

## Chapter 4

### ANIMALS\*

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\* **Editors Note:** Ord. No. 2009-47, § 2, adopted September 1, 2009, effective September 9, 2009, repealed former Ch. 4, in its entirety, and enacted provisions designated as a new Ch. 4 to read as herein set out. Prior to inclusion of said ordinance, Ch. 4 pertained to similar subject matter. See also the Code Comparative Table.

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**Art. I. Administration, §§ 4-1--4-25**

**Art. II. Animal Control, §§ 4-26--4-55**

**Art. III. Dangerous Dogs and Animals, §§ 4-56--4-61**

### ARTICLE I.

#### ADMINISTRATION

##### **Sec. 4-1. Purpose and intent.**

This chapter is enacted pursuant to F.S. Chs. 828, 162, 588 and 767, to regulate the possession, ownership, care, and custody of animals, including licensure of animals, dangerous dogs, and seizure and impoundment of animals, in the interest of the health, safety and welfare of the citizens and animals of Lake County.

(Ord. No. 2009-47, § 2, 9-1-09)

##### **Sec. 4-2. Scope.**

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

(Ord. No. 2009-47, § 2, 9-1-09)

##### **Sec. 4-3. Definitions.**

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

*Animal* means any living dumb creature.

*Animal control officer* means any authorized agent or employee of the county whose responsibility it is to enforce the codes and ordinances of Lake County and any other law relating to the licensure of animals,

control of animals, dangerous dogs and animals, or seizure and impoundment of animals, and who is authorized to investigate, on public or private property, alleged violations of this chapter.

*Animal establishment* means any pet shop, grooming shop, flea market, department store, auction, riding school or stable, zoological park, circus, performing animal exhibition, boarding or breeding kennel or cattery, or any other premises or property where animals are kept as part or whole of a business concern.

*At large* means any animal not under proper restraint or the direct control, custody, charge or possession of the owner.

*Attack* means any threatening or menacing act by an animal that requires a defensive action by any person to prevent injury, or that results in hostile contact, or causes some type of injury.

*Control* means the regulation of the possession, ownership, care, and custody of animals.

*Cruelty* means any act of neglect, torture, or torment which causes unjustifiable pain or suffering to an animal.

*Dangerous animal* means any animal other than a dog which by reason of its nature, training, disposition, size, or other characteristics constitutes a danger to humans or other animals.

*Dangerous dog* means any dog that according to the records of the division has:

- (1) Aggressively bitten, attacked, or endangered, or has inflicted severe injury on a human being on public or private property;
- (2) More than once severely injured or killed a domestic animal while off the owner's property;
- (3) Been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or
- (4) 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 these actions are attested to in a sworn statement by one (1) or more persons and dutifully investigated by the division.

*Director* means any person employed or appointed as the supervisor of the Lake County Animal Services Division.

*Division* means the Lake County Animal Services Division.

*Feral animal* means any wild domestic animal, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication.

*Law enforcement officer* means any person as defined by F.S. § 943.10.

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

*Livestock running at large or straying* means any livestock found or being on any public land or land belonging to a person other than the owner of the livestock, without the landowner's permission, and posing a threat to public safety.

*Nuisance animal* means any animal that unreasonably annoys or disturbs other persons, threatens the safety of other animals or persons, or substantially interferes with the ordinary use and enjoyment of life or property.

*Owner* means any person, business, association, firm, corporation or organization, possessing, owning, harboring, keeping or having control or custody of an animal, or, if the animal is owned by a person under the age of eighteen (18), that person's parent or guardian.

*Proper enclosure of a dangerous dog* means, while on the owner's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of any person, or of any body part of any person, and designed to prevent the animal from escaping, or partially advancing through the locked pen or structure. The pen or structure shall have secure sides, a secure top, and a secure floor to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements.

*Proper restraint* means:

- (1) Securely and humanely confined within a house, vehicle, building, fence, crate, pen, or other enclosure;
- (2) Humanely secured by chain, cable and trolley, rope or tether of sufficient strength to prevent escape;
- (3) Caged or cross tethered in the open bed of a pick-up truck; or
- (4) Leashed or otherwise controlled by a responsible person or is obedient to the voice command of a person present with the animal at any time it is not secured as provided for in (1), (2), or (3) above. The voice command must be demonstrated as an effective restraint if requested.

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

*Special master* means that person appointed by the Board of County Commissioners as the Lake County Code Enforcement Special Master

*Unprovoked* means 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 an animal.

(Ord. No. 2009-47, § 2, 9-1-09)

**Sec. 4-4. Duty of division generally.**

(a) The division shall be responsible for enforcement of this chapter of the Lake County Code and the provisions of the Florida Statutes relating to animal control and welfare, other than the misdemeanor provisions thereof.

