby amended in its entirety as follows:

Chapter 4 - ANIMALS AND FOWL

ARTICLE II. - ANIMAL SERVICES

Sec. 4-16. - Short title; authority; purpose.

This article shall be referred to as the "Clay County Animal Services Ordinance" and is enacted under the home rule powers of the Board of County Commissioners to regulate animal owners and keepers in the interest of the health, safety and welfare of the citizens of Clay County.

Sec. 4-17. - Definitions.

For the purpose of this article, the following words and terms shall have the meanings respectively ascribed:

*Adequate shelter* means an enclosure of at least three (3) sides and a roof, and which is structurally sound, maintained in good repair, water and wind resistant, and free of standing water, provides some shade from the direct rays of the sun, and assures adequate ventilation and light.

*Animal* means any animal as defined in Section 828.02, Florida Statutes, wild or domestic.

*Animal at large* means any animal, other than a cat, which is not under control, custody, charge or possession of the owner or their responsible person, by leash, chain, effective voice command, secure fence or other means of confinement or restraint.

*Animal control officer* means any assistant to the Division Manager who has been so designated.

*Animal welfare organization* means a public or private agency, including an established humane society, organized primarily for the purpose of promoting animal welfare; accepting and/or housing unwanted, stray, or abandoned animals; promoting or conducting animal adoption; promoting or conducting spay/neuter; and/or other animal welfare activities.

*Board* means the Board of County Commissioners of Clay County.

*Collar* means identification collar with rabies tag attached.

*County* means Clay County, Florida.

*County Manager* means the County Manager of the County.

*Department* means the Department of Community and Social Services within which the Division of Animal Services operates.

*Department Head* means the head of the Department of Community and Social Services.

*Division of Animal Services* or *Division* means the Clay County Division of Animal Services.

*Division Manager* means the manager of the Clay County Division of Animal Services.

*Effective voice command* means a voice control by a competent person which at all times prevents the animal subject to the voice control from running at large or otherwise violating the provisions of this article.

*Neutered* or *spayed* means rendered permanently incapable of reproduction by surgical alteration, implantation of a device or other physical means, or permanently incapable of reproduction because of physiological sterility, but only where such neutered or spayed condition has been certified by a veterinarian licensed in any state.

*Nuisance* means any animal conduct or behavior, including but not limited to habitual or repeated destruction, desecration or soiling of any public or private property, habitual

chasing of persons, cars, other vehicles or running at large that causes a disturbance to the peace or causes injury or threat of injury to persons or property.

*Owner* or *Keeper* means any person, household, firm, corporation, or other organization possessing, harboring, or having control or custody of an animal. A person must be age eighteen (18) or older to be considered the legal owner of an animal. If a person under the age of eighteen (18) is considered the custodian or caretaker of the animal, the parents or legal guardians shall be considered the legal owner of the animal and responsible for all matters involving that animal. There shall be a rebuttable presumption that the person's name appearing on the animal's registration or radio frequency identification device (RFID), commonly known as a "microchip," is the Owner.

*Stray* means any animal that is found to be at large, whether lost by its owner or otherwise or feral, or that is on the public or private streets, common areas of apartments, condominiums, trailer parks or other multi-residential premises, and that does not have an identification collar and for which there is no identifiable Owner.

Sec. 4-18. - Authority to enact rules and regulations.

The Board may enact reasonable rules and regulations to implement and carry out the provisions of this article and has the right to regulate or exempt certain animals from this article and the right to regulate the numbers and types of animals and the conditions under which they may be maintained in residentially zoned areas.

Sec. 4-19. - Construction and maintenance of animal services facilities; fees.

(a) The Board may purchase, lease or construct, and may operate and maintain County facilities or satellite facilities to retain animals at large or aggressive or dangerous dogs not properly secured or restrained by the Owner or Keeper, animals having or believed to have rabies or other infectious or contagious disease, dogs and cats not inoculated as required by this article, or any animal otherwise owned, kept or maintained in violation of this article.

(b) The Board may charge reasonable fees for services provided under this article which shall be promulgated by Board resolution.

Sec. 4-20. - Division of Animal Services Manager; appointment; duties.

(a) The Board or its County Manager is authorized to employ a suitable person to serve as Manager of the Division of Animal Services, hereinafter called "the Division Manager," to carry out the purposes of this article.

(b) The Division Manager and his/her authorized animal control officers may catch, seize or pick up:

(1) Any stray animal;

(2) Any animal at large;

(3) Any aggressive or dangerous dog not properly restrained or secured by the Owner or Keeper; or any aggressive or dangerous dog whose Owner is not complying with restrictions placed on said dog pursuant to the provisions of section 4-24 or section 4-34;

(4) Any animal carrying or believed to be carrying rabies or other infectious or contagious disease;

(5) Any sick, injured, neglected or cruelly treated animal for which the Owner or Keeper cannot be found after reasonable effort to do so, or for which the Owner or Keeper is unable or unwilling to provide proper care;

(6) Any other animal authorized by this article to be impounded, caught, seized or picked up; or

(7) Any feral animal.

(c) The Division Manager or his/her officers or assistants shall impound and otherwise dispose of all animals lawfully caught, seized or picked up as provided under this article.

(d) The Division Manager or his/her authorized officers or assistants shall investigate complaints or actions allegedly in violation of this article and for any violation shall issue warnings or citations for enforcement as provided in section 4-30 of this article.

(e) Pursuant to law, the Division Manager and his/her authorized officers or assistants may enter public or unfenced private property within the County, except residential buildings, to carry out the duties imposed by this article.

(f) The Department Head, the Division Manager and his/her authorized officers or assistants, and any law enforcement officer, when carrying out the purposes of this article, shall be authorized to use reasonable force up to and including the use of deadly force to protect any person, domestic animal, or livestock from injury against imminent attack by an animal.

(g) The Division of Animal Services shall not be responsible for any wildlife. For the purposes of this section, wildlife is defined as game animals or protected species. All complaints and matters concerning wildlife including hunting shall be forwarded to the Florida Fish and Wildlife Conservation Commission or the United States Department of Agriculture Law Enforcement Division for the proper disposition, compliance, apprehension and controlling enforcement as may be necessary and provided by state or federal law and regulations.

(h) The Division of Animal Services shall have the sole discretion to determine whether a particular animal is suitable to be made available for adoption.

Sec. 4-21. - Vaccination of dogs, cats and ferrets.

(a) Any person who owns or keeps a dog, cat, or ferret three (3) months or older is required to have the dog, cat or ferret vaccinated against rabies by a licensed veterinarian in accord with the most recent edition of the Compendium of Animal Rabies Prevention and Control developed by the National Association of State and Public Health Veterinarians. Dogs, cats and ferrets are required to be vaccinated based on the most accurate recommendations from the state-accepted rabies compendium. The animal shall be revaccinated twelve (12) months after the initial vaccination, and, thereafter, the interval between vaccinations shall conform to the vaccine manufacturers' directions. A veterinarian in his or her discretion may use a rabies vaccine of either one (1) or three (3) years' duration of immunity. 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. It

is a violation of this article for the Owner or Keeper of a dog, cat or ferret to refuse or fail to have the dog, cat or ferret vaccinated against rabies as required by this section.

