

GULF COUNTY  
STATE OF FLORIDA

ORDINANCE NO. 2021-06

**AN ORDINANCE OF GULF COUNTY, FLORIDA; WHEREBY AMENDING ORIGINAL GULF COUNTY ANIMAL CONTROL ORDINANCE NUMBER 2005-24 AND THEREAFTER ITS AMENDMENT THROUGH ORDINANCE NUMBER 2008-20 AND HEREIN AMENDING BY ADOPTION OF “GULF COUNTY ANIMAL CONTROL ORDINANCE” WHEREBY PROVIDING FOR DEFINITIONS; PROVIDING FOR AUTHORITY AND ENFORCEMENT; PROVIDING FOR ADOPTION BY REFERENCE: FLORIDA STATUTES RELATING TO ANIMAL CONTROL, ANIMAL WELFARE AND ANIMAL CRUELTY; PROHIBITION AGAINST NUISANCE ANIMALS; PROVIDING FOR HUMANE CARE GUIDELINES; PROHIBITION AGAINST ANIMALS FROM RUNNING-AT-LARGE; PROVIDING FOR PERMITTING REQUIRMENTS; PROVIDING FOR MULTIPLE PET PERMITS AND KENNELING; PROHIBITION ON FEEDING FERAL ANIMALS; REGULATING SALE OF ANIMALS; PROVIDING FOR PROPER REDEMPTION AND DISPOSITION OF UNWANTED AND IMPOUNDED ANIMALS; PROVIDING FOR RABIES CONTROL; PROVIDING FOR PROPER HANDLING OF DANGEROUS AND AGGRESSIVE ANIMALS; PROVIDING FOR SPAY AND NEUTERING REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**AN ORDINANCE OF GULF COUNTY, FLORIDA; WHEREBY REPEALING AND REPLACING GULF COUNTY ANIMAL CONTROL ORDINANCE NUMBER 2005-24 AND THEREAFTER ITS AMENDMENT THROUGH ORDINANCE NUMBER 2008-20 AND HEREIN REPEALING AND REPLACING BY ADOPTION OF “GULF COUNTY ANIMAL CONTROL ORDINANCE” WHEREBY PROVIDING FOR DEFINITIONS; PROVIDING FOR AUTHORITY AND ENFORCEMENT; PROVIDING FOR ADOPTION BY REFERENCE: FLORIDA STATUTES RELATING TO ANIMAL CONTROL, ANIMAL WELFARE AND ANIMAL CRUELTY; PROHIBITION AGAINST NUISANCE ANIMALS; PROVIDING FOR HUMANE CARE GUIDELINES; PROHIBITION AGAINST ANIMALS FROM RUNNING-AT-LARGE; PROVIDING FOR PERMITTING REQUIRMENTS; PROVIDING FOR MULTIPLE PET PERMITS AND KENNELING; PROHIBITION ON FEEDING FERAL ANIMALS; REGULATING SALE OF ANIMALS; PROVIDING FOR PROPER REDEMPTION AND DISPOSITION OF UNWANTED AND IMPOUNDED ANIMALS; PROVIDING FOR RABIES CONTROL; PROVIDING FOR PROPER HANDLING OF DANGEROUS AND AGGRESSIVE ANIMALS; PROVIDING FOR SPAY AND NEUTERING REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Board of County Commissioners of Gulf County, Florida (hereinafter “Commissioners”), find and determine that the Gulf County (hereinafter “County”) Animal Control Regulations were intended to maintain and improve the quality of life for all Gulf County citizens through maintaining and seeking to consistently improve animal control and humane care within the County; and

**WHEREAS**, the Gulf County Board of County Commission acknowledges the enjoyment and enhancement of quality of life from pet ownership; and

**WHEREAS**, the County further appreciates the need to protect all animals from themselves, from other animals and most importantly from humans; and

**WHEREAS**, pursuant to Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, Gulf County has broad home rule powers to carry out county government, including the power to adopt ordinances to provide for the common good; and

**WHEREAS**, on December 13, 2005 the Board of County Commissioners adopted Ordinance No. 2005-24 which consolidated and condensed Ordinance No. 2004-03 and 1998-11 both relating to the Regulation, Licensing, Vaccination, Confinement, Classification and Disposal of Cats and Dogs in Gulf County; and

**WHEREAS**, on December 9, 2008 the Board of County Commissioners adopted Ordinance No. 2008-20 whereby amending Ordinance No. 2005-24 and further defining animal control guidelines within Gulf County; and

**WHEREAS**, the Commissioners desire to repeal and replace the ordinance wherein sections, subsections, paragraphs, subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions of the current animal control regulations are deemed obsolete or superfluous, and/or which have not been enforced, and/or which are not enforceable, an/or do not meet the current standard of care, values and protection sought by the County, and/or which would be severable by a court of competent jurisdiction; and

**WHEREAS**, in order to carry out the purposes of the Florida Statutes in conjunction with the purposes of the County’s standard of care and compassion for animal control and to uphold the regulations whereby enforcing both, the Commissioners find and determine that the County should regulate through specific language and guidelines set out by this ordinance, and

**WHEREAS**, the Commissioners find and determine that the County staff, input from various community volunteers and local leaders involved in daily humane animal control and care, code enforcement officials as well as animal control department, Planning Development and Review Board, and the county planner have devoted considerable time to developing, adapting and recommending revised standards through this ordinance that would attempt to implement the past County regulations and goals for animal control while incorporating those concerns and regulations necessary to fully represent the requests of both the Commissioners and residents of Gulf County; and

**WHEREAS**, the Commissioners find and determine that in order to preserve, protect and promote the safety and general welfare of the residents of the County as well as enhance the humane treatment and handling of animals in Gulf County, it is necessary to strictly regulate and enforce animal control; and

**WHEREAS**, the Commissioners find and determine that the County has consistently adopted and enacted severability provisions in connection with its Ordinance provisions, and the Commissioners wish to ensure that severability provisions apply to its animal control guidelines; and

**WHEREAS**, on May 15, 2021 and June 11, 2021 a Public Notice was advertised in The Star offering the public an opportunity to participate at two public hearings before the Board of County Commissioners (BOCC) on May 25, 2021 at 9:00 am and a second public hearing on June 22, 2021 at 9:00 a.m. for the adoption of this proposed ordinance; and

**WHEREAS**, the Commissioners desire that there be an ample record of its intention that the presence of a severability clause in connection with the County's animal control be applied to the maximum extent possible, even if less regulation or enforcement would result from a determination that any exceptions, limitations, variances or other provisions are invalid or impermissible for any reason whatsoever; and

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

## **GULF COUNTY ANIMAL CONTROL ORDINANCE**

### SECTION I. GENERALLY

#### **DEFINITIONS.**

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

**Abandon** shall mean the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and/or without adequate food, water, ventilation or shelter, for a period in excess of 24 hours, regardless of where such animal may be found or kept.

**Aggressive animal** shall mean any animal which has injured or killed a domestic animal or person in a first unprovoked attack while off of the premises of the owner.

**Animal** shall mean any living domesticated creature or any captive wild creature.

**Animal control officer** shall mean any person employed or appointed by the county who is authorized to investigate, on public or private property, violations relating to animal control or cruelty to animals pursuant to state law and this article.

**Animal shelter** shall mean any facility designated by the county for the purpose of housing and caring for animals held under the authority of this article or state law.

**At large** shall mean any animal, other than a dog, which is off of the premises of the owner while not under the supervision of the owner, or, in the case of dogs, when any dog is off of the premises of the owner while not under the direct control of the owner.

**Attack** shall mean the act by any animal of approaching a domestic animal or a person in such a manner that hostile contact with the other animal or a person occurs.

**Board** shall mean the Board of County Commissioners.

**Bite** means that the skin has been penetrated by an animal's teeth.

**Cat** means the domestic cats, *Felis catus*.

**Citation** shall mean a written notice issued to a person by an animal control officer stating that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly-enacted ordinance and that the county court will hear the charge.