(b) The director and animal control officers shall investigate formal complaints of alleged violations of this chapter, provide all notices to affected animal owners requiring that violations cease or be corrected, and take appropriate action as is reasonably necessary to accomplish the purposes of this chapter.

(Ord. No. 2009-47, § 2, 9-1-09)

**Sec. 4-5. County manager authorized to adopt procedures to implement this chapter of the Lake County Code.**

The county manager may adopt procedures which are incidental to the proper administration, implementation and enforcement of the provisions of this chapter of the Lake County Code. The county manager or designee may designate the director and animal control officers as code enforcement officers, and they shall have the same powers and limitations as code enforcement officers prescribed by Chapter 8 of this Code and by F.S. Ch. 162.

(Ord. No. 2009-47, § 2, 9-1-09)

**Sec. 4-6. Entry power of the director and animal control officers.**

(a) For the purposes of discharging the duties imposed by this chapter and statute, including investigation of possible violations and enforcement of any provision, the director and all animal control officers are hereby empowered to enter upon public property and private property with the consent of the property owner or occupant or proper warrant or as otherwise provided by law within the county, for the purposes of examining or capturing any animal.

(b) The director and animal control officers shall have appropriate official identification with them which identifies them as agents of the county when they enter private property for the purpose of this section.

(Ord. No. 2009-47, § 2, 9-1-09)

**Sec. 4-7. Administrative fees.**

A schedule of fees may be established by resolution of the Board of County Commissioners to cover the cost of administration, appeals and any other expenses related to the procedures found in this chapter.

(Ord. No. 2009-47, § 2, 9-1-09)

**Sec. 4-8. Violations and enforcement.**

Any person who violates or fails to comply with the provisions of this chapter shall be subject to the enforcement procedures in Chapter 8 of the Lake County Code. Any penalties imposed pursuant to this chapter

are in addition to and shall not be deemed to supersede any other penalty as provided by law, including criminal penalties and injunctive relief.  
(Ord. No. 2009-47, § 2, 9-1-09)

**Sec. 4-9. Impoundment of animals.**

(a) The Board of County Commissioners may construct, operate and maintain a county animal shelter or subshelter for the purpose of impounding animals. The division is authorized to impound any animal found in violation of any provision of this chapter.

(b) When an animal is impounded, it shall be held for a period of at least one hundred twenty (120) hours, during which period the division shall make a reasonable effort to ascertain or notify the owner. If the principles of humane treatment would be violated by the continued existence of an injured or sick animal, it may be humanely destroyed by a licensed veterinarian or an authorized division employee after an attempt has been made to notify the owner.

(c) When an animal appearing to be feral is impounded, it shall be held for a period of at least twenty-four (24) hours, after which period the division shall make a determination of whether the animal is a feral animal. If the division determines the animal is feral, the animal shall be humanely destroyed unless the owner requests a hearing pursuant to section 4-60, below.

(d) The director or designee may transfer ownership or custody to a humane agency, place for adoption, or destroy in a humane manner any animal impounded pursuant to this chapter where:

- (1) No owner exists;
- (2) An owner cannot be identified;
- (3) An owner is identified but cannot be notified;
- (4) An owner is notified but, by his or her statements, actions, or failure to act, indicates an intent to abandon the animal;
- (5) An owner does not claim the animal within the applicable period of time specified by the division; or
- (6) The animal is determined by the division to be a feral animal.

(e) Upon compliance with the provisions herein, the division shall be deemed to have complied fully with due process of law and the owner shall not be entitled to compensation for loss of the animal.

(f) Live animals may not be disposed of to any medical school, college, university, person, firm, association or corporation, for experimentation or vivisection purposes, or to any person providing, selling, or supplying dogs and cats and other animals to any medical school, college, university, person, firm, association or corporation for experimentation or vivisection purposes.

(g) The director may retain the services of a licensed veterinarian to spay or neuter any impounded fertile dog or cat, and/or to treat any sick or injured animal retained in a county shelter. When the owner is identified, the owner shall be liable for payment of the veterinary expenses or reimbursement of the county's expenses in treating the animal. Division employees may administer medication and veterinary care as prescribed by a veterinarian. The county, its employees and agents, shall not be liable for any act or omission in rendering care.

