

CHAPTER 72. - ANIMALS^[2]

Footnotes:

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Editor's note— Ord. No. 2017-07, § 1, adopted July 11, 2017, amended and restated former Chapter 72, §§72.01—72.06, 72.08—72.42, in its entirety to read as herein set out. Former Ch. 72 pertained to similar subject matter and derived from Ord. No. 99-20, § 1, 11-23-99; Ord. No. 00-22, §§ 1—10, 12-12-00; Ord. No. 01-22, § 1, 9-25-01; Ord. No. 02-23, §§ 1—4, 5-28-02; Ord. No. 04-03, §§ 2—7, 3-23-04; Ord. No. 06-01, §§ 1, 2, 4—8, 1-24-06; Ord. No. 07-17, §§ 2—4, 9-11-07; Ord. No. 11-07, §§ 1—3, 5—39, 8-23-11; Ord. No. 2016-02, § 1—7, 3-8-16.

Cross reference— Nuisances, ch. 74; noise control, ch. 110; special acts pertaining to animals, ch. 261; zoning, tit. 39; agricultural uses in other zoning districts, § 390.03; § 393.41; kennels, § 390.47.

State Law reference— Wildlife, F.S. § 372.001 et seq.; public health, F.S. ch. 381 et seq.; food products, F.S. § 500.01 et seq.; agriculture, horticulture, and animal industry, F.S. ch. 570 et seq; cruelty to animals F.S. § 828.02 et seq., dangerous dog F.S. § 767.12, et seq.

Sec. 72.01. - Short title.

This chapter shall be known and cited as the "Alachua County Animal Services Ordinance."

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.02. - Definitions.

As used in this chapter, the following words and phrases are defined as follows:

Abandon means to forsake entirely or neglect or refuse to provide or perform the legal obligations for care and support of an animal.

Aggressive dog means any dog that has been declared aggressive as a result of an investigation and determination from Animal Services because the dog has severely injured or killed a companion animal while off the owner's property.

Animal means any living nonhuman vertebrate.

Animal Services means the Alachua County Office of Animal Services, the director, and any enforcement officers.

Animal welfare organization means any 501(c)(3) not-for-profit organization established for the purpose of animal welfare.

Attack means to bite, to scratch, to chase, or to approach in a menacing fashion.

Bite means a penetration of skin with teeth and with blood appearing in the wound.

Cat means a domestic feline, *felis catus*.

Community cat means any unowned free-roaming cat living in an outdoor environment that may or may not be a part of a cat colony and may or may not be cared for by one or more caregivers who is/are known or unknown; a community cat may or may not be feral.

Community cat caregiver means any person who provides volunteer care to a community cat, but who does not own, harbor, keep, or have custody, control, or charge of such cats; a community cat

caregiver who returns a community cat in conjunction with trap-neuter-return is not deemed to have abandoned the cat.

Community cat colony means a group of community cats that congregate, more or less, together as a unit and share a common food source.

Community cat management program means that community cats, friendly or feral, found outside and brought to a shelter or veterinary provider, are sterilized, ear-tipped, vaccinated against the threat of rabies, and returned to their outside home.

Companion animal means any animal that lives with and about the habitat of a human and that is dependent upon that human for its survival.

County means the unincorporated area of Alachua County and the municipal areas included within the jurisdiction of this chapter.

Dangerous dog means any dog that has been declared dangerous as a result of an investigation and determination from Animal Services because the dog:

- (1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being or caused death of a human being on public or private property; or
- (2) Has more than once severely injured or killed a companion animal while off of the owner's property; or
- (3) 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 Animal Services.

Director means the person in charge of the administration of Animal Services.

Dog means a domestic canine, *canis familiaris*.

Domestic animal means a dog, cat or ferret. Domestic animals are subject to the rabies vaccination and license mandate.

Ear-tipped means a mark identifying a community cat as being in a trap-neuter-return program, specifically, the removal of approximately 3/8 of an inch off the tip of the cat's ear in a straight line, the universal sign of a sterilized, unowned cat. An ear-tipped cat shall be distinguished from other cats by being sterilized and vaccinated against the threat of rabies at the time of sterilization; if these requirements are met, the ear-tipped cat is exempt from licensing, stray and at-large provisions of this chapter and may be exempt from other provisions directed toward owned animals.

Enforcement officer means an Animal Services enforcement officer.

Excreta means feces.

Feral means a wild animal that exists in an untamed state or that has returned to an untamed state generally not socialized to human contact and is no longer considered domesticated. Feral animals shall include, but not be limited to cats, dogs and hogs.

Ferret means a domestic ferret, *mustela putorius furo*.

Harbor means to provide care, shelter, protection, refuge, food or nourishment to an animal.

Humane euthanasia means an injection that causes immediate and painless death, as mandated by Florida Statutes and the Board of Veterinary Medicine.

Humane trap means a trap designed to capture an animal alive and in a manner that does not injure the animal.

Leash means a restraint such as a rope, cord, chain, or device that is mobile and no longer than ten feet.

Livestock means an animal of the bovine, equine, ovine, or porcine class, not kept as companion animal, including but not limited to a cow, calf, sheep, swine, horse, mule, goat, ostrich, or any other animal that can or may be used in and for the commercial preparation of meat or any meat products.

Microchip means an implantable permanent radio-frequency identification device (RFID).

Motor vehicle operator means any person who owns or operates a self-propelled vehicle, including a vehicle propelled by electric power.

Owner means any competent person, firm, corporation, or organization, possessing, owning, harboring, keeping, or having control or custody over any animal, or if the animal is owned by a person under the age of 18, that person's parent or guardian; this provision shall not apply to community cat caregivers.

Physical control means:

- (1) Immediate and continuous control of a dog by a competent person, through the use of a leash; or
- (2) Continuous control of a dog through the use of an enclosure, which prevents the escape of the dog. An electrical device for the purpose of confining an animal does not meet the definition of physical control.

Proper enclosure for an aggressive dog means securely confined indoors in a manner that prevents escape or securely enclosed in a locked pen or structure that prevents the entry of a child and prevents the aggressive dog from escaping. Such pen or structure shall have sides to securely confine and prevent the dog from escaping over, under, or through it and also provides adequate shelter in accordance with 72.10 herein.

Proper enclosure for a dangerous dog means securely confined indoors in a manner that prevents escape or securely enclosed in a locked pen or structure that prevents the entry of a child and prevents the dangerous dog from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and also provide adequate shelter in accordance with section 72.10 herein.

Quarantine means the isolation of an animal in a substantial, properly ventilated enclosure that does not harm or endanger the animal, so that it may not contact another animal or unauthorized person.

Return-to-field means, upon determination that an impounded cat is healthy and capable of living independently or in a managed colony, providing for the sterilization, vaccination against the threat of rabies, and ear-tipping of the cat, followed by return to its original location.

Scratch means a penetration of skin from something other than teeth and blood being present in the wound.

Severe injury means any physical injury that results in a broken bone, multiple bites, or a disfiguring laceration requiring sutures or reconstructive surgery.

Shelter business day means a day that the Animal Control shelter is open for business.

Stationary object means any object natural or manmade that is of sufficient weight or construction to inhibit the free movement of a dog when tethered, fastened, chained or tied, including a runner system, running line, or other cable run system.

Stray means any non-feral domestic animal found off of its owner's property without the owner's consent and without the consent to be on the property where the animal is found; this provision shall not apply to community cats.

Tether means a leash, cord, or chain that is anchored to a stationary object on one end.