**County Code officer** shall mean the person designated by the Board of County Commissioners pursuant to the definition in F.S. Chapter 154 and F.A.C. Chapter 64D-3.

**Dangerous animal** shall mean an animal that has, when unprovoked,

- a) aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property; or
- 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 an apparent attitude of attack,
- d) provided that such actions as set forth and described in paragraphs a), b) and c) above are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.

**Direct control** shall mean

- a) immediate continuous physical control of a dog at all times by means of a leash, cord, or chain of such strength to restrain the dog, and
- b) controlled by a person capable of restraining the dog, or
- c) safe and secure restraint within a vehicle.

- d) Voice control shall be considered direct control when the dog is actively participating in certified training or official showing, obedience, or field events.
- e) Direct control shall not be required of dogs actually participating in a legal sport in an authorized area or of government police dogs.

**An animal control officer** shall mean the person designated by the county administrator to enforce the ordinances and laws pertaining to animal control and cruelty to animals.

**An animal control department** shall mean the agency designated by the Board of County Commissioners to enforce the ordinances and laws pertaining to animal control and cruelty to animals.

**Dog** means the domestic dog, *Canis familiaris*, or any of the various other animals of the family *Canidae*.

**Domestic animal** shall mean any equine or bovine animal, goat, sheep, swine, dog, cat, poultry, or other domesticated beast or bird.

**Endanger** shall mean risk of harm or imperil.

**Exposure to rabies** shall mean contact by any person, domestic animal or captive wild animal with saliva, brain tissue, or other potential infectious material of a rabid animal or of an animal suspected to be rabid due to its apparent ill health, or which is of a species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, bats, skunks, and bobcats.

**Feral animal** shall mean any wild cat or dog, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication.

**Impoundment** shall mean the taking up and confining of an animal by the department of animal control in a manner consistent with professionally-recognized standards of humane treatment.

**Kennel** shall mean any person or entity who owns, harbors or keeps more than seven (7) dogs or cats, in aggregate, at a property or structure, for any purpose, including, but not limited to, housing, boarding, breeding, training, show or exhibition, hunting, sale, rescue, adoption or personal pet or use. Kennel does not include any property or structure where a Florida state licensed veterinarian practices and has a premises permit, as required by Chapter 474, Florida Statutes, or any property or structure used as a veterinary hospital, medical research laboratory, or any governmental agency (which shall include the St. Joe Human Society) as the current designated recipient and kennel for the Gulf County Animal Control Officer or like facility identified and deemed agent and recipient by the Gulf County Board of County Commission.

**Livestock** shall mean all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals.

**Neutered** shall mean rendered permanently incapable of reproduction or permanently incapable of reproduction because of physiological sterility, but only where the neutered condition has been certified by a veterinarian licensed in any state.

**Owner** shall mean any person, firm, corporation or organization owning, possessing, harboring, or having control, custody and care of an animal. If the animal is owned by a person under 18 years, that person's parent or guardian.

**Person** shall mean any individual, firm, corporation, partnership, organization, or association.

**Potential rabies carrier** shall mean any species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, bobcats, and skunks.

**Proper shelter** for an outdoor animal (excluding livestock) shall include but is not limited to a permanent structure with three sides, a top and a bottom. The structure shall have a waterproof roof, be structurally sound with three solid sides, top and bottom, and shall protect the animal from the elements, with space to stand up, sit down, turn around and lie down in a normal posture. The structure and surrounding area needs to be free of trash or waste so as not to threaten the physical well being of the animal. Examples of inadequate shelter include, but are not limited to, vacant or abandoned structures, lean-tos, cardboard boxes, uncovered vented plastic airline carriers, barrels, abandoned vehicles, uncovered porches, barrels, uncovered decks, or material that does not provide sufficient protection from the elements.

**Public nuisance** shall mean

- a) any animal which chases vehicles or molests passersby; or,
- b) any animal, which runs at large upon public or private property without permission from the property owner; or,
- c) any animal which soils, defiles, or defecates on public or private property, other than the property of the owner, unless the owner immediately removes and properly disposes of it; or,
- d) any animal which causes unsanitary or dangerous conditions to exist; or,
- e) any feral animal, with the exception stated below for feral animals that have been taken in under legal responsibility further defined under the Section below "Feeding Feral Animals"; or
- f) any animal which continuously barks, growls, or otherwise disturbs the peace; or
- g) failure to remove animal fecal matter such that adjacent property owners or inhabitants are unable to enjoy the use of his or her property due to the odor or smell.

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

**Tethering** shall mean a rope, leash, pulley run or other means of constraint, which must be attached to the animal by a properly applied collar, halter or harness and configured so as to

protect the animal from injury and prevent entanglement with other objects and/or animals. This shall not apply to an owner who is walking or exercising their animal.

**Veterinarian** shall mean a person who is licensed to engage in the practice of veterinary medicine as provided for in Chapter 474, *Florida Statutes*.

**Unprovoked** shall mean that the victim who has been conducting himself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by an animal.

**Veterinary hospital or clinic** shall mean any place or facility owned or operated by a licensed veterinarian and used for the practice of veterinary medicine in the diagnosis, treatment, and care of diseases of and injuries to animals, or used for the boarding of animals during such diagnosis, treatment or care, or used for the temporary boarding of animals belonging to the veterinarian's clients.

#### **STATUTORY AUTHORITY AND ADOPTION BY REFERENCE.**

This article is an exercise of authority under state law. The County 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.

#### **AREA OF ENFORCEMENT.**

This article shall be effective throughout the unincorporated area of the county and within any incorporated area of the county upon execution of an interlocal agreement with the incorporated area specifying the terms for implementation and enforcement of this article within the incorporated area. However, this ordinance shall not be applicable to research and instructional programs conducted in the interest of medical science by universities registered with the United States Department of Agriculture and operated under federal statutes and rules.

#### **ENFORCEMENT GENERALLY; PENALTIES.**

- (a) In addition to or in lieu of impounding an animal which any animal control officer or any law enforcement officer has probable cause to believe is in violation of this article the officer may issue a citation to the owner or keeper of the animal, provided, however, that upon a second conviction within the same household of a violation, the animal shall be confined to the owner's premises by means of an enclosure approved by the department of animal control for restraining the animal and for preventing its escape.
- (b) Any person to whom a citation is issued shall pay the fine by the designated date or appear in county court at the time, date and location designated in the citation.
- (c) Any person electing to appear or required so to appear waives the right to pay the minimum civil penalties.
- (d) Penalties shall be in addition to court costs as established by the county court.
- (e) The maximum civil penalty for each violation shall be \$500.00

- (f) If a person to whom a citation is issued does not contest the citation and elects to pay the applicable civil penalty in lieu of appearing in county court, the civil penalty shall be less than the maximum civil penalty.
- (g) A mandatory court appearance shall be required for any of the following:
  - (1) Third and subsequent violations of this article.
  - (2) Third and subsequent violations which result in the destruction or loss of personal property.
  - (3) Second and subsequent violations which result in the unprovoked biting, wounding, or attacking of a domestic animal or person.
  - (4) Second or subsequent violations.
  - (5) Second and subsequent violation of any provision pertaining to dangerous or aggressive animals which does not result in injury to a person or domestic animal.
  - (6) Violation of any provision pertaining to dangerous or aggressive animals which results in injury to a person or domestic animal
- (h) Minimum civil penalties for violations of the article not otherwise listed above are as follows:
  - i) Gulf County Commission is authorized to enforce this ordinance and may follow the established procedures and schedule of violations and penalties set forth below to be assessed by county code enforcement officials and in accordance with Florida Statute 125.69:
    - ii) Violation of any provision of this ordinance shall be subject to the following penalties:
      - (a) First violation: \$150.00 fine; \$50.00 per day thereafter
      - (b) Second violation: \$250.00; \$50.00 per day thereafter
      - (c) Third violation: Fine not to exceed \$600.00 and/or imprisonment in the County jail not to exceed sixty (60) days.
    - iii) Each violation of this Ordinance shall constitute a separate offense. In the initial stages and implementation of this Ordinance, code enforcement official and or animal control officer may provide violators with no more than one (1) written warning.
    - iv) The County shall have resource to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of the section of this ordinance, including but not limited to injunctive relief to rejoin and restrain any person from violating the provisions of this section of this Ordinance and to recover such damages as may be incurred by the implementation of specific corrective actions.



