

ORDINANCE 25 - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING CHAPTER 4 OF THE MARION COUNTY CODE RELATING TO ANIMAL CONTROL; AMENDING SECTION 4-1, PURPOSE; AMENDING SECTION 4-2, DEFINITIONS; AMENDING SECTION 4-4, ENFORCEMENT AGENCY DESIGNATION AND EMPOWERMENT; AMENDING SECTION 4-5, ENFORCEMENT OFFICER'S IMMUNITY; AMENDING SECTION 4-6, ENFORCEMENT PROCEDURES; AMENDING SECTION 4-7, IMPOUNDING AUTHORITY OF OFFICERS; AMENDING SECTION 4-8, LICENSURE, EXEMPTIONS, REQUIREMENTS; AMENDING SECTION 4-9, RABIES VACCINATION REQUIRED; AMENDING SECTION 4-10, MANDATORY MICROCHIPPING; AMENDING SECTION 4-12, DOMESTIC ANIMALS CREATING A NUISANCE; AMENDING SECTION 4-13, HUMANE TREATMENT; AMENDING SECTION 4-14, ANIMALS IN MOTOR VEHICLES OR VESSELS; AMENDING SECTION 4-15, ESTABLISHING AN ANIMAL ABUSER REGISTRY; AMENDING SECTION 4-16, COUNTY TO MAINTAIN LIST OF PERSONS PRESENTLY ENJOINED FROM POSSESSING ANIMALS; AMENDING SECTION 4-17, IMPOUNDMENT, REDEMPTION AND ADOPTION; AMENDING SECTION 4-18, LOCATION OF THE SALE OF DOGS AND CATS; AMENDING SECTION 4-19, REQUIREMENTS FOR SALE OF DOGS AND CATS; AMENDING SECTION 4-20, COMMUNITY CAT INITIATIVE; AMENDING SECTION 4-21, SPAY/NEUTER PROGRAM; AMENDING SECTION 4-22, DAMAGE BY DOGS; AMENDING SECTION 4-23, ATTACK OR BITE BY UNCLASSIFIED DOG THAT CAUSES DEATH; AMENDING SECTION 4-24, ATTACK OR BITE BY UNCLASSIFIED DOG THAT CAUSES SEVERE INJURY OR DEATH; AMENDING SECTION 4-25, ATTACK OR BITE BY DANGEROUS DOG; AMENDING SECTION 4-26, DEPARTMENT OF ANIMAL SERVICES TO MAINTAIN LIST OF DOGS CLASSIFIED AS DANGEROUS; AMENDING SECTION 4-27, PROPERTY OWNER'S LIABILITY; AMENDING SECTION 4-28, IRRESPONSIBLE ANIMAL OWNER; AMENDING SECTION 4-29, KENNEL LICENSES; CREATING NEW SECTION 4-30, STANDARDS OF CARE; PROVIDING FOR RENUMBERING OF SECTIONS NECESSIATED BY CREATION OF NEW SECTIONS; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners of Marion County, Florida, to provide standards which will ensure its citizens' health, safety and welfare; and

WHEREAS, the Board of County Commissioners of Marion County, Florida, recognizes that the health, safety, and welfare of its citizens will be better served by a comprehensive and progressive animal control ordinance; and

WHEREAS, Section 828.27, Florida Statutes, authorizes the Board of County Commissioners of Marion County, Florida to enact and enforce ordinances relating to animal control or cruelty; and

WHEREAS, the Board of County Commissioners desires to amend Chapter 4 of the Marion County Code in furtherance of the foregoing recitals, and

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Marion County, Florida, as follows:

SECTION 1. Chapter 4 of the Marion County Code of Ordinances, is hereby amended, and is set forth in its entirety below, with deletions reflected by ~~strike-through type~~, and additions reflected by underscored type, to read:

Sec. 4-1. - Purpose and intent.

The board of county commissioners shall have authority to establish rules and regulations consistent with and supplemental to, and for the purpose of implementing state statutes governing animals kept within the unincorporated area of the county, and those municipalities included in the jurisdiction of this article by inter-local agreement, including but not limited to, animal seizure, care, control, impoundment, certification, disposition, animal rabies vaccination, licensure and registration requirements, fees and penalties. Penalties or fines for violations of this chapter, and fees for services provided as authorized herein shall be established by board resolution, which may be amended from time to time. The board may enter into inter-local agreements with the various municipalities within Marion County providing for county enforcement of the provisions of this chapter within such municipality and the municipality's repeal of any inconsistent ordinances. This chapter shall be known and may be cited as the "Marion County Animal Services Ordinance." The Marion County Board of County Commissioners hereby declares:

- (a) Protecting animals is a legitimate and compelling public interest.
- (b) Animals held in shelters deserve proper care and humane treatment including prompt veterinary care, adequate nutrition, shelter, exercise, environmental enrichment, and water.
- (c) Marion County Animal Services should not euthanize healthy, adoptable animals at the request of their owners.

- (d) Marion County Animal Services will not euthanize any animal if a safe and appropriate live outcome can be achieved with the available resources or with the willingness of a partner organization to receive the animal.
- (e) Marion County Animal Services Director or their designee will not ban, bar, limit, or otherwise obstruct the adoption or transfer of any animal based on arbitrary criteria, such as breed, age, color, or other criteria.
- (f) Marion County Animal Services Director or their designee must ensure the purpose and intent of this Chapter is implemented.

Sec. 4-2. - Definitions.

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

Abandon shall mean to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner or responsible person. Such abandonment shall constitute the relinquishment of all rights and claims by the owner to such animal, in accordance with F.S. § 705.19. An animal will not be considered abandoned if the owner or keeper arranges for a person to feed, water, and monitor the animal's condition on a scheduled or regular basis. Intervals between monitoring, watering, and feeding shall not exceed twenty-four (24) hours.

Adoption-based business model means a business model whereby all dogs and cats offered for rehoming at a pet shop shall only be sourced from pets that have been taken in by an animal shelter or animal rescue organization to rehome stray and abandoned pets. It also means that no commercially-bred dogs or cats may be offered for sale, adoption, transfer or other outcome whether purchased directly from the commercial breeder or from some other intermediary such as a broker or wholesaler.

Animal shall mean any living dumb creature.

Animal Abuse Crime shall mean a violation of any of the following provisions of Florida Statutes, as may be amended:

- (a) Section 828.12 Cruelty to animals.
- (b) Section 828.122 Fighting or baiting animals.
- (c) Section 828.123 Killing dog or cat with intent of selling or giving away pelt.
- (d) Section 828.125 Killing or aggravated abuse of horses or cattle;
- (e) Section 828.126 Sexual activities involving animals.
- (f) Section 828.13 Confinement of animals without sufficient food, water, or exercise; abandonment.

Animal Abuse Offender shall mean any person, eighteen (18) years of age or older, convicted of an Animal Abuse Crime in Marion County, except youthful offenders whose convictions or adjudications include sealed records.

Animal Abuser Registry shall mean the on-line registry established by this ordinance for registering any Animal Abuse Offender residing in the County.

Animal Control Authority shall mean, in Marion County, Marion County Animal Services and all of its directors, employees, and animal control officers who are authorized by the board to enforce the animal control laws of the county or state, in the unincorporated areas of the county and any municipality pursuant to inter-local agreement.

Animal Control Officer or Enforcement Officer shall mean any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, care or control of animals, or seizure and impoundment of animals and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

Animal Related Business shall mean any for-profit person or business that renders services to, for or by any domestic animal. Examples of animal related business include, but are not limited to, boarding facilities, doggie day cares, groomers and training facilities. Animal related business does not include the offices or practices of State-certified and licensed veterinarians.

Animal Related Rescue Organization shall mean a humane society or any not for profit entity corporation that has tax exempt status in accordance with who operates a charitable organization under Section 501(c)(3) of the Internal Revenue Code and whose primary mission includes the rescue, welfare, care, and/or adoption/placement of stray, abandoned, or surrendered animals, and which does not obtain animals from a breeder or broker for payment or compensation.

Attack shall mean any threatening or menacing act by an animal, without provocation, that may or may not result in contact or injury but involves chasing or approaching a person or domestic animal in an apparent attitude of attack. .

Bite shall mean any cut, puncture, or breakage of skin or tissue made with the teeth or fangs of any animal.

Board shall mean the Board of County Commissioners of Marion County, Florida.

Cat shall mean a domestic cat, felis catus

Commercial Breeder shall mean any person, firm, partnership, corporation, or other association that engages in the breeding of four (4) or more dogs or cats, in aggregate.

Community Cat shall mean any unowned free roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. A community cat may also be defined as a cat “found” outside that is brought to an animal shelter and not yet sterilized/ear tipped.

Community Cat Caregiver shall mean a person who provides care, including food, shelter or medical care to a community cat, while not being considered the owner, custodian, harborer, controller or keeper of a community cat or to have care or charge of a community cat.

Conviction shall mean an adjudication of guilt regardless of whether adjudication is withheld, by any court of competent jurisdiction whether upon verdict after trial, plea of guilty, or nolo contendere plea.

County shall mean the unincorporated area of Marion County and any municipality included within the enforcement jurisdiction of this chapter by inter-local agreement.

Cruelty, Torture or Torment shall mean any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal, as defined in F.S. § 828.02, as may be amended.

Dangerous Dog as used in this chapter, unless the context clearly requires otherwise, shall have the same meaning as the definition of dangerous dog in F.S. § 767.11, as may be amended, which currently provides:

- (1) "Dangerous Dog" means any dog that according to the records of the appropriate authority:
 - a. Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;
 - b. Has more than once severely injured or killed a domestic animal while off the owner's property; or
 - c. Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.

Defecate shall mean to discharge excreta.

Direct Control shall mean the immediate, continuous physical control of an animal by means of confining within a house, building, pen, or other enclosure, or restrained by means of leash, or similar tether of sufficient strength to restrain the animal subject to the restrictions provided herein.

Director shall mean the Director of Marion County Animal Services, or his or her designee.

Dog shall mean a domestic dog, *Canis familiaris*.

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

Domestic Animal Running at Large or Straying shall mean any domestic animal found or being on any public grounds, or land belonging to a person other than the owner of the domestic animal without the landowner's permission, and not under direct control of a person with the exception of a community cat.

Ear Tipping shall mean the removal of the ¼ inch tip of a community cat's ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, designed to be the universal identification that the community cat is sterilized and lawfully vaccinated against rabies at least once.

Enclosure shall mean any place where any dog or cat is maintained outdoors including, but is not limited to, a fenced yard, kennel, or run and the dog or cat shall be provided proper shelter within such enclosed area. At a minimum, the enclosure:

- (1) Shall be suitable to prevent the escape of the dog or cat or the entry of young children.
- (2) Shall be large enough for the dog's or cat's size and temperament, considering the number of dogs or cats that may be using the enclosure at any given time.
- (3) For dogs, shall be large enough for each dog to achieve a running stride.
- (4) Shall include a shaded area, either by natural or artificial means that is large enough during all hours to shade all dogs or cats in the enclosure without crowding.
- (5) Shall be free from trash, standing water, and cleaned regularly to remove accumulated waste and debris, parasites, including fleas, ticks and rodents so as not to threaten the physical wellbeing of the dog or cat.
- (6) Shall provide for wholesome food and a continuous supply of visibly clean, fresh water provided in a sanitary manner and in a container sized appropriately for the dog's or cat's species and size.

Excreta shall mean feces.

Farm Animal shall mean an Animal used in the production of human or animal food, feed, or fiber. Horses shall not be considered Farm Animals for the purposes of subsection 4-15(g).