(b) Evidence of vaccination shall consist of a "rabies vaccination certificate" signed by the veterinarian administering the vaccination and provided to the animal's Owner and the Division of Animal Services along with a rabies tag. The tag must be attached to the animal's collar, which shall be worn by the animal at all times. A certificate and tag issued for one (1) animal is not valid for any other animal. The rabies vaccination certificate must 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 vaccination;

(4) The expiration date of the vaccination;

(5) The species, age, sex, color, breed, weight, and name of the animal vaccinated;

(6) The rabies vaccine manufacturer;

(7) The vaccine lot number and expiration date;

(8) The type and brand of vaccine used;

(9) The route of administration of the vaccine; and

(10) The signature or signature stamp of the licensed veterinarian.

(c) Each ferret vaccinated according to this section must be quarantined, when necessary, according to rules of the Department of Health.

(d) Pursuant to Section 828.30, Florida Statutes, an animal Owner's name, street address, phone number, and animal rabies' tag number contained in a rabies vaccination certificate provided to the Division of Animal Services is exempt from Section 119.07(1), Florida Statutes. To the extent authorized by law, law enforcement and prosecutorial agencies; other animal control authorities; emergency and medical response and disease control agencies; or other governmental health agencies shall be provided information contained in the rabies vaccination certificate for the purpose of controlling the transmission of rabies; however, the receiving agencies and authorities must not release the exempt information.

(e) *Collar required; rabies tag to be attached.* Each dog, cat and ferret kept within the unincorporated area of the County as well as within the incorporated areas of the County to the extent not in conflict with any municipal ordinance shall be provided by its Owner with a collar, made of durable material to which the rabies tag required in this section shall be securely fastened.

(f) *Removal of collar or tag.* No person not being the Owner of such dog, cat or ferret shall remove or take off or cause to be removed or taken off the collar or the tag upon the dog, cat or ferret within the unincorporated area of the County as well as within the incorporated areas of the County to the extent not in conflict with any municipal ordinance.

(g) A dog, cat, or ferret is 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 dog, cat, or ferret must be vaccinated against rabies as soon as its health permits and shall be kept in an enclosed building or kennel during the time it remains unvaccinated.

Sec. 4-22. - Animals at large; owners' responsibilities.

(a) *Prohibition; exceptions.* It is unlawful for any Owner or Keeper of an animal, other than the tending of feral animals, to willfully or negligently allow the animal to run at large on any public property or on any private property. Any animal under the close supervision of its Owner or Keeper engaged in lawful hunting, in an organized animal exhibition, field trial, competition, lawful sport or training for these activities shall not be deemed to be an animal at large.

(b) *Restraint of aggressive or dangerous dogs.* It is unlawful for the Owner or Keeper of a dog declared by the Department Head to be aggressive or dangerous, either willfully or negligently to allow the dog to run at large or to fail to secure, restrain or confine the dog as ordered by the Department Head pursuant to this article.

(c) *Confinement of dogs, cats in heat.* It is unlawful for any Owner or Keeper to permit a female dog or cat in heat (estrus) to be upon the streets, in any public place, or private space not belonging to the Owner unless restrained by a leash or similar device which is four (4) feet or less in length and under the direct physical control of the Owner or Keeper. A dog or cat in heat must be kept securely confined on private property and inside a secure building or secure enclosure having a secure top and bottom attached to all sides so as to prevent copulation and/or any other animal from entering the enclosure, with the exception of controlled and intentional breeding or introduced under the control of the Owner, such as other female dogs or cats not in heat. Female dogs in heat are not allowed in any off-leash park. A female dog or cat in heat and found to be at large is hereby declared to be a nuisance and may be impounded as provided in this article.

(d) Animals impounded under the provisions of this section shall, before being returned to the Owner or Keeper, at the option of the Owner or Keeper:

(1) Be sterilized by the Division of Animal Services before being returned to the Owner or Keeper who shall pay the County for the cost of the sterilization; or

(2) Agree in writing to have their animal sterilized within thirty (30) days of claiming their animal from the Division of Animal Services and pay a deposit of five hundred dollars ($500.00) refundable upon proof of sterilization; or

(3) If an Owner or Keeper does not wish to spay or neuter their animal, then before being returned to the Owner or Keeper, the Owner or Keeper must pay a five hundred-dollar ($500.00) fee to the County.

If an animal, whose Owner and Keeper has paid the five hundred dollar ($500.00) fee in lieu of agreeing to spay or neuter their animal under option (3), is thereafter impounded and is not at that time sterilized, then the Owner and Keeper, in addition to the costs of sterilization, will have to pay a five hundred dollar ($500.00) fee to the County in order to reclaim the animal. If an animal, whose Owner and Keeper has agreed to have it sterilized under the provisions of option (2) is thereafter impounded for being allowed to be at large and is not at that time sterilized, then the Owner and Keeper, in addition to the costs of

sterilization will forfeit the original deposit of $500.00 and additionally will have to pay a five hundred dollar ($500.00) fee to the County in order to reclaim the animal.

(e) Before being returned to the Owner or Keeper, all animals impounded under the provisions of this section shall be properly inoculated for rabies and microchipped by the County. The Owner or Keeper shall pay the County for the rabies inoculation and for the microchip procedure before the animal is returned to them.

(f) Before an animal may be returned to the Owner or Keeper, the Owner or Keeper must in addition to paying any fees or fines required under this article, provide proof of ownership or responsibility as a condition precedent to release of an impounded animal.

(g) *Curbing dogs.* It is unlawful for a dog Owner or Keeper to permit the dog, either willfully or negligently, to defecate upon:

(1) Any public park or property other than in areas designated for that purpose; or

(2) Any private property without the permission of the property owner.

When this subsection is violated, the Owner or Keeper shall immediately remove any feces deposited by the dog. Failure to do so immediately shall constitute an additional violation of this section.

Sec. 4-23. - Animal cruelty, animal neglect, and tethering.

(a) *Animal cruelty.* It is unlawful for any person to subject any animal to animal cruelty, including cruelty to feral animals. For purposes of this section, the term "animal cruelty" shall include but not be limited to any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal. With respect to any animal, such acts may include, but are not limited to, overdriving, overloading, overworking, unnecessary beating or whipping, riding, driving or working when sick and unfit to work; using a trapped or penned live animal (domestic, exotic or wildlife) in the training or baiting of hunting or game dogs.

(b) *Animal neglect.* It is unlawful for any person to subject any animal to neglect, including neglect of feral animals. For the purposes of this section, the term "neglect" shall include but not be limited to the existence of any one (1) or more of the following conditions:

(1) Failure to provide adequate veterinary care for any animal or to keep an animal that is known to or suspected to have an injury, accidental or deliberate, or to exhibit any signs of disease, shock, temperature fluctuations, tremors, swelling, open wounds, inability to eat, blistering or abnormal bleeding, partial or total paralysis, discharging blood or mucus.

(2) Failure to provide adequate food which is the provision on a daily basis of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, and maintain the animal in good health and comfort. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean and from which agents injurious to health have been removed or destroyed to a practical minimum.