## **RULES AND REGULATIONS.**

The Board of County Commissioners may, by resolution, enact reasonable rules and regulations to implement and carry out the provisions of this article and state law.

## **DESIGNATION OF ENFORCEMENT OFFICERS.**

- (a) The Board of County Commissioners is hereby authorized to designate certain of its employees in the animal control department as enforcement officers, herein referred to as "animal control officers." The training and qualifications of the employees for such designation shall be determined by the board.
- (b) The director of animal control or any animal control officer shall have the authority to enforce this article. The director of animal control and each person designated as an animal control officer pursuant to F.S. Chapter 828, may issue to the known owner or keeper of such animal a warning notice or citation.

## **ENFORCEMENT PROCEDURES.**

The procedures and guidelines used by the department of animal control in administration of this article shall be established by the board based upon recommendations from a citizen's committee consisting of a licensed veterinarian, a person knowledgeable in animal behavior, a law enforcement officer, and two citizens.

## **RIGHT OF ENTRY.**

- (a) Pursuant to F.S. §§ 828.27, 828.073, and 125.01, the director of animal control and/or any animal control officer shall have the authority to enter public or unfenced private property within the county to carry out the duties imposed by this article.
- (b) Pursuant to F.S. §§ 828.27, 828.073, and 125.01, the director of animal control, and/or any animal control officer shall have the authority to enter fenced private property, exclusive of buildings, when:
  - (1) The owner or keeper of an animal which has bitten or otherwise exposed a human or domestic or captive wild animal to rabies refuses to surrender such animal for rabies quarantine.
  - (2) The animal being sought was at large immediately prior to the department of animal control receiving a complaint that the animal was at large chasing people or domestic animals or was causing the destruction or loss of personal property, but subsequently returned to its owner's fenced private property, provided, however, that the animal has the capability to leave the fenced property by climbing, jumping, or crawling under the fence and provided that an attempt to contact the owner, if known, was unsuccessful.
  - (3) The department of animal control is taking possession of any animal found or neglected or cruelly treated pursuant to §§ 828.27, 828.073, F.S., and 125.01, F.S.

- (4) Pursuant to Section 767.12, F.S., and 125.01, F.S., the department of animal control shall take possession of any animal initially determined as dangerous or aggressive.

### **OBSTRUCTING ENFORCEMENT.**

No person shall:

- (1) Refuse to surrender an animal upon lawful demand by the director of animal control or any animal control officer.
- (2) Interfere with the director of animal control or any animal control officer who is lawfully performing his or her duties.
- (3) Hold, hide, or conceal any animal which the director of animal control or an animal control officer has deemed to be in violation of this article.
- (4) Take or attempt to take any animal which the director of animal control or an animal control officer or from any vehicle used by him to transport animals in the legal performance of his or her duties.
- (5) Take or attempt to take an animal from an animal control shelter, a humane live trap, or an animal carrier, without proper authority.

### **RUNNING AT LARGE.**

- (a) Generally prohibited. It shall be unlawful for any animal to run or remain at large on any street, road, alley, park or other public place. A street, road, alley or other place shall be considered a public place, without respect to maintenance authority or ownership, if the area is under common ownership or control, or is generally accessible to the public.
- (b) It shall be unlawful for any animal to be on private property, without the consent of the property owner, whether or not the animal is under direct control.
- (c) It shall be a violation of this article for the owner or keeper of any animal to tie, chain or otherwise tether such animal in such a manner that it has access to public property or the property of another without consent of that property owner.
- (d) The owner or keeper of any animal found running or remaining at large shall be responsible for any violation of this article.
- (e) Dogs and cats in heat. The owner of any female dog or cat in estrus shall keep such dog or cat confined in a building or secure enclosure, veterinary hospital, or boarding kennel in such manner that such female dog or cat cannot come in contact with a male dog or cat, except for intentional breeding purposes.
- (f) Exceptions. This section shall not apply to:
  - (1) Any dog actually engaged in a legal sport, including supervised hunting within authorized areas.
  - (2) Any dog or cat being officially showed or trained.

- (3) Any animal that is especially trained to assist or provide personal services for a disabled person, as defined under the American With Disabilities Act.
- (4) Government police dogs.

**PUBLIC NUISANCE PROHIBITED.**

- (a) It shall be unlawful for any person to allow his or her animal to become a public nuisance.
- (b) The owner of any domestic or captive wild animal which is a public nuisance shall be subject to the procedures and penalties set forth in section Section1. “ENFORCEMENT GENERALLY; PENALTIES” subsection (h)ii (see page 8 above).
- (c) Any animal which is feral shall be classified as a public nuisance and may be impounded and humanely euthanized. Feral animals may not be required to be held for a minimum period of time as is required for other stray animals.
- (d) Any nuisance complaint may be investigated by animal control or law enforcement. Animal control officer shall then have the discretion to issue notice and either warning or issue violations for failure to abate the nuisance may result in the issuance of a citation to the owner for allowing his or her animal to become a nuisance.
- (e) Subsequent violations, after warning, shall be based on the animal control officer or law enforcement having personal knowledge of the nuisance or at least two (2) affidavits from different parties residing in close proximity to the alleged nuisance must be received. Close proximity shall mean residing within a radius of 200 feet from the residence or location of the offending animal or property but shall not preclude the consideration of evidence and testimony of persons living more than 200 feet from the residence or location of the offending animal. One affidavit may be sufficient to warrant an investigation where there is only one party in close proximity to the alleged nuisance.

**HUMANE CARE REQUIRED.**

- (a) No owner shall fail to provide his or her animal with sufficient and wholesome food, proper shelter and protection from the weather at all times, veterinary care when needed to prevent suffering, sufficient exercise space, and humane care and treatment, including clean, sanitary, safe, humane conditions. The owner of an animal shall provide clean water for the animal in a sufficient quantity to maintain the animal in a healthy condition. Water shall be provided at all times in a stable container which is sized appropriately for the animal’s species and breed.
- (b) No person shall overload, overwork, torture, or torment, deprive of necessary sustenance, beat, mutilate or inhumanely kill, or otherwise abuse any animal or cause or permit the same to be done.
- (c) No person shall abandon any animal by forsaking the animal entirely or by neglecting or refusing to provide or perform the legal obligations for care and support of the animal.

- (d) Any person who, as the operator of a motor vehicle, strikes a domesticated animal, should immediately report such incident to any law enforcement agency or to the Department of Animal Control.
- (e) Tethering. No person shall under any circumstances tether or otherwise confine any animal in a manner that is injurious to the animal's health, safety and well-being under the evaluation and determination of the animal control officer and or code enforcement official. Such conditions deemed injurious on their face shall include but are not limited to tethering of an animal during severe weather events and natural disasters such as flood, fires, tornadoes or hurricanes.
- (f) Any person who commits any of the following acts shall be in violation of this section:
  - i. Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting or baiting;
  - ii. Betting or wagering any money or other valuable consideration on the fighting or baiting of animals;
  - iii. Attending the fighting or baiting of animals;
  - iv. Owning, possessing, or selling equipment for the purpose of animal fighting or baiting;
  - v. Providing or allowing property for use in the housing, training, transport, fighting or baiting of animals.

#### **ANIMALS IN MOTOR VEHICLES.**

- (a) No operator of a motor vehicle shall transport or keep an animal in or on any motor vehicle unless the animal is safely enclosed within the cab of the vehicle or protected by a container, cage, cross tethering, or other device that will prevent the animal from falling from, being thrown from, or jumping from the motor vehicle.
- (b) No person shall transport, place or confine an animal or allow it to be placed or confined in the enclosed trunk of a vehicle.
- (c) It shall be unlawful for a motor vehicle owner or operator to place or confine an animal or allow it to be placed or confined or to remain in an un-attended motor vehicle without sufficient ventilation or under conditions for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to heat, lack of water, or such other circumstances as may reasonably be expected to cause suffering, disability or death of the animal.
- (d) Officers finding an animal under the conditions referenced above may rescue such animal from the vehicle following the policy established by animal control.
- (e) Any officer who acts in substantial compliance with the requirements of this section shall make the officer and/or the county immune from any criminal or civil liability.