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

High-Volume Owner shall mean any person, business, or organization who owns, harbors, or keeps more than fifteen (15) dogs or cats, in aggregate, at a property or structure, for any purpose, including, but not limited to, housing, boarding, breeding, training, show or exhibition, hunting, sale, rescue, adoption or personal pet or use. Such definition does not include any property or structure where a Florida state licensed veterinarian practices and has a premises permit, as required by F.S.Ch. 474, or any property or structure used as a veterinary hospital, medical research laboratory, pari-mutuel dog racing establishment, or any governmental agency, or to any boarding kennel operated in conjunction with any of the foregoing. Such definition shall not include Marion County Animal Services.

Hobby breeder shall mean any person, business, or organization that engages in the breeding of three (3) or fewer dogs or cats, in aggregate on their premises. who breeds or raises dogs or cats for the purposes of transferring ownership with or without monetary compensation of no more than two litters, or twenty (20) dogs or twenty (20) cats per year, whichever is greater.

Impound or Impoundment shall mean the taking of an animal into custody through lawful means by Marion County Animal Services.

Leash shall mean a restraint such as a rope, cord, chain, or device that is mobile and no longer than six (6) feet and is not harmful to the animal. The owner or responsible person walking a dog using a retractable leash must maintain the device in a locked position whenever off the owner or responsible person's property or leasehold.

Livestock shall include all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals. mean grazing animals, such as, cattle, horses, sheep, swine, goats, other hooved animals, ostriches, emus, rheas which are used for private use or commercial purposes.

Livestock Fencing as defined in Florida State Statute 588, as may be amended. shall mean any fence or enclosure at least four (4) feet in height made of barbed or other soft wire consisting of not less than four (4) strands of wire stretched securely on posts, trees, or other supports, standing not more than fifteen (15) feet apart; legal fences may include a gateway providing they have a gate and meet the minimum restrictions of a legal fence. Fencing must be maintained on a regular basis so as to prevent the livestock from leaving the owner's property or leasehold.

Microchip shall mean a radio frequency identification device (RFID) that is implanted underneath the skin of a dog, cat or other animal that when scanned produces a unique number that identifies the animal and its owner, if properly registered. When present, an RFID with registration information shall be considered the primary indication of ownership.

Muzzle shall mean a device placed over the snout of a dog that will not cause injury to the animal or interfere with its vision, or respiration, and allows the dog to pant and drink water, but prevents the dog from biting any person or animal.

Occupant shall mean any person, entity, business, firm, corporation, institution or enterprise that is renting, leasing, sub-leasing or occupying a piece of property in which they are not the property owner of record.

Owner shall mean any person over the age of eighteen (18) years of age, or any firm, corporation or organization which owns, manages, possesses, harbors, maintains, has custody of, or controls an animal. For purposes of enforcement of this chapter, an individual shall be deemed to be an owner of any animal found within a residence or structure owned or leased by that individual, and any animal kept within any cage or other secured enclosure on property subject to such individual's control. An individual shall be deemed to be the owner of any animal that such individual has secured by a rope, chain or tether, whether on or off the property of such individual. If an animal is owned by a person under the age of eighteen (18), not lawfully having been emancipated, that person's parent or guardian shall be the owner. A community cat caregiver is not considered an owner.

Pet Seller shall mean, an individual or entity who sells, exchanges, gives, transfers possession or ownership of an animal to another person, or intends to do any of the foregoing acts.

Physical Control means adequate domination or power to influence/oppress the actions of the animal to prevent the animal from engaging in biting, aggression towards people or animals, straying, being at-large or other behaviors regulated by this ordinance or State law by the use of a proper leash or similar device attached to an appropriate collar or harness. To maintain physical control the animal must be on a leash not to exceed six (6) feet at its maximum extension. Animals on longer leashes or similar devices extended beyond six (6) feet shall be considered not under physical control and may be subject to being treated as at-large for provisions of this ordinance, enforcement shall take place if and only if another violation of this ordinance has occurred at the same time. Nothing in this definition is intended to prevent dogs being on training leashes or while engaged in other appropriate activities under adequate, responsible adult supervision where care is taken to assure control as needed is available to prevent violations of this ordinance.

Property Owner shall mean any person, entity, business, firm, corporation, institution or enterprise that is the real property owner of record according to the Marion County Tax Collector's Office.

Public Grounds shall mean any street, sidewalk, alley, highway or other way open to travel by the public, including rights-of-way, bridges, common ground including private roads in gated subdivisions, easements, tunnels, and any land owned by local, state or federal governments.

Quarantine shall mean confining an animal for observation of any symptoms of rabies, which confinement is typically for a ten-day time period from the date of the bite, scratch or other potential rabies exposure, unless a longer time period is required pursuant to State regulations and guidelines.

Responsible Person shall mean any person other than the owner of an animal who, by the exercise of care, custody or control over such animal, shall assume the liability of an owner of such animal, during the period of such care, custody or control.

Service Animal shall mean any dog or miniature horse that has been individually trained to do work or perform tasks for people with disabilities as defined under the Americans With Disabilities Act (ADA). This definition shall incorporate any future legislative, administrative, or judicial changes to the definition of Service Animal within the Americans With Disabilities Act.

Severe Injury shall mean any physical injury that results in broken bones, multiple bites or disfiguring lacerations, sutures or reconstructive surgery, or any physical injury that results in life-threatening injuries or death.

Shelter shall include, but is not limited to, a permanent structure with four (4) sided structure with three (3) solid sides, a solid roof, and a solid bottom. At a minimum, the structure must be:

- (1) Sufficient in size to allow each sheltered animal freedom of movement to make normal postural adjustments, including the ability to stand up, turn around and lie down with its limbs outstretched in a normal posture and have an entryway that the dog or cat can easily enter and exit in a natural manner and protects the dog or cat from exposure to the elements.

- (2) Weather proof and structurally sound, with insulation appropriate to local climatic conditions and sufficient to protect each dog or cat from inclement weather; the direct rays of the sun, wind, and rain.
- (3) Free of standing water, accumulated waste and debris, and be well ventilated with fresh air by means of windows, doors, vents, or fans, and provide clean, dry bedding, or shall have a clean, solid resting place that is appropriate for the dog's or the cat's size, age, health, and physical condition.
- (4) Properly lighted to provide a regular lighting cycle of either natural or artificial light corresponding to the natural period of daylight unless otherwise directed by a veterinarian; and
- (5) Structures with wire, grid or slat floors which permit the animal's feet to pass through the openings, sag under the animal's weight or which otherwise do not protect the animal's feet or toes from injury are prohibited except for enclosures for birds where perches are provided.
- (6) Examples of inadequate shelter include, but are not limited to, lean-tos, metal/plastic drums, wire or airline carrier crates, cardboard boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

Shelter/Neuter/Return (SNR) shall mean sterilizing, ear tipping and vaccinating a cat large enough for spay/neuter that is found outside and returning them to their original location..

Sterilization shall mean the irreversible spaying or neutering of an animal by gonadectomy.

Temporary task shall mean, for purposes of section 4-13(g), routine household tasks or activities of limited duration where a dog owner needs its dog to be kept outdoors during the performance of the task. Nonexclusive examples of such temporary tasks include cooking, vacuuming carpets, mopping floors, and bathing an infant. Such temporary task shall not exceed thirty (30) minutes.

Tether shall mean a cord, rope, cable or chain, not exceeding 1/16 of the animal's weight, with a length that is at least the greater of either five (5) times the length of the animal measured from the nose to the tip of its tail, or ten (10) feet, attached with a swivel hook to the animal's buckle-type nylon or leather collar, harness or halter on one end and attached to a stationary object with a swivel hook or trolley assembly on the other end. The trolley cable must not be elevated more than seven (7) feet above ground surface.

Tethering shall mean the restraining of a dog by the means of any type of tether, as defined herein, to any fixed object or structure, including, but not limited to, a house, garage, fence, post, motor vehicle, trailer, shed, weight, ground anchor, or boat. Tethering shall not include the use of a leash to walk a dog, or to forms of restraint used in the transportation of a dog.

Trap/Neuter/Return (TNR) shall mean the intentional confinement of a cat for the sole purpose of sterilizing, ear tipping and vaccinating before returning them to their original location.

Unprovoked shall mean that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog. [F.S. § 767.11(2)]

Sec. 4-3. - Adoption of state statutes by reference; board intent.

The board adopts by reference as a part of this chapter, all laws of the State of Florida relating to animal control, animal welfare, and animal cruelty. It is the intent of the board that this chapter shall implement and supplement the provisions of state law, and that in the event of any conflict between the terms of this chapter and state law, the state law shall control.

Sec. 4-4. - Enforcement agency designation and empowerment.

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

Sec. 4-5. - Enforcement officer's immunity.

When in good faith an animal control officer or enforcement officer enters property to perform the duties of this chapter, the officer is immune from civil liability and criminal prosecution for trespass.

Sec. 4-6. - Enforcement procedures.

- (a) An animal control officer or enforcement officer may issue a citation to a person when the officer has probable cause to believe that the person has violated a provision of this chapter or Florida Statutes. Probable cause shall be established by the officer's personal observation of the violation; or upon a violator's admission of the infraction; or by physical evidence which exists to support the complaint. The citation shall contain:
- (1) The date and time of issuance;
 - (2) The name and address of the person;
 - (3) The date and time the violation was committed;
 - (4) The facts constituting probable cause;
 - (5) The section of the chapter that was violated;
 - (6) The name and authority of the officer;
 - (7) The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear in court as may be required;
 - (8) The applicable civil penalty if the person elects to contest the citation;
 - (9) The applicable civil penalty if the person elects not to contest the citation;
 - (10) A conspicuous statement that, if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person ~~he or she~~ shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty; and

- (11) A conspicuous statement that if the person is required to appear in court, that an option to pay a fine in lieu of appearing in court does not exist.
- (b) An animal control officer or enforcement officer may, but shall not be required to, issue a written warning prior to the issuance of a citation in incidents of violation of this chapter. Failure to comply with the provisions of a written warning may result in issuance of a citation or impoundment of the animal, or both.
 - (c) An animal control officer or enforcement officer may issue an order to provide care, pursuant to F.S. § 828.073.
 - (d) If a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as otherwise required, then the court may issue an order to show cause, either upon the request of animal services, or, upon its own initiative. The person shall be required by the court order to appear before the court to explain why the required appearance or 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, the person may be held in contempt of court.
 - (e) Mandatory court appearances shall be required for certain aggravated violations resulting in the unprovoked biting, attacking, or wounding of a domestic animal; violations resulting in the destruction or loss of personal property; second or subsequent violations of local animal cruelty laws; or violations resulting in the issuance of a third or subsequent citation to a person. Persons required to appear in court do not have the option of paying the fine instead of appearing in court.
 - (f) Pursuant to F.S. § 828.27(4), a surcharge of five dollars (\$5.00) upon each civil penalty imposed for a violation of this chapter shall be used by the county to pay the costs for training of animal control officers.
 - (g) Any person who willfully refuses to sign and accept a citation issued by an officer is guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083.

Sec. 4-7. - Impounding authority of officers; interference prohibited.