(3) Failure to provide a constant access to a supply of clean, fresh water provided in a sanitary manner. In near or below freezing temperatures, the water must be changed frequently so as to prevent freezing.

(4) Failure to provide shelter or protection from weather including the failure to provide for any animal that is kept out-of-doors for any length of time from extremes of temperature, sunlight, rain, wind or other inclement weather, or to maintain said shelter in a clean, sanitary condition free of urine and excrement or standing water.

(5) Carrying any animal in or upon any vehicle in a cruel or inhumane manner.

(6) Abandonment of any animal, whether healthy, old or maimed, infirm, or sick and disabled, on their own property without daily care, or off the owner's premises where the animal may suffer injury, hunger exposure or become at large upon any street, road, or other public or private place, or with the Division of Animal Services.

(7) Failure to provide an animal sufficient space to stand to full height, turn around, lay down and make normal postural adjustment for comfort.

(8) Failure to allow an animal proper exercise necessary for normal growth, body condition and temperament.

(9) Failure to provide living space free of hazardous build up or proper sanitation.

(c) *Tethering.* It is unlawful for any person to tether any animal to a stationary object while outdoors, except as permitted in subsection (1) below.

(1) An exception to the tethering prohibition is permitted for dogs only, and only if all of the following conditions are met:

a. The dog is in visible range of the Owner or Keeper, which person must also be outside with the dog at all times;

b. The tether must be constructed of material sufficient to restrain the dog, but also not place the dog in danger of injury or death. The tether shall not weigh more than one-eighth (⅛) of the dog's body weight. A tethered dog must wear a harness properly fitted to the dog which harness is attached to the tether. The tether may not be attached to a chain or collar, padlock, or other device around the neck of the dog. When a violation of this provision occurs, an animal control officer is authorized to take reasonable measures to remove the dog from the tether and take the dog and tether to an animal services facility;

c. The tether shall be at least long enough to allow the dog to move ten (10) feet in all directions from the point of tethering. The tether must have operative swivels on both ends and be attached to an elevated line connected to two (2) stationary points not less than fifteen (15) feet apart and sufficient to hold the dog without breaking or coming loose;

d. The dog may not be tethered outside during a period of extreme weather, including but not limited to extreme heat or in conditions not acceptable for the age and breed of a dog;

e. The dog, while restrained by tether, must be able to access adequate clean fresh water and sufficient wholesome food;

f. The dog must be at least one (1) year of age or older, not sick or injured, not pregnant, and not whelping;

g. Every dog must be tethered separately with its own tether if applicable, with each complying with all provisions herein, plus a dog must not be able to tangle its tether with any other animal on the property;

h. No dog's tether may extend any closer than five (5) feet from the perimeter fence or lot line;

i. The tether shall not be attached to a stationary object or trolley at a point or location that would allow the dog to extend the tether over a fence or other object or edge in such manner that could result in the strangulation of or injury to the dog;

j. The foregoing provisions regarding tethering do not apply to a lawful animal event, veterinarian treatment, grooming, training, law enforcement, dogs that are engaging in conduct directly related to the business of shepherding or herding cattle or livestock or related to the business of cultivating agricultural products and tethering is reasonably necessary for the dog's safety, or dogs that are being lawfully used to actively hunt a species of wildlife during the hunting season for that species of wildlife; and

k. In the interest of public safety, animal control officers and/or law enforcement officers are authorized to remove dogs presenting in a demeanor of attack or presenting a public safety risk from tethers and impound such dogs where the dog is accessible by children or the public without a secured fence or enclosure.

Sec. 4-24. - Confinement of aggressive or dangerous dogs.

(a) Upon complaint, the Division of Animal Services, as directed by either the Department Head or Division Manager, shall investigate whether a dog should be classified as aggressive or dangerous pursuant to sections 4-34 and 4-35 of this article and section 767.12, Florida Statutes, as applicable. A dog that is the subject of an aggressive or dangerous dog investigation because of severe injury to a human being or because of a minor injury to a person or domestic animal twice within a 1- year period may be immediately confiscated by the Division of Animal Services, placed in quarantine, if necessary, for the proper length of time, or impounded and held. The dog may be held pending the outcome of the investigation and any hearings or appeals related to the aggressive or dangerous dog classification or any penalty imposed under this article. 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 dog pending any hearing or appeal. During the investigation of whether a dog should be classified as aggressive or dangerous, the Department Head or Division Manager may order

that the dog be humanely and safely confined by the Owner in a securely fenced or enclosed area which must first be approved by the Department Head or Division Manager. The dog shall be confined in such manner pending the outcome of the investigation and the resolution of any hearings or appeals related to the aggressive or dangerous dog classification or any penalty imposed under this article. A dog that is the subject of an aggressive or 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 aggressive or dangerous dog classification or any penalty imposed under this article. If a dog is to be destroyed, the dog may not be relocated or its ownership transferred. If a dog is classified as aggressive or dangerous, the Owner or Keeper shall comply with the requirements of this article and section 767.12, Florida Statutes, as applicable, which govern classification of dogs as aggressive or dangerous, certification of registration, notice and hearing requirements, confinement of animals, exemption appeals and unlawful acts. The Owner or Keeper shall immediately comply with written orders of the Division to effect the requirements of this section; failure to so comply constitutes a violation of this article and subjects the Owner or Keeper to the penalties provided in section 4-30 herein and/or by state law in Section 767.12(7), Florida Statutes, as applicable, and subjects the dog to seizure and, or other disposition authorized by this article.

(b) In addition to the requirements of subsection (a), if a dog is classified as aggressive or dangerous, the Owner or Keeper shall be required to spay or neuter the dog within thirty (30) days after final classification and may be subject to other provisions deemed necessary in the interest of public safety. Failure to so comply constitutes a violation of this article and subjects the Owner or Keeper to the penalties herein and subjects the animal to seizure under section 4-20 or other disposition authorized by this article.

Sec. 4-25. - Luring, enticing, molesting or teasing animals.

It is unlawful for any person to entice or lure any animal out of an enclosure or off the property of its Owner or Keeper, or to seize, molest, or tease any animal while the animal is held or controlled by its Owner or Keeper or while the animal is on the property of its Owner or Keeper.

Sec. 4-26. - Seizure, destruction of animals; disposal of impounded animals; no compensation to Owners.

(a) The Division Manager may dispose, including euthanasia, of any animal otherwise lawfully seized and impounded pursuant to this article or Florida law where:

(1) No Owner exists;

(2) No Owner is identified after reasonable attempts by the Division Manager to do so for a reasonable period of time;

(3) An Owner exists but cannot be contacted after reasonable attempts to do so by the Division Manager for a reasonable period of time;

(4) An Owner has been contacted but by his/her actions, failure to act, or statements, has indicated an intent to abandon the animal;

(5) The provisions of Section 767.12, Florida Statutes, or Section 767.13, Florida Statutes, are utilized and applicable;

(6) The animal is gravely ill or injured at impoundment;

(7) The animals are a litter of puppies or kittens, estimated to be less than six (6) months of age, as determined by the emergence of adult canine teeth, without an actively nursing mother; or

(8) The animal is determined to be a feral animal.