## **EXPLOITATION OF ANIMALS PROHIBITED.**

It is unlawful for any person to promote, conduct or permit exploitive animal contests, performances, or exhibitions, in which animals are encouraged, forced, or trained to perform unnaturally, including, but not limited to, greased pig contests, equine basketball, diving equine acts or roadside zoos or menageries.

## **PROCEDURE UPON CITATION.**

- (a) Any person cited for violation of the animal control ordinance shall be deemed to be charged with a civil infraction and cited to appear in county court.
- (b) Any person cited for an infraction under this section must:
  - (1) Sign and accept a citation indicating a promise to appear in county court at the time, date, and place indicated in the citation, or, in lieu of appearing, pay the applicable civil penalty prior to the court date noted on the citation.
    - a. *Exception.* No person to whom a citation has been issued which requires a mandatory court appearance may pay the civil penalty in lieu of appearing in county court.
- (c) Any person who willfully refuses to accept and sign the citation shall be in violation of state law and this article and shall be punished in accordance with F.S. §§775.082, 775.083, or 775.084, as provided by F.S. Chapter 828.
- (d) If the person cited pays the applicable civil penalty in lieu of appearing in county court, he or she shall be deemed to have admitted the infraction and to have waived his or her right to a hearing on the issue of commission of the infraction.
- (e) Any person electing to appear or who is required so to appear shall be deemed to have waived his or her right to pay the minimum civil penalty.

## **FEES.**

The Board of County Commissioners of Gulf County, Florida, may, by future resolution, establish and subsequently amend the fee schedule as currently defined above under Section 1. "ENFORCEMENT GENERALLY; PENALTIES" subsection (h)ii (see page 8 above) for the department of animal control which shall be administered by the department. All fees collected under this section that are not expended in the current fiscal year, shall be carried over to the succeeding fiscal year for expenditure in the department of animal control.

## **REMOVAL OF ANIMAL WASTE.**

- (a) It shall be unlawful for any owner of a animal to fail to remove any feces deposited by his or her animal on public walks, recreation areas, public streets, or private property other than the premises of the owner of the animal.

- (b) This section shall not apply to disabled persons accompanied by a service animal used for assistance in accordance with the law.

**PERMIT REQUIRED FOR MULTIPLE PETS.**

**(a) Requirements.**

- (1) Any person subject to these provisions who is in possession of more dogs and/or cats than authorized and defined as a “Kennel” without a Multiple Pets Permit (“permit”) or properly licensed by the State shall have 30 days from the effective date of this ordinance to either obtain a permit or otherwise comply with that section.
- (2) A permit shall be issued only after the department completes an inspection and determines that the minimum requirements and standards, as set forth in this chapter, have been met. After approval, a permit shall be issued upon payment of the applicable fee. The applicant shall pay an application fee of \$100 at the time of filing. The permit shall be prominently displayed on the premises where animals are located.
- (3) The permit is valid for a period of one (1) year from the date of issuance, unless otherwise stated or revoked. The permit shall be renewed annually. Said permit is not transferable, assignable or refundable and shall be valid only to the applicant and location for which it was originally issued. Renewal applications for permits shall be made within thirty (30) days prior to the expiration date.
- (4) A permit holder shall use the initial permit issue date at the anniversary date for the purposes of permit expiration and renewal.
- (5) It shall be a condition of the issuance of any permit that the department shall be allowed, at any reasonable time, with the owner present, to inspect all dogs and/or cats and all premises where dogs and/or cats are kept.
- (6) No permit shall be renewed hereunder if an applicant has had his or her permit revoked within two (2) years of the date of application, or has outstanding and unsatisfied civil penalties imposed due to violations of this chapter.

**(b) Kennel Requirements.**

- (1) Gulf County Commission may determine with possible recommendation of Gulf County Planning Development and Review Board may impose through enactment by the Gulf County Board of County Commission a required setback, fencing, screening or soundproofing as necessary to insure the compatibility of the kennel with the surrounding neighborhood.
- (2) Adequate shelter shall be provided to protect the animal from excessive heat or cold, sunlight, rain and other elements. Facilities must be structurally sound and

shall be maintained in good repair to prevent injury to the animals, to contain the animal and to restrict the entrance of other animals.

- (3) Food and water receptacles shall be accessible to all animals, located so as to prevent contamination by dirt and excrement and receptacles must be kept clean and sanitized.
- (4) Feces and other excrement shall be removed at least once daily and the area cleaned and sanitized. Excrement shall be disposed of in a sanitary manner.
- (5) Animals which are confined or restricted shall be permitted daily exercise in a yard or area suitable for that purpose and for the appropriate length of time depending on their size, age and species.
- (6) Sick, unhealthy, pregnant or nursing animals shall be maintained segregated from other animals.

**(c) Inspection procedures.**

- (1) Inspection required – Applicants shall submit to an in-home, property, and out building inspection (where ever the dogs and/or cats will be housed) by a Gulf County animal control officer and or code enforcement official prior to the issuance of a permit.
- (2) Initial inspections of multiple pet facilities will be made with advance notice, during normal business hours or at any reasonable time during daylight hours. All inspections will be made in the presence of the owner whenever possible.
- (3) Whenever deficiencies are noted or the department receives a complaint from the public, a follow-up inspection of the establishment, may be initiated by the department.
- (4) A permit shall not be issued if the inspection determines:
  - a. That the requested number of dogs and/or cats cannot be maintained without creating noise or odor nuisances;
  - b. That the requested number of dogs and/or cats cannot be maintained in a healthy and sanitary environment;
  - c. That any dogs and/or cats at the location are not in compliance with all provisions of this chapter.
- (5) The owner shall correct or initiate corrections within seven (7) days of the initial inspection, unless otherwise stated by the inspecting officer. Subsequent inspection is required to confirm corrections.
- (6) By notice of adverse action, the department shall deny or revoke any permit if it is determined that:

- a. There has been a material misstatement or misrepresentation in the permit application;
  - b. The owner has been convicted of his or her fifth violation of subsections (a) and or (b) as well as the any violation triggering enforcement of Section 1. “ENFORCEMENT GENERALLY; PENALTIES” subsection (h)ii (see page 8 above) within a two-year period of filing an application or renewal. The convictions may be for violations of the same section or any combination of violations of the listed sections;
  - c. The owner has failed to pay a fine or to request a hearing in county court to answer the charges of a third citation issued in violation of this chapter within ninety (90) days of issuance of the violation;
  - d. The permit holder or any of his agents have been convicted of a violation of law involving cruelty to animals;
  - e. An animal under the care and responsibility of a permit holder has been found to be in need of immediate veterinary care that, if not treated, would result in unnecessary suffering, pain or death; or
  - f. The permit holder and/or their employees/agents, is convicted of his or her third violation of any part of Section 1.
- (7) No inspection required – Applicants who provide proof of having a current permit, and who have not obtained additional dogs and/or cats since their last inspection, and have had no enforcement actions for violating this chapter during the preceding twelve (12) months, and all dogs and/or cats are current on rabies vaccination with proof provided to the animal control department, may be issued a permit by mail without inspection. The animal control department may require an inspection during reasonable hours at their discretion regardless of the applicant’s history.

**(d) Application Review.**

Within 15 days of an inspection or receipt of an application pursuant to Subsection (7), above, the Department shall issue a written notice of approval or denial.

**(e) Violations.**

- (1) A person commits an offense if the person harbors a greater number of dogs and/or cats than allowed in Section 1 for definition of “Kennel” without obtaining a permit. If a citation is issued, the person will then have 14 days from the issue date to comply with this section. Failure to comply within the stated time will result in a subsequent violation.
- (2) A person commits an offense if the person is the holder of a permit and harbors more dogs and/or cats than authorized in the permit. If a citation is issued, the



person will then have 14 days from the issue date to comply with this section. Failure to comply within the stated time will result in a subsequent violation.