(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-10. Redemption of animals.**

(a) No animal impounded pursuant to this article shall be released to its owner until:

- (1) The impounded rabies susceptible animal which is not vaccinated against rabies or which does not have a current tag is vaccinated by and issued a current tag from the division spay/neuter clinic, or arrangements are made to accomplish such;
- (2) The owner of an impounded animal pays all applicable fees due;
- (3) The owner of an impounded animal pays any expenses incurred by the county for veterinary treatment;
- (4) The owner of an impounded animal pays any penalties imposed by the special master;
- (5) The owner of an impounded animal presents proof of ownership or executes a sworn statement of ownership or responsibility;
- (6) An animal being considered by the division for possible classification as a feral animal is determined by the division to be not feral, or if determined to be feral and the owner appeals, the special master or county court orders the animal's release;
- (7) An animal being considered by the division for possible classification is declared not dangerous, or if declared dangerous, the owner complies with the requirements of the written notification of classification; and
- (8) The county court enters final judgment or issues an order releasing the animal pending final judgment if the animal was previously determined to be a dangerous animal or dangerous dog.

(b) Any fertile dog or cat impounded a second or successive time shall be spayed or neutered by the division in accordance with the provisions of subsection (1) below and prior to release of the dog or cat, unless the director or designee determines otherwise in accordance with subsection (2) below.

- (1) If ownership of the dog or cat can be determined, written notification of intent to sterilize the animal shall be given to the owner. The cost of the spay or neuter shall be charged to the owner upon redemption, but shall be deducted from impound/redemption fees otherwise required by

resolution.

- (2) Any owner of an impounded animal subject to mandatory spay/neuter may petition in writing for a hearing to be conducted by the director or designee. The petition must be made by the owner within three (3) days after the division notifies the owner of the impoundment. The hearing must be held within four (4) working days of receipt of the petition. After the hearing, the director or designee shall require the animal to be spayed or neutered unless the director or designee has determined that good cause exists for not requiring that the animal be spayed or neutered.

- (c) The director may waive fees or expenses for hardship or extenuating circumstances.

(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-11. Surrender of animals.**

(a) Any owner or owner's agent surrendering an animal to the division or animal control officer shall sign an ownership release statement. The division may permit the adoption of the animal to a new owner, or may destroy the animal in a humane manner and dispose of its remains. In either event, the owner shall not be entitled to compensation.

(b) Any person, other than an animal control officer, surrendering an animal not his or her own, shall disclose the identity of the owner, if known, or must sign a statement that he or she does not know the identity of the owner of the animal. The animal shall be confined by the division for one hundred twenty (120) hours. At the expiration of the one hundred twenty (120) hours, the animal shall be deemed abandoned and the division may permit the adoption of the animal to a new owner, or may destroy the animal in a humane manner and dispose of its remains. In either event, the owner shall not be entitled to compensation.

(c) It is a violation of this section for any person to falsely identify himself or herself as an owner or owner's agent. The recommended penalty for a violation of this section is a fine of seven hundred and fifty dollars (\$750.00) for the first offense and a fine of one thousand five hundred dollars (\$1,500.00) for any repeat violation within five (5) years of any previous violation.

(Ord. No. 2009-47, § 2, 9-1-09)

#### **Secs. 4-12--4-25. Reserved.**

### **ARTICLE II.**

#### **ANIMAL CONTROL**

#### **Sec. 4-26. Unlawful interference with animal control officer.**

- (a) It is a violation of this section for any person to:
  - (1) Interfere with, hinder, resist, obstruct, molest or threaten bodily injury to any animal control officer or agent of the county in the legal performance of his or her duties, or take or attempt to take an animal from any animal control officer or agent or from any vehicle used by him or her to

transport the animal;

- (2) Knowingly mislead, give false information, or provide a false report or statement to any animal control officer or agent;
- (3) Take or attempt to take any animal from the animal shelter without proper authority; or
- (4) Knowingly remove, without authorization, an animal from a trap placed by an animal control officer or agent; or, without authorization, to knowingly tamper with, damage, or relocate a trap placed by an animal control officer or agent.

(b) The recommended penalty for a violation of this section is a fine of one thousand dollars (\$1,000.00) for the first offense and five thousand dollars (\$5,000.00) for any repeat violation within five (5) years of any previous violation.  
(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-27. Nuisance animals.**

(a) It is a violation of this section for the owner of any animal to fail to exercise sufficient care and control of his or her animal and the animal commits any of the following acts:

- (1) Runs at large, other than hunting dogs in authorized areas during authorized hunting seasons;
- (2) Continuously or repeatedly barks, cries, howls, whines or causes any other objectionable noise;
- (3) Emits offensive odors which disturb the comfort, peace, or repose of any person(s) residing in the vicinity;
- (4) Damages, harms, or destroys the property of a person other than the animal owner or person in custody of the animal; or
- (5) Deposits solid excreta on public or private property other than the property of the owner or person in custody of the animal, without the authorization or consent of the property owner, unless the animal owner or person in custody of the animal immediately removes and properly disposes of the excrement.