(b) The Division Manager shall make every reasonable effort to identify and notify an Owner or Keeper of the impoundment of his animal. Pursuant to this article, such efforts shall be made for a reasonable period of time. However, where the Division Manager complies fully and makes every effort based upon the circumstances to identify and notify such Owner or Keeper and where such efforts fail, resulting in the sale or destruction or other disposal of the animal, the Division Manager shall be deemed to have complied fully with due process of law, and no Owner or Keeper shall be entitled to any compensation for loss of the animal.

Sec. 4-27. - Seizure of animals by property owners or tenants; delivery to Division Manager; impoundment and disposal; standard of care to be exercised by seizing party.

The Board finds and declares that problems of animal overpopulation in Clay County require not only the resources of the County's Division of Animal Services but also the aid and assistance of private deputies. Therefore:

(a) It is lawful for a property owner or tenant to seize in a humane manner any dog, cat or other animal running at large on his/her property in violation of section 4-22 of this article. Where such seizure is made, the property owner or tenant shall immediately deliver the animal to the Division Manager or his/her assistant. The property owner or tenant shall treat the animal humanely and shall exercise utmost care to ensure the animal's safety and well-being;

(b) Any person who lawfully seizes an animal pursuant to this section shall exercise utmost care to treat an animal humanely and to avoid any injury, sickness, hunger or any other ailment or affliction whatsoever in both the seizure of the animal and the timely delivery of the animal to the Division Manager or his/her assistant within forty-eight (48) hours. Any person unable to comply with the foregoing for any reason shall not seize and deliver any animal and any person who does injure or maim any animal or who does subject an animal to hunger, sickness, or any other ailment or affliction, whether intentionally or negligently in the exercise of the person's authority under this section, is in violation of this article and subject to penalties herein.

(c) The Division Manager may impound any animal delivered by its Owner or by a property owner or tenant pursuant to the above paragraph and may release or dispose of the animal pursuant to this article.

Sec. 4-28. - Quarantine; impoundment and treatment of sick and injured animals; disposal of dead animals.

(a) When an animal has bitten a person or another animal or is believed to have bitten a person or another animal or is suspected by the Division Manager to have rabies, it shall be quarantined by the Owner under the supervision of the Division Manager, or at the discretion of the Division Manager the animal may be held in quarantine at a County

facility. The quarantine shall be for a reasonable period of time and determined by the Division Manager, but in no case less than ten (10) days.

(b) The Division Manager may impound any animal believed to be carrying an infectious or contagious disease, or any injured animal and may retain the services of a licensed veterinarian to treat it. The Division Manager may accept a sick or injured animal upon delivery by a licensed veterinarian or other person. When a sick or injured animal is owned and the Owner is identified, such Owner shall be liable for payment of veterinary expenses or reimbursement of the County's expense in treating the animal. At the discretion of the Division Manager, a sick or injured animal may be destroyed or otherwise disposed of and its remains disposed of without compensation to the Owner or Keeper, provided that the Division Manager shall make a reasonable effort to notify the Owner or Keeper that the animal is impounded. A dog or cat which is not inoculated against rabies shall not be released until provisions have been made to inoculate the animal properly. When an impounded animal is not claimed within forty-eight (48) hours of the end of the quarantine period, the Division Manager may transfer custody or ownership of the animal to an animal welfare organization or a new Owner, or may destroy the animal and dispose of its remains. In either event, the Owner or Keeper will not be entitled to compensation.

(c) When an animal dies, the Owner or Keeper of the animal shall dispose of the remains immediately. When the Division Manager or his/her assistant discovers a dead animal, he/she shall notify the Owner or Keeper, if known, and shall order the Owner or Keeper to dispose of the remains immediately. If the Owner or Keeper is unknown, the Division Manager shall notify the owner of the property upon which the remains are located and shall order him/her to dispose of the remains immediately. Such animal Owner or Keeper or property owner may be held in violation of this article and punished as provided herein. The Division Manager shall dispose of the remains of an animal which has died on public property, but only where an Owner or Keeper cannot be notified. Nothing in this section shall be deemed to limit or contravene the provisions of Section 823.041, Florida Statutes.

Sec. 4-29. - Surrender of animal to Division Manager; interference with Division Manager in performance of duty.

It is unlawful for any person to refuse to surrender an animal upon lawful demand by the Division Manager or his/her assistants. It is unlawful for any person to attempt to take any animal from the custody of the Division Manager or his/her assistants, to attempt to take any animal from the animal services facility without permission of the Division Manager, or otherwise to interfere with the Division Manager or his/her assistants in the performance of their duties under this article.

Sec. 4-30. - Enforcement, penalty, and proceedings for violations.

(a) Animal control officers, or other officers as defined in Florida Statutes, section 828.27, are hereby authorized to issue written warnings or citations to any person for whom probable cause exists to believe such person has committed a violation of this article.

(b) It shall be a violation of this article to fail to comply with any of the requirements or restrictions contained in any section of this article.

(c) A written warning or citation from an animal control officer or other officer may be issued to any person believed to have committed a violation of this article, based upon probable cause.

(d) A written warning shall identify the violation and demand the violation cease and/or be corrected within a reasonable time.

(e) A citation shall identify the violation and contain the provisions required by Florida Statutes, section 828.27, as may be amended.

(f) Any violation of this article for which a citation is issued, is a civil infraction punishable by a maximum civil penalty not to exceed $500.00. The amount of civil penalties to be assessed will be established by resolution.

(g) Pursuant to Florida Statutes, section 828.27, as may be amended, the County Court shall have jurisdiction over all violations of this article.

(h) If a person who has been issued a citation does not contest the citation, a civil penalty of less than the maximum civil penalty will be imposed and may be paid without a court appearance; except that mandatory appearances are required for any violation resulting in the issuance of a fourth citation to a person, and every violation thereafter; and second or subsequent violations of any aggressive or dangerous dog provisions of this article.

(i) The citation must clearly inform the person of the mandatory court appearance. The Division of Animal Services shall maintain records regarding proof of the number of citations issued to the person. Persons required to appear in court do not have the option of paying the civil penalty instead of appearing in court.

(j) If a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required for a mandatory court appearance, the court may enter an order to show cause. This order shall require such person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's order to show cause, that person may be held in contempt of court.

(k) Payment of any citation imposing civil penalties shall be made, either by mail, in person, or online, to the Clay County Clerk of the Court within the time specified on the citation. A late fee in an amount established by resolution shall be assessed for any civil penalty paid after the date specified on the citation but prior to a scheduled court date.

(l) If a person fails to pay the civil penalties imposed by a citation within the specified period, or fails to appear in court to contest the citation, that person shall be deemed to have waived their right to contest the citation. A judgment may be entered against the person for an amount up to the maximum civil penalty.

(m) Notwithstanding any other provision of this article, any person cited for a violation pursuant to this article may have the citation dismissed by the Division Manager or designee if positive proof of compliance is presented to the Division of Animal Services.

(n) All fees, costs, and penalties authorized by this article shall be established by Board resolution. However, where not in conflict with State law, fees, costs or penalties may be adjusted, deferred, or waived at the discretion of the County Manager or his or her designee, on a case by case basis.

(o) Administrative Fees.