- (a) Animal control officers shall have full and complete authority under the provisions of this chapter to pick up, catch, seize or procure:
 - (1) any animal found neglected or cruelly treated, sick, injured, or in need of immediate medical treatment where the owner refuses to or is unable to provide for such treatment;
 - (2) any animal at large, or any animal not properly confined, restrained or secured, or believed to be a stray;
 - (3) any dangerous dog not maintained in compliance with this chapter;
 - (4) any animal infected with or suspected of carrying rabies or any contagious disease;
 - (5) any animal being observed for rabies not properly quarantined;
 - (6) any animal for which probable cause has been established based on sworn affidavit, if possible, that has or is causing injury, or threat of injury to a person, endangering or chasing persons, or causing property damage to property other than that of the animal's owner;

- (7) any female dog or cat in heat and not properly confined; or
 - (8) any dog being the subject of a dangerous dog investigation where the owner has not or cannot demonstrate an ability to securely contain the animal pending the outcome of the investigation, and cause such animal to be impounded at Marion County Animal Services.
- (b) It shall be unlawful for any person to interfere with, obstruct, prevent, hinder or impede any animal control officer, or cause such officer to be interfered with, obstructed, prevented, hindered or impeded, while the officer is apprehending animals or performing any other duties as set forth in this chapter; or to take or attempt to take any animal from any officer or vehicle used to transport animals; or to take or attempt to take any animal from Marion County Animal Services without proper authority.
 - (c) In the event any animal control officer or enforcement officer is in pursuit of any animal not on the animal owner's property, where the animal is running at large and the officer's pursuit involves unauthorized entry into or upon any enclosed and posted land, such event shall not be prima facie evidence of the intention of the officer to commit an act of trespass.
 - (d) A person shall not hold, hide or conceal any animal as to which such person knows or has reason to know that the Director or an animal control officer is investigating in relation to a violation of this chapter.
 - (e) Animal control officers and enforcement officers shall have such further impoundment authority as specifically authorized by any warrant issued by a court of competent jurisdiction.
 - (f) Animal control officers and enforcement officers may place animal trapping cages on private property, with the occupant's or property owner's permission, or on public property within the county. An animal trapped or confined shall be in the custody Marion County Animal Services, and it shall be unlawful for any person to remove, disengage, release, relocate, alter, damage or destroy or cause to be removed, disengaged, released, relocated, altered, damaged or destroyed, any trapping cage placed by the officers, or any animal confined therein.

Sec. 4-8. - Licensure, exemptions, requirements.

- (a) Except as otherwise provided, every owner of a dog or cat over the age of four (4) months residing within the county shall obtain and pay Marion County Animal Services for an annual or multi-year license in the amounts established from time to time by resolution of the board. Licenses shall be obtained from Marion County Animal Services or authorized licensed veterinarians. A licensed veterinarian administering a vaccine or other shall offer a county animal license tag to the owner of such vaccinated dog or cat, and upon issuance shall collect on behalf of the county, fees established by the board. Licensed veterinarians are authorized to charge owners of vaccinated dogs and cats an additional processing surcharge of not more than ten dollars (\$10.00) per county animal license tag issued, and shall remit the license fee and full account of tags issued, unused, voided, or missing to the county within fifteen (15) calendar days following the end of the month in which payment was received. Veterinarians shall indicate upon the rabies certificate when an owner refuses to purchase a Marion County animal license tag.

- (b) Any juvenile dog or cat that is sold, rehomed or adopted within Marion County, to a Marion County resident shall be accompanied by a juvenile license tag at the time of exchange of ownership. Juvenile license tags shall be valid until dog or cat receives rabies vaccination or reaches four (4) months of age, whichever comes first.
- (c) The following classes of animals described in this subsection are required to obtain Marion County animal license tags, but are exempt from licensing fees. The owners of any exempt animal must declare, upon registration and vaccination through a licensed veterinarian in the county, the purpose and intent of maintenance under the following sub-classifications:
 - (1) Animals maintained or in training as alert status animals for visually handicapped owners, hearing-impaired owners or other physically disabled owners who own or possess specially trained aid animals.
 - (2) Dogs maintained by law enforcement officials or fire officials for law enforcement work or fire department work respectively.
- (d) Persons not issued a Marion County animal license at the time of rabies vaccination shall apply to Marion County Animal Services for such license within ten (10) calendar days after vaccination against rabies. Evidence of a current rabies vaccination shall be by standard vaccination certificate or by confirmation from the administering veterinarian. The length of time that such license shall remain valid will be based on the date of vaccination against rabies, the duration of effectiveness of the vaccine used, and the fee paid for said license as established by resolution adopted by the board.
- (e) The licensing requirements of this chapter shall not apply to visiting dogs and cats that remain in the county for a period of not more than ninety (90) calendar days and for which the owner can provide proof of domicile outside of the county, a current rabies vaccination and any applicable registration required in the jurisdiction of alternate domicile.
- (f) The owner of a newly acquired dog or cat shall have thirty (30) calendar days to obtain a license for an unregistered animal or notify Marion County Animal Services of the change in ownership if currently licensed.
- (g) All animals required to be licensed shall wear a Marion County animal license tag at all times, unless said animal is implanted with an electronic animal identification device (microchip) provided the microchip identification code is recorded with the Marion County Animal Services. This section shall not apply to dogs who, at the time, are engaged in hunting, training, performing in field trials, or participating in dog shows or other organized events.
- (h) No person other than a licensed veterinarian shall remove or cause to be removed from any animal, not owned by such person, an animal license tag without the expressed permission of the animal's owner for the purposes of and duration of activities involving hygiene, grooming, bathing and medical examination or veterinary procedure.
- (i) It shall be unlawful for the owner of an animal to:
 - (1) Refuse or fail to obtain a Marion County animal license for a dog or cat as required in this chapter;
 - (2) Fail to attach and display the required tag to the animal's collar or harness as provided in this chapter;

- (3) For a person to remove a license tag from an animal not their own as provided in this chapter.
- (j) The Director or their designee may grant a waiver of a required fee or charge, for animal owners meeting Florida Income Eligibility guideline requirements or good cause shown.
- (k) Animal related organizations in good standing with Marion County Animal Services are exempt from individual animal licensure while under their care and ownership. License fees shall be waived for the initial license issued to dogs and cats at the time of their adoption.
- (l) Community cats are exempt from licensing and microchipping.

Sec. 4-9. – Rabies, exemptions, requirements.

- (a) Every owner of a dog, cat or ferret over the age of four (4) months shall cause such animal to be vaccinated against rabies by a licensed veterinarian with a U.S. Government-approved vaccine. Every owner of such animals shall cause said animals to be revaccinated against rabies with an approved animal rabies vaccine consistent with the requirements of state law and this chapter as they may be amended from time to time. A dog, cat, or ferret is exempt from vaccination against rabies if a licensed veterinarian has examined the animal and has certified in writing that, at the time, vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. An exempt animal must be vaccinated against rabies as soon as its health permits.
- (b) Evidence of such vaccination against rabies shall consist of a rabies vaccination certificate NASPHV Form 51, or an equivalent form approved by the board, signed by the administering veterinarian.
- (c) It shall be unlawful for the owner of an animal or anyone having custody or care of an animal to refuse or fail to have a dog, cat or ferret vaccinated against rabies as required in this chapter. It shall be unlawful for any licensed veterinarian who has administered a rabies vaccination to dogs, cats or ferrets in Marion County to refuse or fail to issue a copy of the rabies vaccination certificate to the animal owner and Marion County Animal Services within fifteen (15) calendar days after the end of the month in which the vaccination was administered.
- (d) Animal related organizations are expected to obtain rabies vaccinations, on all dogs, cats and ferrets, over the age of four (4) months within 30 days of intake, unless otherwise exempted in this section.

Sec. 4-10. – Mandatory Microchipping.

- (a) No animal related organization shelter, humane society, rescue organization, or similar organization, whether public or private, whose principal purpose is securing the adoption of dogs and cats, shall release any such animal to its owner, custodian or an adopter unless the dog or cat has first been implanted with a microchip that is registered to the owner of the animal. Ear-tipped community cats are exempted from this provision.
- (b) Every breeder is required to have a dog or cat implanted with a microchip and registered to the animal owner prior to the sale of the dog or cat.

- (c) No dog or cat need be microchipped if a licensed veterinarian, exercising appropriate professional judgment, certifies in writing and under oath that an animal is medically unfit for the microchipping procedure because of a physical condition which would be substantially aggravated by such procedure or would likely cause the animal's death.
- (d) It shall be unlawful for an animal related organization, animal related business, breeder, shelter, humane society, rescue organization, or similar organization to refuse or fail to have a dog or cat implanted with a microchip that is registered to the owner of the animal as required in this chapter.
- (e) All dogs and cats having completed rabies quarantine shall be implanted with a microchip for positive and permanent identification as a condition of quarantine release. All fees for such services shall be the owner's responsibility.
 - (1) Animals quarantined at the Marion County Animal Services shall be implanted with a microchip prior to being released to the owner.
 - (2) Animals not quarantined at the Marion County Animal Services shall within ten (10) calendar days from the release of quarantine be implanted with a microchip by a veterinarian of the owner's choice or Marion County Animal Services.
 - (3) It shall be unlawful to not have an animal implanted with a microchip after quarantine.
- (f) It shall be a violation of this chapter for owners of dogs and cats who have a microchip to fail to register an implanted microchip with the manufacturer of the microchip.

Sec. 4-11. - Control of animals.

- (a) It shall be unlawful for any animal owner or responsible person for any animal, to fail to maintain direct or physical control of such animal and allow it to run at large upon any public street, sidewalks, school grounds, parks or on the private property of others without the consent of owner of such property.
- (b) It shall be the duty of every animal owner or responsible person to ensure that the animal is kept under physical control at all times while the animal is off the real property limits of the owner or responsible person.
- (c) Subsections (a) and (b) above shall not apply to dogs during any time in which they are engaged in hunting, or organized training events, law enforcement work, performing field trials, participating in dog shows organized events, or in locations designated by the board as pet play areas, dog parks or exercise areas.
- (d) Animal control or enforcement officers shall have the authority to take up, confine, hold and impound any animal and which is found to be running at large or straying. The owner of such animal shall be responsible for the costs of impoundment.
- (d) It shall be unlawful for the owner of an animal or responsible person to:
 - (1) Fail to maintain direct control and physical control of an animal resulting in a bite or injury to a human being, unless such animal was reacting to a person unlawfully on its

owner's property or protecting itself, its owner or keeper from an unjustified attack or assault; or

- (2) Fail to maintain direct control and physical control of an animal resulting in an attack on another domestic animal while off the owner's or keeper's property; or
 - (3) Fail to humanely confine a female dog or cat in heat (estrus) in a properly ventilated building or secure enclosure with a top so as to make it inaccessible to any male dog or cat, except for controlled and intentional breeding purposes. The animal may not be walked off the owner or responsible person's property or leasehold during this time.
 - (4) Fail to adequately confine quarantine animals from other animals and ensure minimal contact with people. The animal must be leashed and under direct control or physical control of a competent person over the age of 18 who is able to restrain the animal when outside for exercise or relief; and shall not be allowed to leave the property except to receive emergency veterinary care.
- (e) All livestock shall be controlled by utilizing fencing or enclosures which shall meet the livestock fencing minimum requirements.
- (f) This section does not apply to community cats.

Sec. 4-12. - Domestic animals creating a nuisance.