- (3) A person commits an offense if the person is a holder of a permit and the person refuses, upon request by a county animal control officer during reasonable hours, to make his dogs and/or cats, premises, facilities, equipment, and any necessary registrations or permits available for inspection.
- (4) A person commits an offense if the person is a holder of a permit and the person refuses to show the permit upon request by a county animal control officer or law enforcement.
- (5) A person commits an offense after an inspection has revealed noncompliance with this chapter.

**(f) Appeal process.**

- (1) Any permit holder or applicant who has been denied a permit or whose permit has been revoked may appeal this action to the Department of Animal Control. A written petition for appeal must be filed with the department within ten (10) days of the notice of adverse action. Otherwise, the denial or revocation of the permit shall become final.
- (2) The appeal must be heard by the Review Committee within thirty (30) calendar days after the permit holder or applicant has submitted a petition for appeal. The appeal may be delayed by the department beyond the thirty (30) calendar days if the department experiences extenuating circumstances beyond its control.
- (3) Such hearing shall be convened by the Review Committee. The Review Committee shall consist of a licensed veterinarian, the Gulf County Sheriff or his/her designee, and an informed citizen appointed by the Gulf County Board of County Commissioners.
- (4) In hearings before the review committee, formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings. The review committee finds sufficient cause to deny or revoke a permit its decision shall be final.
- (5) Request for Continuance. If the permit holder or applicant cannot appear at any hearing scheduled by the review committee, he or she shall contact the department of animal control no later than 48 hours prior to the hearing, requesting a one time continuance to the next available date.
- (6) Waiver. If the permit holder or applicant fails to appear at the rescheduled classification hearing, then he or she shall be deemed to have waived his or her right to appear at such hearing. In such case, the department of animal control shall proceed with the hearing and shall notify the permit holder or applicant in writing of the findings of the committee.

- (7) Permit holder or applicant's right to contest final determination in the county court.
- i. If the permit holder or applicant disputes the final determination of the review committee, he or she may file a Complaint seeking relief in the County Court, within ten (10) business days following the date of receipt of the review committee's Final Determination.
  - ii. The Complaint shall be served upon the Chairman of the Gulf County Board of County Commissioners in accordance with Chapter 48, Florida Statutes. A copy of the Complaint seeking relief shall be served upon the County Attorney's Office.
  - iii. The Complaint shall comply with the standards and requirements set forth in the *Florida Rules of Civil Procedures* for bringing causes of actions.
  - iv. Burden of Persuasion. A Complaint to contest the Final Determination order of the review committee shall be held by *trial de novo* in the county court. The party bringing the Complaint shall have the *initial* burden of going forward with the evidence at trial.
- (8) If no legal action has been served upon the county within the time period specified above, or if the permit holder or applicant fails to appear at the judicial proceeding scheduled pursuant to the foregoing subpart, then he or she shall be deemed to have waived his or her right to protest such denial or revocation of the permit. In such case, the department of animal control shall proceed with revoking or denying the permit.
- (9) If the county court finds that the denial or revocation of the permit was improper as defined in this chapter, the permit shall be re-issued or issued.
- 10) The person receiving the notice of adverse action shall, until final determination of the appeal, take whatever positive measures are necessary to prevent any future incidents from occurring.

#### **PROHIBITION ON FEEDING FERAL ANIMALS.**

- (a) Prohibited. Feral animals constitute health and environmental risks to domesticated animals, wildlife, and persons. It is a violation of this article for any person to feed or harbor feral animals.
- (b) Any person found in violation of this article shall be fined.
- (c) Exceptions.
  - (1) A person may feed or harbor a feral animal if the animal is spayed or neutered; and

- (2) A person may feed or harbor a feral animal if they accept legal responsibility for the animal, which includes ensuring compliance with all provisions of this chapter; and
  - (3) A person may feed or harbor a feral animal while on private property and with the expressed written approval of the property owner.
- (d) Animal Control has the right to impound a feral animal if:
- (1) The animal creates public health and safety concerns (including rabies, other zoonotic diseases, and certain animal to animal disease); or
  - (2) The animal creates a public nuisance as defined in Section 1 under definition of “Public nuisance” and further defined by prohibitions of Public Nuisance, (reference page 8 above).

#### **DOGS AND CATS OFFERED FOR SALE; HEALTH REQUIREMENTS.**

- (a) It shall be unlawful for any person to offer for sale or sell any dog, cat, puppy or kitten without first obtaining an official certificate of veterinary inspection pursuant to Florida Statutes §828.29. Dogs, cats, puppies or kittens offered for sale must be at least eight (8) weeks old, free of internal and external parasites, and have proper inoculations as described below.
- (b) The official certificate of veterinary inspection shall document that the following inoculations, tests and treatments have been administered:
  - (1) Dogs/puppies.
    - a. Inoculated against: canine distemper, leptospirosis, parainfluenza, hepatitis, canine parvo virus, and bordetella. A rabies inoculation must be provided for any dog four (4) months of age or older.
    - b. Diagnostic tests to detect the following internal parasites; hookworms, roundworms, whipworms, tapeworms, coccidia and giardia. Heartworm detection must occur for dogs six (6) months of age or older. Appropriate treatment for all positive findings must be documented.
  - (2) Cats/kittens.
    - a. Inoculated against: panleukopenia, feline viral rhino tracheitis, and calici virus. A rabies inoculation must be provided for any cat four (4) months of age or older.
    - b. Diagnostic tests to detect the following internal parasites: hookworms, roundworms, tapeworms and coccidian. Appropriate treatment for all positive findings must be documented.

- c. The veterinarian shall date the official certificate of veterinary inspection upon the actual examination and administration of the inoculations and/or treatments. The sale of all dogs and cats must take place no more than thirty (30) days of the issuance of the official certificate of veterinary inspection, then a new examination and inspection certificate must be obtained.
- d. No person shall display, give away, or offer for sale any live animal on private property without consent of the owner.
- e. No person shall display, give away, or offer for sale any living animal on public land, right of ways, or easements except in areas that have been authorized and permitted by the County for such use.
- f. The Animal Control Department of county-operated animal control agencies and registered nonprofit humane organizations shall be exempt from the provisions of this section. However, registered nonprofit humane organizations may be required to provide health records upon request.

## SECTION 2. IMPOUNDMENT, REDEMPTION, ETC.

### **AUTHORITY OF COUNTY.**

The animal control officer or any animal control officer may pick-up, catch or confine any animal in violation of this article.

### **RESTRAINT BY PROPERTY OWNER.**

A property owner or tenant may restrain in a humane manner any animal found in violation of this article on his or her property. When such restraint is made, the property owner or tenant shall immediately notify the animal control department. The property owner or tenant shall treat the animal humanely and shall exercise due care to ensure the animal's safety and well-being. The director of animal control or any animal control officer may impound any animal delivered by its owner, or may pick up and impound any animal restrained by a property owner as described above, and shall dispose of the animal pursuant to this article.

### **REDEMPTION.**

Stray animals which are impounded and are not suffering from or suspected of having an infectious disease, shall be held for a period of five (5) calendar days from the date of impound, unless sooner redeemed by the owner. Animals that are ill or injured may be euthanized prior to the expiration of the fifty calendar day holding period in accordance with F.S. §828.05. In instances with the owner of an impounded animal can be determined, the director of animal control or any animal control officer shall make a reasonable attempt to contact the owner before the disposition of the animal. A reasonable attempt to contact the owner shall be satisfied by a telephone call to the telephone number provided by the owner on two separate days and times, and

should the telephone method fail, by placing a notice in a conspicuous place on the owner's premises.