Trap-neuter-return means trapping, or otherwise obtaining a community cat, and providing for the sterilization, vaccination against the threat of rabies, and ear-tipping of the cat, followed by return to its original location.

Unprovoked attack means an attack that occurs even though a person is acting peacefully and lawfully.

Vacant house, trailer, or other similar structure means one that is not occupied by the animal owner or any other caretaker of the animal; or from which basic utilities have been cutoff; or about which other facts would lead a reasonable person to believe the house, trailer, or other similar structure has been abandoned.

Violent dog attack means an attack by a dog that:

- (1) Has previously been declared dangerous; or
- (2) Causes severe injury or death to a human being.

Veterinarian means a person who is licensed to engage in the practice of veterinary medicine in Florida under the authority of F.S. ch. 474.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.03. - Adoption of state statutes by reference.

The board adopts by reference as a part of this chapter, all laws of the State of Florida relating to animal control, animal welfare, and animal cruelty.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.04. - Territorial jurisdiction.

This chapter shall be applicable in the unincorporated area of the county and within the corporate limits of the cities of Alachua, Archer, Gainesville, Hawthorne, High Springs, LaCrosse, Micanopy, Newberry, and Waldo.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.05. - Enforcement agency designation and empowerment.

Animal Services is designated as the county agency responsible for the proper enforcement of this chapter and is assigned the administrative functions of carrying out the provisions of this chapter and other authorized duties. In carrying out the duties of this chapter, Animal Services may employ equipment, including but not limited to control poles, nets, leashes of any construction, chemical capture devices, snake tongs, oleoresin capsicum aerosols, snake hooks, humane traps, collapsible batons, and metal carrying cages.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.06. - Humane education.

It is considered to be a valid public purpose to educate the population of the county concerning the law and proper care and respect for animals. In accordance with this duty, Animal Services shall make adequate provision for conducting appropriate educational programs.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.07. - Reserved.

Sec. 72.08. - Enforcement procedures.

- (a) When an enforcement officer has probable cause to believe that a person has violated a provision of this chapter, the enforcement officer may issue a citation to the person. The citation shall contain:
 - (1) The date and time of issuance;
 - (2) The name and address of the person;
 - (3) The date and time the violation was committed;
 - (4) The facts constituting probable cause;
 - (5) The section of the chapter that was violated;
 - (6) The name and authority of the officer;
 - (7) The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear in court as may be required;
 - (8) The applicable civil penalty if the person elects to contest the citation;
 - (9) The applicable civil penalty if the person elects not to contest the citation;
 - (10) A conspicuous statement that, if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he or she shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty; and
 - (11) A conspicuous statement that if the person is required to appear in court, that an option to pay a fine in lieu of appearing in court does not exist.
- (b) An enforcement officer may, but shall not be required to, issue a written warning prior to the issuance of a citation for a violation of this chapter. Failure to comply with the provisions of a written warning may result in issuance of a citation or impoundment of the animal, or both.
- (c) Pursuant to F.S. § 828.073, an enforcement officer may issue to an owner an order to provide care.
- (d) Pursuant to F.S. § 828.27(4)(b), \$5.00 of each civil penalty imposed for a violation of this chapter shall be used by the county to pay the costs of a 40-hour minimum standards training course for the enforcement officers, which course is mandated by F.S. § 828.27(4)(a)1.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.09. - Obstruction of enforcement.

- (a) A person shall not refuse to surrender an animal upon lawful demand by the director or an enforcement officer.
- (b) A person shall not interfere with the director or an enforcement officer who is lawfully performing authorized duties.
- (c) A person shall not hold, hide, or conceal any animal which the director or an enforcement officer is investigating or deems to be in violation of this chapter.
- (d) A person shall not take or attempt to take any animal from the director or an enforcement officer or from any vehicle that is used by the enforcement officer to transport animals.
- (e) Without proper authority, a person shall not take or attempt to take any animal from the Animal Services' shelter, an Animal Services animal carrier, or a trap.
- (f) A person shall not willfully refuse to sign and accept a citation issued by an enforcement officer. If a person violates this subsection, the person shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083 or 775.084.

- (g) A person shall not willfully make any false statement in an affidavit or sworn testimony taken as part of an investigation of a violation of this chapter.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.10. - Humane treatment for companion animals.

- (a) An owner shall treat a companion animal in a humane manner and shall provide humane care for an animal. Humane care includes but is not limited to providing adequate food, adequate water, adequate shelter, adequate space, and adequate veterinary care to maintain health and to prevent or cure diseases.
 - (1) Adequate food means food which is of sufficient quantity and nutritive value to maintain each companion animal in good health. The owner shall ensure that adequate food is accessible to each companion animal, is prepared so as to permit ease of consumption for the age, species, condition, size, and type of each companion animal, is provided in a clean and sanitary manner, is placed so as to minimize contamination by excrement and pests, and is provided at suitable intervals for the species, age, and condition of the companion animal, which is at least once daily except as prescribed by a veterinarian.
 - (2) Adequate water means clean, fresh, potable water of a drinkable temperature. The owner shall ensure that adequate water is provided at all times in a suitable manner, in sufficient volume, and refreshed at suitable intervals to maintain normal hydration for the age, species, condition, size, and type of each companion animal, except as prescribed by a veterinarian, and that the water is provided in a clean, durable receptacle, which is accessible to each companion animal and is placed so as to prevent contamination of the water by excrement and pests.
 - (3) Adequate shelter means a shelter that is suitable for the species, age, condition, size, and type of each companion animal, and provides adequate space for each companion animal, is safe and protects each companion animal from injury, direct sunlight, other weather elements, adverse effects of heat or cold, physical suffering, and impairment of health. The owner shall ensure that the shelter is properly lighted, is properly cleaned, enables each companion animal to be clean and dry, except when detrimental to the species, and for dogs and cats provides a solid surface and resting platform, pad, floor mat, or similar device that is large enough for the dog or cat to lie on in a normal manner and can be maintained in a sanitary manner.
 - (4) Adequate space means space that allows a companion animal to easily sit, stand, lie, turn about, and make other normal body movements in a comfortable, normal position for a companion animal. The owner shall ensure adequate space exists so a companion animal can interact safely with other animals in the enclosure, unless specified by veterinarian care. Nothing in this subsection precludes veterinary care that temporarily restricts movement if it would endanger a companion animal.
 - (5) Veterinary care may include humane euthanasia if a companion animal is beyond the abilities of veterinary medicine to treat or cure and the animal is suffering.
- (b) Livestock animals, raised for food under acceptable husbandry standards and government regulations, are exempt from this section.
- (c) Except as provided herein and in section 72.34(b) no person shall restrain a dog or cat by means of tethering, fastening, chaining, or tying to a dog house, tree, fence, or any other stationary object.
- (d) Notwithstanding subsection (c), a person may tether a dog or cat when it is in visual range of the owner, and the owner is located outside with the tethered animal.
- (e) In all cases where tethering is permissible, the following conditions must be met:
 - (1) The dog or cat must be attached to the tether by a buckle-type collar or a body harness. A dog or cat shall not be tethered by means of a choke-type, pinch-type, prong-type, or improperly fitting collar;

- (2) The tether has the following properties: it is at least five times the length of the tethered animal's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than one-eighth of the tethered animal's weight; and it is free of tangles;
 - (3) The dog or cat is tethered in such a manner as to prevent injury, strangulation, or entanglement;
 - (4) If there are multiple dogs or cats, each dog or cat must be tethered separately. The tethering of each dog or cat must be in accordance with the requirements of this Code;
 - (5) The dog or cat is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes;
 - (6) The dog or cat has continuous access to water, adequate shelter, and dry ground;
 - (7) The dog or cat is at least six months of age. Puppies or kittens shall not be tethered; and
 - (8) The dog or cat is not sick or injured.
- (f) An owner shall use a collar or harness which is appropriate for the age and size of a companion animal.
- (g) A person shall not crop the ears or dock the tail of any dog, unless the person employs a veterinarian to perform the cropping and docking. If a person possesses a dog with an ear or ears cut off or cropped, or tail docked, and with the unhealed wound, then that possession is prima facie evidence of a violation of this section, unless the cropping or docking was performed by a veterinarian.
- (h) A person shall not castrate a companion animal, unless that person employs a veterinarian to perform the castration.
- (i) A person shall not for any reason willfully abandon any dog or cat. A dog or cat locked unattended in a vacant house, trailer, or other similar structure or stored unattended in a boarding facility in excess of twenty-four hours shall be considered abandoned.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.11. - Confinement of domestic animals in heat (estrus).

