

## Chapter 20 - ANIMALS AND FOWL

### Footnotes:

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**State Law reference**— Ch. 210131, Laws of Fla. (1939), establishing the Bear Lake Game and Bird Sanctuary, and Ch. 12491, Laws of Fla. (1927), establishing the Celery City Bird Reservation.

## PART 1. - ANIMAL CONTROL

### ARTICLE I. - IN GENERAL

#### Sec. 20.01. - Definitions.

The following definitions apply to this Part:

*Aggressive dog:* Any dog that causes injury to a human or another domestic animal while unprovoked or has killed a domestic animal while unprovoked.

*Animal:* Unless otherwise clearly required by the context, every living, nonhuman creature.

*Animal at-large:* Any animal off its owner's property and not under restraint.

*Animal in distress:* Any animal found abandoned, neglected, cruelly treated, injured, starving or wounded.

*Animal Control Official:* The person appointed, designated, or employed by the County to enforce this Part.

*Animal Rescue Organization:* A duly incorporated nonprofit organization, properly organized under Section 501(c)(3) of the Internal Revenue Code, devoted to the rescue, care, humane treatment, and adoption of stray, abandoned, or surrendered animals that does not breed animals.

*Animal services:* A direct service provided to a dog or cat, including but not limited to, grooming, bathing, or boarding.

*Animal Services Division:* The division of Seminole County Government responsible for: the care of animals inside the County's shelter; adoption of domestic animals or pets; collection of lost domestic animals; organization of animal related issues with allied agencies and rescue groups; and enforcement of animal control ordinances in coordination with law enforcement agencies having jurisdiction.

*Bird:* Any animal belonging to the scientific class known as *Aves*.

*Breeder:* Any person or entity that causes dogs or cats to reproduce, either willfully or through failure

to exercise due care and control, regardless of the size or number of litters produced. Any person or entity offering male dogs or cats for stud purposes will be classified as a breeder. This classification will not apply to a hobby breeder, as defined in this Section; or to a pet owner who breeds his or her own pets and keeps all of the offspring.

*Cat:* An animal of any age that is a member of the species scientifically known as *Felis Catus*, or any genetic hybridization of this species, not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

*Certificate of Source:* A document from the source or Seminole County Animal Services Shelter, animal control agency, animal rescue organization, or hobby breeder declaring the source of origin of a dog or cat on the premises offered for retail sale, as defined in this Section. The Certificate of Source must include at a minimum: (1) a brief description of the dog or cat; (2) the name, address, telephone number and email address of the source of the dog or cat; (3) the signature of the Pet Store certifying the accuracy of the certificate; and (4) the signature of the purchaser or transferee of the dog or cat acknowledging receipt of the certificate of source.

*Citation:* A written notice, in form required by Section 828.27, Florida Statutes (2018), as this statute may be amended from time to time, and issued by an Animal Control Officer.

*Commercial kennel:* Any premises or structure of a business, breeder, or animal rescue organization used for housing, boarding, buying, selling, re-homing, or adopting of dogs and cats. This term includes greyhound racing kennels. This term does not include animal hospitals or beauty parlors unconnected with boarding.

*County:* The unincorporated areas of Seminole County, Florida, and those incorporated areas that become governed by this Part in accordance with Section 20.02 of this Code.

*Dangerous animal:* All non-domesticated animals, which by reason of their wild nature, training, venomous characteristics, size or other attributes pose a special hazard to humans or other animals. This term includes, by way of illustration and not limitation, bears, lions, leopards, cheetahs, venomous reptiles, constricting reptiles, piranha, sharks, venomous insects and spiders, alligators and crocodiles, tigers, eagles, hawks, simians, large primates and elephants.

*Dangerous dog:* A dog defined as dangerous in Section 767.11, Florida Statutes (2018), as this statute may be amended from time to time, or that has been declared dangerous by the Animal Control Official or the Animal Control Board. Dogs that have been declared dangerous by another jurisdiction are also considered to be dangerous dogs in Seminole County.

*Dog:* An animal of any age that is a member of the species scientifically known as *Canis Lupus Familiaris*, or any genetic hybridization of this species, not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

*Dog Park:* An enclosed area designed for dogs to socialize with other dogs, or run without a leash, under the dog owner's supervision.

*Domestic animal:* Any equine or bovine animal, goat, sheep, swine, dog, cat, bird, poultry or other domestic animal or livestock.

*Hobby breeder:* Any person or entity, that intentionally causes or allows willfully or through failure to exercise due care and control, the breeding or studing of a dog or cat resulting in no more than a total of one (1) litter per calendar year per legal residence whether or not the animals in such litter are offered for sale or other transfer.

*Injury:* Any physical damage to a human or domestic animal that does not rise to the level of a severe injury, but still results from a single bite or scratch that causes bleeding, bruising, or other circumstances that require professional medical treatment.

*Licensed veterinarians:* A veterinarian licensed to practice medicine by any state in the United States.

*Noncommercial kennel:* Any premises or structure used to house dogs or cats of a hobby breeder other than inside one's home, and that is on the same property where the hobby breeder resides.

*Owner:* Any person controlling, harboring, keeping, possessing, boarding or owning an animal.

*Pet shop:* A business entity that has obtained a tax receipt or occupational license, open to the public, that sells or transfers, or offers for sale or transfer, dogs or cats, regardless of the age of the dog or cat or the physical location of the animal. Such an establishment may be a permanent, temporary, or virtual establishment. Seminole County Animal Services Shelter and animal rescue organizations are not considered a pet shop under this Ordinance.

*Rabies-susceptible animals:* All warm-blooded animals that are capable of contracting rabies, and which are domestic by nature, or domesticated or tamed.

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

*Seminole County Animal Services Shelter:* The premises designated by the Board of County Commissioners for the purpose of impounding and caring for animals taken into custody for violation of, or pursuant to, this Part.

*Severe injury:* Any physical injury to a human or domestic animal that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

*Under restraint:* Controlled by tether or leash, confined within a vehicle being driven or parked on the street, confined by a physical or electronic fence within the property limits of any parcel of land with the property owners' consent, or confined within a crate or cage.

*Unprovoked:* A type of attack where the victim, while acting peacefully and lawfully, has been bitten or chased in a menacing fashion or attacked by a dog.

(Ord. No. 72-10, § 3, 12-19-72; Ord. No. 74-8, § 4, 10-29-74; Ord. No. 76-13, § 3, 6-15-76; SCC, § 4-1, 9-27-77; Ord. No. 84-19, § 1, 3-13-84; Ord. No. 93-12, § 1, 7-13-93; Ord. No. 2016-26, § 1, 8-9-2016, eff. 3-1-2017; Ord. No. 2018-8, § 1, 2-27-2018; Ord. No. 2018-30, § 3, 9-25-2018)

#### Sec. 20.02. - Scope.

This Part shall be applied and enforced within all unincorporated areas and within all incorporated areas in which the governing bodies repeal all municipal ordinances or portions thereof inconsistent with this Part and execute an interlocal agreement with the Board of County Commissioners for the administration of this Part.

(Ord. No. 72-10, § 2, 12-19-72; Ord. No. 74-8, § 2, 10-29-74; Ord. No. 76-5, § 2, 2-17-76; Ord. No. 76-13, § 2, 6-15-76; SCC, § 4-2, 9-27-77)

#### Sec. 20.03. - Animal control board established.

There is hereby established a Seminole County Animal Control Board.

(Ord. No. 74-8, § 12, 10-29-74, SCC, § 4-3, 9-27-77)

#### Sec. 20.04. - Composition, appointment and term of members of board.

(a) The Animal Control Board shall consist of a licensed veterinarian, a representative of the sheriff's office and five county citizens at-large, with the Board of County Commissioners making all appointments except that each member of the Board of County Commissioners shall appoint one of the citizens at-large.

(b) All members of the Animal Control Board shall be appointed by and serve at the pleasure of the Board of County Commissioners. The chairman of the board shall be elected annually by the Animal Control Board from among its members.

(Ord. No. 74-8, § 12, 10-29-74; SCC, § 4-4, 9-27-77; Ord. No. 84-19, § 2, 3-13-84; Ord. No. 2002-10, § 1, 3-25-02)

#### Sec. 20.05. - Function of board.

The functions of the Animal Control Board are as follows:

- (a) Hear appeals on dangerous dog determinations in accordance with Section 20.24 and Section 20.27 of this Code.
- (b) Hear and determine appeals by any person, firm, or corporation aggrieved by the issuance or denial of a license or permit by the Animal Control Official. All decisions of the Animal Control Board on any such appeal will be final, subject only to review by the Board of County Commissioners.
- (c) Make recommendations to the Chief Administrator for the Office of Emergency Management regarding animal care and regulations consistent with Florida Statutes and Chapter 20, Seminole County Code. These recommendations must first be approved by a majority of the Animal Control Board prior to submission to the Chief Administrator for the Office of Emergency Management.
- (d) The Animal Control Board shall meet at least three times per year. Special meetings may be called by the Chairman, or Vice-Chairman, or by any three members of the Board upon 48 hours' notice to all members and to the Animal Control Official and Chief Administrator for the Office of Emergency Management.

(SCC, § 4-5, 9-27-77; Ord. No. 84-19, § 3, 3-13-84; Ord. No. 93-12, § 2, 7-13-93; Ord. No. 2017-7, § 1, 3-14-2017; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.06. - Quorum of board.

A majority of the members of the Animal Control Board shall constitute a quorum.

(SCC, § 4-6, 9-27-77)

Sec. 20.07. - Compensation of board members.

The members of the Animal Control Board shall receive no compensation for their services.

(SCC, § 4-7, 9-27-77)

Sec. 20.08. - Duty of Animal Control Official generally.

The Animal Control Official is responsible for enforcement of this Part other than its misdemeanor provisions and the provision of the Florida Statutes relating to animal welfare.

(Ord. No. 74-8, § 27, 10-29-74; SCC, § 4-9, 9-27-77; Ord. No. 84-19, § 5, 3-13-84; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.09. - Animal Control Official to recommend rules and regulations.

The Animal Control Official may, in a manner consistent with law and with this Part, recommend rules and regulations that are incident to the proper administration, implementation, and enforcement of the provisions of this Part.

(Ord. No. 74-8, § 27, 10-29-74; SCC, § 4-10, 9-27-77; Ord. No. 84-19, § 6, 3-13-84; Ord. No. 93-12, § 4, 7-13-93; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.10. - Entry power of employees.

- (a) The Animal Control Official and all employees of the Animal Control Official have the right to enter upon any public property or may enter private property with the written consent of owner or proper warrant or as otherwise provided by law within the County, for the purposes of examining or capturing any animal. These employees shall keep appropriate official identification with them that identifies these employees as agents of the County when they enter private property for these purposes.
- (b) It is unlawful to:
  - (1) interfere with the Animal Control Official or his or her employees in the legal performance of their duties,
  - (2) take or attempt to take the animal from Animal Control Official or his or her employees, or from any vehicle used by them to transport any animal;
  - (3) take or to attempt to take any animal from the animal shelter without proper authority.
- (c) Any person found guilty of this Section will be punished as provided by law.