#### **DISPOSAL OF ANIMALS.**

- (a) Feral or unweaned animals may be euthanized immediately upon impoundment. Other animals not claimed at the end of the fifth calendar day or after the quarantine period and animals impounded shall become the property of the Humane Society.
- (b) Before any animal may be adopted from the animal shelter, provisions shall be made for such animal to be neutered with the following exceptions:
  - (1) A dog or cat claimed by the owner before the end of the fifth calendar day or at the end of the quarantine period shall not be required to be neutered before its release to the owners.
  - (2) If the dog or cat is under the age of six months, provisions shall be made to have it neutered at the age of six months.
  - (3) Upon the request of a licensed veterinarian, and for a valid medical reason, such as the relative immaturity of a particular animal or breed at the required age of sterilization or the presence of a medical problem or condition in a particular animal which makes surgery at the time inadvisable, the director of animal control shall extend the time limits within which the animal must be sterilized.
- (c) No animal from the unincorporated area of Gulf County which has been classified as dangerous, or which has been involved in an unprovoked bite or attack on a person or domestic animal, shall be placed for adoption from the animal shelter if the owner does not redeem the animal. An animal involved in a bite or attack on a person or domestic animal shall be placed for adoption into the unincorporated area of the county only with prior approval of the director of animal control, to be determined on a case-by-case basis.
- (d) Any animal not redeemed by its owner or adopted as a personal pet shall be humanely euthanized.

#### **FEES.**

Impoundment and board fees for animals under this department shall be as follows:

- (1) Impound fees for each animal shall be established by resolution of the board.
- (2) Boarding fees, for each day the animal is impounded or partial day thereof, shall be established by a resolution of the board.
- (3) Humane Society shall receive direct reimbursement from the owner per the resolution of the board for the administration of Rabies Vaccine (per Section 3 below), housing and medical care of animals being held for court/incarcerated.

owner/hospitalized or other “seized” animals held by the Humane Society to be paid by owner upon reclamation. Rabies reimbursement of \$20, housing \$10/day and medical/healthcare per cost basis.

### **MICROCHIP IMPLANT.**

All animals that are reclaimed shall be implanted with a microchip. The cost of the microchip may be assessed to the owner at the time the animal is redeemed.

### **SECTION 3. RABIES CONTROL**

#### **RABIES VACCINATION REQUIRED.**

- (a) Frequency; exception. Every ferret, dog and cat four months of age or older shall be vaccinated against rabies with a U.S. government-approved vaccine. Each animal shall be required to be vaccinated no more frequently than the effective period of the approved vaccine used. Such vaccination is excused only if a licensed veterinarian certifies in writing that a vaccination would be injurious to the ferret’s, dog’s or cat’s health. In such case, the ferret, dog or cat shall be confined in an enclosed building or kennel until the ferret, dog or cat can be safely vaccinated.
- (b) Proof of vaccination; tags. Proof of vaccination shall consist of a rabies vaccination certificate signed by the licensed veterinarian administering the vaccination and a rabies vaccination tag. The rabies vaccination tag shall be displayed around the ferret’s, dog’s or cat’s neck at all times. A rabies vaccination certificate and a rabies vaccination tag issued for one ferret, dog or cat shall be not valid for any other ferret, dog or cat. Rabies vaccinations by a licensed veterinarian outside of the county shall be recognized as current rabies vaccinations in the county throughout the duration of the vaccine used.
- (c) Removal of tag. It is unlawful for any person to remove the rabies vaccination tag of any currently vaccinated ferret, dog or cat unless:
  - (1) The ferret, dog or cat is participating in any organized exhibition or filed trial, or is training for these events, or is engaged in a legal sport under competent supervision; or
  - (2) A licensed veterinarian directs in writing that the rabies vaccination tag be removed for reasons of the ferret’s, dog’s or cat’s health. In such event, the ferret, dog or cat shall be confined until the veterinarian permits the tag again to be placed on the ferret, dog or cat; or
  - (3) The animal is securely confined.
- (d) Display of proof. It is unlawful for the owner of a ferret, dog or cat to refuse to show proof of current vaccination of such ferret, dog or cat by the end of the next business

day if such information is requested by the director of animal control, any animal control officer or the Department of Health – Gulf County public health unit.

- (e) Rabies information to go to county. Any veterinarian administering a rabies vaccination to a ferret, dog or cat within the county shall furnish the information contained therein to the department of animal control or to the Department of Health – Gulf County public health unit upon request.
- (f) Rabies vaccination required upon reclaim. A current and valid rabies vaccination shall be required upon reclamation of a ferret, dog or cat and said fee for vaccination shall be paid by the owner prior to reclaiming their pet.
- (g) Reimbursement for direct costs. The Human Society shall receive direct reimbursement for the administration of the vaccine from the owner at the time of reclamation in accordance with Section 2. Fees outlined above.

#### **ANIMAL BITES.**

- (a) Bite exposure and Non-bite exposure shall be defined according to Chapter 64D-3, (“Control of Communicable Diseases & Conditions which May Significantly Affect Public Health”), Florida Administrative Code.
- (b) When any animal bites or wounds a human or when a human or domestic or captive wild animal is bitten by or exposed to rabies by a suspected or known rabid animal, the owner shall comply fully with Chapter 64D-3, (“Control of Communicable Diseases & Conditions which May Significantly Affect Public Health”), Florida Administrative Code.
- (c) It shall be the duty of any person having knowledge that an animal has bitten or otherwise exposed a person or domestic or captive wild animal to rabies, to report the incident immediately to the department of animal control or to the Department of Health-Gulf County public health unit for examination, or for supervised quarantine of the animal at the expense of the owner.
- (d) Any ferret, cat or dog which has bitten or exposed a human to rabies shall be quarantined for a period of not less than ten days from the date of exposure.
- (e) The procedures for the investigation of animal bites inflicted by animals other than ferrets, dogs and cats shall be followed in accordance with the provisions set forth in Chapter 64D-3, F.A.C.
- (f) The location and conditions of examination or quarantine of animals which have bitten or otherwise exposed a person to rabies shall be established by the county health officer, (Chapter 64D-3, F.A.C.).
- (g) Any person having knowledge that a domestic animal has been bitten by or otherwise exposed to rabies by a wild animal of a species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, skunks, bats, and bobcats, shall

immediately report such bite or exposure to the department of animal control or to the Department of Health-Gulf County public health unit for the investigation of such bite or exposure.

#### **POTENTIAL RABIES CARRIERS.**

No person shall keep, own, possess, or harbor any potential rabies carriers as defined in this article as a personal pet within the county. Owners of potential rabies carriers obtained prior to the adoption of the 2004 Gulf County Ordinance 2004-03 shall be allowed to keep, own, possess, or harbor the animal, provided that they are properly permitted through state or federal agencies, and further provided that the animal was not obtained from the wild. Adequate living quarters and confinement must be provided for the animal which are consistent with the species' normal requirements for size, shelter, exercise area, heat, ventilation, light, and safety. All areas for the animal must be maintained in a sanitary manner. Owners of animals which were obtained prior to 2004 Gulf County Ordinance 2004-03 shall not replace a wild animal with another prohibited potential rabies carrier if the animal owned prior to 2004 becomes lost, is stolen, is given away, or dies. The prohibition on the ownership of potential rabies carriers shall not apply to properly licensed or permitted museums, wildlife rehabilitators, zoological parks, or research facilities. It shall be the responsibility of the owner of any potential rabies carrier animal to provide proof of the acquisition date and the animal's source if requested to do so by the department of animal control.

#### **SECTION 4. DANGEROUS AND AGGRESSIVE ANIMALS**

##### **DISPOSITION GENERALLY.**

- (a) Aggressive classification. Any animal classified as aggressive according to the definitions in this article shall be, at the time of being so classified, confined permanently to the owner's premises.
- (b) Dangerous classification. Any animal classified as dangerous according to the definitions in this article shall be, at the time of being so classified, either confined permanently to the owner's premises, or humanely destroyed.

##### **EXCEPTION TO CLASSIFICATION.**

- (a) No animal shall be classified as dangerous or aggressive because of injuries it has inflicted upon another domestic animal which at the time was teasing, tormenting, abusing, or assaulting the animal.
- (b) No animal shall be classified as dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or family member. No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.