- (a) An owner shall humanely and securely confine a domestic animal in heat (estrus) indoors or in an enclosed and locked structure which prevents the entry of a male domestic animal and prevents the female in heat from escaping. Confinement solely by a leash, tether or other similar restraint, or within a fence, open kennel, open cage or run, is not presumed to be in compliance with this section.
- (b) If a female domestic animal is to be released for an acceptable reason from the secured enclosure, then the owner of the female domestic animal in heat must have physical control over the domestic animal at a distance of six feet or less, and be able to physically restrain the animal from coming into contact with a male domestic animal. Acceptable reasons for release from confinement are limited to excretion and veterinary visits.
- (c) A person intentionally breeding a female domestic animal in a controlled environment, with the consent of the owner of the male domestic animal, is exempt from this section during breeding.
- (d) For purposes of this section, the definition of domestic animal excludes ferret.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.12. - Physical control of dogs.

- (a) An owner shall maintain physical control of a dog at all times when the dog is off the owner's property, unless the property owner or designee or lessee consents to the removal of the physical control and the dog is under immediate adult supervision. Off the owner's property means on any public or private property including but not limited to streets, sidewalks, schools, parks, or private property of others. For property owned or controlled by a government entity, it is presumed that consent is not given unless posted.
- (b) Dogs which are exempt from this section include:
 - (1) A police dog, fire dog, or SAR dog, as defined in F.S. § 843.19, when the dog is operating in its official capacity, as defined in said section; or
 - (2) A dog that is a trained and certified animal service dog used to assist persons with disabilities when it is performing those services; or
 - (3) A dog involved in organized training or exhibiting including obedience trials, conformation shows, field trials, hunting trials, and herding trials; or
 - (4) A dog involved in any legal hunt in an authorized area, when the owner possesses a valid hunting license.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.13. - Removal of dog excreta.

The owner of a dog shall immediately remove any excreta deposited by the dog on any property other than the owner's, including but not limited to public property, streets, sidewalks, schools, parks, and private property. The owner of a dog shall carry adequate waste removal devices or disposal bags while the dog is off of the owner's property, unless the waste removal devices are provided.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.14. - Procedure to classify a dog as aggressive or dangerous.

- (a) Animal Services shall investigate reported incidents involving any dog that may be aggressive or dangerous. Animal Services shall, if possible, interview the owner and witnesses, and attempt to obtain a sworn affidavit from any person, including any enforcement officer, desiring to have the dog classified as aggressive or dangerous.
- (b) After the investigation, Animal Services shall make an initial determination as to whether there is sufficient cause to classify a dog as aggressive or dangerous. If Animal Services does find sufficient cause, Animal Services shall provide to the owner of the dog written notification of the sufficient cause finding. Such notification shall be provided by certified or registered mail, certified hand delivery, or in accordance with F.S. ch. 48.
- (c) If Animal Services finds sufficient cause to classify a dog as aggressive or dangerous, the owner may request a hearing, as provided in section 72.15 of this Code, before a final determination is made.
- (d) Animal Services shall not declare a dog 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, its owner, or a family member. Animal Services shall not declare a dog aggressive or dangerous if the dog was protecting or defending a human being from an unjustified attack or assault and the protected or defended human being was within the immediate vicinity of the dog.
- (e) Any dog that is the subject of an investigation under this section may be impounded by Animal Services until the conclusion of the investigation. To provide for public safety, Animal Services may

impound the dog during the investigation if it is determined that the dog cannot be safely confined by its owner based upon an evaluation of the following criteria: the physical layout of the area where the dog will be confined, the plan for proper confinement of the dog, the individual characteristics and behavior of the dog, and any other relevant factors. If the dog is impounded pending the outcome of the investigation, a notice shall be provided to the owner stating the basis for confinement at Animal Services, and the owner may board the dog at a licensed kennel or veterinarian at the owner's expense. If the dog is not required to be impounded by Animal Services, the owner of the dog shall humanely and safely confine it in a securely fenced or enclosed area pending the outcome of the investigation and any hearings related to the classification. The owner of the dog shall provide to Animal Services the address where the dog will be kept. The owner of a dog that is the subject of an investigation shall not relocate or transfer ownership of the dog pending the outcome of the investigation or hearings related to the classification without approval by Animal Services. The owner may utilize the hearing provisions of this chapter to challenge any restrictions imposed under this section.

- (f) Animal Services shall perform a prompt and thorough aggressive dog or dangerous dog investigation. If Animal Services maintains custody of the dog during the investigation, then only medical fees shall accrue.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.15. - Hearing procedure.

- (a) On or before the following dates, an owner may file a written request for hearing with Animal Services. The County Manager shall designate an individual or the Codes Enforcement Board to act as a Hearing Officer.
 - (1) The seventh calendar day after the date of service of written notification of an initial determination of a sufficient cause finding under section 72.14 of this Code; or
 - (2) The tenth business day after the date of service of written notification that a dog involved in a violent dog attack was confiscated under Section 72.20.
- (b) No less than five calendar days and no more than 21 calendar days after the date of receipt of the written request, the COUNTY shall provide for the requested hearing.
- (c) Hearing procedures.
 - (1) Each party shall have the following rights:
 - a. To be represented by counsel;
 - b. To compel the attendance of witnesses;
 - c. To examine witnesses;
 - d. To introduce exhibits;
 - e. To examine opposing witnesses on any relevant matter, even though the matter was not covered under direct examination;
 - f. To impeach any witness regardless of which party first called the witness to testify.
 - (2) Any interested party or person may make application and, upon good cause shown, may be allowed within the discretion of the Hearing Officer to intervene or appear in a proceeding pending before the Hearing Officer.
- (d) Subpoenas.
 - (1) The Hearing Officer has the power to issue subpoenas to compel the attendance of witnesses at a hearing upon the written request of any party or upon the Hearing Officer's own motion.