- (a) Without regard to knowledge, intent, or culpability, an owner shall prevent a domestic animal from becoming a nuisance. A nuisance includes but is not limited to a domestic animal that:
- (1) Trespasses on public or private property;
 - (2) Causes damage to another person's property;
 - (3) Creates a danger to the public health or safety;
 - (4) Disturbs or turns over garbage containers;
 - (5) Chases or molests vehicles, bicycles, persons, or animals;
 - (6) Displays a menacing or threatening behavior; or
 - (7) Defecates on public or private property other than the owner's property.
 - (8) Runs at-large on more than one occasion within a 30 day period.
- (b) Domestic animals creating noise disturbances.
- (1) Any animal barking, whining, howling or making objectionable noises that can be clearly heard beyond the boundaries of the owner's property and that continues for a minimum continuous period of thirty (30) minutes may be considered a nuisance. In making a determination whether to cite an animal owner for a nuisance based on a noise-related disturbance, the animal control officer shall exercise his or her sound discretion, based on the totality of the circumstances and upon the standard of a "reasonable objective complainant" in such circumstances.
 - (2) The prohibition against barking habitually, or making other objectionable noises

habitually shall not apply between the hours of 7:00 a.m. and 10:00 p.m. to commercial boarding kennels which are in compliance with the Marion County Land Development Code.

- (3) This subsection shall not apply to domestic animals on land zoned for agricultural purposes.
- (c) An owner of any animal, upon the death of such animal, shall dispose of the carcass by burying the carcass at a sufficient depth, of at least two (2) feet below the surface to prevent predators from exhuming the carcass, or by recognized alternate methods of disposal such as cremation, or rendering. An owner shall not dispose of the carcass of any animal by dumping such carcass on any public or private property.

Sec. 4-13. - Humane treatment for animals.

- (a) An owner or responsible person shall provide humane care and treatment to an animal. Humane care includes but is not limited to providing adequate food, adequate water, adequate shelter, adequate space, and veterinary care to maintain health and to prevent or cure diseases.
 - (1) Adequate food means food which is of sufficient quantity and nutritive value to maintain each animal in good health. The owner shall ensure that adequate food is accessible to each animal, is prepared so as to permit ease of consumption for the age, species, condition, size, and type of each animal, is provided in a clean and sanitary manner, is placed so as to minimize contamination by excrement and pests, and is provided at suitable intervals for the species, age, and condition of the animal, which is at least once daily except as prescribed by a veterinarian.
 - (2) Adequate water means clean, fresh, potable water. The owner shall ensure that adequate water is provided in a suitable manner, in sufficient volume, and at suitable intervals, at all times to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a veterinarian, and that the water is provided in a clean, durable receptacle, which is accessible to each animal and is placed so as to prevent contamination of the water by excrement and pests and shall be maintained in a container in such a manner that animals cannot turn the container over.
 - (3) Domestic animals regularly kept outdoors must be provided with adequate shelter, as defined in this chapter.
 - (4) Adequate space means space that allows an animal to easily sit, stand, lie down, turnabout, and make other normal body movements in a comfortable, normal position for the animal. The owner or responsible person shall ensure adequate space exists so an animal can interact safely with other animals in the enclosure, unless specified by a veterinarian. Nothing precludes veterinary care that temporarily restricts movement if it would endanger an animal.
- (b) It shall be unlawful for a person to abandon any animal, dispose of any animal on the property of another or on public property, or to leave behind any animal when relocating to a new residence. The return of a community cat to the location at which it was found, or another

designated place, subsequent to sterilization and vaccination shall not be considered to be abandonment.

- (c) It shall be unlawful for any person to entice or lure an animal out of an enclosure, or off the property of its owner, harbinger or keeper.
- (d) It shall be unlawful for any person to molest, torment, torture, abuse, assault, or tease an animal.
- (e) No person other than a licensed veterinarian shall crop the ears or dock the tail of any dog. If a person possesses a dog with an ear or ears cut off or cropped, or tail docked, and with the unhealed wound, then that possession is prima facie evidence of a violation of this section, unless the cropping or docking was performed by a veterinarian.
- (f) No person other than a licensed veterinarian shall castrate a domestic cat or dog.
- (g) The unsupervised, unattended outdoor tethering of a dog is prohibited except as provided herein:
 - (1) The dog must be in visible range of the owner or responsible party, which person must also be outside with the dog at all times. There is authorized the following narrow exception to this condition: The dog owner or responsible person may leave a dog tethered outdoors on the property for a reasonable period while such owner or responsible person performs a temporary task indoors. In no event may the owner or responsible person leave the premises while a dog is left tethered, unattended, outdoors. A dog may never be left tethered and unattended on vacant or abandoned property. No dog shall be tethered for more than five (5) hours within a 24-hour period, regardless of temporary tasks.
 - (2) Any tether must be of sufficient strength to prevent escape.
 - (3) The tether must be attached to the animal by a properly applied, buckle-type nylon or leather collar, or halter or harness, with a swivel hook, and configured so as to protect the animal from injury and prevent entanglement with other objects and/or animals.
 - (4) The tether shall not be attached to a stationary object or trolley at a point or location that would allow the animal to extend the tether over a fence or other object or edge in such manner that could result in the strangulation of or injury to the animal.
 - (5) The foregoing provisions regarding tethering do not apply to a lawful animal event, veterinarian treatment, grooming, training, or law enforcement.
 - (6) The provisions of subsection (1) above, do not apply to dogs that are kept or used on lands being used for a bona fide farm operation on lands classified as agricultural pursuant to F.S. § 193.461 [cf. sections 163.3162(3)(a), and F.S. § 823.14(6); see, definitions of "farm," "farm operation," and "farm product" at F.S. § 823.14(3)(a), (b), and (c)].

Sec. 4-14. - Animals in motor vehicles or vessels.

- (a) It shall be a violation of this chapter for a motor vehicle or vessel operator to place or confine an animal or allow it to be placed, confined, or to remain in an unattended motor vehicle or vessel without sufficient ventilation or under conditions for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to adverse effects of the elements, including but not limited to, excessive heat, lack of water, or such other circumstances as may be reasonably expected to cause suffering, disability, or death.
- (b) Any animal control or enforcement officer who finds an animal in a motor vehicle or vessel which appears to be suffering due to adverse effects of the elements may enter the motor vehicle or vessel by using the amount of force which is reasonably necessary to remove the animal. The officer removing the animal shall take said animal or have said animal delivered to Marion County Animal Services or to a veterinarian if the animal is deemed to be in distress. In the event the motor vehicle or vessel operator cannot be located, the officer shall leave in prominent place in or on the motor vehicle or vessel a written notice bearing the name of the officer, their department's name and telephone number. In addition, the officer shall notify Marion County Animal Services with all pertinent information regarding the incident, including the circumstances under which the animal was taken, and where and when the animal was taken. At the discretion of the investigating officer, the animal may be held while the officer pursues charges of cruelty or may be surrendered to the owner or agent of the owner if the owner or agent claims the animal within the proper impoundment period, demonstrates the ability to provide secure and humane shelter for the animal, and pays all fees and costs accrued for the maintenance of the animal.

Sec. 4-15. - Establishing an Animal Abuser Registry.

- (a) This section shall be known as “Molly’s Law.” Marion County shall establish a publicly-accessible on-line Animal Abuser Registry that shall contain the names and residence information of all registered Animal Abuse Offenders in unincorporated Marion County or in any incorporated municipality in Marion County that has elected to participate in the Registry by inter-local agreement, who have been convicted of an Animal Abuse Crime, or ordered by the court, in Marion County, as defined herein, on or after the effective date of this ordinance. The on-line Registry will be administrated and maintained on the Marion County web page or some other such similar place as the County Administrator deems appropriate. However, as an alternative to County administration and maintenance of the Registry, the county administrator is authorized to develop an agreement with a responsible third-party administrator for on-going administration and maintenance of the Registry, to be approved by the Board. The entity responsible for maintenance of the registry will be hereafter referred to as the Maintaining Agency.

The on-line Animal Abuser Registry may also contain links to other county Animal Abuser Registries that are available, or as they become available in the future, in the state of Florida, with such other county registries to be used as informational resources by animal shelters, pet sellers, or other persons or entities located in unincorporated Marion County who sell, exchange, or otherwise transfer the ownership or possession of any animal.

- (b) The Registry shall contain the required information about each Animal Abuse Offender for the following periods: following their release from incarceration or, if not incarcerated, from the date of the judgment of conviction: For a first conviction of a misdemeanor Animal Abuse Crime – 3 years; for a first conviction of a felony Animal Abuse Crime – 5 years; for a subsequent conviction of either a misdemeanor or felony Animal Abuse Crime, 10 years. Upon notification to the Maintaining Agency of a successful appeal of a conviction of an Animal Abuse Crime by an individual that has been required to register pursuant to this ordinance, the registration information for that individual shall be removed from the Marion County Animal Abuser Registry within ten (10) calendar days following notification. It shall be the responsibility of the Offender to initiate removal of his or her name from the Registry by providing verified documentation to the Maintaining Agency of grounds for removal.
- (c) Any person convicted in either the circuit or county court in and for Marion County, Florida, of an Animal Abuse Crime, or ordered by the court, in addition to any fine and other penalty provided by law, there shall be imposed a court cost, for maintenance of the Marion County Animal Abuse Registry, in the amount of one-hundred twenty-six dollars (\$126.00) or, in the judge's discretion, a greater amount not to exceed the fine authorized for the violation. Such cost shall be imposed in each case unless waived by the judge. The clerk shall collect the court cost, unless waived, and forward it to the Maintaining Agency to be used for the administration and maintenance of the Registry. The clerk shall retain one dollar (\$1.00) of each one-hundred twenty-six (\$126.00) collected as a service charge of the clerk's office.
- (d) When a person is convicted of an Animal Abuse Crime in Marion County (herein, an "Offender"), or ordered by the court, the prosecuting agency shall forward to the Marion County Sheriff's Office and to Maintaining Agency the name and address of the convicted person, along with the name of the Animal Abuse Crime the person was convicted of, thereby notifying the Sheriff's Office and the Maintaining Agency that the person is required to be placed on the Animal Abuser Registry. The role of the Sheriff's Office is to photograph the offender, and to obtain and record the following information, and to transmit such information to the Maintaining Agency for inclusion in the Animal Abuser Registry:
- (1) Their name and any aliases or other legal names they have been, or may be known by;
 - (2) Their residence address;
 - (3) Their date of birth;
 - (4) A photograph of the front of their head and shoulders not less than 2" x 3". (5)

By agreement with the Clerk of the Court, the sentencing judge, and the Sheriff's Office, the forgoing information may be obtained from the Offender in court, at the conclusion of the sentencing hearing. Otherwise, the Offender shall be required to report to the Marion County Sheriff's Office within ten (10) calendar days from the date of sentencing, to be photographed and provide the above-required information.

- (e) Every person placed on the Animal Abuser Registry shall annually report to the Maintaining Agency whether their residence address has changed, and if so, the new address. This report shall be submitted on a form to be provided by the Maintaining Agency, along with a check or money order payable to the Maintaining Agency in the amount of \$10.00. Every Offender shall

also be required to contact the Maintaining Agency to update their Registry information within ten (10) calendar days of any change of residential address and/ or upon any official change of name.