(1) The maximum surcharge allowed by law upon each civil penalty imposed for violation of this article may be imposed and collected by the Division of Animal Services.

(2) The proceeds of the $5.00 surcharge established pursuant to Florida Statutes, section 828.27(4)(b), as may be amended, shall be used to pay the cost of the 40-hour minimum standards training course for animal control officers.

(3) All fees and costs authorized by Florida Statutes, including sections 34.045, 938.01 and 938.15, may be assessed for each animal control infraction. Such fees and costs shall be established by Board resolution.

Sec. 4-31. - Disposal of animals.

(a) Where this article authorizes the disposal by the Division of Animal Services of any animal lawfully seized and impounded, such disposal, unless otherwise stated elsewhere herein, shall be expressly limited to the following methods:

(1) Adoption;

(2) Redemption by Owner;

(3) Transfer to an animal welfare organization;

(4) In accordance with Florida law; or

(5) Humane euthanization.

(b) Under no circumstances may any animal lawfully in the custody of the Division of Animal Services be sold, loaned, or donated for research, experimental or educational purposes.

Sec. 4-32. - Construction of provisions.

The provisions of this article shall be liberally construed to affect the purposes of this article.

Sec. 4-33. - Areas of enforcement.

Pursuant to Article VIII, Section 1 of the Constitution of the State of Florida, the Board may enforce this article throughout the unincorporated areas of the Clay County and within the incorporated areas of Clay County to the extent that the article does not conflict with any municipal ordinance.

Sec. 4-34. - Determination of an Aggressive or Dangerous Dog

(a) Aggressive Dog.

(1) A dog may be declared aggressive if it:

a. Causes severe injury to a person or domestic animal without provocation; or

b. Causes minor injury to a person or domestic animal without provocation twice within a 1-year period.

(2) As set forth in section 4-35, the Division shall investigate reported incidents involving any dog that may be aggressive and, if possible, shall interview the Owner and require a sworn affidavit from any person, including any animal services officer, desiring to have the dog classified as aggressive. If the Division is not available to be present at the scene of such an incident, any complaint involving an alleged aggressive dog shall be investigated initially by the law enforcement agency that receives the complaint, and an incident report shall be forwarded to the Division no later than 72 hours after the incident. If a person was bitten, scratched, or otherwise potentially exposed to a zoonotic disease, the Division or investigating law enforcement agency shall file a bite report in accordance with Florida Department of Health regulations.

(3) After the investigation, as set forth in section 4-35, the Department Head shall make an initial determination as to whether there is sufficient cause to designate the dog as aggressive and, if sufficient cause is found, make a determination as to the appropriate penalty and restrictions under this section. Notification of such determination and the Owner's right to request a hearing on the issue whether a final determination regarding the aggressive dog classification or proposed penalty or both should be made shall be provided to the Owner in accordance with the procedures set forth in section 4-35.

(4) The Owner of a dog classified as aggressive by a final determination shall obtain a certificate of registration from the Division within 14 days after issuance of the final order designating the dog as aggressive or the conclusion of any appeal that affirms such final order. The Owner shall renew the registration annually. Fees for the registration of an aggressive dog and the renewal of any such registration are set forth by Board resolution. In order to obtain the certificate of registration, the Owner shall submit the following to the Division:

a. Proof of ownership of the dog;

b. A current certificate of rabies vaccination for the dog;

c. Certificate of Insurance meeting the requirements set forth below.

d. Proof of permanent identification of the dog, such as a tattoo or microchip implantation;

e. Proof that the property owner or management company of the property where the dog resides has been notified of the aggressive dog classification; and

f. Proof of compliance with any restrictions imposed by the Division in connection with the dog's aggressive classification.

The Division shall not issue a certification of registration or a renewal of registration to any person under the age of 18.

(5) The Division shall require the Owner of a dog classified as aggressive to secure and maintain insurance coverage in an amount of $100,000 aggregate in coverage, with $100,000 per accident, which includes the County as an additional insured and provides offsite coverage and coverage for any persons, including sitters, walkers, etc, with no more than a $1,500 deductible. A Certificate of Insurance meeting these requirements shall be provided to the Division at the time of registration as set forth above.

(6) The Division may require the Owner of a dog classified as aggressive to comply with additional reasonable restrictions on the dog, including:

a. Sending the dog to an obedience training course approved by the Division that addresses aggression toward human beings and animals and to submit documentation to the Division upon completion of the course;

b. Requiring the dog to be muzzled whenever the dog is off the Owner's private property; or

c. Any other reasonable restriction that the Division determines is necessary to prevent further violations of this article.

Failure to comply with any such restrictions required by the Division pursuant to this subsection shall be a violation of this article.

(7) A dog that has been deemed aggressive shall not be brought to a dog park, public park, or public beach, even if dogs are otherwise allowed at the location.

(8) If a dog that has previously been deemed aggressive is involved in an incident falling within any of the conditions set forth in subsection (1). above, the dog shall be subject to a dangerous dog investigation.

(9) An Owner may apply to the Division for removal of a dog's aggressive classification if there are no further violations of this article involving the dog for 3 years following the dog's classification as aggressive.

(b) Dangerous dog.

(1) A dog may be declared dangerous if it:

a. Has aggressively bitten, attacked or endangered or has inflicted severe injury on a human being on public or private property;

b. Has more than once severely injured or killed a domestic animal while off the Owner's property; or

c. Has, when unprovoked, chased or approached a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the County.

(2) As set forth in section 4-35, the Division 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 services officer, desiring to have the dog classified as dangerous. If the Division is not available to be present at the scene of such an incident, any complaint involving an alleged dangerous dog shall be investigated initially by the law enforcement agency that receives the complaint, and an incident report shall be forwarded to the Division no later than 72 hours after the incident. If a person was bitten, scratched, or otherwise potentially exposed to a zoonotic disease, the Division or investigating law enforcement agency shall file a bite report in accordance with Florida Department of Health regulations.

(3) After the investigation, as set forth in section 4-35, the Department Head shall make an initial determination as to whether there is sufficient cause to designate the dog as dangerous and, if sufficient cause is found, make a determination as to the appropriate penalty and restrictions under this section and section 767.12 (5), Florida Statutes, for dangerous dogs. Notification of such determination and the Owner's right to request a hearing on the issue whether a final determination regarding the dangerous dog classification or proposed penalty or both should be made shall be provided to the Owner in accordance with the procedures set forth in section 4-35.

(4) The Owner of a dog classified as dangerous by a final determination shall obtain a certificate of registration from the Division within 14 days after issuance of the final order designating the dog as dangerous or the conclusion of any appeal that affirms such final order. The Owner shall renew the registration annually. Fees for the registration of a dangerous dog and the renewal of any such registration are set forth by Board resolution. In order to obtain the certificate of registration, the Owner shall submit the following to the Division:

a. Proof of ownership of the dog;

b. A current certificate of rabies vaccination for the dog;

c. Certificate of Insurance meeting the requirements set forth below.

d. Proof of a proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible waring sign at all entry points which informs both children and adults of the presence of a dangerous dog on the property;

e. Proof of permanent identification of the dog, such as a tattoo or microchip implantation;

f. Proof that the property owner or management company of the property where the dog resides has been notified of the dangerous dog classification; and

g. Proof of compliance with any restrictions imposed by the Division in connection with the dog's dangerous classification.