(Ord. No. 74-8, § 27, 10-29-74; SCC, § 4-11, 9-27-77; Ord. No. 84-19, § 7, 3-13-84; Ord. No. 2018-30, § 3, 9-25-2018)

Secs. 20.11—20.15. - Reserved.

Sec. 20.16. - Cruelty to animals.

- (a) It shall be unlawful for any animal owner or person to cruelly deprive food, water, shelter, and

protection to any animal under his control and/or custody, or to abandon, poison, cruelly beat, cruelly whip or kill any animal under his, another's or no one's control and/or custody, or to mutilate, overdrive, overload, overwork, torment, torture or otherwise cruelly ill-use any animal. Adequate shelter shall be provided to allow the confined or tethered animal to remain dry and protected from the elements at all times, and shall provide either natural or artificial shade that gives relief from direct sunlight, when sunlight is likely to cause overheating, serious injury, or death of the animal. If the shelter is an enclosure, the enclosure shall allow for adequate ventilation so as to prevent stress or discomfort to the animal. Potable water shall be available at all times, either free flowing, or in a clean receptacle. This section shall not apply to wild animals killed in the hunt by customary and nonbrutal methods nor to wild rats, mice, insects, fish, arthropods or vermin; nor shall this section apply to medical research organizations duly licensed and/or otherwise recognized or supported by state or federal law.

(b) Greyhound racing kennels shall maintain records of the injuries and disposition of racing dogs.

(i) "Injuries" are those incurred while racing in the County, in official and schooling races.

Injury records shall include the following:

- (1) The greyhound's registered name, right and left ear tattoo numbers;
- (2) The owner, trainer and kennel operator's name and business address;
- (3) The color, weight, and sex of the greyhound;
- (4) Where the injury took place on a race track or other area;
- (5) The race track where the injury occurred, along with the distance, grade, race and post position when the injury occurred; the weather conditions, time, temperature, and track condition when the injury occurred; the specific type of injury, the cause of the injury, the estimated recovery time, and the location of injury on the greyhound.

All injury forms shall be completed and signed by the greyhound's owner, trainer or kennel operator. Whoever makes a false written statement on an injury form shall be punished according to Part 2 of this code.

(ii) The word "disposition" shall mean euthanasia, transfer to another race track, transfer to a breeding farm, adoption, or donation or sale for medical research or other purpose.

Disposition records shall include the following:

- (1) The greyhound's registered name, left and right ear tattoos, the name and business address of the greyhound's owner, trainer, and kennel operator at the time of disposition, and the name and address of the race track where the greyhound last raced prior to disposition;
- (2) If the greyhound has been transferred to another race track, the name and address of the race track that received the greyhound and the name and business address of the

person who received the greyhound on behalf of the receiving race track;

- (3) If the greyhound has been retired for breeding, the name and address of the facility that received the greyhound and the name and business address of the person who received the greyhound on behalf of the receiving facility;
- (4) If the greyhound has been adopted or placed for adoption, the name and address of the person or entity that received the greyhound and, if applicable, the name and business address of the person who received the greyhound on behalf of the adoption facility;
- (5) If the greyhound has been euthanized, the name, address, professional title and professional affiliation of the person performing the euthanasia, the manner of euthanasia, and a detailed statement of reasons why the greyhound was euthanized rather than adopted or placed for adoption;
- (6) If the greyhound has been sold or donated to an individual, corporation or entity, the name and address of the individual, corporation or entity purchasing or receiving the greyhound, the purpose for which the greyhound is being purchased or received, and the name and business address of the person who received the greyhound on behalf of the receiving individual, corporation or entity;
- (7) If the greyhound's disposition does not fit into any of the above categories, the owner, trainer or kennel operator must state, in detail, the greyhound's destination, the name and business address of the person who received the greyhound, and the specific purpose for which the greyhound has been received, sold, transferred or donated. All disposition forms shall be completed and signed by the greyhound's owner, trainer or kennel operator. Whoever makes a false written statement on a disposition form shall be punished according to Part 2 of this code.  
The Animal Services Department shall obtain and maintain greyhound injury and disposition records for a period of 7 years and such records shall be made readily available to the public upon oral or written request.

(Ord. No. § 5, 74-8, 10-29-74; SCC, § 4-12, 9-27-77; Ord. No. 2004-35, § 1, 9-1-04; Ord. No. 2016-26, § 2, 8-9-2016, eff. 3-1-2017)

*Footnotes:*

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**State Law reference**— *Similar provisions, § 828.12, F.S.*

Sec. 20.17. - Animals at-large prohibited; custody and confinement authorized.

- (a) It is unlawful for any animal owner to allow, either willfully or through failure to exercise due



care and control, the owner's animals to run at-large upon public property, unless the owner of such public property expressly authorizes such activity, or upon private property of others, including common areas of condominiums, cluster homes, planned unit developments, and community associations, without the consent of all affected owners, unless such private property owners authorize such activity by express consent.

- (b) All dogs must be under restraint by a leash when being walked off the dog owner's property. There is a rebuttable presumption that a dog is not under restraint or within the owner's direct control when the leash length exceeds eight (8) feet and in the presence of a domestic animal or person. Service animals are exempt from this part, Section 2017(b).
- (c) When any domestic animal is found at-large anywhere within the County, whether licensed or otherwise and whether owned or otherwise, such animal may be taken into custody by the Animal Control Official or other law enforcement officer to be impounded at the animal shelter and disposed as provided in Section 20.37 of this Code.
- (d) Seminole County is not liable for any injury of an animal that may occur while any Animal Control Official or employee or other law enforcement officer is trying to capture, transport, load, or unload any animal found at-large in violation of this Part. In the event an animal is injured, the Animal Control Official shall file a written report of the circumstances with the Chief Administrator for the Office of Emergency Management within one working day of such incident.

(Ord. No. 72-10, § 4, 12-19-72; Ord. No. 74-8, § 6, 10-29-74; SCC, § 4-13, 9-27-77; Ord. No. 84-19, § 8, 3-13-84; Ord. No. 93-12, § 5, 7-13-93; Ord. No. 2017-7, § 1, 3-14-2017; Ord. No. 2018-30, § 3, 9-25-2018)

#### Sec. 20.18. - Defecating.

- (a) *Private Property.* An animal owner shall promptly remove, and dispose of, in a sanitary manner, feces deposited by the animal on private property unless otherwise authorized by the property owner.
- (b) *Public property.* An animal owner shall promptly remove, and dispose of, in a sanitary manner, feces deposited by the animal on public property, which includes but is not limited to, sidewalks, easements, and recreation areas.

(Ord. No. 74-8, § 7, 10-29-74; Ord. No. 76-5, § 3, 2-17-76; SCC, § 4-14, 9-27-77; Ord. No. 84-19, § 9, 3-13-84; Ord. No. 2018-30, § 3, 9-25-2018)

#### Sec. 20.19. - Noisy animals.

It is unlawful for any animal owner to permit, either willfully or through failure to exercise due care and control, any animal, in a continuing or repeating manner greater than fifteen (15) minutes, to bark,

cry, howl, screech, squawk, scream, whine, or cause other objectionable noises that disturb the comfort, peace, quiet, or repose of any person residing in the vicinity. Upon the receipt of a documented and verified complaint from a law enforcement agency or a notarized affidavit from two (2) or more residents of Seminole County who reside in separate dwellings in the vicinity of the animal or incident, averring that a violation of this Section exists, the Animal Control Official will have reasonable cause to determine that a violation of this Section has occurred. The notarized affidavits must set forth the pertinent facts relating to the incident, including the times and dates of the animal's location on the property, the address or location of the owner of the animal as well as the complainants and a description of the animal. Properties with animals that are zoned agricultural or permitted by the Building Division to have a commercial kennel building are exempt from this Section 20.19.

(Ord. No. 74-8, § 7, 10-29-74; Ord. No. 76-5, § 3, 2-17-76; SCC, § 4-15, 9-27-77; Ord. No. 93-12, § 6, 7-13-93; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.20. - Damaging or destroying property; injuring persons or animals.

- (a) It is unlawful for any animal owner to permit, either willfully or through failure to exercise due care and control, any animal to damage, harm, or destroy the property or injure animal of another person without provocation.
- (b) Owners of dogs shall be liable for any damage done by their dogs to a person or domestic animal.
- (c) Proof of monetary expense, along with a notarized affidavit signed by one (1) or more of the witnesses will serve as evidence of a violation of this Section 20.20.

(SCC, § 4-16, 9-27-77; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.21. - Odors.

- (a) It is unlawful for any animal owner, either willfully or through failure to exercise due care and control, to maintain the owner's animal or the premises upon which such animal is maintained in such a manner as to emit such offensive odors that extend beyond the owner's property lot line and disturb the comfort, peace, or repose of any reasonable person residing in the vicinity.
- (b) Properties zoned for agricultural purposes with odors caused by livestock animals are exempt from this Section 20.21.

(Ord. No. 74-8, § 7, 10-29-74; Ord. No. 76-5, § 3, 2-17-76; SCC, § 4-17, 9-27-77; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.22. - Reserved.

**Editor's note**— Ord. No. 2018-30, § 3, adopted Sept. 25, 2018, repealed § 20.22, which pertained to bitches and female cats in heat and derived from Ord. No. 74-8, § 8, adopted Oct. 29, 1974; SCC, § 4-18, adopted Sept. 27, 1977.

Sec. 20.23. - Confinement of dangerous animals.

- (a) The owner of any dangerous animal shall confine such animal within a building, cage or other secure enclosure and shall not take such animal from the building, cage, or secure enclosure unless such animal is securely leashed, tethered, chained, muzzled, anesthetized, or otherwise restrained so as to protect persons and other animals. This Section does not apply to law enforcement or rescue animals actually engaged in law enforcement or rescue operations. Such animals of wild or exotic nature, so classified by the Florida Fish and Wildlife Conservation Commission as requiring specific pen or enclosure, must be caged in accordance with the Commission's regulations.
- (b) Any owner either intentionally or negligently violating this Section will be guilty of a misdemeanor and punished as provided by law.

(Ord. No. 72-10, § 5, 12-19-72; Ord. No. 74-8, § 9, 10-29-74; SCC, § 4-19, 9-27-77; Ord. No. 84-19, § 10, 3-13-84; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.24. - Disposition of a declared dangerous dog found at-large or in violation of Dangerous Dog Certificate of Registration.