- (f) If not required by the judgment of the Court adjudicating the Offender guilty of an Animal Abuse Crime, every person placed on the Animal Abuser Registry shall pay a one-time fee of one hundred twenty-five (\$125.00) dollars to the Maintaining Agency. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the Registry.
- (g) Any person placed on the Animal Abuser Registry shall be subject to the following prohibitions while on the Registry:
 - (1) The Offender shall not be allowed to own, or possess, or live in the same home with any animal, including any companion animal, unless otherwise provided in a court order. The Offender has ten (10) days following the court order placing them on the Registry to transfer ownership of any owned animals.
 - (2) The Offender shall not be allowed to work with animals, including companion animals, with or without compensation, unless otherwise provided by court order.
 - (3) The County reserves the right and may exercise its right at any time it deems necessary to enforce, or, notwithstanding any other court order, to seek a court order enjoining an Offender from owning or possessing or living with an animal or working with a companion animal while on the Registry.
- (h) No person or entity located in Marion County shall knowingly sell, exchange, or otherwise transfer the ownership or possession of any animal to any person they know to be listed on the Animal Abuse Registry, nor to any individual residing at the address of a person listed on the Registry, nor shall such Offender be allowed to retain possession of any currently owned animals, as of the date of his or her conviction of an Animal Abuse Crime. Prior to the sale, exchange, or other transfer of ownership of any animal, all Pet Sellers in Marion County are required to examine the Animal Abuser Registry to confirm that the name of the potential owner of the animal is not listed, as well as to confirm that the purchaser of the animal does not reside at a listed address for any individual on the Animal Abuse Registry. Upon request from a Marion County Animal Control officer, the Pet Seller shall provide proof by affidavit or otherwise, that it confirmed that the transferee of the animal was not listed on the Animal Abuser Registry at the time of the transfer. This prohibition does not apply to Farm Animals for farmers, nor to Service Animals for people with disabilities.
- (i) Penalties Related to Animal Abuser Registry.
 - (1) Any Animal Abuse Offender who violates the prohibition against possessing, owning, adopting, purchasing, or working with animals – except for Farm Animals for farmers, Service Animals for people with disabilities – shall be guilty of a non-criminal infraction and be fined not to exceed \$500.00. The Offender shall also be subject to a

mandatory court appearance (MCA) wherein the County may seek forfeiture of any animal found in possession or custody of the Offender.

(2) Any individual or entity that violates subsection 4-15(h) shall be guilty of a violation and shall be subject to a fine not to exceed \$500.00. However, for a first violation of subsection 4-15(h), the violator shall receive only a warning citation along with a notification that subsequent violations will result in a fine. It shall not be a violation of this ordinance if the Pet Seller examined the Marion County Animal Abuser Registry before the sale, exchange, gift or transfer of possession, and the name and address of the potential owner did not appear thereon.

(3) Any Animal Abuse Offender who violates subsections 4-15(d), 4-15(e) or 4-15(f) shall be guilty of a violation and shall be subject to a fine not to exceed \$500.00.

Sec. 4-16. - County to maintain list of persons presently enjoined from possessing animals.

(a) A publicly accessible list of all persons enjoined by order of the County Court from owning any animal, whether temporarily or permanently, shall be maintained by Marion County Animal Services.

(b) The list shall include:

- a. Their name,
- b. Their residential address,
- c. Their date of birth;
- d. The Court Order issued to the person.

(c) No additional information may be placed on this list.

(d) Upon production of a court order releasing or modifying an injunction, the County shall remove information for that individual from the list within ten (10) five (5) business days following notification.

(e) Upon the expiration of the court order, the County shall remove information for that individual from this list.

(f) No person or entity located in Marion County shall knowingly sell, exchange, or otherwise transfer the ownership or possession of any animal to any person they know to be on the list of persons enjoined from possessing animals, nor to any individual residing at the address of a person listed. Prior to the sale, exchange, or other transfer of ownership of any animal, all Pet Sellers in Marion County are required to examine the Enjoinment List to confirm that the name of the potential owner of the animal is not listed, as well as to confirm that the purchaser of the animal does not reside at a listed address for any individual on the list. Upon request from an animal control officer, the Pet Seller shall provide proof by affidavit or otherwise, that it confirmed that the transferee of the animal was not listed on the Enjoined List at the time of the transfer.

- (g) Any individual or entity that violates this section shall be guilty of a violation and shall be subject to a fine not to exceed \$500.00. However, for a first violation of this section, a violator shall receive only a warning citation along with a notification that subsequent violations will result in a fine. It shall not be a violation of this ordinance if the Pet Seller examined the Enjoinment List before the sale, exchange, gift or transfer of possession, and the name and address of the potential owner did not appear thereon.
- (h) Any enjoined person who violates the provision set in their court order prohibiting owning, possessing, adopting, or purchasing an animal shall be guilty of a non-criminal infraction and subject to a fine not to exceed \$500. The offender shall also be subject to a mandatory court appearance (MCA) wherein the County may seek forfeiture of any animal found in the possession of the offender.

Sec. 4-17. - Impoundment, redemption, and adoption.

- (a) Any animal impounded by Marion County Animal Services shall be maintained in accordance with the following provisions and additional policies adopted by the board by resolution:
 - (1) A healthy animal wearing a current Marion County license tag or having been implanted with a registered microchip, shall be impounded for a period of not less than 120 hours before the animal may be adopted, transferred, humanely euthanized, or otherwise disposed of.
 - (2) A healthy adult dog not wearing a current Marion County license tag, implanted with an unregistered microchip, or without a microchip shall be impounded for a period of not less than 72 hours, before the animal may be adopted, transferred, humanely euthanized, or otherwise disposed of.
 - (3) Cats, kittens, puppies, and all other animals, other than livestock as defined in Florida Statutes, for which an owner has not been identified or deemed not to have an owner by an identification tag or other identification shall be considered abandoned and shall immediately become the property of Marion County Animal Services.
 - (4) If an impounded animal is suffering from or suspected to have an infectious or contagious disease, or is injured or debilitated to such an extent that it is experiencing pain or suffering as determined by a veterinarian or competent designee(s), or the animal poses an immediate substantial risk to staff or visitors to the shelter, the animal may be humanely euthanized prior to the expiration of the above hold.
 - (5) In the event any impounded animal not classified as dangerous or being held as the subject of a dangerous dog or cruelty investigation is properly identified by the legal owner or authorized agent of the owner, the animal shall be released to the owner or agent upon payment of all fees as established by the board and all fees incurred by the county on behalf of the impounded animal for the provision of proper care and confinement, providing that concurrence of the county public health unit director or designated representative has been obtained for the release of any animal with rabies or believed to be infected with rabies. In the case of any animal impounded because of a dangerous dog investigation, such animal may be released to the owner according to the requirements of section 4-22.

- (6) Animals shall be released to owners on presentation of proof of ownership and payment of costs and fees. Proof of ownership may include a County rabies/license tag, veterinary records, tattoo, bill of sale, adoption contract, registered microchip, affidavits from two separate neighbors, other reliable documentary or anecdotal evidence deemed reliable by Marion County Animal Services; along with a signed affidavit affirming ownership. If ownership cannot be proven, the animal must remain for the established hold period prior to reclaiming.
- (7) In the event any impounded animal is not claimed prior to the expiration of the proper impoundment period, Marion County Animal Services may release, adopt, humanely euthanize, or otherwise dispose of such animal in accordance with the established laws, rules and regulations and the policies of the board, without any compensation being paid to the owner, providing that concurrence of the county public health unit director or designated representative has been obtained for the release of any animal with rabies or suspected to be infected with rabies.
- (8) All dogs and cats being adopted, redeemed or sterilized from Marion County Animal Services shall be implanted with a microchip for positive identification and be registered with Marion County Animal Services database prior to release, and the department shall collect the applicable fees for such services.
- (9) All dogs and cats having completed rabies quarantine shall be implanted with a microchip for positive and permanent identification as a condition of quarantine release. All fees for such services shall be the owner's responsibility.
 - a. Animals quarantined at the Marion County Animal Services shall be implanted with a microchip prior to being released to the owner.
 - b. Animals not quarantined at the Marion County Animal Services shall within ten (10) calendar days from the release of quarantine be implanted with a microchip by a veterinarian of the owner's choice or Marion County Animal Services.
 - c. It shall be unlawful to not have an animal implanted with a microchip after quarantine.
- (9) No live dog or cat shall be released to any entity, business, firm, corporation, institution or enterprise for biomedical research, teaching or experimental purposes.
- (10) All owners shall have the right to schedule a visitation of their animal, subject to reasonable limitations on staff availability, at the Marion County Animal Services not more often than three (3) days per week and not to exceed fifteen (15) minutes per day, with the exception of animals that have been impounded as a result of an attack on a human, or where pursuant to determination of a licensed veterinarian, visitation is not advisable. In those cases, no visitation shall be permitted.
- (10) Dogs and cats that have been impounded shall be spayed/neutered at the owner's expense prior to being released to the owner. No spay/neuter is required if a licensed veterinarian certifies in writing that the surgery would endanger the animal's health or if a licensed veterinarian with whom the pet owner has a previously established doctor-patient-client relationship certifies in writing that the animal is of appropriate health, conformation, and temperament to be bred. Such certification is to be made on a sworn statement provided by the County. The owner of the animal will also certify on an affidavit to be provided

by the County that he or she will comply with the provisions of this Ordinance or all laws and ordinances governing the regulation of breeders. An owner shall not use this exemption more than one (1) time per animal; mandatory sterilization is required based on a second impoundment. The animal shall only be released to the owner with a signed statement allowing the owner fifteen (15) days to comply with and/or register as a hobby breeder or commercial breeder. Failure to register as a hobby breeder or commercial breeder will result in a penalty as specified in the penalty schedule.

- (b) It shall be unlawful for any person, business, or organization to harbor or keep any stray or apparently lost dog or cat, found within Marion County, unless they have notified Marion County Animal Services within twenty-four (24) hours from the time such animal came into their possession. Upon receiving such notice, Marion County Animal Services may require the individual to bring the animal to Marion County Animal Services for identification, sheltering, or if necessary, for the intention of reuniting the pet with their owner
 - (1) If the animal becomes injured or sick while under that individual's care, they shall be required to seek medical treatment and are responsible for paying all necessary veterinary expenses. If they do not wish to pay for treatment, the animal must be relinquished to Marion County Animal Services or another Animal Related Organization in good standing with Marion County Animal Services.
 - (2) The individual must comply with the following requirements, prior to rehoming or keeping with the intention of permanent ownership:
 - i. Pet must be scanned for a microchip with a universal microchip scanner
 - ii. Contact of a known owner must be attempted a minimum of 3 times; contact may be done via phone, text, in person, or email.
 - iii. A Found Report must be submitted via platform approved by Marion County Animal Services; such notification must be made public for a minimum of 7 calendar days (168 hours)
 - iv. Report must include a clear picture depicting the signalment of the animal, as well as accurate color(s) and gender.

Sec. 4-18. - Location of sale of dogs and cats.

- (a) Any sale, exchange, or transfer of possession or ownership to another person, of dogs and cats, to include puppies and kittens, are prohibited on any public or private streets and rights-of-way, within 50 feet of any right-of-way, at any flea market, private parking lot, business without appropriate permitting or any open-air venue, such as, but not limited to, parades, concerts, events, and festivals.
- (b) No new pet shop shall offer for retail sale dogs or cats in Marion County, without fully complying with the adoption-based business model and unless that dog or cat was obtained from:
 - (1) An animal shelter;
 - (2) An Animal Rescue Organization.

(c) Animal related organizations and government agencies are exempt from this section.

Sec. 4-19. - Requirements for sales of dogs and cats.

(a) Before a dog is offered for sale it shall receive from a veterinarian, vaccines and anthelmintics against the following diseases and internal parasites:

- (1) Canine distemper.
- (2) Leptospirosis.
- (3) Bordetella (by intranasal inoculation or by an alternative method of administration if deemed necessary by the attending veterinarian and noted on the health certificate, which must be administered in this state once before sale)
- (4) Parainfluenza.
- (5) Hepatitis.
- (6) Canine parvo.
- (7) Rabies, if the dog is three (3) months of age or older and the inoculation is administered by a veterinarian.
- (8) Roundworms.
- (9) Hookworms.