The Division shall not issue a certification of registration or a renewal of registration to any person under the age of 18.

(5) The Division shall require the Owner of a dog classified dangerous to secure and maintain insurance coverage in an amount of $100,000 aggregate in coverage, with $100,000 per accident, which includes the County as an additional insured and provides offsite coverage and coverage for any persons, including sitters, walkers, etc., with a maximum deductible of $1,500. A Certificate of Insurance meeting these requirements shall be provided to the Division at the time of registration as set forth above.

(6) The Division may require the Owner of a dog classified dangerous to comply with additional reasonable restrictions on the dog, including:

a. Sending the dog to an obedience training course approved by the Division that addresses aggression toward human beings and animals and to submit documentation to the Division upon completion of the course;

b. Requiring the dog to be muzzled whenever the dog is off the Owner's private property; or

c. Any other reasonable restriction that the Division determines is necessary to prevent further violations of this article, specifically including any further penalties or restrictions provided by section 767.12, Florida Statutes.

Failure to comply with any such restrictions required by the Division pursuant to this subsection shall be a violation of this article.

(7) A dog that has been deemed dangerous shall not be brought to a dog park, public park, or public beach, even if dogs are otherwise allowed at the location.

(c) Exemptions:

(1) Any dog that is owned, or the service of which is employed, by a law enforcement agency is exempt from this section.

(2) Any dog used as a service dog for blind, hearing impaired, or disabled persons 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.

(3) Agricultural working dogs are exempt from this section when engaged in bona fide livestock herding activities and the reported incident involves only minor injury to the livestock of the owner of the agricultural working dog. However, such dogs at all other times in all other respects are subject to this section.

(4) 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 aggressive or as dangerous may not be used for hunting purposes.

Sec. 4-35. - Procedures for determinations under Section 4-34 and Chapter 767, Florida Statutes.

(a) *Definitions.* As used in this section, and unless the context clearly requires otherwise, the terms and phrases defined in Section 767.11, Florida Statutes, shall have the meanings therein ascribed.

(b) *Purpose.* The purpose of this section is to implement certain provisions of Chapter 767, Florida Statutes within the County by establishing hearing and appeal procedures pertaining to a determination:

(1) That a dog is classified as an aggressive dog in accordance with Section 4-34 above;

(2) That a dog is classified as a dangerous dog in accordance with Section 4-34 above and Section 767.12, Florida Statutes;

(3) That a dog must be destroyed in accordance with Section 767.13(1), Florida Statutes;

(4) That a dog must be destroyed in accordance with Section 767.13(2), Florida Statutes; or,

(5) That a dog must be destroyed in accordance with Section 767.13(3), Florida Statutes.

(c) *Animal control authority.* For purposes of this section, the Division shall be the animal control authority within the meaning of Chapter 767, Florida Statutes.

(d) Investigation; Initial determination. Any investigation pertaining to a determination under subsection (b) shall be conducted by the Division of Animal Services. The Department Head shall make all initial determinations under subsection (b).

(e) Notification of initial determination. If the Department Head finds upon the Division's investigation that sufficient cause exists to make an initial determination under subsection (b) with respect to a dog, as to being classified as aggressive or dangerous and as to the appropriate penalty, then the Department Head shall provide to the Owner of the dog a written notification of the sufficient cause finding and proposed penalty by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process. The notification shall include a copy of section 4-34 and 4-35 and additionally for a dangerous classification, a copy of Chapter 767, Florida Statutes, shall be provided. The notification may set forth alternative initial determinations under subsection (b). The notification shall inform the Owner that within a period of seven (7) calendar days immediately following the date of service thereof, the Owner may file with the Division a written request for a hearing before a hearing officer on the issue whether a final determination regarding the aggressive or dangerous dog classification or proposed penalty, or both, under subsection (b) should be made in accordance with the initial determination or alternative initial determinations. The notification must inform the Owner that the Owner's failure to file a request with the Division within such seven (7) day period shall be deemed a waiver of the Owner's right to a hearing, and that the Department Head shall proceed without delay in making a final determination based upon the Department Head's initial determination or alternative initial determinations.

(f) Hearing. If the Owner of the dog shall properly and timely request a hearing, the Department Head shall immediately notify the County Manager, at which time a special magistrate will be appointed to serve as the hearing officer. Immediately following appointment, the hearing officer shall schedule a hearing, to be conducted not more than twenty-one (21) calendar days and not sooner than five (5) days after the Division's receipt of the request from the Owner; provided, upon the Owner's consent the hearing may be scheduled after said twenty-one (21) calendar days, but in no event later than sixty (60) calendar days after the Division's receipt of the request absent good cause. The hearing officer shall serve written notice upon the Owner and the Department Head regarding the date, time and place of the hearing.

(g) *Hearing rules and procedures.* The hearing before the hearing officer shall be conducted in accordance with the following rules and procedures:

(1) The parties shall be the County and the Owner of the dog.

(2) At the hearing, each party shall have the following rights:

a. To be represented by counsel at the party's expense;

b. To compel the attendance of witnesses and the production of tangible and documentary evidence by subpoena;

c. To examine and cross examine witnesses;

d. To offer exhibits and documents into evidence;

e. To examine opposing witnesses on any relevant matter, even though the matter was beyond the scope of direct examination; and

f. To offer impeachment evidence with respect to any witness regardless of which party first called the witness to testify.

(3) All testimony shall be under oath administered by the hearing officer.

(4) The County shall have the initial burden of proving that a final determination should be made under subsection (b).

(5) The Owner of the dog shall have the burden of proving any defenses or avoidances to a final determination under subsection (b).

(6) The standard of proof for any final determination under subsection (b)(1) or (b)(2) shall be the preponderance of the evidence.

(7) The standard of proof for any final determination under subsection (b)(3), (4) or (5) shall be clear and convincing evidence.

(8) The County shall cause an audio recording of the hearing to be made and preserved.

(9) The hearing shall be conducted, insofar as practicable, in accordance with the Florida Evidence Code, but the hearing shall be conducted in an informal manner; provided, hearsay evidence shall be admissible, except that no finding of fact shall be based upon hearsay alone.

(10) The hearing officer shall have the power to issue subpoenas to compel the attendance of witnesses at the hearing upon the written request of either party. The following rules shall apply to a subpoena issued by the hearing officer:

a. A subpoena may be served by any person authorized by law to serve process. Service shall be made as provided by law.

b. Any person subject to a subpoena, before compliance and on timely written petition submitted to the hearing officer, may challenge the subpoena and request that the hearing officer quash the same. Such petition must set forth cause for the challenge that would be sufficient grounds under the state law for a court to quash a subpoena. If appropriate, the hearing officer may conduct a hearing on the petition upon prior notice to the petitioner and the parties.

c. A party may seek enforcement of a subpoena issued by the hearing officer by filing a petition for enforcement in a court of competent jurisdiction. Failure to comply with an order of the court shall result in a finding of contempt of court; provided, no person shall be in contempt while a subpoena is being challenged under subparagraph b.

d. Witness fees shall be paid as provided by law.