If a declared dangerous dog is found at-large anywhere within the County, such dog will be taken into custody by the Animal Control Official or any other law enforcement officer to be impounded at the animal shelter and disposed of as follows:

- (a) The Animal Control Official shall notify the owner of such dog, by either certified mail, return receipt requested, or by hand delivery, of the animal's impoundment. The animal will be confined by the Animal Control Official for five (5) days from the date of hand delivery or the certified mail return receipt is received by the Animal Control Official. Within five (5) days, the owner must make a written claim to the Animal Control Official stating that the owner wants a hearing with the Animal Control Board. If the owner fails to provide a written claim, the dangerous dog will be euthanized in a humane manner.
- (b) If such dog is claimed in writing by its owner within five (5) days of notification, such dog will remain confined by the Animal Control Official at the animal shelter, or, at the owner's request and expense, at some other secure commercial kennel facility within Seminole County subject to the sole control of the Animal Control Official, pending a hearing before

the Animal Control Board to determine whether such dog is dangerous, to be returned to the owner, or humanely euthanized. Such hearing will be held not sooner than five (5) days nor later than twenty (20) days from the date upon which the owner of such dog claims it in writing. At the hearing, the animal owner or his representative and any other interested person may present any evidence relative to whether the dog was showing aggression, or caused any injury to another animal or person when the dog was at large. If the Animal Control Board determines that the declared dangerous dog did show aggression or caused injury to another animal or person while at large, the Animal Control Board shall enter an order requiring that the dangerous dog will be humanely euthanized or otherwise safely disposed of alive. Any order providing for the disposal of the dog alive, whether through release to the owner or otherwise, will be subject to such additional conditions as the Animal Control Board may impose, including a fine up to \$500.00.

- (c) Violation of any of the conditions imposed will constitute a violation of this Chapter and will be punished as such. In addition, any violation of any conditions on a declared dangerous dog will also be sufficient grounds for the Animal Control Official to obtain an additional pick up order from a court of competent jurisdiction. In such event, the Animal Control Board shall hold an additional hearing to determine further disposition of the animal. If the dog showed aggression but did not cause injury to another animal or person, the dog may only be euthanized in a humane manner upon a finding that no reasonable alternative other than the euthanization of the dog is sufficient to adequately protect the public. Any order that provides for the destruction of the dog must include a date before when the euthanization of the dog will not take place. All decisions of the Animal Control Board will be final and subject to review only by a court of competent jurisdiction upon petition of the owner. Orders of the Animal Control Board may be stayed pending court review only by court order or by the Animal Control Board upon payment by the owner of all impoundment, citations, and other fees incurred to the date specified and, in the event the dog is being confined at the animal shelter, advanced payment of such fees as would accrue in the succeeding six-month period. If court review should exceed six months, the owner will be required to pay, at the expiration of the initial six-month period, and every month thereafter, one month fees in advance. At the time the dog is released from the animal shelter by court order or euthanized in a humane manner or transferred to other secure quarters, as provided above, any excess fees will be refunded to the owner within thirty (30) days. The owner of such dog will be responsible for paying all impoundment and other fees incurred regardless of the final determination of the Animal Control Board or the court.
- (d) In a criminal proceeding under this Part, the Animal Control Board may, if requested, make

recommendations based on independent findings to a court of competent jurisdiction and upon a conviction by the jury, the judge having jurisdiction may order the dangerous dog euthanized in a humane fashion or otherwise safely disposed of alive.

(Ord. No. 72-10, § 6, 12-19-72; Ord. No. 74-8, § 10, 10-29-74, SCC, § 4-20, 9-27-77; Ord. No. 84-19, § 11, 3-13-84; Ord. No. 93-12, § 7, 7-13-93; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.25. - Disposal of dangerous animals not at-large.

- (a) Upon the written, sworn complaint of any person attesting that an animal has actually bitten, mauled, attacked, or otherwise injured any person or any animal, the County may take the animal into custody with the owner's consent, or may require that the owner confine the animal in a securely fenced or enclosed area. The County also may apply to a court of competent jurisdiction for an order permitting the pickup and impoundment of the animal. In entering its order, the court shall make a preliminary finding that probable cause exists to believe the animal to be dangerous under this Part and a threat to the public safety. If an animal has been taken into custody and quarantined pursuant to Section 20.37 of this Code, such animal must remain in the custody of the County until a determination has been made with regard to the dangerousness of the animal. The owner of the animal shall pay all costs of impounding the animal prior to release of the animal.
- (b) Once the animal is impounded pursuant to court order or after being quarantined, a determination of the animal's dangerousness will be made in accordance with the procedure set forth in Section 20.24(b), or Sections 20.26 and 20.27, if applicable, if the animal is a dog.
- (c) Nothing in this Section may be deemed to affect any criminal proceeding, nor will any determination or deliberation by the Animal Control Board be admissible in evidence in any criminal proceeding against the owner of an impounded animal.
- (d) The court in entering its impoundment order under this Section, may order impoundment at the animal shelter or, at the request and expense of the animal owner, may in its discretion require impoundment to be at some other secure quarters.

(Ord. No. 74-8, § 11, 10-29-74; SCC, § 4-21, 9-27-77; Ord. No. 84-19, § 12, 3-13-84; Ord. No. 93-12, § 8, 7-13-93; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.26. - Procedure for declaring dogs dangerous.

- (a) If a dog that the Animal Control Official believes may be dangerous is impounded by the Animal Control Official, the Animal Control Official shall investigate and determine if the dog is dangerous and if the dog should be euthanized in a humane manner or released upon conditions. If the Animal Control Official initially declares the dog as dangerous, the owner

may then file a written request for a hearing before the Animal Control Board to appeal the classification by the Animal Control Official within ten (10) business days after receipt of the written notice that the dog has been declared dangerous. If the owner has custody of the dog at this time, the owner must continue to confine the dog in a securely fenced or enclosed area pending a hearing and determination by the Animal Control Board. The dog may not be euthanized while the appeal is pending.

- (b) If the Animal Control Official declares the dog dangerous and permits the dog to be released with conditions, and if the owner does not appeal the Animal Control Official's designation, the owner must obtain a valid Dangerous Dog Certificate of Registration within thirty (30) days of the designation. Any outstanding citations and fees must be paid before an issuance of the Dangerous Dog Certificate of Registration and release of the dog.

(Ord. No. 93-12, § 9, 7-13-93; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.27. - Procedure for dangerous dog hearing.

- (a) If a dog owner appeals the decision of the Animal Control Official pursuant to Section 20.26, the Animal Control Board shall hold a hearing to decide if the initial dangerous dog designation should be upheld, with or without changes, or overturned and set aside. The hearing must be held not sooner than five (5) calendar days and not later than twenty (20) calendar days from the date upon which the owner of the dog claims the dog in writing. At the hearing, the dog owner, his representative, or any other interested person may present any evidence relevant to the initial dangerous dog determination. The charged infraction must be proven by a preponderance of the evidence.
- (b) The Animal Control Board shall hear and consider the evidence presented at the hearing and make a determination as to whether or not the dog meets the statutory definition of dangerous dog as incorporated in this Part. In making a determination, the Animal Control Board must make a finding as to whether or not the dog has inflicted a "severe injury".
- (c) If a dog is found by the Animal Control Board to have aggressively attacked and caused severe injury or death to any human, the dog must be found to be dangerous, held for ten business days after the owner is given written notification, and thereafter euthanized in a humane manner.
- (d) If a dog that has previously been declared dangerous by the Animal Control Board, Animal Control Official or another jurisdiction is found by the Animal Control Board to have attacked or bitten a person or a domestic animal without provocation, the dog must be held for ten business days after the owner is given written notification, and thereafter euthanized in a humane manner.

- (e) If the Animal Control Board determines that a dog is dangerous, but has never previously been declared dangerous and has not inflicted a severe injury, the Board shall enter an order that the dog be euthanized in a humane manner or be released upon conditions. If the Animal Control Board determines that the dog is dangerous and allows the dog to be released, the owner shall comply with Section 20.28 and obtain a valid Dangerous Dog Certificate of Registration prior to the dog being released. Any order providing for the dog's release to its owner or otherwise, will be subject to such conditions as the Animal Control Board may impose. Violation of any of the conditions imposed will constitute a violation of this Part and be punishable as such. Violation of any conditions will also be sufficient grounds for the Animal Control Official to obtain an additional pick up order from a court of competent jurisdiction. In such event, the Animal Control Board shall hold an additional hearing to determine further disposition of the dog.
- (f) Any order that provides for the destruction of a dog must include a date before when the destruction of the dog will not take place. All decisions of the Animal Control Board will be final and subject to review only by a court of competent jurisdiction upon petition of the owner. The destruction of a dog may be stayed pending court review only by court order or by the Animal Control Board, upon payment by the owner of all impoundment and other fees incurred to the date specified and, in the event the dog is being confined at the animal shelter, advanced payment of such fees as would accrue in the succeeding six-month period. If court review exceeds six (6) months, the owner will be required to pay, at the expiration of the initial six-month period, and every month thereafter, one (1) month fees in advance. At the time the dog is released from the animal shelter by court order or euthanized in a humane manner, any excess fees will be refunded to the owner within thirty (30) days of such release. The owner of the dog will be responsible for all impoundment and other fees incurred regardless of the final determination of the Animal Control Board or the court. The owner of the dog shall pay all costs of impounding and holding the dog, citations, and other fees prior to release of the dog.

(Ord. No. 93-12, § 10, 7-13-93; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.28. - Confinement of dogs declared dangerous by the Animal Control Official or Animal Control Board; Dangerous Dog Certificate of Registration requirements.