- (2) A subpoena may be served by any person authorized by law to serve process. Service shall be made as provided by law.
 - (3) Any person subject to a subpoena may, before compliance and on timely petition, request the Hearing Officer having jurisdiction of the dispute to invalidate the subpoena.
 - (4) A party may seek enforcement of a subpoena issued under the authority of this chapter by filing a petition for enforcement in the county court. Failure to comply with an order of the court shall result in a finding of contempt of court. However, no person shall be in contempt while a subpoena is being challenged under subsection (d)(3).
 - (5) If a party willfully fails to testify when duly subpoenaed, the Hearing Officer may:
 - a. Order that the matters regarding which the questions were asked or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;
 - b. Render a judgment by default against the disobedient party.
 - (6) Witness fees shall be paid as provided by law.
- (e) Evidence.
- (1) All hearings shall be conducted, insofar as practicable, in accordance with the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an informal manner.
 - (2) In any hearing before the Hearing Officer, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
 - (3) Documentary evidence may be received in the form of a copy or excerpt if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.
 - (4) A party shall be permitted to conduct cross-examination when testimony is taken or documents are made a part of the record.
 - (5) The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
 - (6) The Hearing Officer shall work with the County to ensure that an audio and documentary record of the hearing is preserved, which record shall be public and open to inspection and transcription or copying by any person.
- (f) Written determinations of the Hearing Officer.
- (1) After due public hearing, the Hearing Officer shall issue a determination based upon the preponderance of the evidence. The Division shall bear the burden of establishing the dangerousness or aggressiveness of the dog, or that a violent dog attack occurred; and the owner shall bear the burden of establishing any legal defenses.
 - (2) All determinations of the Hearing Officer shall be in writing, signed and dated by the Hearing Officer, shall contain findings of fact and conclusions of law, and shall be served upon the owner by certified or registered mail, certified hand delivery, or service in conformance with Chapter 48, Florida Statutes. If the Hearing Officer upholds the initial determination of dangerousness, the owner shall comply with the provisions of Section 72.17.5 within fourteen (14) calendar days of the Hearing Officer's determination; or in the event of any appeal of said determination to a court of competent jurisdiction, within fourteen (14) calendar days of a decision adverse to the owner. If the Hearing Officer upholds the initial determination of

aggressiveness, the owner shall comply with the provisions of subsection 72.16 within fourteen (14) calendar days of the Hearing Officer's determination; or in the event of any appeal of said determination to a court of competent jurisdiction, within fourteen (14) calendar days of a decision adverse to the owner.

- (3) On or before the tenth business day after the date of service of a final decision, the owner may appeal to the proper court the decision regarding any aggressive, dangerous or violent dog. The appeal shall be a review of the record, not de novo.
- (g) Payment of Hearing Officer. The cost of the Hearing Officer shall be paid by the losing party. If more than one item is in dispute, and if there are mixed results, a party shall only be responsible for the cost of the Hearing Officer's time that was applied to the losing item or items, which percentage of time shall be determined by the Hearing Officer.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.16. - Requirements for dogs declared aggressive.

- (a) On or before the fourteenth day after the date of notification of the classification of a dog as aggressive or a classification is upheld on appeal as provided in section 72.15 of this Code, the owner of the dog shall obtain a certificate of registration from Animal Services. The owner shall renew the certificate annually. Animal Services is authorized to issue such certificates of registration and renewals only to persons who have attained at least 18 years of age and who present to Animal Services sufficient evidence of:
 - (1) A current certificate of rabies vaccination and license for the dog;
 - (2) A proper enclosure for an aggressive dog;
 - (3) Warning signs that are clearly visible from all entry points and inform both children and adults of the presence of an aggressive dog on the property;
 - (4) Permanent identification of the dog by microchip;
 - (5) Two color photos of the dog in two different poses showing the color and size of the animal; and
 - (6) Surgical sterilization of the dog, unless a veterinarian certifies in writing that the sterilization of the animal would be injurious to the animal's health. If the health condition of the animal is of a temporary nature, then the owner shall employ a veterinarian to sterilize the animal immediately after the health condition has been corrected.
- (b) *Reserved.*
- (c) The owner shall immediately notify Animal Services when a dog that has been classified as aggressive:
 - (1) Becomes loose or unconfined;
 - (2) Attacks a human being or another companion animal; or
 - (3) Dies.
- (d) The owner shall immediately notify Animal Services if the owner moves to another address with the aggressive dog.
- (e) The owner shall immediately notify Animal Services if the owner is going to sell or give away the aggressive dog. Prior to an aggressive dog being sold or given away, the owner shall provide to Animal Services the name, address, and telephone number of the new owner. While residing in Alachua County, the new owner shall comply with all of the requirements of this chapter that relate to aggressive dogs.

- (f) The owner shall immediately notify Animal Services if the owner believes that the aggressive dog has been stolen.
- (g) The owner of an aggressive dog shall not permit the dog to be outside of the proper enclosure for an aggressive dog, unless the dog is under physical control of a competent person.
- (h) An owner of an aggressive dog shall not use the dog for hunting purposes.
- (i) The provisions of this chapter relating to aggressive dogs do not apply to dogs used by law enforcement officials for law enforcement work.
- (j) If a dog has been declared dangerous, the provisions of this section do not apply.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.17. - Requirements for dogs declared dangerous.

- (a) On or before the fourteenth day after the date of notification of the classification of a dog as dangerous or a classification is upheld on appeal as provided in section 72.15 of this Code, the owner of the dog shall obtain a certificate of registration and a dangerous dog tag or collar from Animal Services. The owner shall renew the certificate annually. Animal Services is authorized to issue such certificates of registration and renewals only to persons who have attained at least 18 years of age and who present to Animal Services sufficient evidence of:
 - (1) A current certificate of rabies vaccination and license for the dog;
 - (2) A proper enclosure for a dangerous dog;
 - (3) Warning signs that are clearly visible from all entry points and inform both children and adults of the presence of a dangerous dog on the property;
 - (4) Permanent identification of the dog by microchip;
 - (5) Surgical sterilization of the dog, unless a veterinarian certifies in writing that sterilizing the animal would be injurious to the animal's health. If the health condition of the animal is of a temporary nature, then the owner shall employ a veterinarian to sterilize the animal immediately after the health condition has been corrected;
 - (6) Two color photos of the dog in two different poses showing the color and size of the animal;
 - (7) Fee simple ownership of the property upon which the dangerous dog and enclosure are located or, alternatively, permission to locate the dangerous dog and enclosure on the property from the fee simple owner of the property; and
 - (8) Liability insurance maintained in a minimum amount of \$500,000 aggregate/\$250,000 per incident, for each dangerous dog, for damage or injury caused by the dangerous dog. Owner shall provide a Certificate of Insurance to the County with a 30-day notice of cancellation. Certificate holder: Alachua County Board of County Commissioners, Alachua County Animal Services, 3400 N.E. 53rd Avenue, Gainesville, Florida, 32609.
- (b) The owner shall secure the dangerous dog collar or tag around the dog's neck so that it is clearly visible at all times.
- (c) *Reserved.*
- (d) The owner shall immediately notify Animal Services when a dog that has been classified as dangerous:
 - (1) Becomes loose or unconfined;
 - (2) Attacks a human being or another companion animal; or
 - (3) Dies.