(h) *Final determination.* If the Owner of a dog who has been provided a notification under subsection (e) has failed to make a timely request for a hearing thereunder, the Department Head shall proceed without delay in making a final determination under subsection (b) in accordance with the initial determination or alternative initial determinations for which such notification was provided. If such Owner has made a timely request for such hearing, then following the conclusion of the hearing the hearing officer shall proceed without delay in making a final determination under subsection (b) in accordance with the initial determination or alternative initial determinations for which such notification was provided.

(i) *Notification of final determination.* Upon the making of any final determination under subsection (b) with respect to a dog, as to being classified as aggressive or dangerous and as to the appropriate penalty, the decision maker shall promptly provide to the Owner of the dog a written notification thereof by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process. Such notification must inform the Owner of the Owner's right to file an appeal of the classification and/or the penalty, or both, to the circuit court in accordance with the Florida Rules of Appellate Procedure after receipt of the final determination. If the dog is not held by the Division of Animal Services, the Owner must confine the dog in a securely fenced or enclosed area pending resolution of the appeal. If the decision maker is the hearing officer, a copy of the notification shall also be provided to the Division.

(j) *Appeal.* If the Owner of a dog files a timely appeal in the circuit court, then the Owner must pay all applicable filing fees. The Owner's failure to timely file such appeal shall be jurisdictional. For purposes of the appeal proceeding the parties shall be the County and the Owner of the dog. Each party shall promptly serve upon the other copies of all documents filed with the court in connection with the appeal proceeding. Such service shall be certified as provided in the Florida Rules of Civil Procedure, and may be accomplished in any manner authorized under said rules. The circuit court shall promptly conduct a trial de novo on the issue whether such final determination should be upheld. The applicable burden of proof and standard of proof shall be the same in the circuit court as provided for a hearing under subsection (g).

(k) *Applicability.* The provisions of this section shall be applicable throughout the incorporated and unincorporated areas of the County.

Sec. 4-36. - Retail sale of dogs and cats

(a) Prohibitions.

(1) It shall be unlawful for any commercial establishment to engage in the retail sale of a dog or cat.

(2) It shall be unlawful for any person to engage in the retail sale of a dog or cat from a public thoroughfare, public common area, or flea market sale.

(b) Exemptions. The following shall be exempt from the prohibitions in subsection (a) of this section:

(1) Animal shelters.

(2) Animal welfare organizations.

(c) Amortization period. Any existing commercial establishment that is lawfully operating on or before March 31, 2022 shall be permitted to continue the retail sale of dogs or cats for one year. As a condition of continued operation during the amortization period, a commercial establishment shall not increase or enlarge its floor space for the sale of dogs or cats. A commercial establishment shall provide proof of its retail sales of dogs and cats existing as

of March 31, 2022, to the Division of Animal Services through sales receipts, franchise agreements, leases, or other documentation readily authenticated as true and correct documents. Any commercial establishment that voluntarily abandons retail sale of dogs or cats for a period of more than thirty (30) days or ceases retail sale of dogs or cats as a result of destruction by fire or other peril, shall lose its nonconforming status.

(d) Adoption of dogs or cats. Nothing in this article shall prevent a commercial establishment from providing space to any animal welfare organization or animal shelter for the purpose of showcasing dogs or cats for adoption to the public.

(e) Certificate of source and veterinary inspection. During the amortization period above, commercial establishments within the County shall post and maintain in a conspicuous place, a certificate of source of each dog or cat offered for sale or transfer, and shall provide to the purchaser or transferee of any dog or cat sold or transferred a copy of such certificate of source along with a certificate of veterinary inspection.

Sec 4-37. - Breeders of dogs and cats

(a) A breeder of dogs or cats, whether a person or entity and whether a commercial breeder or a hobby breeder, shall either be licensed by the United States Department of Agriculture as required by the Animal Welfare Act or licensed by the Division of Animal Services as required herein.

(b) Commercial breeder.

(1) A commercial breeder shall mean any person or entity that engages in the breeding of 4 or more female dogs or cats.

(2) A commercial breeder is required to comply with the licensing requirements of the United States Department of Agriculture pursuant to the Animal Welfare Act.

(3) If a commercial breeder is exempt from licensing under the Animal Welfare Act, such breeder is subject to the requirements and provisions set forth for a hobby breeder.

(c) Hobby breeder.

(1) A hobby breeder shall mean any person or entity that engages in the breeding of 3 or fewer female dogs or cats on their premises.

(2) License required; fee. Any hobby breeder must obtain an annual license from the Division of Animal Services. The license fee will be set by resolution of the Board and will not be based on the number of animals maintained on the premises. A license shall be issued only after an inspection that determines that the minimum requirements and standards set forth herein have been met. The license shall be valid for a period of one year from the date of issue, unless otherwise stated or revoked. Renewal applications shall be made within 30 days prior to the expiration date.

(3) Permitted animals; identification of animals. There shall be only one species and one breed of either dog or cat bred or kept at any individual licensed hobby breeder premises. There shall be no more than two litters or 20 puppies or kittens, whichever is greater, produced per hobby breeder per year. For protection and identification, all dogs and cats will be identifiable by either a tattoo or microchip. A microchip scanner must be on the premises if using an implanted microchip.

(4) Sale and return of animals. The offspring of the dogs or cats bred by a hobby breeder to enhance or perpetuate a given breed may be sold. If a new Owner becomes unable or unwilling to continue ownership and responsibility for a dog or cat, the hobby breeder seller shall assist in placement of the dog or cat. If no suitable placement can be found within six months, the hobby breeder shall accept return of the dog or cat if healthy, without having to refund any purchase price, and shall become fully responsible for its care with the option to resell.

(5) Personal pet exemption. A combined total of no more than four dogs or cats may be kept as personal pets in addition to the dogs and cats permitted under subsection (c)(3), above.

(6) Facilities.

a. Hobby breeders must live on the premises where their facility is located.

b. The facility, whether it be a private residence, portion of a private residence or a separate structure not physically connected to a private residence, shall be structurally sound and maintained in good repair to protect the animals from injury, to protect the animals against overexposure to the elements, to contain the animals and to restrict the entrance of other animals. The facility must provide adequate shelter from the elements and be kept clean and dry. The premises whereupon the facility is located as well as the facility shall remain free of accumulations of trash.

c. The facility shall have ample light of good quality by natural or artificial means or both. The lighting shall provide uniformly distributed illumination of sufficient intensity to permit routine inspection and cleaning and provide for the well-being of the animals. The animals shall be protected from excessive illumination.

d. Pest control. An effective program for the control of insects, ectoparasites and avian and mammalian pests shall be established and maintained for the premises whereupon the facility is located as well as for the facility itself. Appropriate measures must be taken to control and restrict the entrance of rodents.

e. Food safekeeping. The handling and storage of food on the premises and within the facility must occur in a manner that ensures against the introduction of

parasites, disease vectors (such as insects) or chemical contaminants. Supplies of dry food shall be stored in areas that are cool, dry, clean and free of vermin and other potential contaminants. Refrigeration shall be provided for supplies of perishable food. Conditions affecting the shelf life of food such as date of manufacture, exposure to extremes in temperature and humidity, exposure to moisture, unsanitary conditions, exposure to light, exposure to oxygen, and exposure to insects shall be monitored to prevent deterioration of the nutrient value of food.

f. All runs, exercise areas and primary enclosures shall meet the minimum setback provided for in the zoning code.

g. Containment of animals. Outdoor areas for dogs must be double-fenced in order to ensure all dogs are contained and do not escape. If cats are allowed outdoors they must be kept in an enclosure that has four sides and an attached solid or wire mesh top or roof to prevent the cats from escaping the enclosure.

h. Primary enclosures.