- (a) A dog that has been declared dangerous by the Animal Control Official or Animal Control Board must be kept securely confined in one of the following ways:
- (1) The dog may be securely confined inside the owner's residence behind locked doors.
  - (2)

The dog may be securely confined inside a pen constructed on the owner's property according to the following specifications:

- (A) The floor must consist of a concrete pad, no less than four feet by eight feet (32 square feet).
  - (B) The sides must consist of chain link at least six feet in height.
  - (C) The top must be enclosed and provide adequate shade and protection from the elements along with an additional shelter of three (3) sides and a top, such as a dog house inside the pen.
  - (D) The structure must have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure.
  - (E) The gate must be lockable and remain locked when the dog is penned and must be suitable to prevent the entry of young children and designed to prevent the dog from escaping.
  - (F) Before the release of the dog from the Animal Control Official, the pen must be completed and inspected by the Animal Control Official. The owner will have the sole responsibility to contact the Animal Control Official to arrange for the inspection.
- (b) Additional requirements:
- (1) The dog must be kept in the locked pen or inside the owner's residence when the owner is not present on the property.
  - (2) The dog must not be let outside the residence or pen unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. No tethering is permitted. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration. The muzzle must prevent the dog from biting any person or animal. The owner may exercise the dog in a securely fenced or enclosed area without a muzzle or leash if the dog remains within sight of the owner and only members of the owner's immediate household or persons eighteen (18) years of age or older are allowed in the enclosure when the dog is present on property owned by the dog owner or has written consent of the property owner. The dog must not be brought to a dog park or any commercial establishment other than a veterinary office or other medical facility where the dog is being treated.
  - (3) The premises at which the dog is located must be posted by the owner with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a "dangerous dog" on the property.
- (c) Prior to release to the owner, the owner shall show proof that the dog meets the following requirements:



- (1) Current rabies vaccination.
  - (2) Current Seminole County Animal License.
  - (3) Dangerous Dog Certificate of Registration is paid.
- (d) The owner shall immediately notify the Seminole County Animal Control Official if the dog:
- (1) Is loose or unconfined.
  - (2) Has bitten a human being or attacked another animal.
  - (3) Is sold, given away or dies.
  - (4) Is moved to another address.
- (e) Prior to the dog being sold or given away, the owner shall provide the name, address and telephone number of the new owner to the Animal Control Official to confirm the new owner understands and complies with the Dangerous Dog Certificate of Registration requirements. If the dog is to leave Seminole County, written notification must be made to the jurisdiction's animal control offices by Seminole County Animal Services.
- (f) When being transported, the owner shall ensure the dog is safely and securely restrained within a motor vehicle or trailer.
- (g) Failure to renew the annual Dangerous Dog Certificate of Registration within thirty (30) days of the anniversary date that the declaration letter was signed will violate the certificate and a hearing with the Animal Control Board will be held to determine if the certificate will be revoked.

(Ord. No. 93-12, § 11, 7-13-93; Ord. No. 2018-30, § 3, 9-25-2018)

#### Sec. 20.29. - Reporting animal bites.

It shall be the duty of every attending practitioner licensed to practice medicine, osteopathic medicine, or veterinary medicine or any other person knowing of or in attendance on a case to promptly report to the Seminole County Health Department every instance in which a person is bitten by an animal.

(Ord. No. 74-8, § 25, 10-29-74; SCC, § 4-22, 9-27-77; Ord. No. 84-19, § 13, 3-13-84; Ord. No. 93-12, § 9, 7-13-93)

#### Sec. 20.30. - Capture, impoundment, and other procedures for animals that bite people.

- (a) Any rabies susceptible animal that is reported to have bitten a person must be captured alive, if possible, or taken into custody pursuant to Section 20.25 of this Code. If the animal is subject to the jurisdiction of the State of Florida, it must be placed under the surveillance of the Seminole County Health Department or their authorized representative and must be handled pursuant to state law and Department of Health and Rehabilitative Services rules and

regulations. If not subject to state jurisdiction, such animal must be impounded and quarantined by the Animal Control Official while the applicable procedures are followed to determine whether the animal is dangerous or aggressive.

- (b) In the event the animal is killed, the Animal Control Official shall file a report of the conditions and reasons for killing the animal with the Chief Administrator for the Office of Emergency Management within ten (10) days of such killing.
- (c) If the animal is deemed unowned pursuant to Section 20.37 of this Code, it must either be quarantined for a period of time necessary to determine if it has rabies, or be immediately destroyed in a humane fashion, and its head detached without mutilation. The head must immediately be submitted to the nearest Department of Health and Rehabilitative Services Virus Laboratory.
- (d) If the animal is claimed by its owner pursuant to Section 20.37(c) of this Code the animal must not be released until it has been quarantined for a period of ten (10) days or such longer period as the Animal Control Official determines is necessary to determine the presence of rabies. In the event there is no licensed vaccine available for the species of animal being held and the necessary incubation period would, in the opinion of the Animal Control Official, unnecessarily jeopardize the health or life of the bite victim, then the animal must be immediately euthanized in a humane manner and the head must immediately be submitted to the nearest Department of Health and Rehabilitative Services Virus Laboratory. If, at any time during the period the animal is impounded, it is determined by the Animal Control Official that the animal has rabies, the animal must immediately be euthanized in a humane manner. The owner must be notified of the provisions of this Section at the time the animal is claimed. Failure to provide this notice will not impose any civil or criminal liability upon Seminole County, its agents, or employees.

(Ord. No. 74-8, § 25, 10-29-74; SCC, § 4-23, 9-27-77; Ord. No. 84-19, § 14, 3-13-84; Ord. No. 93-12, §§ 9, 12, 7-13-93; Ord. No. 2018-30, § 3, 9-25-2018)

#### Sec. 20.31. - Aggressive dogs.

- (a) As attested to by a witness in a sworn affidavit along with any additional evidence, after investigation, the Animal Control Official may declare a dog aggressive that:
  - (1) Causes injury to a human without being provoked and not under restraint; or
  - (2) Causes injury to a domestic animal without being provoked and not under restraint.
- (b) A letter of the "aggressive dog declaration" will be sent or given to the owner with notification. The owner will have thirty (30) days from receipt of the notice to obtain an aggressive dog certificate from Seminole County Animal Services, or

- (c) A written request for appeal from the owner must be delivered to the Chief Administrator of Seminole County Emergency Management within fourteen (14) calendar days after a dog has been classified aggressive for the case to be reviewed. The Chief Administrator will review the case and make a final determination within thirty (30) days of receiving the appeal request.
- (d) The owner of the aggressive dog shall comply with the following requirement and responsibilities to be able to obtain and maintain an aggressive dog certificate:
  - (1) The owner shall provide the Animal Services Division with two (2) color photographs of the dog (front view and side view) that clearly identify the dog.
  - (2) The dog must not be relocated or have a transfer of ownership without notifying the Animal Control Official.
  - (3) Dogs classified as "aggressive" must not be brought to a dog park.
  - (4) Dogs classified as "aggressive" must not be brought to any commercial establishment other than a veterinary office or other medical facility where the dog is being treated.
  - (5) The owner shall register the dog as aggressive with the Animal Services Division, and obtain an aggressive dog certificate, which must be renewed annually after the initial two (2) years.
  - (6) The owner must ensure that the dog, while on the owner's property, is securely confined indoors or in a securely fenced or enclosed area from which the dog may not escape (over, under, or through the fence). The dog must be muzzled, leashed, and under restraint of a person capable of controlling the dog whenever the dog is not within such securely fenced or enclosed area or within the passenger portion of a vehicle. Tethering of a declared aggressive dog is not permitted.
  - (7) The owner must maintain a current rabies vaccination and animal license for the dog.

(Ord. No. 2018-30, § 3, 9-25-2018)

Secs. 20.32—20.35. - Reserved.

Sec. 20.36. - Disposition of dead animals; required; procedure.

When any animal dies on public or private property, it will be the responsibility of the owner of such animal or the owner of such private property to remove and dispose of such animal immediately. If the owner is not aware of such animal's presence, the following procedures apply:

- (a) When any dead animal is found upon public property, the owner of such animal shall remove and dispose of the animal, upon notification by the Animal Control Official or any other law enforcement officer, so as not to constitute a nuisance. If the owner of such

animal fails to do so within a reasonable time, the County shall remove and dispose of such animal and charge the cost of removal and disposal to the owner of the animal if the owner is known.

- (b) When any dead animal is found upon private property, the owner of such animal or the owner of such property shall remove and dispose of the animal, upon notification by the Animal Control Official or any other law enforcement officer, so as not to constitute a nuisance. If the owner of such animal or the owner of such property fails to do so within a reasonable time, the County shall remove and dispose of the animal and charge the cost of said removal and disposal to the owner of the animal if the owner is known, and if the owner is not known, then to the owner of the property.

(Ord. No. 74-8, § 28, 10-29-74; SCC, § 4-24, 9-27-77; Ord. No. 84-19, § 15, 3-13-84; Ord. No. 93-12, § 9, 7-13-93; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.37. - Impounding, disposing of, and redeeming animals.

- (a) When any rabies-susceptible animal is found without a current tag, or when any animal is found in violation of any provision of this Part, the Animal Control Official or any other law enforcement officer may take such animal into custody to be impounded at the animal shelter and disposed of as follows:
  - (1) Where such animal bears no indicia of ownership, the animal must be confined by the Animal Control Official for five (5) days from the date the animal is taken into custody. At the expiration of the five (5) days, if no owner has appeared to claim the animal, the animal will be deemed unowned and euthanized in a humane fashion or otherwise disposed of alive.
  - (2) Where such animal bears an indicia of ownership, the Animal Control Official shall notify the owner of the animal by certified mail, return notification requested, email and telephone, if known, of the animal's impoundment. The Animal Control Official shall confine the animal for five (5) days from the date of certified mail delivery or last documented delivery attempt. At the expiration of the five (5) days, if no owner has appeared to claim the animal, the animal will be deemed unowned and euthanized in a humane fashion or otherwise disposed of alive.
- (b) Live animals may not be disposed of to any medical school, college, university, person, firm, association, or corporation, for experimentation or vivisection purposes, or to any person providing, selling, or supplying dogs and cats and other animals to any medical school, college, university, person, firm, association or corporation for experimentation or vivisection purposes.

(1) Live animals that, in the personal discretion of the Animal Control Official, or a licensed veterinarian, are ill or injured so seriously that medical treatment would needlessly prolong the animal's life, may be euthanized in a humane manner.

(c) Animals will be released to owners only upon presentation of proof of ownership and after proper rabies inoculation, licensing, and payment of impounding fees, unpaid citations issued over thirty (30) days, and such other fees as the Board of County Commissioners may establish from time to time by resolution.

(d) At the discretion of the Animal Control Official, animals may be disposed of by adoption, under conditions specified by the Animal Control Official. These animals may be adopted by agreement in writing to the conditions of adoption and payment of such fees as may be established by resolution of the Board of County Commissioners. The conditions and cost of adoptions must be prominently displayed at the animal shelter.

(Ord. No. 74-8, § 23, 10-29-74; Ord. No. 76-13, § 4, 6-15-76; Ord. No. 80-45, § 1, 9-30-80; SCC, § 4-26, 9-27-77; Ord. No. 84-19, § 17, 3-13-84; Ord. No. 93-12, § 9, 7-13-93; Ord. No. 2018-30, § 3, 9-25-2018)

#### Sec. 20.38. - Animals exempt from Part.

(a) The licensing provision of this Part do not apply to animals used as part of non-greyhound racing entertainment acts when properly controlled, to animals remaining in the County for a period of less than thirty (30) days, to livestock, or to purebreds kept, maintained, or brought into the County for the purpose of training, except that nothing in this Section prohibits the demand for proof of vaccination done in another state. Failure to provide such proof upon demand will require such animal to be vaccinated under the provisions of Section 20.51 of this Code upon order of the Animal Control Official.

(b) During legally declared hunting seasons, as they may be designated from year to year by the Florida Game and Fresh Water Fish Commission or the Legislature, hunting dogs will be exempt from the terms of Section 20.17 of this Code when engaged in a hunt or at-large as a result of a hunt.