- (e) The owner shall immediately notify Animal Services if the owner moves to another address with the dangerous dog. If the owner moves to a different jurisdiction, then the owner shall also notify the enforcement officer of the new jurisdiction that the dog has been classified as dangerous.
- (f) The owner shall immediately notify Animal Services if the owner is going to sell or give away the dangerous dog. Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to Animal Services. The new owner shall comply with all of the requirements of this chapter that relate to dangerous dogs, even if the animal is moved from the jurisdiction of this chapter to another local government jurisdiction within the state.
- (g) The owner shall immediately notify Animal Services if the owner believes that the dangerous dog has been stolen.
- (h) The owner of a dangerous dog shall not permit the dog to be outside of the proper enclosure for a dangerous dog, unless the dog is muzzled and restrained by a substantial leash and under physical control of a competent person. The owner shall use a muzzle that is made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but prevents the dog from biting any person or animal. The owner may exercise the dog on the owner's property in a securely fenced or enclosed area that does not have a top, without a muzzle or leash on the dog, if the dog remains within the owner's sight and only members of his immediate household and persons 18 years of age or older are allowed in the enclosure when the dog is present. While transporting the dangerous dog, the owner shall restrain the dog safely and securely within a vehicle.
- (i) An owner of a dangerous dog shall not use the dog for hunting purposes.
- (j) The provisions of this chapter relating to dangerous dogs do not apply to dogs used by law enforcement officials for law enforcement work.
- (k) The owner of a dangerous dog shall not permit the dog to be left unattended with a minor child.
- (l) If the requirements of subsection (a) of this section are not satisfied after fourteen days from the date of notification of the classification of the dog as dangerous, and if there are no pending appeals, the dangerous dog will become the property of Animal Services and disposition will be in accordance with applicable policies.
- (m) The county may seek an injunction from a court of competent jurisdiction to enforce the requirements of this section. Each failure to comply with a dangerous dog requirement or responsibility of a dangerous dog owner contained in this chapter shall constitute a noncriminal infraction, punishable by any means available at law or in equity, including by a fine as defined in section 24.16 of this Code.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.18. - Consequences to dog's owner after a dog attack.

- (a) If a dog that has not previously been declared dangerous attacks and causes severe injury to or death of any human and the owner of the dog had prior knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard of such propensities under the circumstances, then the owner is guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083, unless the person attacked was engaged in criminal activity at the time of the attack.
- (b) If a dog that has previously been declared a dangerous dog attacks or bites a person or a companion animal without provocation, then the owner is guilty of a misdemeanor of the first degree, punishable as provided in F.S. § 775.082 or 775.083, unless the person attacked was engaged in criminal activity at the time of the attack.
- (c) If a dog that has previously been declared a dangerous dog attacks and causes severe injury to or death of any human, then the owner is guilty of a felony of the third degree, punishable as provided

in F.S. § 775.082, 775.083, or 775.084, unless the person attacked was engaged in criminal activity at the time of the attack.

- (d) The owner of any dog that bites any person while such person is on or in a public place, or lawfully on or in a private place, including the property of the owner of the dog, is liable for damages suffered by persons bitten, regardless of the former viciousness of the dog or the owners' knowledge of such viciousness. However, any negligence on the part of the person bitten that is a proximate cause of the biting incident reduces the liability of the owner of the dog by the percentage that the bitten person's negligence contributed to the biting incident. A person is lawfully upon private property of such owner within the meaning of this act when the person is on such property in the performance of any duty imposed upon him or her by the laws of this state or by the laws or postal regulations of the United States, or when the person is on such property upon invitation, expressed or implied, of the owner. However, the owner is not liable, except as to a person under the age of six, or unless the damages are proximately caused by a negligent act or omission of the owner, if at the time of any such injury the owner had displayed in a prominent place on his or her premises a sign easily readable including the words "Bad Dog."

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.19. - Procedures after possible rabies exposure.

- (a) When an animal has allegedly bitten or scratched a person or is suspected or believed to be infected with rabies, the owner shall relinquish control of the animal to Animal Services upon request, or shall quarantine the animal at home or with a veterinarian, as directed by Animal Services.
- (b) In certain cases, home quarantine of a domestic animal, which has bitten or scratched a person, may be permitted at the discretion of Animal Services, if determined safe and appropriate, and the following criteria and conditions are met:
 - (1) The animal involved is a domestic animal that has a current rabies vaccination from a veterinarian and is wearing a current license tag;
 - (2) Animal is a dog that attacked a person, the owner had the dog under physical control when the attack occurred or, if the dog attack occurred on the owner's property, or Animal Services determined that the attack was provoked;
 - (3) The owner of the domestic animal has a facility to contain within a cage, fenced yard, or house the domestic animal during the quarantine period, which facility has been deemed appropriate by Animal Services;
 - (4) The owner agrees that at the end of the quarantine period, the owner allows a representative or designee of the county health department to visually check an animal quarantined at home; and
 - (5) Any other conditions or safeguards as Animal Services may deem necessary and appropriate.
- (c) At any time during the home quarantine period, if a domestic animal is reported or observed to not be confined or a dog is reported to not be under physical control, the home quarantine privilege is revoked immediately and the owner, at the owner's own expense, shall confine the domestic animal either with a veterinarian or at the county animal shelter for the duration of the quarantine period.
- (d) The investigating Animal Services officer shall decide whether to allow home quarantine of a domestic animal. In the event of any dispute regarding the appropriateness of home quarantine, the director has final decision-making authority in the matter.
- (e) If a police dog, as defined in F.S. § 843.319, has attacked a person while acting under the direction of a law enforcement agency in an official capacity, such as aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders, the director may exempt the dog from the quarantine and impoundment provisions of this chapter, upon proof of a current vaccination and licensing for the dog.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.20. - Procedures after violent dog attack.

- (a) If a violent dog attack occurs, then Animal Services shall immediately confiscate the dog and place it under quarantine.
- (b) Animal Services shall deliver to the owner written notification by certified mail, certified hand delivery, or service in accordance with F.S. ch. 48, that the dog was confiscated and that the owner may request a hearing as set out in section 72.15.
- (c) Animal Services shall confine the dog for a period of time as determined by Animal Services. The period may not end prior to the tenth business day after the date of delivery notification of the confiscation.
- (d) Animal Services shall humanely and expeditiously euthanize the dog at the exhaustion of all appeals.
- (e) During the appeals, the owner shall pay all boarding costs and other fees as may be required to humanely and safely keep the dog.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.21. - Companion animals creating a public nuisance.

- (a) An owner shall prevent a companion animal from becoming a public nuisance. A public nuisance includes but is not limited to a companion animal that:
 - (1) Trespasses on public or private property;
 - (2) Causes damage to another person's property;
 - (3) Creates a danger to the public health or safety;
 - (4) Disturbs or turns over a garbage container;
 - (5) Chases or molests a vehicle, bicycle, person, or animal;
 - (6) Displays menacing or threatening behavior; or
 - (7) Defecates on public or private property without the property owner's consent, unless it is removed immediately.

A companion animal shall not be a public nuisance under this section if the animal was lured or attracted to another person's property due to the placement or offer of food or garbage on the property in such a manner that it attracts cats, dogs, raccoons, coyotes, or other wildlife.

- (b) A companion animal that creates a noise disturbance in violation of Chapter 110 of this Code is a public nuisance. In the event of a public nuisance caused by noise, Animal Services may follow the procedures as outlined in Chapter 110.
- (c) The owner of any public nuisance animal, as defined under this article, shall be deemed to be in violation of this article, regardless of knowledge, intent or culpability of the owner.
- (d) A citation for a violation of this section may be issued based upon:
 - (1) Receipt of affidavit(s) of complaint signed by two or more residents of the county, each residing in separate dwellings in the vicinity of the animal(s) or incident(s), setting forth the nature and the time(s) and date(s) of the act(s), the owner of the animal(s), the address of the owner and a description of the animal(s) doing such act(s), the accuracy and veracity of which, shall be confirmed through an animal services investigation; or

- (2) The personal observance of noncompliance made by an enforcement officer, or any other such law enforcement officer authorized to enforce the provisions of this article made during the course of the lawful performance of his/her duties in the vicinity of the place of the offense; or
- (e) Enforcement actions allowed by this section are cumulative and supplemental to actions outlined elsewhere in this Code.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.22. - Rabies vaccination for domestic animals.