## PETITION FOR CLARIFICATION – GENERALLY.

- (a) The department of animal control or any adult person may request under oath that an animal be classified as dangerous or aggressive as defined in this article by submitting a “petition for classification of a dangerous or aggressive animal,” hereinafter called the “petition”, to the department of animal control.
- (b) Upon receipt of a petition, the director of animal control shall notify the owner of the animal that a petition has been filed with the department, and that an investigation in the allegations as set forth in the petition will be conducted. No animal that is the subject of a dangerous or aggressive animal investigation may be re-located or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous or aggressive animal classification. In the event that an animal is to be humanely destroyed, the animal shall not be re-located or ownership transferred prior to euthanasia.
- (c) Any animal that is the subject of a dangerous or aggressive animal investigation must be humanely and safely confined by the owner in a securely fenced or enclosed area approved by county animal control pending the outcome of the investigation. If the owner is unable to comply with this requirement, the animal that is the subject of a dangerous or aggressive animal investigation shall be impounded at the owner’s expense pending the outcome of the investigation and resolution of any hearings related to the dangerous or aggressive animal classification.
- (d) Any animal that continues to violate the county ordinance while under a dangerous or aggressive animal investigation may be impounded pending the animal control director’s initial determination at the owner’s expense.
- (e) Initial determination of classification. Upon completion of the investigation, the director of Animal Control or his/her designee shall make an initial determination as to whether there is sufficient cause to classify an animal as dangerous or aggressive and shall afford the owner an opportunity for a hearing prior to making a final determination.
  - (1) The animal control director shall provide written notification of the sufficient cause finding to the owner, by registered mail, certified hand delivery, or service in conformance with the provisions of F.S. Chapter 48, relating to service of process.
  - (2) The animal initially determined to be dangerous or aggressive shall be impounded by the county at the owner’s expense, pending the disposition of the hearing and/or compliance with harboring a dangerous or aggressive animal.
- (f) Owner’s Right to Contest the Initial Determination of Classification and Final Determination by the Animal Classification Committee. Upon receiving written notification of the animal control director’s initial determination of classification, the owner may contest the initial determination by filing a written request to the animal control department for a hearing within seven (7) calendar days from the date of receipt of the notification of the initial determination finding. Otherwise, the animal control

director's initial determination shall become final. Such hearing shall be convened by the Gulf County animal Classification Committee. The Gulf County Animal Classification Committee shall consist of a licensed veterinarian, the Gulf County Sheriff or his/her designee, and an informed citizen appointed by the Gulf County Board of County Commissioners.

- (1) If requested, the Final Determination hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than five (5) days after receipt of the request from the owner.
  - (2) If the animal classification committee finds sufficient cause to classify the animal dangerous or aggressive the classification committee shall determine the classification and disposition of the animal based upon the guidelines adopted by the Board.
  - (3) In hearings before the animal classification committee, formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings. The classification committee shall decide the issues based upon the preponderance of the evidence, and its decision shall be final.
  - (4) Where a disposition of permanent confinement has been determined by the animal classification committee, the committee shall reserve jurisdiction to alter the disposition should the classified animal, subsequent to the determination by the committee, bite, wound, attack or kill or assist in biting, wounding, attacking, or killing a person or domestic animal. Thereafter, the director of animal control shall notify the animal's owner and the petitioner in writing by registered mail or certified hand delivery of the findings of the investigation, the proposed disposition of the animal and the review process.
- (g) Request for Continuance. If the owner, or Petitioner cannot appear at any hearing scheduled by the animal classification committee, he or she shall contact the department of animal control no later than 48 hours prior to the hearing, requesting a continuance to the next available date.
- (h) Waiver. If the owner, keeper or Petitioner fails to appear at the rescheduled classification hearing, the owner, keeper or Petitioner of such animal shall be deemed to have waived his or her right to appear at such hearing. In such case, the department of animal control shall proceed with the hearing and shall notify the owner, keeper or Petitioner in writing of the findings of the committee.

#### **OWNER'S RIGHT TO CONTEST FINAL DETERMINATION IN THE COUNTY COURT.**

- (a) If the owner or keeper of an animal classified as dangerous or aggressive disputes the Final Disposition order of the animal classification committee, he or she may file a Complaint seeking relief in the County Court, within ten (10) business days following the date of receipt of the animal classification committee's Final Disposition.

- (b) The Complaint shall be served upon the Chairman of the Gulf County Board of County Commissioners in accordance with Chapter 48, Florida Statutes. A copy of the Complaint seeking relief shall be served upon the County Attorney's Office.
- (c) The Complaint shall comply with the standards and requirements set forth in the *Florida Rules of Civil Procedures* for bringing causes of actions.
- (d) Burden of Persuasion. A Complaint to contest the Final Disposition order of the animal classification committee shall be held by trial de novo in the county court. The party bringing the Complaint shall have the initial burden of going forward with the evidence at trial.
- (e) If the owner or keeper of the animal is unable to or fails to or refuses to confine the animal in a securely enclosed area, complying with the terms of the County Ordinance, until the conclusion of the judicial proceeding, the animal classified as dangerous or aggressive shall be impounded by the department of animal control at the owner's expense pending the disposition of the hearing in accordance with the rules and regulations established by the board.
- (f) If no legal action has been served upon the county within the time period specified above, or if the owner or keeper fails to appear at the judicial proceeding scheduled pursuant to the foregoing subpart, the owner or keeper of such animal shall be deemed to have waived his or her right to protest such classification or order to permanently confine or to destroy the animal. In such case, the department of animal control shall proceed with the disposition of the animal.
- (g) If the county court finds that the animal is not dangerous or aggressive as defined in this chapter, the animal shall be released to the custody of the owner or keeper. In such case, the county shall be liable for costs of impoundment of the animal from the date of service of the owner or keeper's legal action of the county until the date of the county court's finding denying the classification.

#### **CITATION.**

An animal control officer shall issue a citation to any owner or keeper of a dangerous or aggressive animal found in violation of any of the provisions of this article. In addition to the issuance of a citation, an animal control officer may impound the animal when it is found in violation of any of the provisions of this article.

#### **IMPOUNDMENT; PERMIT AND TAG REQUIRED FOR DANGEROUS OR AGGRESSIVE ANIMALS.**

- (a) An animal control officer shall impound any animal which, subsequent to its classification as a dangerous or aggressive animal, bites, wounds, attacks, causes severe injury or kills, or assists in biting, wounding, attacking, causing severe injury, or killing, any person or domestic animal. Such animal shall remain impounded pending a rehearing on the determination of the disposition of the animal by the classification committee. If the owner elects to contest the committee's disposition to the county

court under this ordinance, said requirements will not apply. The impoundment and care of the animal shall be at the owner's expense.

- (b) The owner or keeper of a dangerous or aggressive animal shall, within 14 days of the classification of the animal as dangerous or aggressive, upon a court's upholding of the classification or upon the acquisition of such an animal, obtain a permit from the department of animal control to harbor the animal. No permit shall be issued until all requirements and compliance with guidelines in this ordinance have been met and completed.
- (c) At the time the permit is issued, a red circular tag shall be issued to the owner or keeper of the dangerous or aggressive animal. Such tag shall be worn at all times by the animal to clearly and easily identify it as a dangerous or aggressive animal.
- (d) The permit for maintaining a dangerous or aggressive animal shall be presented to any animal control officer or to any law enforcement officer upon demand.
- (e) The permit shall be valid for a period of one year from the date of classification.
- (f) An animal control officer shall impound any animal that has not been declared dangerous or aggressive under this section that aggressively attacks and causes severe injury to or death of any human. Such animal shall remain impounded pending a hearing on the determination and of the disposition of the animal by the classification committee. The impoundment and care of the animal shall be at the owner's expense.
- (g) The owner or keeper of a dangerous animal shall present to the county proof that he or she has procured liability insurance or surety bond in the amount of not less than \$100,000.00, covering any damage or injury which may be caused by such dangerous animal. Such insurance policy shall contain a provision requiring that the county be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. Liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep such dangerous animal. The owner or keeper shall sign a statement attesting that he or she shall maintain and not voluntarily cancel the liability insurance policy during the 12-month period for which a permit is sought, unless he or she ceases to own or keep the dangerous animal prior to the expiration date of the permit period.