(Ord. No. 74-8, § 26, 10-29-74; SCC, § 4-27, 9-27-77; Ord. No. 84-19, § 18, 3-13-84; Ord. No. 93-12, § 9, 7-13-93; Ord. No. 2016-26, § 3, 8-9-2016, eff. 3-1-2017; Ord. No. 2018-30, § 3, 9-25-2018)

#### Sec. 20.39. - Use of a fixed-point restraining device.

(a) A fixed-point restraining device is hereby defined as a trolley system, chain, cord, leash, cable, or similar device which is attached to one or more fixed points to include, without limitation, a house, tree, fence, post, garage or shed, used to confine a dog or cat to the owner's property and designed to be used for such purposes. The device shall be a minimum length of ten feet

in length and shall be no longer than what is necessary to keep such dog or cat confined to the owner's property.

- (b) A fixed-point restraining device shall not be used to confine a dog or cat outdoors between the hours of 9:00 a.m. and 5:00 p.m., except as provided herein. A dog or cat may be attached to a fixed-point restraining device for a period of time not to exceed one hour per day, and shall be directly supervised and accompanied by the owner outside for the duration of the time the dog or cat is attached to the fixed-point restraining device.
- (c) The use of a fixed-point restraining device between 5:00 p.m. and 9:00 a.m. may be allowed as provided herein.
  - (1) The fixed-point restraining device shall be a minimum of ten feet in length and shall be placed in a location which keeps such dog or cat confined exclusively to the owner's property.
  - (2) The fixed-point restraining device shall be used in conjunction with an appropriate collar or harness designed for use with the specific size of dog or cat. Pinch, choke and/or pronged type collars shall not be used when restraining a dog or cat in this manner.
  - (3) The fixed-point restraining device shall be placed in a manner as to prevent injury, strangulation or entanglement.
  - (4) If there are multiple dogs or cats, each shall be confined separately and in such a manner the fixed-point restraining device shall not become entangled with each other.
- (d) It shall be unlawful to use a fixed-point restraining device to confine any dog or cat under the age of six months.
- (e) During any time of severe weather, the use of a fixed-point restraining device to secure a dog or cat onto the owner's property is strictly prohibited. This includes, but is not limited to, lightning storms, tornado warnings, hurricane warnings, heat index above 90 degrees Fahrenheit, temperatures below 32 degrees Fahrenheit.

(Ord. No. 2011-7, § 1, 3-22-2011)

Secs. 20.40—20.50. - Reserved.

## ARTICLE II. - RABIES-SUSCEPTIBLE ANIMALS

Sec. 20.51. - Vaccination required.

- (a) It is unlawful for the owner of any rabies-susceptible animal, for which a licensed vaccine is available, to fail to have the rabies-susceptible animal vaccinated against rabies by a licensed

veterinarian of his choice as provided in subsection (d).

- (b) Evidence of vaccination will consist of a County certificate signed by the licensed veterinarian administering the vaccine. The certificate in triplicate must show the date and type of vaccination, the name and address of the owner, the year and serial number of the animal's required tag, the breed, age, color and sex of the animal, and any other pertinent data for proper identification of the animal. One copy of the certificate must be provided to the owner, one copy filed with the Animal Control Official, and one copy retained by the veterinarian administering the vaccine. For their services provided in the handling of these certificates, veterinarians may be allowed to retain such portion of the certificate fee as shall be established by the Board of County Commissioners by duly adopted resolution.
- (c) No rabies-susceptible animal need be vaccinated for rabies where a licensed veterinarian has examined the rabies-susceptible animal and certified that vaccination would endanger the animal's health at that time because of its age, infirmity, debility, or other physiological consideration, and such certificate is presented to the enforcing agency within five days of such examination. Such certificate will not be valid for more than twelve (12) months from the date of issuance.
- (d) All rabies-susceptible animals must be vaccinated with a modified live virus, rabies vaccine, inactivated rabies vaccine or other vaccine that may be developed and licensed by the U. S. Department of Agriculture.

(Ord. No. 74-8, § 13, 10-29-74; SCC, § 4-39, 9-27-77; Ord. No. 84-19, § 19, 3-13-84; Ord. No. 2018-30, § 3, 9-25-2018)

#### Sec. 20.52. - License tag required.

Every person owning, keeping, harboring, caretaking or controlling any rabies-susceptible animal within the County, or bringing any rabies-susceptible animal, except livestock, into the County, shall register such rabies-susceptible animal, except livestock, with the Animal Control Official and obtain a license tag number within thirty (30) days of bringing such animal into the County.

(Ord. No. 74-8, § 14, 10-29-74; SCC, § 4-40, 9-27-77; Ord. No. 84-19, § 20, 3-13-84; Ord. No. 2018-30, § 3, 9-25-2018)

#### Sec. 20.53. - Prerequisites to license issuance.

As a prerequisite to the issuance of a license tag for any rabies-susceptible animal, the Animal Control Official shall require satisfactory proof that such animal has been inoculated against rabies by a licensed veterinarian. The inoculation must be certified valid through the period from date of sale to expiration of the tag. The certificate of a licensed veterinarian will be accepted as conclusive evidence to the fact and

time of such inoculation. A certificate of a licensed veterinarian certifying that inoculation for rabies would endanger the health of the particular animal as provided by Section 20.51 of this Code will be accepted for the issuance of a license tag.

(Ord. No. 74-8, § 15, 10-29-74; SCC, § 4-41, 9-27-77; Ord. No. 84-19, § 21, 3-13-84; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.54. - Duration of tag; issuance generally.

Upon payment of all required fees and receipt of a certificate from a licensed veterinarian that the animal has been inoculated against rabies, a license tag may be issued for rabies susceptible animals. The license may be issued on the same day as the rabies inoculation is given, but must be applied for within ten days in order for a license to be issued by the Animal Control Official. A license will be valid for twelve (12) months after the date of inoculation and will automatically expire on that date.

(Ord. No. 74-8, § 16, 10-29-74; SCC, § 4-42, 9-27-77; Ord. No. 86-1, § 1, 1-7-86; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.55. - Cost of license tag.

- (a) License tags for rabies-susceptible animals will be issued after payment of the license fee as may be established by the Board of County Commissioners.
- (b) If such a tag is lost or damaged, the owner may secure a duplicate by presenting a copy of the certificate of vaccination to the Animal Control Official and by making payment of such fee as may be established by the Board of County Commissioners by duly adopted resolution.
- (c) Licensed veterinarians may issue animal license tags under direction of the Animal Control Official. If a licensed veterinarian elects not to issue animal license tags on the date of inoculation, the veterinarian shall provide the animal owner with an envelope provided by the Animal Control Official that instructs the owner on how to otherwise apply for an animal license tag.

(Ord. No. 74-8, § 17, 10-29-74; SCC, § 4-43, 9-27-77; Ord. No. 84-19, § 22, 3-13-84; Ord. No. 86-1, § 2, 1-7-86; Ord. No. 93-12, § 13, 7-13-93; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.56. - Information to be on tag.

All license tags for a rabies-susceptible animal must have a number and show the issue year of the tag.

(SCC, § 4-44, 9-27-77; Ord. No. 2018-30, § 3, 9-25-2018)



Sec. 20.57. - Animal to wear tag.

The required license tag must be worn by the rabies-susceptible animal at all times unless a licensed veterinarian or the Animal Control Official certifies that the wearing of such a tag is impossible, impractical, or dangerous to the particular type of animal involved.

(SCC, § 4-45, 9-27-77; Ord. No. 84-19, § 23, 3-13-84; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.58. - Impoundment, quarantine, and other procedures when an animal is suspected of having rabies.

- (a) Any rabies-susceptible animal suspected of having rabies must be impounded at the owner's expense at a place designated by the Seminole County Health Department, or, if the State of Florida lacks jurisdiction over the incident, the Animal Control Official, or placed at the animal owner's expense in the custody of a licensed veterinarian for ten days or longer period as determined by those officials. The period of impoundment must be based on the incubation period for rabies in the species of animal concerned.
- (b) Any rabies-susceptible animal bitten by a known rabid animal must be placed under the surveillance of the Seminole County Health Department, or their authorized representative, and must be handled pursuant to state law and Department of Health and Rehabilitative Services rules and regulations.
- (c) Any person who fails to surrender any animal that is unvaccinated for rabies for quarantine as required in this Code, when demand is made for the animal by the Seminole County Health Department or Animal Control Official, will be guilty of a misdemeanor and punished as provided for by law.

(Ord. No. 74-8, § 24, 10-29-74; SCC, § 4-46, 9-27-77; Ord. No. 84-19, § 24, 3-13-84; Ord. No. 2018-30, § 3, 9-25-2018)

Secs. 20.59—20.70. - Reserved.

ARTICLE III. - KENNELS

Sec. 20.71. - Commercial license required.

It is unlawful for any person owning or operating a commercial kennel within the County to fail to register such kennel with the Animal Control Official and obtain a license.

(Ord. No. 74-8, § 18, 10-29-74; SCC, § 4-58, 9-27-77; Ord. No. 84-19, § 25, 3-13-84; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.72. - Cost of license; issuance generally.

- (a) Licenses for commercial kennels shall be issued after payment of such license fee as shall be established by duly adopted resolution of the Board of County Commissioners. If the license is not secured within 60 days after the kennel becomes subject to these licensing provisions, or within 60 days after the expiration date of the prior licensing period, such penalty fee as shall be established by duly adopted resolution of the Board of County Commissioners shall be added to the cost of the license.
- (b) The fee for any license issued to a kennel first becoming subject to the licensing provisions after March 31st of any calendar year shall be one-half of the full fee for that year.
- (c) If a license is lost or damaged, the kennel may secure a duplicate by making payment of such fee as shall be established by duly adopted resolution of the Board of County Commissioners.

(SCC, § 4-59, 9-27-77)

Sec. 20.73. - Duration of license.

A license for commercial kennels shall be issued for each fiscal year beginning October first and ending September thirtieth upon a payment of the proper fee.

(Ord. No. 74-8, § 20, 10-29-74; SCC, § 4-60, 9-27-77)

Sec. 20.74. - Contents of license.

All licenses for commercial kennels shall have a number and show their expiration date.

(SCC, § 4-61, 9-27-77)

Sec. 20.75. - Display and inspection of license.

The license required by this Part shall be prominently displayed in the kennel's premises and be readily available for public inspection.

(SCC, § 4-62, 9-27-77)

Sec. 20.76. - Care of animals in licensed kennel.