- (a) The owner of a domestic animal that is four months of age or older shall employ a veterinarian to vaccinate the domestic animal against rabies. The owner shall employ a veterinarian that uses a vaccine appropriate for the species of the animal, which vaccine must be recognized by the current Compendium on Animal Rabies Prevention and Control ("Compendium"). Twelve months after the initial vaccination, the owner shall have the animal vaccinated again and then annually, or triennially thereafter, as recommended by the Compendium. Twelve months after the initial vaccination, the owner of a ferret shall have the ferret vaccinated again, and then annually thereafter, or as recommended by the Compendium.
- (b) If a veterinarian gives a written opinion that a vaccination would be injurious to the health of a domestic animal, then the owner may suspend the vaccination for the time period that the vaccination would be injurious. During the suspended time period, the owner shall confine the domestic animal in an enclosed building or kennel, or maintain the animal on a leash held by a person capable of appropriate physical control of the animal.
- (c) Any business that sells a rabies vaccine in Alachua County shall prominently display a sign, no smaller than eight inches by ten inches, with letters no smaller than 0.25 inches, that states:

FLORIDA STATUTES §828.30(1) STATES IN PART: "ALL DOGS AND CATS 4 MONTHS OF AGE OR OLDER MUST BE VACCINATED BY A LICENSED VETERINARIAN AGAINST RABIES WITH A UNITED STATES GOVERNMENT-APPROVED VACCINE."

RABIES VACCINE ADMINISTERED BY ANYONE OTHER THAN A LICENSED VETERINARIAN IS NOT RECOGNIZED IN ALACHUA COUNTY FOR PURPOSES OF REQUIRED LICENSING OF DOGS, CATS OR FERRETS.

- (d) Upon vaccination against rabies of an animal, the licensed veterinarian shall provide the animal's owner and Animal Services with a rabies vaccination certificate which must contain at least the following information typed legibly on the National Association of State Public Health Veterinarians (NASPHV) Form 51:
 - (1) The license number of the administering veterinarian.
 - (2) The name, address, and phone number of the veterinarian and owner, community cat caregiver to trap-neuter-return program.
 - (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.
 - (10) The signature or signature stamp of the licensed veterinarian.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.23. - Licensing domestic animals.

- (a) The owner of a domestic animal that is four months of age or older, shall license the domestic animal for one year beginning at the time of the initial rabies vaccination.
- (b) After the expiration of the domestic animal's initial license, the owner shall re-license the animal annually.
- (c) Because the county recognizes that spay/neuter is the most effective method for reducing shelter animal intake and community nuisances caused by dogs and cats, and that microchips dramatically increase the chance of reunification of lost pets with their owners, a substantial discount off the annual license fee will be afforded to owners of animals that are both sterilized and microchipped.
- (d) A license shall consist of a rabies vaccination, a license certificate, and a license tag for the animal's collar. License certificates and license tags may only be issued by Animal Services or an authorized veterinarian. No other license certificate or license tag shall be valid in the county. A license or license tag issued for one animal is not valid for any other animal.
- (e) An owner, to whom a tag and license have been issued, shall use a substantial device to securely fasten the tag around the domestic animal's neck so the tag is clearly visible at all times.
- (f) In the event a license tag is lost or destroyed, Animal Services shall issue a replacement tag upon presentation of the corresponding license certificate and payment of the appropriate fee.
- (g) On or before the thirtieth day after the date a person moves to this county, the person shall comply with the licensing provisions of this section. A person who has had their domestic animal inoculated in another county or state and then relocates the animal to this county may obtain a county tag from Animal Services upon paying appropriate licensing fees and presenting written proof of proper rabies vaccination that meets the criteria for duration of immunity as provided for in this chapter.
- (h) Animal Services shall design the license certificate and a suitable license tag. The license tags must designate the name of the county and the year the tag was issued in addition to any other wording or identification as may be deemed practical or appropriate.
- (i) No later than the 15th day of each month, each veterinarian practicing in Alachua County shall provide to Animal Services a complete list of all domestic animals that they vaccinated against rabies during the previous month. The list shall be in accordance with § 828.30, Florida Statutes.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.24. - Exceptions to wearing license tag.

- (a) An owner whose domestic animal is participating in any organized exhibition or field trial or organized training for such events, may remove the domestic animal's license tag during the activity.
- (b) When ferrets are on the owner's property, the owner may remove the license tag.
- (c) If an owner presents to Animal Services acceptable proof that a domestic animal participates in organized exhibiting, including a conformation show, or presents a written statement from a veterinarian describing a medical condition that prevents the fastening of a device around the domestic animal's neck, then the owner may register a microchip with Animal Services in lieu of placing a license tag on the domestic animal.
- (d) If the domestic animal is an ear-tipped community cat, the animal is not required to wear a license tag.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.24.5. - Requirement for permanent pet identification.

- (a) All dogs and cats four months of age or older sold, transferred, exchanged, adopted, returned to their owner from a shelter, or given away shall be required to be implanted with a microchip that is registered to the legal owner of the animal. Ear-tipped cats are exempted from this provision.
- (b) The county shall maintain a low-cost option for the implantation of microchips where such cost is equivalent to the actual cost of the device and its implantation.
- (c) It shall be a violation of this chapter for owners to fail to register an implanted microchip with the manufacturer of the microchip. The owner shall have 30 days to cure and register the microchip without penalty after notice by Animal Services.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.25. - Community cat management.

- (a) The county recognizes the need for innovation in addressing the issues presented by the permanent presence and uncontrolled reproduction of community cats living outdoors, independent of human intervention.
- (b) Community cat management, in which the community cat is sterilized, ear-tipped, vaccinated against the threat of rabies, and returned to the original location, is the preferred response to a community cat. If these requirements are met, the community cat is exempted from licensing, stray, at-large, abandonment, and possibly other provisions of this ordinance that apply to owned animals.
- (c) Return-to-field of impounded community cats.
 - (1) Community cats entering Animal Services shall be examined for health and temperament to evaluate their ability to survive in an outdoor environment with or without assistance from a community cat caregiver.
 - (2) Community cats determined to be thriving in their environment shall be sterilized, ear-tipped, vaccinated against the threat of rabies, and returned to the original location.
 - (3) An ear-tipped cat received by Animal Services shall be returned to the location where trapped unless veterinary care is required. A trapped ear-tipped cat shall be released on site unless veterinary care is required.
 - (4) Healthy community cats that have been impounded by Animal Services may be immediately returned-to-field, released to a community cat caregiver, or, if considered sufficiently socialized, adopted. Notwithstanding the foregoing, whenever an impounded community cat is visibly injured or diseased, appears to be suffering, and upon the advice of a veterinarian, such community cat cannot be expeditiously treated and returned to an outdoor living environment, or transferred to a rescue group, then Animal Services may humanely euthanize the community cat.
- (d) Trap-neuter-return of free-roaming community cats. The County recognizes there are community cats that may not enter the shelter, may or may not be under the care of a known community cat caregiver, and may or may not live in a recognized community cat colony. Community cat trap-neuter-return programs to curtail breeding of community cats may be implemented by Animal Services, veterinary providers, or animal welfare organizations.
- (e) Management of community cat colonies. The County recognizes there are community cat caregivers and acknowledges that community cats living in colonies may be tolerated living outdoors, provided such cats are cared for in accordance with the following requirements.
 - (1) Managed community cat colonies must be maintained on private property of the community cat caregiver or with the permission of the property owner or property manager (including public property).