#### **NOTIFICATION OF CHANGE OF STATUS.**

- (a) The owner or keeper of a dangerous or aggressive animal shall notify the department of animal control immediately if the animal escapes from its enclosure or restraint and is at large, or if it bites or attacks a person or domestic animal, or if it dies. If the animal dies, satisfactory proof of such death must be provided to the department of animal control within 24 hours. Satisfactory proof shall be either verification from an animal shelter or veterinary hospital that the animal was euthanized, or verification from an animal control officer that he or she has seen the dead body of the animal.

- (b) If the owner or keeper of a dangerous or aggressive animal intends to change his or her address, or sell, give away, or trade any dangerous or aggressive animal, he or she shall notify the department of animal control prior to such change of address, sale, transfer, or trade. The owner or keeper shall provide the department of animal control with the new name, address, and phone number of the person receiving the animal, as well as the location at which the animal will be maintained. Further, it shall be the responsibility of the owner to notify the person receiving the dangerous or aggressive animal in writing of the classification of the animal as dangerous or aggressive.
- (c) Any person receiving an animal classified as dangerous or aggressive must obtain the required permit, tag, and enclosure prior to the acquisition of the animal. Any person obtaining or re-locating an animal classified as dangerous or aggressive shall comply fully with the provisions of this article pertaining to the maintenance, fee, control, and ownership of a dangerous or aggressive animal.

#### **NEUTERING.**

Any animal classified as dangerous or aggressive shall not be used for breeding. Animals classified as dangerous or aggressive shall be neutered by a licensed veterinarian within 14 days of final classification unless:

- (1) A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or
- (2) A licensed veterinarian certifies in writing that neutering the animal would be injurious to the animal's health, provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be neutered immediately after the health condition has been corrected.

#### **PERMANENT IDENTIFICATION.**

- (a) Any animal classified as dangerous or aggressive shall have a permanent identification by either a tattoo or electronic implant.
- (b) Tattoo – Any animal classified as dangerous or aggressive that is tattooed, the tattoo shall be administered by a licensed veterinarian or by a trained tattooist at the expense of the owner or keeper of such animal. The tattoo shall be placed on the inside rear thigh with a number corresponding to the number of the permit issued to the owner or keeper at the time of the animal's classification as dangerous or aggressive. The tattoo shall be placed on the animal within 14 days of final classification.
- (c) Microchip – Any animal classified as dangerous or aggressive shall have a microchip implanted by, or under the supervision, a licensed veterinarian at the expense of the owner or keeper of such animal. The microchip shall be implanted in the animal within 14 days of final classification. Microchips implanted in animals designated as dangerous shall be properly registered with a company or organization recognized by Animal Control as a legitimate pet data tracking service. Registration shall be at the owner's expense.

## **ENCLOSURE REQUIRED.**

- (a) All dangerous or aggressive animals that are not humanely destroyed shall be confined in an enclosure. As used in this section, "enclosure" shall mean either the residence or other building owned or leased by the animal's owner, or any other secure enclosure which the department of animal control has approved as suitable for restraining the animal, for preventing it from escaping and/or entry of young children. The dangerous or aggressive animal shall not be permitted to come into contact with animals other than those which reside on the owner's premises. Dangerous animals shall not come into contact with persons other than the owner(s).
- (b) Outdoors enclosure. All dangerous or aggressive animals shall be securely confined in an enclosed and locked pen or kennel, except when leashed and muzzled as provided for in this ordinance. Such pen, kennel or structure shall be at least 10'x10' in size, must have a solid foundation, sides attached to the foundation and a secure top attached to the sides to prevent the dog from escaping over, under or through the structure. All structures used to confine dangerous or aggressive animals must be locked with a key or combination lock when such animal is within the structure. Such structure must not be positioned so that neighbors and passers-by may have access to the animal and must be located no less than twenty (20) feet from any adjoining property.
- (c) Indoors enclosure. No dangerous or aggressive animal may be kept on a porch, patio or in any portion of a house or structure that would allow the animal to exit such building on its own volition. In addition:
  - (1) No such animal may be kept in a house or structure when screen doors or windows are the only obstacles preventing the animal from exiting the structure.
  - (2) Doors behind which a dangerous or aggressive animal is confined must be strong enough to contain the animal and must remain locked except to allow access and egress of the owner and their agents.
- (d) It shall be unlawful for any owner or keeper of a dangerous or aggressive animal to maintain said animal upon any premises which does not have an enclosure in which to confine the animal.
- (e) The enclosure shall include suitable shelter and protection from the elements, and shall provide adequate exercise room, light, ventilation, and sanitation.
- (f) The enclosure shall be approved by the department of animal control prior to its usage for confinement.

## **MUZZLE.**

It shall be unlawful for any owner or keeper to allow any dangerous or aggressive animal to be outside of the enclosure unless it is necessary for the animal to receive veterinary care or exercise. The animal shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the animal's breathing.

However, it shall be lawful for an owner to exercise a dangerous or aggressive animal within a securely fenced or enclosed area that does not have a top, without a muzzle, if the animal remains within the owner's sight and only members of his or her immediate household, or persons 18 years of age or older, are allowed in the enclosure when the animal is present.

#### **RESTRAINT.**

Whenever the dangerous or aggressive animal is outside of the enclosure, it shall be restrained by an adult capable of controlling the animal and shall be on a chain of sufficient tensile strength not more than four feet in length.

However, it shall be lawful for an owner to exercise a dangerous or aggressive animal within a securely fenced or enclosed area that does not have a top, without a leash, if the animal remains within the owner's sight and only members of his or her immediate household, or persons 18 years of age or older, are allowed in the enclosure when the animal is present. When being transported, such animals must be safely and securely restrained within a vehicle.

#### **SIGNS.**

The owner or keeper of a dangerous or aggressive animal shall display clearly visible warning signs on all entry points to the premises on which a dangerous or aggressive animal is maintained warning that a dangerous or aggressive animal is being harbored on such property. In addition, at least one sign shall be posted on the enclosure in which the dangerous or aggressive animal is maintained. Signs must inform both children and adults of the presence of a dangerous or aggressive animal on the property.

#### **PUBLIC RECORDS EXEMPTION.**

Pursuant to state law, the home addresses and home telephone numbers of county animal control officers are confidential and exempt from the provisions of F.S. §119.07(1) and the Florida Constitution, Article I, Section 24(a).

#### **RETROACTIVITY.**

All appeals of determinations of classification and/or disposition on or after adoption of this ordinance shall be subject to all sections and guidelines.

#### **EFFECTIVE DATE**

This Ordinance shall take effect upon final adoption, a certified copy thereof being filed with the Florida Department of State and publication in accordance with the law following the completed proper and compliant public hearings and notice.

#### **SEVERABILITY**

In the event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason; it shall be deemed severable, and the Board of County

Commissioners hereby declares its intent that the balance of the Ordinance shall not be affected by the said invalidity, and the remainder shall remain in full force and effect.

The foregoing Ordinance was offered by Commissioner Rich, Who moved its adoption. The motion was seconded by commissioner McCroan and , being put to vote, the cote follows:

Commissioner Chairman Quinn yes  
Commissioner McDaniel yes  
Commissioner McCroan yes  
Commissioner Farrell yes  
Commissioner Rich yes

**PASSED and ADOPTED** in regular session by the Board of County Commissioners of Gulf County, Florida, on this 22ND day of JUNE, 2021.

BOARD OF COUNTY COMMISSIONERS  
OF GULF COUNTY, FLORIDA

ATTEST:

REBECCA L. NORRIS, CLERK

By: Rebecca L. Norris  
Rebecca L. Norris, Gulf County Clerk

By: Sandy Quinn  
Sandy Quinn, Chairman

APPROVED AS TO FORM:

By: Jeremy M. Novak  
Jeremy M. Novak, Gulf County Attorney