Each dog over six (6) months of age shall be tested for heartworm before being offered for sale.

(b) Before a cat is offered for sale it shall receive from a veterinarian, vaccines and anthelmintics against the following diseases and internal parasites:

- (1) Panleukopenia.
- (2) Feline viral rhinotracheitis.
- (3) Calici virus.
- (4) Rabies, if the cat is three (3) months of age or older and the inoculation is administered by a veterinarian.
- (5) Hookworms.
- (6) Roundworms.

Each cat shall also be tested for feline leukemia virus and feline immunodeficiency virus (FIV) before being offered for sale.

- (c) The tests, vaccines, and anthelmintics shall be administered prior to the dog or cat being offered for sale, unless a veterinarian certifies on the official certification of veterinary inspection that to vaccinate or deworm the dog or cat is not in the best medical interest of the dog or cat, in which case the vaccine or anthelmintic may not be administered to that particular dog or cat.
- (d) If the dog or cat is under four (4) months of age, the tests, vaccines, and anthelmintics required by this section shall be administered no more than twenty-one (21) days before sale within the County. If the dog or cat is four (4) months of age or older, the tests, vaccines, and anthelmintics required by this section shall be administered at or after three (3) months of age, but no more than one (1) year before the sale.

(d) All dogs and cats sold in the County shall have a microchip implanted prior to sale. The seller shall register the microchip with the national registry associated with the microchip within 48 hours of the sale. The seller shall also notify Marion County Animal Services and shall provide the microchip number, other identifying information of the dog or cat along with the name, address, and telephone number of the new owner, within 30 days of the sale. to Animal Services. The seller shall also notify Animal Services and the applicable national registry within 48 hours of the sale of the dog or cat and shall provide the name, address, and telephone number of the new owner of the dog or cat.

(1) No dog or cat need be microchipped if a licensed veterinarian, exercising appropriate professional judgment, certifies in writing and under oath that an animal is medically unfit for the microchipping procedure because of a physical condition which would be substantially aggravated by such procedure or would likely cause the animal's death.

(e) It shall be unlawful for an animal related organization, government agency shelter, humane society, rescue organization, or similar organization to refuse or fail to have a dog or cat implanted with an electronic animal identification device (microchip) and registered as required in this chapter.

(f) Each dog and cat shall be accompanied by an original current official certificate of veterinary inspection with the corresponding microchip identification for that animal at all times while being offered for sale within the County. The buyer shall receive the original certificate. Copies of these certificates shall be held by the seller and the veterinarian for a period of three (3) years.

(g) The examination of each dog and cat by a veterinarian shall take place no more than thirty (30) days before the sale within the County.

(h) No person may offer to sell or transfer any dog or cat that is less than eight (8) weeks of age.

Sec. 4-20. - Community cats.

(a) Community cats must be sterilized, vaccinated against the threat of rabies, and ear-tipped (preferable on the left ear) for easy identification; if these requirements are met, the community cat is exempted from licensing, stray, at-large, and other provisions of this section that apply to owned animals.

(b) Community cat caregivers should provide certain necessities on a regular ongoing basis, including, but not limited to, proper nutrition and medical care as needed.

(1) Food shall be provided in the proper quantity for the number of cats being managed and is to be supplied no less than once per day. Food must be maintained in proper feeding containers.

(2) Water, if supplied, must be clean, potable, and free from debris and algae.

(3) The feeding of community cats should take place primarily during daylight hours to minimize the risk of domestic-wildlife interactions that have increased potential of rabies exposure for the cats. Any food provided after daylight hours shall only be provided for such time required for feeding, and no longer than 30 minutes, after which it shall be removed.

- (4) Feeding outdoors is only allowed when an appropriate amount of food for daily consumption of the cat(s) being cared for is provided. Food must be appropriately placed in sanitary containers sufficient for the cat being fed. Automatic feeders that are properly maintained and secured may be used to dispense daily food rations and may be present during night hours.
 - (5) Dumping excessive quantities of food on the ground, placing excess quantities in bowls or other containers and leaving open food packages is prohibited.
 - (6) If shelter is provided, it shall be unobtrusive, safe, and of the proper size for the cat(s).
- (c) Community cat caregivers must feed only on their property or with the permission of another landowner (city, state, or federal public property).
 - (d) Community cat caregivers shall not be deemed to own, have custody, care, or control of community cats.
 - (e) Community cat caregivers may redeem community cats from the shelter without proof of ownership and are exempt from charges and/or fees.
 - (f) Any individual or entity that violates this section shall be guilty of a violation and shall be subject to a fine not to exceed \$500.00. However, for a first violation of this section, a violator shall receive only a warning citation along with a notification that subsequent violations will result in a fine.

Sec. 4-21. - Spay/neuter program.

Florida Statute § 823.15 expresses a determination of the Florida Legislature that uncontrolled breeding of dogs and cats leads to unwanted animals, strays, animal suffering, destruction of animals at great expense to the community constituting a nuisance and public health hazard. The board of county commissioners hereby finds that:

- (1) Marion County is committed to finding humane and cost effective means of reducing the production of unneeded and unwanted puppies and kittens by:
 - a. Assuring compliance with the Florida State Statute providing the sterilization of all adopted and rescued domestic animals prior to their release from Marion County Animal Services. [F.S. § 823.15(2)(a)]
 - b. Providing subsidized targeted spay/neuter services to the pets of Marion County citizens by offering public surgery services within the Marion County..
 - c. Partnering with Animal Rescue Organizations to help meet their spay/neuter obligations.

Sec. 4-22. - Damage by dogs; classification of dangerous dogs.

- (a) Marion County adopts by reference as a part of this chapter all of F.S. Ch. 767, as the same may be amended from time to time. In the event of a conflict between F.S. Ch. 767, and this

chapter, the provisions of the statute shall control. The procedures of this chapter also provide regulations supplemental to F.S. Ch. 767.

- (b) Marion County Animal Services shall investigate reported incidents involving any dog that may be dangerous and, if possible, shall interview the owner and require a sworn affidavit from any person with personal knowledge of the facts asserted therein, including any animal control officer or enforcement officer, desiring to have a dog classified as dangerous.
- (c) The animal control officer shall attempt to obtain a current, valid address of the owner during such investigation, including requiring the owner to provide the owner's correct current street address, telephone number, and any other contact information of the owner, such as email addresses, which the county may use for all future notices and communications with the owner. The owner shall further advise the animal control officer of the address at which the animal resides, if different from the address of the owner. If the owner refuses to provide such information to the animal control officer, the animal control officer shall make a notation of such refusal in the investigation file, and shall advise the owner that such refusal shall be deemed to be a waiver of any claim of lack of notice as to future proceedings or communications from the county. If the owner is currently transient or otherwise has no current street address, it shall be the responsibility of the owner to physically come to Marion County Animal Services once every five (5) days to pick up any notifications that relate to the owner.
- (d) Possession of dog while investigation is pending:
 - (1) The animal control officer shall be authorized to pick up and impound a dog if probable cause is established as provided in section 4-7.
 - (2) Upon demonstration to the animal control officer that the owner is able to humanely and safely confine the animal in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section, the owner shall, in most cases, be permitted to retain custody of the dog, or obtain release of the dog from Marion County Animal Services, upon payment of any applicable fees and charges.
 - (3) In exceptional cases, notwithstanding receipt of evidence regarding the owner's ability to safely confine the dog, Marion County Animal Services may obtain or retain custody of the dog based on the determination of the animal control officer, based on first hand observations, that the release of the dog to the owner presents an unreasonable risk to the public.
- (e) After the investigation, the animal control officer shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous or impose a penalty and shall afford the owner an opportunity for a hearing prior to issuing a final order. Marion County Animal Services shall provide written notification of the sufficient cause finding and proposed classification of the dog as dangerous and penalties to the owner, by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48, F.S., relating to service of process, to the address previously provided by the owner. The owner may file with Marion County Animal Services, a written request for a hearing within seven (7) calendar days after the date of receipt of the notification of the sufficient cause finding. The owner's request for hearing shall, even if previously given as provided above, state the owner's correct

current street address, telephone number, fax number, and, if available, email address, where the owner agrees to receive notices of hearing, and other communications from Marion County Animal Services. If requested, the hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than 5 calendar days after receipt of the request from the owner, unless waived by the owner.

- (f) Marion County Animal Services shall issue a notice of hearing to the owner by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48, F.S. relating to service of process, to the address previously provided by the owner.. The notice of hearing shall advise the owner that, if a person decides to appeal any decision made by Marion County Animal Services as a result of the hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If a facsimile number or email address has also been provided by the owner, the notice shall also be provided by those means as well. Failure of the owner to receive either facsimile or email notice shall not however be deemed to be insufficient notice where the notice of hearing has been otherwise properly delivered to the owner. Marion County Animal Services shall see that the notice of hearing is delivered at least seven (7) calendar days before the hearing. The notice shall specify the date, time, and location of the hearing. Proof by affidavit of the delivery of such notice, as provided for herein, shall be deemed to be prima facie evidence of sufficient notice of hearing. The Director or the dog classification board, as provided below, shall conduct the hearing on or after the sixth day and on or before the twenty-first day after receipt of the request. If the owner fails to timely request a hearing, the owner shall be deemed to have waived his or her rights to contest the dangerous dog classification or any penalty imposed under this section. Marion County Animal Service's initial determination that the dog be classified as a dangerous dog or that a penalty be imposed shall become final, by operation of law without requirement for a hearing.
- (g) The board of county commissioners may, by resolution, create a dog classification board, comprised of five (5) appointed members and one (1) alternate, for the purpose of conducting hearings and presenting recommended orders to the Director prior to the final determination.
 - (1) Each county commissioner shall appoint one member to the dog classification board, and the chair, with the concurrence of a majority of the other county commissioners shall also appoint the alternate member. The dog classification board shall be comprised of members who do not currently sit on any other elected or appointed board in Marion County, and who, to the extent such are available for appointment, demonstrate by training, education, experience or employment, both an interest in animal welfare and control, and the objectivity and demeanor to fairly hear dog classification cases.
 - (2) The nature of the hearing before the dog classification board shall be an informal adversarial proceeding in which formal rules of evidence do not apply. The parties may be represented by counsel at their own expense, and shall be afforded the opportunity to present evidence, and to cross-examine adverse witnesses. Witness testimony shall be given under oath. It shall be the responsibility of the owner to ensure the preparation of a verbatim transcript of the hearing in the event the owner desires to appeal the final determination in the case. Following the hearing, the dog

classification board shall transmit a recommended order to the Director. The recommended order must recite the essential findings of fact and conclusions of law upon which the recommendation is based. The recommended order must be supported by competent, substantial evidence on the record of the hearing. Hearsay evidence shall be admissible in the hearing, but a finding of fact may not be based solely on hearsay evidence. The owner shall be permitted to submit to the Director an alternate recommended order, with citations to the record supporting his or her position. The Director shall have the discretion, on a given case, to forego the procedure of the dog classification board, and personally convene a hearing using the foregoing procedural rules, before entering a final written decision.