- (a) Every person owning and operating a commercial kennel within the County shall properly feed and care for all animals in their custody. The premises of such kennel will be periodically inspected during reasonable business hours by the Animal Control Official who will issue a notice of violation if any kennel is found in violation of any requirement of this Part. Such premises will be reinspected within three days after issuance of such notice of violation.
- (b) The failure to correct such violation after notice is unlawful and the Animal Control Official is authorized to close the kennel, revoke kennel owner's license, file a complaint with the State Attorney's Office or take any combination of these actions. No new license will be issued to the owners of the kennel for a period of three (3) years, unless found not guilty on all charges filed by the State Attorney or the kennel owner's restriction is waived by the Animal Control Official upon a showing of rehabilitation by the applicant. The Animal Control Official may place such conditions on the issuance of such a license as he or she deems necessary to protect the public interest.

(Ord. No. 74-8, § 19, 10-29-74; SCC, § 4-63, 9-27-77; Ord. No. 84-19, § 26, 3-13-84; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.77. - Noncommercial kennels.

Noncommercial kennels shall be exempt from the licensing requirements of this Part; provided, it shall be unlawful for the owner or operator of any noncommercial kennel to allow said kennel to become a nuisance or to emit such offensive odors or noises as shall disrupt the comfort, peace, quiet or repose of any person residing in the vicinity of said kennel.

(Ord. No. 74-8, § 22, 10-29-74; SCC, § 4-64, 9-27-77)

Secs. 20.78—20.80. - Reserved.

ARTICLE IV. - CARE AND HOUSING OF ANIMALS

Sec. 20.81. - Applicability.

Every person, within the County of Seminole, who owns any animal or who owns, conducts, manages or operates any animal establishment for which a license is required by this Part, shall comply with the following Sections, if applicable.

(Ord. No. 84-19, § 27, 3-13-84)

#### Sec. 20.82. - Housing

- (a) Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain, and to restrict the entrance of other animals.
- (b) Any bedding utilized shall be clean and dry. All animal rooms, cages, kennels, shipping containers, and runs shall be of sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept within.
- (c) Cages. All cages, are to be constructed of a nonabsorbent porous material. All cages, except bird cages, shall have floors of either solid construction or woven or wire mesh construction or any combination thereof. Cages having woven or wire mesh floors may be used to confine animals provided that the spaces between the wire mesh or weave are smaller than the pads of the feet of the animals confined therein. Cages having wire construction shall be constructed of wire which is of sufficient thickness so as to preclude injury to the animals confined therein. Cages shall be of sufficient height to permit every animal confined therein to stand, turn and to lie down flat. No cages shall be enclosed entirely by solid walls. Stacked cages shall have solid floors.
- (d) Separation of animals by Species. Animals, except fish, of different species may not be confined or displayed in the same cage. All animals which are natural enemies, temperamentally unsuited, or otherwise incompatible shall not be quartered together or so near each other as to cause injury, fear or torment. If two or more animals are so trained or inclined by nature that they can be placed together and do not attack each other or perform or attempt any hostile act to the others, such animals shall be deemed not to be natural enemies and shall not be required to be kept in separate runs or accommodations or otherwise segregated.
- (e) Ventilation and Lighting. All areas in which animals are confined shall be connected to an outside ventilating system or some other appropriate means of ventilation and air filtration shall be provided. The area shall be illuminated during the daylight hours but not directly into cages.
- (f) Whenever an animal is left unattended at a commercial animal facility, the name and telephone number of the responsible person shall be posted in a conspicuous place at the

front of the property, visible from outside the facility.

(Ord. No. 84-19, § 27, 3-13-84)

Sec. 20.83. - Standards for care.

- (a) Every licensed facility shall keep a permanent record of the deaths of any warm-blooded animals, excluding rodents, under its control. Such record must state species of the deceased animal and the date and the cause of death, if known. These records must be open to inspection by the Animal Control Official.
- (b) Disease or illness. Any animal which exhibits symptoms of disease or illness must be separated to the greatest extent possible from other healthy animals. No animal that is known to have, or may reasonably be suspected of having, a disease contagious or communicable to humans may be exposed to or offered for sale to the public.
- (c) Drinking Water. Fresh water must be continuously available to all animals and replaced whenever necessary during each day, including Sundays and Holidays.
- (d) Feeding. All animals requiring the daily intake of food must be fed at least once every 24-hour period, including Sundays and Holidays. The type of food provided must be appropriate for each particular species and must be of sufficient nutritive content for the health and well-being of the species.
- (e) Sanitation. All areas of confinement, display and sales and storage areas must be maintained in a healthful and sanitary condition. These areas must be cleaned and disinfected regularly as conditions warrant. Feed and water dishes must be emptied and cleaned at least once daily, including Sundays and Holidays.
- (f) Treatment. All animals exhibiting symptoms of illness or disease must be treated by a licensed veterinarian. If required, diseased animals must be euthanized in a humane manner under the supervision of a licensed veterinarian or Animal Control Official.
- (g) No animal may be transported by private or public means in an open vehicle, unless housed in a container designed for that purpose including provisions for adequate ventilation and food and water. The container must have an open grill at one end, have a solid top and bottom, and have a minimum of fifteen percent (15%) of the total accumulated side and end area incorporate an open grill for air circulation.
- (h) Every licensed facility shall keep on record a medical statement from or notation of consultation with a licensed veterinarian, if for any reason an animal in its care would need to be exempted from any requirement of this Section.

(Ord. No. 84-19, § 27, 3-13-84; Ord No. 86-1, § 3, 1-7-86; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.84. - Special provisions for dogs and cats.

- (a) Dogs which have been weaned shall be taken from cages and allowed to exercise at least three times per day, including Sundays and Holidays.
- (b) Dogs and cats under six months of age shall be fed at least twice each 24 hours, including Sundays and Holidays.
- (c) Cats, if crated, shall have a minimum area of floor space 576 square inches, and a height of 24 inches and the crate shall contain a litter pan. Replacement crates and new crates shall have 672 square inches of floor area.

(Ord. No. 84-19, § 27, 3-13-84)

Sec. 20.85. - Special provision for simians.

All cages in which simians are confined shall be at least twice the height of the tallest simian confined therein.

(Ord. No. 84-19, § 27, 3-13-84)

Sec. 20.86. - Special provision for birds.

- (a) Each bird cage shall contain at least two horizontal perches and provide sufficient perch space for every bird confined therein. Perches shall not be aligned vertically.
- (b) In addition to birdseed and water, each bird cage shall contain an amount of fresh gravel needed for digestion sufficient for the number of birds confined therein.
- (c) Parrots and other large birds shall not be confined in a cage with smaller birds, or in a cage smaller than their wing span.

(Ord. No. 84-19, § 27, 3-13-84)

Secs. 20.87—20.100. - Reserved.

ARTICLE V. - TRUST FUND

Sec. 20.101. - Creation of fund; acceptance, investment, use and expenditure of gifts, grants and awards to animal control.

- (a) The Trust Fund Account may accept and disburse gifts, grants and awards made to Seminole County Animal Control.

- (b) The Trust Fund Account is to be self-perpetuating from year to year unless abolished by the Board of County Commissioners.
- (c) The Trust Fund Account shall be for the use of Seminole County Animal Control.
- (d) Said gifts, grants and awards received from public and private donors shall be deposited in the Animal Control Trust Fund Account herein created, and shall at all times be kept separate and apart from the general funds of such that they will inure to the use and benefit of the Animal Control Division from time to time and from year to year.
- (e) Gifts, grants and awards not immediately used may be invested and reinvested to earn interest for increment in such investments and securities as may be permitted by law.
- (f) The Board of County Commissioners shall in its discretion determine a suitable bank or other repository for said funds, and shall approve same by resolution.
- (g) Funds not expended at the close of any fiscal year shall be carried forward into the next year.
- (h) Gifts, grants and awards to the said Animal Control Trust Fund Account shall be received by Seminole County Animal Control, and delivered to the Seminole County Clerk of the Circuit Court, who shall deposit them as determined by subsection (f) of this Section. Said gifts, grants and awards shall be expended by the Clerk only upon receipt of a resolution duly adopted by the Seminole County Board of County Commissioners.
- (i) Any gifts, grants or awards received subject to a condition shall be expended strictly in accordance with such condition.
- (j) The books and records of the said Animal Control Trust Fund Account shall at all times be open to public inspection; and shall be subject to county and state audit as required by law.

(Ord. No. 84-19, § 28, 3-13-84)

Secs. 20.102—20.130. - Reserved.

## PART 2. - ENFORCEMENT OF ANIMAL CONTROL ORDINANCE

### *Footnotes:*

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**State Law reference**— *Ch. 84-531, Laws of Florida, 5-30-84.*

## ARTICLE I. - CITATION ISSUANCE

Sec. 20.131. - Authorization to designate enforcement officers.

The Board of County Commissioners of Seminole County, Florida is hereby authorized to designate certain of its employees in the Animal Control Division, or its successor in function, as Enforcement Officers. The training and qualifications of the employees for such designation shall be determined by the Board of County Commissioners by Resolution.

(Ord. No. 84-64, § 1, 11-13-84)

Sec. 20.132. - Duty of enforcement officer.

It shall be the duty of any person designated as an Enforcement Officer to enforce the Seminole County Animal Control Ordinance (Chapter 20, Seminole County Code or its successor), as adopted and from time to time amended by the Board of County Commissioners of Seminole County.

(Ord. No. 84-64, § 2, 11-13-84)

Sec. 20.133. - Persons authorized to issue citations.

An Enforcement Officer hereunder or any law enforcement officer as defined in Section 943.10(1), Florida Statutes, or its successor, is hereby authorized to issue citations for the violation of the Animal Control Ordinance, when, based upon personal investigation, the officer has reasonable and probable grounds to believe that a violation of the ordinance has occurred.

(Ord. No. 84-64, § 3, 11-13-84)

Sec. 20.134. - Citation form.

The Animal Control Officer or a sworn law enforcement officer as defined in Section 943.10(1), Florida Statutes, as may be amended, shall issue a citation either in person, by certified mail, or by conspicuous posting upon a dwelling, when the officer has probable cause to believe that the person has committed a civil infraction in violation of this article and that the county court will hear the charge. The citation must contain:

- (1) the date and time of issuance,
- (2) the name and address of the person,
- (3) the date and time the civil infraction was committed,
- (4) the facts constituting probable cause,
- (5) the ordinance violated,
- (6) the name and authority of the officer,
- (7) the procedure for the person to follow in order to pay the civil penalty or to contest the



citation, or to appear in court,

- (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 will 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,
- (11) a conspicuous statement that a person required to appear in court as ordered does not have the option of paying a fine in lieu of appearing in court.

(Ord. No. 2018-30, § 3, 9-25-2018)

**Editor's note**— Prior to reenactment by Ord. No. 2018-30, Ord. No. 2018-8, § 1, adopted Feb. 27, 2018, repealed § 20.134, which pertained to citation form and derived from Ord. No. 84-64, § 4 and Ex. A, adopted Nov. 13, 1984.