- (2) In instances in which the community cat colony or its members create a documented concern regarding public health, safety, or nuisance as defined in section 72.21, Animal Services shall work with residents, animal welfare organizations, and community cat caregivers to mitigate concerns via community cat management, education, or relocation of cats, as appropriate.
- (3) If a person is providing care for a community cat colony, he or she is required to provide certain necessities on a regular/ongoing basis, including, but not limited to, proper nutrition and medical care as needed.
 - a. Food, if supplied, shall be provided in the proper quantity and frequency for the number of cats being managed. Food must be maintained in proper feeding containers.
 - b. Water, if supplied, shall be clean, potable and free from debris.
 - c. Shelter, if provided, shall be unobtrusive, safe, and of the proper size for the community cats.
 - d. Community cats shall be fed in an area where they do not interfere with sensitive wildlife.
 - e. Community cat caregivers shall make a good faith effort to trap all pre-existing and newly arriving cats to have them sterilized, ear-tipped, vaccinated against the threat of rabies, and returned to the original location.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.26. - Prohibition on owning a primary vector of rabies.

A person shall not own, harbor, keep, display, exhibit, sell, or intentionally breed any animals that are a primary vector of rabies, including but not limited to a raccoon, fox, coyote, or skunk, unless permitted by the Florida Fish and Wildlife Conservation Commission.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.27. - Keeping a stray domestic animal.

A person shall not harbor, feed or keep any stray domestic animal, other than a community cat, unless Animal Services is notified on or before the 24th hour after the person came into possession of such animal. Upon receiving notice, an enforcement officer may impound the animal and place it in the animal shelter. A person shall surrender any stray domestic animal to an enforcement officer upon the officer's demand.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.28. - Impoundment and confiscation of an animal.

- (a) Animal Services may lawfully: (1) take custody of any animal and remove it from its present location if it is found neglected or cruelly treated, or (2) without removing the animal from its present location, order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense. After such removal or issuance of order to provide care, Animal Services shall petition the county court in accordance with section 828.073, F.S.
- (b) When removing an animal under this section without consent, Animal Services may not enter any area where the person occupying the property has a reasonable expectation of privacy.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.29. - Confinement, hold periods, and reclaim of dogs and cats.

- (a) Dogs or cats impounded pursuant to this chapter and not claimed by their owners shall be held by Animal Services prior to disposition, as provided herein:
 - (1) The hold period before disposition shall be three shelter business days after the date of impoundment for dogs five months or older without an identification tag, microchip, or other owner identification.
 - (2) The hold period before disposition shall be five shelter business days after the date of impoundment for any animal with an identification tag, microchip, or other owner identification.
 - (3) The hold period before disposition shall be five shelter business days for animals impounded because the owner is unable to care for the animal due to injury, illness, incarceration, or other involuntary absence; and animals received from a law enforcement agency where there is a known owner.
 - (4) There shall be no hold period for kittens and puppies less than five months of age and for adult cats lacking an identification tag, microchip, or other owner identification. These animals shall immediately become the property of Animal Services upon impoundment and shall be made immediately available for live outcome.
 - (5) Dogs and cats that have been abandoned while in the custody of a licensed veterinarian or kennel and that have been turned over to Animal Services after the ten day notice period required by section 705.19, Florida Statutes, shall not be subject to any confinement period.
 - (6) If an owner does not reclaim the animal within the specified time, then Animal Services may provide for the animal to be adopted, transferred to an animal welfare organization, entered into a community cat return-to-field program or make disposition pursuant to law at any time, but shall not euthanize the animal for a minimum of five shelter business days after the date of impoundment unless covered by section 72.31.
 - (7) Animals that have been voluntarily surrendered by their owners to Animal Services shall not be subject to any confinement period.
 - (8) In order to promote public health and to protect the health of every animal at the animal shelter, Animal Services is authorized to provide preventive healthcare and disease screening to every animal that is impounded, including during the hold period. Preventive health care and disease screening includes, but is not limited to, physical examination, vaccination against common infectious diseases, treatment for common internal and external parasites, heartworm testing for dogs, and retrovirus testing for cats. Healthy community cats directed towards return-to-field shall be exempted from retrovirus testing.
 - (9) At the expiration of the appropriate hold period, the animal shall become the property of Alachua County Animal Services and shall be processed in accordance with applicable policies, including mandatory sterilization.
- (b) If Animal Services allows an owner to reclaim an injured animal or one suspected of carrying an infectious or contagious disease, the owner shall provide immediate veterinary care.
- (c) In addition to any other requirements set forth herein, an owner seeking to reclaim a companion animal must present valid picture identification and acceptable proof of ownership, must pay all applicable fees, and must ensure that the animal has a valid license. Acceptable proof of ownership includes but is not limited to, license receipt, veterinary records, affidavits from neighbors, photographs or other reliable, verifiable documentary evidence. Fees include but are not limited to reclaim fees, vaccination and licensing fees, boarding fees, and veterinary charges.
- (d) Community cat caregivers shall be permitted to reclaim impounded, previously sterilized and ear-tipped, community cats without proof of ownership and are exempted from reclaim fees.
- (e) If a companion animal is impounded because of inhumane treatment or held during dangerous dog proceedings, the owner shall be responsible for making monthly payments for fees accrued.

- (f) Animal Services shall scan any impounded animal for a microchip with a device capable of detecting all available microchip frequencies (global scanner) on the day of impoundment and take appropriate measures to contact any individual or organization connected to the animal's microchip account.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.30. - Release of an animal.

- (a) All animals in the custody of Animal Services shall be disposed of via adoption, transfer to an animal welfare organization, community cat return-to-field, owner reclamation, or euthanasia.
- (b) Adoption of an animal.
 - (1) Animal Services shall not permit a person to adopt a companion animal from the shelter if Animal Services determines that adoption would not be in the best interest of the animal or the public .
 - (2) Any dog or cat adopted from Animal Services shall be sterilized, vaccinated, microchipped, and licensed by Animal Services prior to release to the new owner. If the sterilization of the animal cannot be done at the time of adoption because of health reasons, then the person shall leave a deposit guaranteeing sterilization, as required by F.S. § 823.15.
 - (3) To be eligible for the return of the required adoption deposit for any dog or cat, the adopter shall:
 - a. On or before the thirtieth day after the date of adoption or sale, or prior to the animal's sexual maturity, employ a veterinarian to sterilize the animal; and
 - b. On or before the thirtieth day after the date of sterilization, present to Animal Services written documentation from the veterinarian who performed the sterilization; and
 - (4) If an adopter fails to comply with this section within the time specified, then the adopter shall forfeit the deposit and Animal Services may issue a citation. Pursuant to F.S. § 823.15(2), an adopter who fails to comply with the provisions of this section, shall be liable for legal fees and court costs to enforce the provisions of this section.
- (c) Transfer of an animal. In the event that an animal is transferred to an animal welfare organization prior to sterilization, the organization must enter into a written agreement with Animal Services, pursuant to section 823.15, Florida Statutes, as amended, ensuring that the animal will be sterilized within 30 days or prior to sexual maturity. The animal welfare organization shall vaccinate the animal against the threat of rabies if the animal is four months of age or older prior to another owner readopting the animal or prior to returning a community cat to the field. Organizations shall provide to Animal Services, at a minimum, the following information:
 - (1) The name, location address, and phone number of the adopter or the organization providing community cat management services;
 - (2) The date of sterilization and name and address of veterinarian; and
 - (3) The date of rabies vaccination and name and address of veterinarian.
- (d) Animal Services may suspend transfers to an animal welfare organization for failing to comply with the reporting requirements.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.31. - Humane euthanasia.