- (h) Following the hearing or by operation of law, the Director shall render a written final order. The order shall be deemed rendered when it is filed with the Clerk of Court in County Commission Records. The Director shall have the discretion to not adopt the Recommended Order if it is not supported by competent substantial evidence, or, if the Director cites to other compelling substantial evidence that justifies a different result. The Director shall provide a copy of the final order to the owner by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48, F.S., relating to service of process, to the address previously provided by the owner. An owner with no mailing address shall make arrangements to physically come and pick up the written decision from Marion County Animal Services.
- (i) The owner may appeal the classification, penalty, or both within 30 calendar days after receipt of the final order by petition for certiorari to the circuit court in accordance with the Florida Rules of Appellate Procedure. If the dog is not held by Marion County Animal Services, the owner must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal. In exceptional cases, notwithstanding receipt of evidence regarding the owner's ability to safely confine the dog, Marion County Animal Services may obtain or retain custody of the dog based on the determination of the animal control officer, based on first hand observations, that the release of the dog to the owner presents an unreasonable risk to the public. If the final order recommends destruction, the dog shall not be destroyed for 30 calendar days after the owner receives the final order, unless the owner waives the right to appeal to the Circuit Court in writing. If the owner files a written appeal to the Circuit Court within 30 calendar days, the dog may not be destroyed while the appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.
- (j) Marion County Animal Services may not classify a dog as dangerous or impose a penalty if an attack occurred while the person alleged to have been attacked was unlawfully on the property of the dog's owner.
- (k) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustifiable attack or assault.
- (l) Within fourteen (14) calendar days after issuance of the final order classifying the dog as dangerous or the conclusion of any appeal that affirms such final order, the owner of the dog

shall obtain a certificate of registration for the dog from Marion County Animal Services, upon payment of any and all fees established by the board, and annually thereafter renew the certificate of registration upon payment of any and all renewal fees. Only a person who is at least eighteen (18) years of age, and presents the following evidence, may obtain the certificate of registration for a dog classified as dangerous:

- (1) A current certificate of rabies vaccination signed by a licensed veterinarian for the dog.
- (2) A current county animal license for the dog.
- (3) Proper enclosure for the dog classified as dangerous as defined in Florida State Statute 767, as may be amended.
- (4) The posting of the confinement property with clearly visible warning signs at all entry points that inform both children and adults of the presence of a dangerous dog on the property.
- (5) Permanent identification of the dog, by means of microchip implantation.
- (6) Two (2) current color photographs showing the color and size of the dog.
- (7) Permanent surgical sterilization of the dog by gonadectomy.

It shall be unlawful for an owner of a dangerous dog to fail to obtain a certificate of registration as provided in this section.

- (m) It shall be unlawful for the owner to fail to immediately notify the department of animal services when the dog classified as dangerous:
- (1) Is loose, unconfined or missing.
 - (2) Has bitten a human being or attacked another animal including livestock.
 - (3) Is sold, given away, or dies.
 - (4) Is moved to another address.

The owner of the said dangerous dog must notify Marion County Animal Services prior to relocating the dog. The animal control authority in the new location must be notified by the owner of a dog classified as dangerous that the dog is in that authority's jurisdiction. Before a dangerous dog is sold or given away, the owner shall provide the name, address, and telephone number of the new owner. The new owner must comply with all the requirements of this section.

- (n) It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash rated to withstand the weight and strength of the dog, and under the control of a competent adult physically able to restrain the dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision, breathing, panting, or drinking, but will prevent it from biting any person or animal. A properly fitted basket muzzle or agitation muzzle is recommended. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within the owner's sight and only members of his immediate household or persons eighteen (18) years of age or older are allowed in the enclosure when the dog is present. When being transported, the classified dangerous dog shall be safely and securely restrained within a vehicle, which vehicle shall be

posted with warning signs that a dangerous dog is in the vehicle. It shall be unlawful for a person to use a dog classified as dangerous for hunting or herding purposes.

- (o) Any person who violates any provision of this section is guilty of a noncriminal infraction, punishable by a fine not exceeding five hundred dollars (\$500.00). [F.S. § 767.12(7)]
- (p) As a condition to each dog's classification, any animal control officer shall, at any reasonable hour, have the right to inspect the owner's premises to determine compliance with F.S. Chs. 767 and 828, and this chapter. It shall be unlawful for an owner to deny the animal control officer or enforcement officer access to inspect the outside of the owner's premises to determine compliance as provided in this section. If authorized by a warrant issued by a court of competent jurisdiction, an animal control officer or enforcement officer shall be permitted to inspect the inside of the owner's premises.
- (q) This section does not apply to dogs used by law enforcement officials for law enforcement work.
- (r) Marion County Animal Services shall not release any dog subject to a dangerous dog investigation unless the owner presents evidence of their ability to safely confine the dog as provided above, and that all fines and fees related to such dog have been paid.

Sec. 4-23. - Attack or bite by unclassified dog that causes death; confiscation; destruction.

If a dog that has not been declared dangerous attacks and causes the death of a human, the dog shall be immediately confiscated by Marion County Animal Services, placed in quarantine, if necessary, for the proper length of time or held for ten (10) business days after the owner is given written notification under section 4-22, and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under section 4-22. The dog shall not be destroyed for 30 calendar days after the owner receives the final order, unless the owner waives the right to appeal to the Circuit Court in writing. If the owner files a written appeal to the Circuit Court within 30 calendar days under section 4-22, the dog must be held and may not be destroyed while the appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

Sec. 4-24. - Attack or bite by unclassified dog that causes severe injury or death; penalties; discretion to order destruction.

- (a) If a dog that has not been declared dangerous attacks and causes severe injury to, or the death of, a human, and the owner of the dog had knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog is guilty of a misdemeanor of the second degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.
- (b) If the dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner of the dog is not guilty of any crime under this section.

- (c) If Marion County Animal Services makes an initial determination that a dog be classified as a dangerous dog due to an incident that caused severe injury to a human being, the Director may, based upon the nature and circumstances of the injury and the likelihood of a future threat to the public safety, health, and welfare, also make an initial determination that the dog be destroyed in an expeditious and humane manner in accordance with the procedures in section 4-22.

Sec. 4-25. - Attack or bite by dangerous dog; penalties, confiscation, destruction.

- (a) If a dog that has previously been classified dangerous attacks or bites a person or a domestic animal including livestock without provocation, the owner is guilty of a misdemeanor of the first degree, punishable as provided in F.S. §§ 775.082 or 775.083. In addition, the dangerous dog shall be immediately confiscated by Marion County Animal Services, placed in quarantine, if necessary, for the proper length of time or impounded and held for ten (10) business days after the owner is given written notification under section 4-22, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing before a final determination, pursuant to the procedures of section 4-22, whether the dangerous dog has violated this subsection. The dog shall be held for 30 calendar days after the owner receives the final order, unless the owner waives the right to appeal to the Circuit Court in writing. If the owner files a written appeal to the Circuit Court within 30 calendar days as under section 4-22, the dog must be held and may not be destroyed while the appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.
- (b) If a dog that has previously been classified dangerous, attacks and causes severe injury to or death of any human, the owner is guilty of a felony of the third degree, punishable as provided in F.S. §§ 775.082, 775.083, or 775.084. In addition, the dangerous dog shall be immediately confiscated by Marion County Animal Services, placed in quarantine, if necessary, for the proper length of time or impounded and held for ten (10) business days after the owner is given written notification under section 4-22, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing before a final determination, pursuant to the procedures of section 4-22, whether the dangerous dog has violated this subsection. The dog shall be held for 30 calendar days after the owner receives the final order, unless the owner waives the right to appeal to the Circuit Court in writing. If the owner files a written appeal to the Circuit Court within 30 calendar days as under section 4-22, the dog must be held and may not be destroyed while the appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.
- (c) If the dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner of the dog is not guilty of any crime under this section.

Sec. 4-26. - Department of Animal Services to maintain list of dogs classified as dangerous.

(a) A publicly accessible list of all dogs classified as dangerous shall be maintained by Marion County Animal Services.

(b) The list shall include:

- (1) The dog's name,
- (2) The dog's residential address,
- (3) The dog's breed,
- (4) Color photograph showing the color and size of the dog;

Sec. 4-27. - Property owner's liability.

Property owners may be determined to be in violation of this chapter or held liable for the actions or lack of compliance of this chapter by the occupant(s) of their properties if Marion County Animal Services has informed both parties and the violation continues to exist. The violation can either be located on the property or occurring from the property. Unless otherwise specifically provided in this chapter, and regardless of the knowledge, intent or culpability of the violator, any violation of the regulations of this chapter shall be a civil infraction punishable by a maximum civil penalty not to exceed five hundred dollars (\$500.00) per violation.

Sec. 4-28. - Irresponsible animal owner.

The purpose of this section is to protect the citizens and animals of Marion County from the risks and expenses resulting from individuals who repeatedly fail to care responsibly for their domestic animals. Determining the number of times, a person is found guilty shall be per incident and not based on the number of animals involved in each incident or the number of enforcement actions, or charges, arising out of the same set of facts.

(a) A person shall be designated as an irresponsible owner upon being found guilty of violating, more than twice, any combination of the following within a three-year period:

- (1) Section 4-9 – Rabies, exemptions, requirements
- (2) Section 4-11 – Control of animals
- (3) Section 4-12 – Domestic animals creating a nuisance (excluding noise violations)
- (4) Section 4-13 – Humane treatment for animals
- (5) Section 4-14 – Animals in motor vehicles or vessels
- (6) Section 4-15- Establishing an Animal Abuser Registry
- (7) Section 4-16-County to maintain list of persons presently enjoined from possessing animals
- (8) Section 4-18-Location of sale of dogs and cats
- (9) Section 4-19-Requirements for sales of dogs and cats
- (10) Section 4-29-Permitting, exemption, requirements
- (11) Section 4-30-Standards of Care

(b) A person shall be designated as an irresponsible owner upon being found guilty, more than once, of any combination of the following within a three-year period:

- (1) Owning a dog that, while under the person's ownership, custody, or control, is declared dangerous
 - (2) Section 767.13 Florida Statutes – Attack or Bite by dangerous dog
 - (3) Section 767.136 Florida Statute – Attack or Bite by Unclassified dog that causes severe injury or death; penalties
 - (4) Section 828.073 Florida Statutes – Animals Found in Distress
 - (5) Section 828.12 Florida Statutes – Cruelty to animals
 - (6) Section 828.122 Florida Statutes– Fighting or Baiting animals
- (c) For a period of three years from the date of designation as an irresponsible owner, or from the date of the most recent conviction for any subsequent violations, a person must comply with the following requirements:
- (1) Any domestic animals owned by the person must be spayed/neutered within 30 calendar days of the designation as an irresponsible owner
 - (2) Any domestic animals owned by the person must be microchipped within 30 calendar days
 - (3) Any domestic animals owned by the person must be up to date on rabies vaccination and appropriate licensure within 30 calendar days
 - (4) The irresponsible owner must be registered with the department, complete with full payment of the irresponsible owner registration fee and any applicable annual renewal for the duration of the irresponsible owner designation
 - (5) The irresponsible owner may not become the new owner, caretaker, or harbinger of any new domestic animals
- (d) This Section does not prevent Marion County Animal Services from seeking and enforcing any other remedy available at law or equity, including a court-ordered injunction on ownership of animals against any person.
- (e) Any individual or entity that violates this section shall be guilty of a violation and shall be subject to a fine not to exceed \$500.00.
- (f) The owner may appeal the irresponsible owner designation within thirty (30) days to the County Administrator, or their designee.

Sec. 4-29. – Permitting, exemption, requirements.