Sec. 20.135. - Options of persons cited.

- (a) Any person cited for violation of the Animal Control Ordinance will be deemed to be charged with a noncriminal infraction.
- (b) Any person cited for an infraction for the first or second offense under this Section may:
  - (1) Post a bond in an amount equal to the applicable civil penalty as provided for under Section 20.137 of this Code; or
  - (2) Sign and accept a citation and pay the fine within thirty (30) days.
  - (3) Sign and accept a citation then request a hearing in County Court within thirty (30) days.
- (c) Any person who willfully refuses to post a bond or accept and sign the citation will be in violation of this ordinance and will be punished in accordance with Section 125.69, Florida Statutes (2018), as this statute may be amended from time to time.
- (d) Any person cited with a first or second violation of the Seminole County Animal Control Ordinance will have the following options:
  - (1) The person may pay the civil penalty established herein within ten (10) days of the date of receiving the citation; or
  - (2) If the person has posted bond, the person may forfeit bond by not appearing at the designated time and location.
  - (3)

If the person cited follows either of the above procedures, the person will be deemed to have admitted the infraction and to have waived the right to a hearing on the issue of commission of the infraction.

- (e) Any person electing to appear or who is required to so appear will be deemed to have waived his right to the civil penalty and if found guilty, may be fined up to \$500.00.
- (f) Any person cited with a third offense violation of the same section of the Seminole County Animal Control Ordinance within three (3) years will receive a Notice to Appear from the Clerk of Court. Persons required to appear in court do not have the option of paying the fine instead of appearing in court.

(Ord. No. 84-64, § 5, 11-13-84; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.136. - Violations; issuance of citations; mandatory court appearance.

- (a) Noncriminal infractions of the Animal Control Ordinance for which citations may be issued include but are not limited to:
  - (1) Unlawful interference with any Animal Control Official or his or her employee in the performance of their duties. (Section 20.10, SCC)
  - (2) Animals at large. (Section 20.17, SCC)
  - (3) Animals that defecate on private or public property. (Section 20.18, SCC)
  - (4) Animals that repeatedly or excessively bark, cry, howl, whine, or cause other objectionable noises which disturb the comfort, peace, quiet or repose of any person residing in the vicinity excluding property classified as Agricultural by the Seminole County Property Appraiser or noises from a commercial kennel building. (Section 20.19, SCC)
  - (5) Animals that damage or destroy property; or injure a person or animal. (Section 20.20, SCC)
  - (6) Offensive odors from animal or the premises that extend beyond the property line upon which the animal is maintained which disturb the comfort, peace or repose of any reasonable person residing in the vicinity, excluding odors caused by livestock animals in properties zoned for agricultural purposes. (Section 20.21, SCC)
  - (7) Failure to confine any dangerous dog. (Section 20.23, SCC)
  - (8) Failure to comply with Dangerous Dog Certificate of Registration requirements. (Section 20.28, SCC)
  - (9) Failure to comply with Aggressive Dog certificate requirements. (Section 20.31(d), SCC)
  - (10) Failure to have rabies-susceptible animal vaccinated. (Section 20.51, SCC)
  - (11) Failure to register rabies-susceptible animal with the Animal Control Official and obtain an animal license. (Section 20.52, SCC)

- (12) Failure to wear required license tag by the rabies-susceptible animal. (Section 20.57, SCC)
- (13) Failure to impound rabies-susceptible animal suspected of having rabies or placing the animal in custody of a licensed veterinarian. (Section 20.58, SCC)
- (14) Failure to register kennel with the Animal Control Official and obtain a license. (Section 20.71, SCC)
- (15) Improper disposition of dead animals. (Section 20.36, SCC)
- (16) Prohibited retail sale of dogs and cats in public places. (Section 20.183, SCC)
- (17) Prohibited retail sale of dogs and cats in a pet shop. (Section 20.182, SCC)
- (18) The foregoing violations endeavor to include all noncriminal infractions currently contained in Chapter 20, Seminole County Code (Animal Control Ordinance), but do not purport to be all inclusive. Any noncriminal infraction subsequently included in Chapter 20, Seminole County Code, or its successor may be enforced by Enforcement Officers or any law enforcement officer and they are authorized to issue citations for violations of subsequently included noncriminal infractions without further amendment to this Part.

(Ord. No. 84-64, § 6, 11-13-84; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.137. - Civil penalties.

- (a) Noncriminal infractions of the Animal Control Ordinance which do not result in a hearing will be subject to the following civil penalties. An Animal Control Ordinance violation constitutes an individual offense and will be assessed per animal:
  - (1) *First infraction*: \$50.00.
  - (2) *Second violation of same section of Animal Control Ordinance within three (3) years*: \$100.00.
  - (3) *Three or more violations of same section of Animal Control Ordinance within three (3) years*: Will be required to have a mandatory court appearance and must pay a fine of \$200.00.
- (b) Noncriminal infractions of the Animal Control Ordinance that result in a hearing will be subject to a civil penalty not to exceed \$500.00.
- (c) The Court may issue an order to show cause upon request of the Board of County Commissioners for any person that fails to pay the civil penalty by the designated date, fails to appear in court to contest the citation, or fails to appear in court as required by this Ordinance. This order will require such person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, then that person may be held in contempt of court.

(d) Nothing contained in this Part prohibits the County from enforcing the Animal Control Ordinance by any other action or remedy authorized by law or in equity.

(Ord. No. 84-64, § 7, 11-13-84; Ord. No. 2018-8, § 1, 2-27-2018; Ord. No. 2018-30, § 3, 9-25-2018)

Sec. 20.138. - Restrictions on enforcement officer's authority.

Nothing herein contained shall be construed to authorize or permit any Enforcement Officer to perform any function or duty of a law enforcement officer other than specified herein. Enforcement Officers shall not make physical arrests or take any person into custody and shall be exempt from the requirements relating to the high hazard or special risk retirement program and Police Standards and Training Commission as defined in Sections 122.34 and 943.11, et seq., Florida Statutes, or their successors.

(Ord. No. 84-64, § 8, 11-13-84)

Sec. 20.139. - Disposition of civil penalties and fines collected for violations.

All civil penalties and fines received by the County Court from violators of the Animal Control Ordinance shall be paid into the general fund of the County in the fine and forfeiture account.

(Ord. No. 84-64, § 9, 11-13-84)

Secs. 20.140—20.150. - Reserved.

### PART 3. - ILLEGAL HARVEST OF DEER OR OTHER WILDLIFE

Sec. 20.151. - Shining lights from vehicles or boats prohibited.

It is unlawful to shine or operate hand-held spotlights rated in excess of 50,000 candlepower from an automobile or other motor vehicle or from a boat or other water vessel operated or located on public property including waterways situated within Seminole County in those areas where deer and other wildlife are customarily present with intent to illegally harvest deer or other wildlife.

(Ord. No. 93-2, § 1, 2-23-93)

Sec. 20.152. - Reserved.

**Editor's note**— Ord. No. 2011-23, § 1, adopted Sept. 13, 2011, repealed § 20.152, which pertained to shining lights along with actual possession of a firearm prohibited and derived from Ord. No. 93-2, § 2, adopted Feb. 23, 1993.

Secs. 20.153—20.160. - Reserved.

#### PART 4. - BACKYARD CHICKEN PROGRAM

*Footnotes:*

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**Editor's note**— Ord. No. 2018-20, § 1, adopted June 12, 2018, amended Pt. 4 in its entirety to read as herein set out. Former Pt. 4, §§ 20.161—20.166, pertained to backyard chicken pilot program, and derived from Ord. No. 2016-22, § 4, 6-28-2016.

Sec. 20.161. - Intent/definitions/applicability.

- (a) The intent of this Ordinance is to create and implement a Backyard Chicken Program to permit the keeping of chickens on occupied single-family lots located in the unincorporated areas of the County, subject to the terms and conditions of this Ordinance.
- (b) For the purposes of this Ordinance, the term "chicken" refers to female chickens (hens) only.
- (c) This Ordinance does not authorize persons to violate applicable restrictive covenants or homeowners' association rules and regulations. The County does not police or enforce private restrictive covenants or homeowners' association rules and regulations. Persons applying for and receiving permits under this Ordinance are solely responsible for compliance with all applicable restrictive covenants and homeowners' association rules and regulations.
- (d) The term "predators" includes, but is not limited to, bears, raccoons, coyotes, bobcats, and foxes.
- (e) The term "subject property" is the occupied single-family residential lot with which the Backyard Chicken Program permit is associated.
- (f) A permit under the Backyard Chicken Program is not applicable to or required for a single-family residential lot on which poultry production is a permitted use.

(Ord. No. 2018-20, § 1, 6-12-2018)

Sec. 20.162. - Permit and general conditions for the keeping of chickens on occupied single-family residential lots.

- (a) Persons desiring to participate in the Backyard Chicken Program must apply for and obtain a permit from the Planning and Development Manager or his/her designee prior to keeping chickens. The Planning and Development Division shall charge a non-refundable fee as established in the Administrative Code to persons applying for a permit under this Ordinance to cover processing costs. If the person applying for a permit is not the fee simple owner of the subject property, the fee simple owner must provide owner authorization and consent to the application. Only one (1) permit per occupied single-family residential lot will be issued.
- (b) In order to obtain a permit under this Ordinance, persons applying for a Backyard Chicken Program permit must show that he/she can meet the requirements of this Ordinance. The County will conduct site inspections of the subject property to make compliance determinations under this Ordinance. The Planning and Development Manager may deny a permit application if he/she determines that the person(s) applying for a permit cannot meet the requirements of this Ordinance. The issuance of a Backyard Chicken Program permit is conditioned upon and subject to the terms and conditions of this Ordinance. Existing permits issued under the Backyard Chicken Pilot Program prior to the adoption of this Ordinance shall be extended and included as part of the Backyard Chicken Program subject to the Requirements of this Ordinance.
- (c) Persons applying for a Backyard Chicken Program permit must provide proof of successful completion of a University of Florida Agricultural Extension Service (UF IFAS) class or an equivalent class approved by the Seminole County UF IFAS Extension on the care and raising of chickens. The Planning and Development Division will maintain a schedule of such classes.
- (d) Persons applying for a Backyard Chicken Program permit thereby (a) agree to the terms and conditions of this Ordinance, (b) grant the County and its officers, employees and agents a right-of-entry upon the subject property (including the rear yard) for inspection purposes to ensure compliance with this Ordinance, (c) agree to remove chickens and chicken coops and enclosures upon the termination or expiration of a Backyard Chicken Program permit, and (d) hold the County and its officials, officers, employees and agents harmless concerning matters relating to the Backyard Chicken Program permit and this Ordinance.
- (e) Up to four (4) chickens may be kept on an occupied single-family residential lot upon receiving a Backyard Chicken Program permit from the Planning and Development Manager or his/her designee. Chickens shall not be kept on duplex, triplex, or multifamily properties, or within mobile home/manufactured home parks.
- (f) Chickens must be kept within a coop or enclosure and may not be released or set free to roam unless under the direct supervision of their owner in compliance with Section 20.164(a) of this Ordinance. Such supervised roaming must be confined to the backyard of the subject property.