- (a) Animal Services shall attempt to contact the owner of any animal impounded with an identification tag, microchip, or other traceable identification before humane euthanasia of the animal.

- (b) A companion animal not claimed and not adopted from Animal Services within the relevant holding period established in section 72.29(a) may be disposed of in a humane manner.
- (c) In the event any unidentifiable animal is found in a state of pain and suffering or becomes so during confinement, Animal Services may euthanize the animal in a humane manner regardless of the relevant holding period established in section 72.29(a).

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.32. - Disposal of an animal carcass by owners.

- (a) Upon the death of an animal, the owner of the animal shall dispose of the carcass either by burying the carcass at a sufficient depth, of at least two feet, below the surface of the land in order to prevent predators from exhuming the carcass, or by recognized alternative methods of disposal such as cremation or rendering. An owner shall not dispose of any animal carcass by dumping such carcass on any public or private property or in any waterway.
- (b) A person who, upon demand, does not surrender to Animal Services the carcass of any dead animal exposed to rabies shall be guilty of a misdemeanor of the second degree. Each violation constitutes a separate offense.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.33. - Duties of person who injures an animal.

Any person who injures an animal shall immediately notify the owner of the animal if the owner is known. If the owner is not known, a person who injures an animal shall immediately notify Animal Services, the county sheriff's office, or a law enforcement agency that has jurisdiction over the location where the animal was injured.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.34. - Companion animals in motor vehicle.

- (a) A motor vehicle operator shall not place or confine a companion animal or allow it to be placed, confined, or remain in an unattended motor vehicle for such a period of time as may reasonably be expected to endanger the health or well-being of the animal, due to considerations such as insufficient ventilation, heat, or lack of water.
- (b) A motor vehicle operator, operating on a public right-of-way, shall not transport or keep a companion animal in or on any motor vehicle, unless the companion animal is in the passenger compartment of the vehicle, or protected by a container, cage, or other appropriate tethering device that will prevent the animal from falling from, being thrown from, or jumping from the motor vehicle.
- (c) Any enforcement officer who finds a companion animal in a motor vehicle under conditions violating section 72.34(a) shall make a reasonable attempt to notify the operator of the vehicle. In the event the operator of the vehicle cannot be located after a reasonable attempt, the enforcement officer may contact law enforcement and request assistance. If the animal is removed from the vehicle, then the enforcement officer shall leave a written notice bearing the name of the officer, his department's name and telephone number, and the address where the owner may claim the animal. Animal Services shall make reasonable efforts to contact the owner of the animal and give notice that the animal is in its custody. Within the relevant holding period established in section 72.29(a), the owner may reclaim the animal upon payment of the reasonable maintenance charges, which may include veterinary fees, reclaim fees, boarding fees, licensing fees, and vaccination fees.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.35. - Animal exploitation.

- (a) A person shall not promote, operate, run, participate in, conduct, or allow any exploitative live animal contests, performances, or exhibitions, or other similar activity in which animals are encouraged, forced, or trained to perform in an exploitative, cruel, or harmful manner.
- (b) A person or organization whether for profit, nonprofit, charity, or any other purpose, shall not offer an animal as a prize in response to participation in a contest, drawing of chance, merchandising premiums, promotional giveaways, or any other similar event.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.36. - Sale or donation of impounded animals for purpose of scientific research.

All animals in the custody of Animal Services shall be disposed of via adoption, transfer to an animal welfare organization, community cat return-to-field, owner reclamation, or euthanasia. Animal Services shall not release, sell, or give any live animal to any institution, private firm, or individual for the sole purpose of medical or scientific research.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.37. - Inspection of animal establishments.

- (a) Animal Services shall have authority to enter and inspect any animal establishment, including any records pertaining to the animals; any location where animals are boarded, sold, bred, trained, or groomed, including but not limited to pet dealerships, kennels, catteries, roadside zoos, zoological parks, flea markets, fairs, circuses or performing animal exhibitions; and any other premise or property where animals are kept as a business.
- (b) Animal Services shall not inspect any research and instructional program conducted in the interest of medical science by universities registered with the USDA and operated under federal statutes and rules, any establishments owned by a licensed veterinarian in private practice, the U.F. College of Veterinary Medicine, or any animal establishment where livestock is raised by a bona fide commercial enterprise regulated by another governmental agency.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.38. - Authority of animal services to assist with certain animals.

Animal Services is authorized, by permit from the Florida Fish and Wildlife Conservation Commission, to humanely trap, transport, relocate, release, or euthanize indigenous or non-indigenous, nongame wildlife. Animal Services may also release indigenous wildlife to rehabilitators as permitted by the Florida Fish and Wildlife Conservation Commission. Animal Services is authorized to assist a law enforcement agency in any situation involving livestock, upon request of such agency. Animal Services may provide assistance to any citizen and law enforcement agency regarding any incidents involving any animal.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.39. - Trapping an animal.

- (a) Any person trapping community cats for trap-neuter-return or nuisance wildlife shall:
 - (1) Use a humane trap;
 - (2) Provide the trapped animal with protection from the direct rays of the sun and direct effects of any wind, rain, irrigation and sprinkler system;
 - (3) Provide fresh bait in the trap each time the trap is set;
 - (4) Provide fresh water for any animal held for more than 18 hours;
 - (5) Make every reasonable attempt to locate the offspring of any trapped lactating mother; and
 - (6) Not leave a trap unattended for more than eight hours.
 - (7) Immediately release any healthy ear-tipped cat.
- (b) Animal Services will no longer relocate non-rabies vector species nuisance wildlife or rabies vector species nuisance wildlife without documented human exposure. Please contact a commercial wildlife removal expert.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.40. - Fees.

- (a) The board shall establish by resolution the fees to be charged in connection with the provisions of this chapter, including those for adoption, reclaim, license, miscellaneous, surrender, transfer, and diagnostic test and/or procedures. Adoption fees may be decreased or waived by the Animal Services Director during special promotions, to promote efficient shelter operations, and/or to optimize animal life-saving.
- (b) No reclaim fees shall be assessed for community cats.
- (c) Any person with a disability who has a dog that is specially trained to assist the person, and any law-enforcement agency with a dog trained for assisting the agency is exempt from the cost of the license tag.
- (d) No fees shall be assessed if an animal is improperly impounded.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.41. - Waiver of fees.

- (a) The director may waive a required fee or charge, except a fee or charge for licensing, anytime the owner's animal has been impounded as a direct result of a crime committed against the owner and the owner has been referred to Animal Services by the Alachua County Office of Victim Services, Peaceful Paths, the Alachua County Sheriff's Office, or any other law enforcement office or victim assistance program.
- (b) In the event that the Codes Enforcement Board is designated as a Hearing Officer and if an owner consents to a hearing extension under subsection 72.15 so as to avoid the necessity of scheduling a special hearing of the codes enforcement board, the director shall waive all boarding fees and charges that accrue from the twenty-first day after the date of receipt of the owner's written request through the date of the hearing.

(Ord. No. 2017-07, § 1, 7-11-17)

Sec. 72.42. - Chapter to be liberally construed.

This chapter is to be liberally construed in order to effectively carry out its purposes, which are deemed to be in the best interest of the public health, safety, and welfare of the citizens, residents, and animals of the county.

(Ord. No. 2017-07, § 1, 7-11-17)