1. A primary enclosure shall provide sufficient space to allow each enclosed animal to turn freely and to easily stand, sit and lie in a comfortable position. When a primary enclosure is used for more than one cat, resting perches shall be provided. The number of cats in a primary enclosure shall not exceed the number which would prevent proper ventilation and sanitation. If the primary enclosure is not of sufficient size to allow the cat(s) to express their specialized locomotor patterns, then an area shall be made available for the cat(s) to exercise and scratch at least once a day. When a primary enclosure is used for a dog, the dog shall be exercised a minimum of 30 minutes twice daily.

2. Concrete floors and runs must have a resting board, and primary enclosures must have sanitary bedding. Easily accessible litter pans shall be provided for all cats at all times.

3. All primary enclosures shall be constructed of impervious porous materials and shall have floors of either solid construction or metal grid construction. Primary enclosures having metal grid floors can be used provided the grid size is smaller than the pads of the feet of the dogs confined therein. A primary enclosure shall not be constructed or maintained with an exposed wire mesh bottom, or any other material that will injure the feet or legs of a cat. No primary enclosure shall be enclosed entirely by solid walls. Stacked enclosures must have solid floors. Each primary enclosure shall be provided with a solid resting board and shall be of adequate size to comfortably hold all occupants of the enclosure at the same time. Such resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

4. Cleaning of enclosures. Excrement shall be removed from enclosures as often as necessary to prevent contamination of the animals contained therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning an enclosure, any animal contained therein shall be removed from such enclosure during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other waste. A suitable method shall be provided to rapidly eliminate any excess water.

5. Sanitation of enclosures required. Prior to the introduction of animals into empty enclosures previously occupied, such enclosures shall be sanitized. Enclosures for animals shall be sanitized often enough to prevent an accumulation of debris or excrement or a disease hazard; provided, however, such enclosure shall be sanitized at least once a week.

6. Method of sanitation. Cages, rooms and hard-surfaced pens or runs shall be sanitized by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant. Pens or runs using gravel, sand or dirt shall be sanitized by removing the soiled gravel, sand or dirt and replacing it as necessary. Feces and soiled litter material shall be removed from all litter pans at least once a day. Absorbent litter and/or any other material used to absorb urine shall be changed when it becomes 30 percent saturated with urine.

i. Indoor facilities.

1. A source of heat and mechanical ventilation shall be available at the facility for use as necessary in preventing extremes in temperatures. Buildings must be maintained with suitable temperatures, ventilation and lighting. The ambient temperature shall be maintained in a range that ensures that the animals will not suffer from heat stress (heat stroke or hyperthermia), nor from cold stress (frostbite or hypothermia).

2. The interior building surfaces of any indoor housing facilities shall be constructed and maintained so that they are impervious to moisture and can be readily sanitized.

3. An indoor facility shall be adequately ventilated to provide for the health and comfort of the animals at all times. The facility shall be provided with a source of fresh air by means of windows, doors, or vents and shall be ventilated in a manner that minimizes drafts, odors and moisture conditions.

j. Outdoor facilities.

1. Sufficient shade shall be provided to afford all animals protection from direct sunlight. Sufficient cover shall be provided to protect all animals from rain. Shelter shall be provided for all animals when the ambient temperature falls below 50 degrees Fahrenheit.

2. Sufficient clean bedding material or other means of protection from the weather elements shall be provided.

(7) Care.

a. Animals shall be provided proper and necessary veterinary care.

b. Food receptacles shall be accessible to all animals and shall be located to prevent contamination by excrement. Feeding dishes shall be kept clean. Self-feeders may be used for the feeding of dry food and shall be sanitized regularly to prevent molding, deterioration or caking of food. Food must be fresh, wholesome, palatable, nutritionally adequate and offered to each animal at least once daily.

c. Water must be fresh and available at all times.

(8) Inspections and enforcement. It shall be a condition of the issuance of a license that an animal control officer shall be allowed, at any reasonable time, to inspect without notice the premises and any facility where animals are kept. The Division of Animal Services shall give a license holder a 24-hour advance notice of the annual inspection. However, no notice is required for routine investigations of complaints. Any alleged violations of this section will be investigated by the Division. Upon receipt of information of violation of this section, the Division may issue a notice of revocation to a license holder. The notice of revocation shall provide a summary of the information of the violation and shall be sent to the address listed in the license application. No license shall be renewed if an applicant has had its license revoked within two years of the date of the application or has outstanding and unsatisfied civil penalties imposed due to violations of this article.

(9) Hearing. Any challenge to a notice of revocation must be in the form of a request for hearing and filed by the license holder with the Division of Animal Services within ten days after the license holder's receipt of said notice. The license holder shall set forth the reasons why the license holder believes the revocation would be an error. The challenge to a notice of revocation shall be accompanied by a filing fee to cover administrative cost involved in the challenge. Such fee shall be as set by Board resolution. Failure to timely request a hearing shall render the revocation final.

(10) Hearing on revocation. If a hearing is timely requested by the license holder, the Department Head shall immediately notify the County Manager, at which time a special magistrate will be appointed to serve as the hearing officer. Immediately following appointment, the hearing officer shall schedule a hearing, to be conducted not more

than twenty-one (21) calendar days and not sooner than five (5) days after the Division's receipt of the request from the license holder; provided, upon the license holder's consent the hearing may be scheduled after said twenty-one (21) calendar days, but in no event later than sixty (60) calendar days after the Division's receipt of the request absent good cause. The hearing officer shall provide written notice to the license holder and the Department Head regarding the date, time and place of the hearing.

(11) Written decision. The hearing officer's written decision shall be provided to the license holder and the Department Head as provided below.

(12) Notice. Any written notification to a license holder under this section shall be by registered mail, certified hand delivery, or service in conformance with the provisions of F.S. ch. 48, relating to service of process.

(13) Penalty. In addition to any revocation proceeding under this section, any person who violates any provision of this section is subject to the penalties prescribed in section 4-30.

**Section 2.** The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 3.** This ordinance shall become effective as prescribed by Florida general law.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this 8th day of March, 2022.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

BY: WFBolla
WFBolla (Mar 14, 2022 16:18 EDT)

Wayne Bolla, Its Chairman

ATTEST:

Tara S. Green,
Clay County Clerk of Court and Comptroller
Ex Officio Clerk to the Board

CLAY COUNTY FLORIDA
IN GOD WE TRUST

Ordinances/AnimalControl/2022/Ordinance Presented at 03.08.22 BCC Meeting-FINAL-REVISED 03.08.22.doc