- (a) No person shall act as, perform duties of a hobby breeder commercial breeder, high-volume owner or otherwise maintain an animal related organization or animal related business without first obtaining the appropriate permit from Marion County Animal Services. This shall not include any registered foster for Marion County Animal Services. No permit shall be issued without written confirmation from the Marion County Growth Services Department that the proposed location complies all the requirements of the Marion County Land Development Code.
- (b) A person seeking a permit shall apply to Marion County Animal Services on a form approved by the County and provide the following:

- (1) Proof of vaccination against rabies by a licensed veterinarian for animals three (3) months or older owned or kept by the applicant ;
 - (2) Proof of Marion County licensure for each animal owned or kept by the applicant;
 - (3) A written emergency plan including procedures in the case of a natural disaster, incapacitation, or death of permit holder.
 - (4) Proof of a current working relationship with a licensed veterinarian;
 - (5) Receipt of annual fees paid to Marion County Animal Services, as set forth in the resolution of fees;
 - (6) A statement as to whether the applicant has ever been found to have violated the prohibitions in this section, or has been convicted of the offense of cruelty to animals, under state law, or has been the subject of a final judgment entered under F.S. § 828.073, or any other Florida Statutes prohibiting animal neglect or mistreatment;
 - (7) Certificate of inspection issued by Marion County Animal Services that all regulations are met and animals are kept in accordance with all requirements set forth in this ordinance.
- (c) Upon satisfactorily meeting the requirements of this section, the owner will be issued a permit. Permits shall be valid for a period of one (1) year from the date of issuance and must be renewed annually.. Permits not renewed within thirty (30) days of the expiration date shall be subject to double the annual fee.
- (d) Not obtaining a permit or violation of any permitting regulations or standards of care shall be a violation of this chapter and at the discretion of the Director, the permit may be temporarily or permanently revoked.
- (e) No permit shall be issued or renewed for any applicant that has outstanding penalties or unpaid citations imposed due to violations of this chapter.
- (f) Permits are not transferable, assignable, or refundable.
- (g) No permit shall be issued for any applicant, applying for a permit relating to the housing or breeding of cats, that is a current community cat caregiver at their permit location
- (h) Requirements for animal related businesses and animal related organizations are as follows:
- (1) Each animal related business or organization will prominently display a current, valid county animal services-issued operational permit.
 - (2) Each animal related business or organization which accepts privately owned animals into its custody shall report to Marion County Animal Services any obvious case of neglect or animal abuse pursuant to this ordinance, of F.S. Ch. 828 “Cruelty to animals”.
 - (3) Shall have their written emergency plan including procedures in the case of a natural disaster, incapacitation or death of permit holder, posted in a prominent location.
 - (4) Each animal related business or organization shall have a working telephone available at all times in case of an emergency. The name of the establishment’s veterinarian and the veterinarian’s phone number shall be posted in a prominent location.
 - (5) Each animal related business or organization shall provide adequate rodent and insect control when necessary.

- (6) Maintain records on all individual animals currently under their care.
 - (7) Records shall include but are not limited to rabies vaccination, all other inoculations and prescription or medical treatments administered.
 - (8) Records shall also include the owner's name, address, emergency telephone number, owner's proof of identification, and name and telephone number of owner's veterinarian. In addition, a medical release shall be obtained from the owner or their designee for each animal and shall become part of the animal's record so that emergency treatment can be given if the animal shows signs of illness or is injured while in the care and custody of the animal related entity. Exceptions to this provision may be made on a case-by-case basis when due to extenuating circumstances it is in the best interest of the animal for the animal owner to remain anonymous.
 - (9) Where the animal related business or organization has a right of ownership in the animal, records shall indicate where the animal was obtained.
 - (10) All records shall be made available to the department upon request.
 - (11) Failure by an animal related business or organization to obtain a permit prior to conducting business within the county shall constitute a violation.
- (i) Requirements for hobby breeders and commercial breeders are as follows:
- (1) The appropriate permit number shall be provided on all advertisements and promotions concerning the sale of any animals. The permit number shall also be provided to all persons who buy or accept ownership of an animal.
 - (2) A statement from the breeder's primary veterinarian which states that any breeding dog in the program, is at least two years of age, and of appropriate health, conformation and temperament to be bred ethically and responsibly. This statement must be updated and provided to the department annually.
 - (3) Dogs, cats, puppies and kittens offered for sale must be at least eight weeks of age and be accompanied by an Official Certificate of Veterinary Inspection (OCVI).
 - (4) Follow all requirements outlined in this ordinance in relation to Sec. 4-18 Location of sale of dogs and cats, and Sec. 4-19 Requirements for sale of dogs and cats.
 - (5) Maintain records of each litter of puppies and kittens born. Such records shall include the date of birth, number of puppies and litters born, and the county license tag number of each parent.
 - (6) Maintain records of each animal sold containing the breed, sex, color, and identifying markings of the animal; all OCVI's and medical records for each animal; the name and address of the purchaser; and the number of the microchip implanted in the animal. If the disposition of the animal is not through sale, the records shall indicate the type and date of disposition, including the name and address of any subsequent owner, if one exists.
 - (7) All records as described herein shall be kept for a period of two years and be made available to the department upon request.
 - (8) At the time of sale, breeders must provide the purchaser with a complete copy of the record pertaining to the individual animal to include the OCVI, medical records and appropriate registration and health testing.
 - (9) Failure by a breeder to obtain a permit kennel license prior to using or offering to use an animal for breeding or stud shall constitute a violation.

(j) With the permission of the applicable property owner/tenant/resident or with a warrant obtained in accordance with chapter 933, Florida Statutes, an animal control officer shall have the authority to enter any facility and inspect the facility and any records pertaining to the animals where animals are boarded, sold, bred, trained, or groomed, including, but not limited to commercial breeders, hobby breeders, high-volume owners, animal related businesses, animal related organizations, or any other premises or property where animals are kept as a business. Such inspections shall be conducted only in the furtherance of an investigation of a violation of state law or this chapter; this subsection shall not provide an independent basis for an inspection. Refusal to allow the Director, or designee to inspect any premises, animal, or records associated with any hobby breeder, commercial breeder, animal related business, animal related organization or high-volume owner shall constitute a violation of this Ordinance.

(k) The Director, or designee shall have the authority to deny, modify, suspend, or revoke a permit, as issued under this Section. Any appeal of the Director's decision regarding any denial, modification, suspension, or revocation of the permit shall be heard by the Board.

Sec. 4-30. – Standards of Care

The purpose of this section is to create the Standards of Care related to hobby breeders, commercial breeders, animal related businesses, animal related organizations, and high-volume owners.

(a) Anyone who owns or maintains animals and is meeting the definition of a hobby breeder, commercial breeder, animal related business, animal related organization, or high-volume owner must provide that animal:

- (1) Freedom from hunger or thirst by ready access to fresh water and a diet to maintain full health and vigor
- (2) Freedom from discomfort by providing an appropriate environment including shelter and a comfortable resting area
- (3) Freedom from pain, injury or disease by prevention or rapid diagnosis and treatment
- (4) Freedom to express normal behavior by providing sufficient space, proper facilities and company of the animal's own kind
- (5) Freedom from fear and distress by ensuring conditions and treatment which avoid mental suffering

(b) Proper animal husbandry for all permitting shall consist of the following practices:

- (1) Animal enclosures must be safe, sanitary, dry, and must protect the animals from the elements.
- (2) Animal enclosures shall be large enough for each animal contained therein to stand up, sit down, lie down, and turn around simultaneously.
- (3) Where an enclosure is used sequentially for more than one animal during the course of a day, the enclosure will be cleaned, sanitized and dried between each animal.
- (4) Where animals are incompatible, they shall be contained separately in appropriate enclosures.
- (5) Housing facilities for animals must be clean and sufficiently ventilated at all times when animals are present to provide for their health, comfort and well-being.

- (6) Housing facilities for animals must be sufficiently heated and cooled when necessary to protect the animals from excessive temperatures and to provide for their health, comfort and well-being.
- (7) Premises where animals are housed shall have sufficient lighting and provide a diurnal lighting cycle, by either nature or artificial light, corresponding to the natural period of daylight and night. If artificial light is provided, it must emulate natural light.
- (8) Premises where animals are housed shall be clean, orderly and free of garbage, toxic substances, unused food, standing water, sharp objects, litter or refuse.
- (9) Garbage shall be kept in garbage cans with properly fitting lids and disposed of regularly.
- (10) Bodies of dead animals must be disposed of according to applicable county and state regulations, policies and laws.
- (11) Food shall be stored in such a way as to prevent contamination by rodents, pests and moisture. Food storage containers shall be clearly and properly labeled as to contents.
- (12) Any poisonous plants growing in or near where animals are being housed should be removed.
- (13) All chemicals, pesticides, cleaning solutions and disinfectants shall be stored and used in accordance with manufacturers' instructions, properly labeled as to content and kept away from contact with animals and animal food.
- (14) All animal feces shall be removed and disposed of properly. Animal feces shall not be allowed to contaminate surrounding waters.
- (15) Food dishes and water bowls shall be cleaned daily.
- (16) When communal feeding containers are used, there shall be sufficient space to feed all the animals simultaneously.
- (17) Animals shall be provided with food of sufficient quantity and quality to allow for normal growth and maintenance of a healthy body weight.
- (18) Fresh water shall be available to all animals daily and shall be maintained in a container in such a manner that animals cannot turn the container over.
- (19) Food and water shall be fresh, appropriate for the animal, and free from contamination.
- (20) Animals must be given exercise appropriate for their species, breed, and size.
- (21) The responsible party must follow veterinary instructions for any sick or injured animal. Proof of adequate, timely veterinary care and follow-up must be provided to the department upon request.
- (22) Animals having a known or suspected communicable animal-to-human disease shall be maintained in isolation where they cannot directly or indirectly come into contact with any other animals or the public. Applicable county and state health regulations must be followed when caring for any animal harboring an animal-to-human disease.
- (23) Any animal that cannot stand on its own or that has a life-threatening disease must be hospitalized, housed under the direction of a licensed veterinarian or humanely euthanized in accordance with F.S. § 828.058.
- (24) Animals shall not be worked in a sick, diseased or injured condition.
- (25) Animals shall not be abused, mistreated, tormented or in any manner made to suffer by any person or any means.
- (26) Any enclosure used as a primary means of confinement for a dog must meet the definition of enclosure as defined in this ordinance.

- (27) Cats must be provided access to a receptacle containing sufficient clean litter to contain excreta and body wastes.
 - (28) Cats must be provided solid resting surface(s) that are sufficient to hold all cats at the same time comfortably.
 - (29) Animals other than those specifically enumerated herein shall be cared for pursuant to general guidelines and accepted animal husbandry standards for each species.
- (c) Groomers shall be subject to the following additional requirements:
- (1) Clippers, combs, brushes and any other equipment shall be sanitized after each animal grooming.
 - (2) Animals shall not be left unattended while tethered to grooming stations.
 - (3) Clean, separate drying towels shall be used for each individual animal groomed.
 - (4) Tepid water must be used for the purpose of washing dogs and cats. Cold water is not acceptable.
 - (5) Grooming bathtubs shall be sanitized after each animal grooming. Grooming bathtubs shall be maintained free of mold and mildew.
 - (6) Clippers, dryers, combs, brushes and any other grooming equipment shall be maintained in good repair so that they are appropriate for the intended safe use per manufacturers' or suppliers' instructions.

Sec. 4-31. - Chapter to be liberally construed.

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

SECTION 2. SEVERABILITY.

It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 3. REPEAL OF ORDINANCES.

All ordinances or parts of ordinances, in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

SECTION 4. INCLUSION IN COUNTY CODE.

It is the intent of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

SECTION 5. EFFECTIVE DATE.

A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in F.S. § 125.66(2)(b).

DULY ADOPTED this ____ day of _____, 2025.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

KATHY BRYANT, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK

DRAFT