- (g) Ducks, geese, turkeys, peafowl, male chickens/roosters, or any other poultry or fowl are not allowed under the provisions of this Ordinance.
- (h) Chickens must be kept for personal use only. Selling chickens, eggs, feathers, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.
- (i) Chickens may not be bred or slaughtered on premises. Chickens shall not be used or trained for the purpose of fighting for amusement, sport or financial gain.
- (j) The coop and enclosure must be screened from the neighboring property. Screening must be accomplished using an opaque fence and/or landscape screen (existing vegetation may be used if sufficient enough to create an opaque screen).
- (k) All applicable building permits must be obtained prior to constructing fences and the enclosures to house chickens.
- (l) Unless otherwise in conflict with Florida Statutes, a dog or cat that injures or kills a chicken that wanders onto the property at which the dog or cat resides will not, for that reason alone, be considered a dangerous or aggressive animal.
- (m) Deceased chickens must be properly disposed of within 24-hours of expiring and in accordance with Florida law. Permit holders may contact a University of Florida Agricultural Extension Service office for requirements regarding proper disposal methods.
- (n) No manure may be allowed to accumulate on the floor of the coop or ground. Permit holders must implement a manure management program, whereby the coop and enclosure are cleaned regularly. For example, a fly-tight bin for storage of manure could be utilized; the size of which must be sufficient to contain all accumulations of manure. A manure box inside the coop is recommended. The fly-tight bin must be kept at least twenty (20) feet away from all property lines. Composting of chicken manure may be allowed in the enclosed fly-tight bin. There shall be no perceptible odor emanating from the manure storage/composting bin.

(Ord. No. 2018-20, § 1, 6-12-2018)

Sec. 20.163. - Location and requirements for chicken coops and enclosures.

- (a) Chicken coops and fenced enclosures must be located in the rear/back yard (behind the home). No coop or enclosure will be allowed in any front or side yard. Yard, as used in this provision, references location, not building setback area.
- (b) The coop and enclosure must be a minimum of ten (10) feet from the rear and side property lines and twenty (20) feet from any neighboring residential homes. On corner lots, coops and enclosures must meet the required side street setback per the subject property's applicable zoning district.
- (c) If the coop structure exceeds one hundred (100) square feet in size (ten-foot by ten-foot), a

building permit is required under the Florida Building Code.

- (d) The coop must be covered and ventilated, and a fenced enclosure/run is required. The coop and enclosure must be completely secured from predators, including all openings, ventilation holes, doors, and gates. Fencing or roofing is required over the enclosure in addition to the coop, in order to protect the chickens from predators. The coop must also be tied down for wind resistance.
- (e) For properties located in a Seminole County Urban Bear Management Area, feed, coops, and runs must be secured, and chickens protected from bears in accordance with the Florida Fish and Wildlife Conservation Commission guidelines for "Living with Florida Black Bears". All outdoor attractants must be secured. If electric fencing is utilized, it may only be installed around the coop, pen, and run and not along the property lines or anywhere else on the property.
- (f) All stored feed must be kept in a rodent and predator-proof container or be kept inside a secured structure.
- (g) The coop must provide a minimum of four (4) square feet per chicken; a minimum of five (5) square feet of run per chicken, and be of sufficient size to permit free movement of the chickens. The coop may not be taller than eight (8) feet, measured from the natural grade, and must be easily accessible for cleaning and maintenance. Coops may not exceed a maximum of one hundred fifty (150) square feet.

(Ord. No. 2018-20, § 1, 6-12-2018)

Sec. 20.164. - Health, sanitation and nuisance as applied to the keeping of chickens.

- (a) Chickens must be kept within a coop and enclosure and may not be allowed to roam outside the subject property. Chickens may not be released or set free from such coop or enclosure unless the chickens are under the direct supervision of their owner. Chickens may be allowed to roam outside the coop and run within their owner's backyard under the immediate supervision of their owners for limited periods of time for purposes of socializing, interaction and cleaning of the coop and run.
- (b) Chicken coops and enclosures must be maintained in a clean and sanitary condition at all times. Activities subject to the Backyard Chicken Program permit must be conducted in a manner that does not create any nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition. There shall be no perceptible odor that is objectionable to neighboring properties emanating from the chickens or the enclosure.
- (c) In a public health emergency declared by the Seminole County Health Department, including, but not limited, to an outbreak of Avian Flu or West Nile virus, immediate corrective action



may be required in accordance with applicable public health regulations and procedures. Backyard Chicken Program permit holders consent to compliance with such required corrective action.

(Ord. No. 2018-20, § 1, 6-12-2018)

Sec. 20.165. - Violations.

- (a) In the event that a violation of this Ordinance occurs, the County has the right to undertake one (1) or more of the following remedies or actions:
- (1) Institute code enforcement proceedings and prosecute code violations against the violator and the property owner of the real property where the violation occurs;
  - (2) Issue a civil citation as a Class III violation to the violator for each violation in accordance with Section 53.32 of the Seminole County Code of Ordinances;
  - (3) Take any other action or remedy authorized by law or in equity, including, but not limited to, instituting an action in court to enjoin violating actions, in which case the violating person shall be liable to the County for reimbursement of the County's attorneys' fees and costs concerning such action; and/or
  - (4) Revoke the Backyard Chicken Program permit for the keeping of chickens and require that the chickens be removed within ten (10) days.

(Ord. No. 2018-20, § 1, 6-12-2018)

Secs. 20.166—20.180. - Reserved.

PART 5. - ADOPTION-BASED BUSINESS MODEL FOR RETAIL SALE OF DOGS AND CATS AND OTHER REQUIREMENTS

Sec. 20.181. - Legislative intent.

- (a) The intent of this Ordinance is to prohibit the retail sale of commercially bred dogs and cats from "puppy mills" and "kitten factories." These facilities often house animals in overcrowded and unsanitary conditions without adequate veterinary care, food, water, and socialization, which allow for heritable and congenital disorders; the spread of infectious diseases; and environmental contamination, any of which may be present immediately after a sale or not until several years later. The Board of County Commissioners finds it reasonable and necessary to provide the following minimum standards governing the sale of cats and dogs to protect the health, safety, and welfare of both animals and pet owners; that such regulation

constitutes a legitimate purpose, and will encourage pet consumers to obtain dogs and cats from shelters, animal rescue organizations, or hobby breeders thereby saving animals lives and reducing the cost to the public of sheltering and euthanizing animals.

- (b) It is the intent of the Board of County Commissioners that this Ordinance will conform with and supplement Section 828.29, Florida Statutes (2017), as may be amended, relating to the sale of dogs and cats transported into the state for sale, health requirements, and consumer guarantee.

(Ord. No. 2018-8, § 1, 2-27-2018)

Sec. 20.182. - Retail sale of dogs and cats.

- (a) An adoption-based business model shall be required for the retail sale of dogs or cats at a pet shop whereby all dogs or cats will be sourced from stray and unwanted pets that have been taken in by an animal shelter or animal rescue organization. It also means that pets purchased directly from a commercial breeder or indirectly through some other intermediary such as a broker or wholesaler may not be offered for sale.
- (b) No pet shop shall offer dogs or cats in Seminole County, unless the dog or cat was obtained from:
  - (1) An animal shelter;
  - (2) An animal rescue organization.
- (c) This adoption-based business model for the retail sale of dogs or cats in the County applies to any pet shops opened, transferred, assigned, or sold by owners of existing pet shops after the effective date of the Ordinance.
- (d) An official certificate of veterinary inspection must accompany the sale of any cat or dog transported into the state, in compliance with Section 828.29(3), Florida Statutes (2017), as this statute may be amended from time to time.
- (e) Pet shops shall post and maintain a certificate of source, as defined in Part 1, on each animal's cage, kennel, or enclosure, within clear view, and shall provide a copy of the certificate to the purchaser or transferee of any such dog or cat sold or transferred.
- (f) Pet shops shall maintain records, stating the name, address, telephone number and email of the animal shelter or animal rescue organization from which each dog or cat was acquired for three (3) years following the date of acquisition or in accordance with the required relation time set forth by business standards and practices governing the particular commercial establishment and record, whichever is greater, and maintain a copy of the record for the previous year subject to inspection by the County's animal control officers or any other County officials charged with enforcing the provisions of this Section.

- (g) Any such records shall be made available, immediately upon request, to the County's animal control officers and any other County officials charged with enforcing the provisions of this Section.
- (h) Falsification of records by pet shops is hereby deemed unlawful and subject to the penalties of this Ordinance.

(Ord. No. 2018-8, § 1, 2-27-2018)

Sec. 20.183. - Prohibition on retail sale in public places.

- (a) There shall be no retail sale of dogs or cats on any public thoroughfare, public common areas, or other places of public accommodations, flea markets, festivals, yard sales, medians, parks, recreation areas, outdoor markets, parking lots, or other similar locations, regardless of whether such access is authorized by the owner.
- (b) This Section shall not apply to the retail sale of dogs or cats by an Animal Shelter or Animal Rescue Organization.

(Ord. No. 2018-8, § 1, 2-27-2018)

Sec. 20.184. - Enforcement and penalties.

- (a) Any pet shop found to be in violation of the provisions of this Part may be subject to any applicable enforcement mechanism available to the County including, but not limited to: prosecution in the same manner as a misdemeanor, as provided in Section 125.69, Florida Statutes (2017), as this statute may be amended from time to time, and Section 20, Part 2, of this Code. It shall be a violation of this Ordinance to fail to comply with any of the requirements or restrictions contained in this Ordinance.
- (b) Each animal produced, reared, bred, kept, sold, or released in violation of this Section will be deemed a separate offense, and a separate offense will be deemed committed on each day during on or which a violation occurs or continues.
- (c) Violations of this Ordinance are classified as a civil infraction in accordance with Section 828.27(2), Florida Statutes (2017), as this statute may be amended from time to time. Penalties will accrue in accordance with Section 20.137(a) of this Ordinance.
- (d) The County may initiate a civil action in any court of competent jurisdiction to enjoin any violation of this Ordinance.
- (e) Imposition of a penalty for a violation does not excuse the violation nor does it imply permission for the violation to continue. All pet shops found to be in violation will be required to correct or remedy such violations immediately.

(Ord. No. 2018-8, § 1, 2-27-2018)

Sec. 20.185. - Applicability.

This Ordinance shall apply to the unincorporated areas of Seminole County.

(Ord. No. 2018-8, § 1, 2-27-2018)