(b) The recommended penalty for a violation of this section is a fine of one hundred and fifty dollars (\$150.00) for the first offense and five hundred dollars (\$500.00) for any repeat violation within five (5) years of a previous offense.  
(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-28. Attack or bite to persons and/or animals.**

(a) It is a violation of this section for the owner of any animal to fail to exercise due care and control of his or her animal and the animal, when unprovoked, attacks or bites any person or animal.



(b) If a dog not previously declared dangerous attacks, bites and causes severe injury to or death of any person, the dog shall be immediately confiscated by the division, placed in quarantine, if necessary, for the proper length of time, or impounded and thereafter destroyed in an expeditious and humane manner. The division shall provide written notification of the confiscation of the dog by registered mail, return receipt requested, certified hand delivery, or service in conformance with the provisions of F.S. Ch. 48, relating to service of process, and the dog shall be held for ten (10) business days after written notification is provided to the owner. This ten (10) day time period shall allow the owner to file a written request for a hearing with the special master to determine whether the dog should be destroyed. The provisions of section 4-58 below shall apply.

(c) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00) for the first offense and one thousand dollars (\$1,000.00) for any repeat violation within five (5) years of a previous offense. If injury or damage to the person or animal occurs such that care by a medical doctor or veterinarian is required, the recommended penalty shall be a fine of one thousand dollars (\$1,000.00) for the first offense and two thousand dollars (\$2,000.00) for any repeat violation within five (5) years of a previous offense. If severe injury or death to any person or animal results, the recommended penalty shall be two thousand five hundred dollars (\$2,500.00) for animal victims and five thousand dollars (\$5,000.00) for human victims for the first offense and five thousand dollars (\$5,000.00) for animal victims and ten thousand dollars (\$10,000.00) for human victims for any repeat violation within five (5) years of a previous offense.  
(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-29. Female dogs and female cats in heat.**

(a) It is a violation of this section for the owner of any female dog or cat to fail to restrain or confine his or her animal when the animal is in heat in such a manner as to make the animal inaccessible to any male dog or cat, except for intentional breeding purposes.

(b) The recommended penalty for a violation of this section is a fine of two hundred and fifty dollars (\$250.00) for the first offense and seven hundred and fifty dollars (\$750.00) for any repeat violation within five (5) years of a previous offense.  
(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-30. Wildlife hybrids prohibited.**

(a) It is a violation of this section to own, harbor, keep, transport, sell, or breed any wildlife hybrid of the family canis or felis, or breed any wildlife with a dog or cat, unless the owner is in possession of an appropriate permit issued by an agency of the state authorizing such activity.

(b) Any animal alive and within the territory of Lake County, Florida, on June 1, 1999, shall not be subject to the prohibition contained in subsection (a) above.

(c) Any wildlife hybrid not exempted from the application of this section by virtue of being the subject of a state permit described in subsection (a) or by the terms of subsection (b) is contraband. The wildlife hybrid shall be delivered to an individual possessing an appropriate state permit, the division, a humane society

or be humanely euthanized.

(d) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00) for the first offense and one thousand dollars (\$1,000.00) for any repeat violation within five (5) years of a previous offense.  
(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-31. Disposition of dead animals.**

- (a) It is a violation of this section for any animal owner or private property owner, when any animal dies on public or private property, to fail to immediately remove and dispose of the animal.
- (b) If the owner is not aware of the dead animal, the following procedures shall be followed:
- (1) When any dead animal is found on public property, the owner of the animal shall remove and dispose of the animal, upon notification by the director, animal control officer, or any other law enforcement officer. If the owner of the animal fails to do so within a reasonable time, the county shall remove and dispose of the animal and charge the cost of the removal and disposal to the owner of the animal, if known; or
  - (2) When any dead animal is found on private property, the owner of the animal or the owner of the property shall remove and dispose of the animal, upon notification by the director, animal control officer, or any other law enforcement officer. If the owner of the animal or the owner of the property fails to do so within a reasonable time, the county shall remove and dispose of the animal and charge the cost of the removal and disposal to the owner of the animal, if known, and if not known, then to the owner of the property.

(c) The recommended penalty for a violation of this section is a fine of one hundred and fifty dollars (\$150.00) for the first offense and five hundred dollars (\$500.00) for any repeat violation within five (5) years of a previous offense.  
(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-32. Housing and care of animals.**

- (a) It is a violation of this section for any owner or for any person who owns, conducts, manages, or operates any animal establishment to fail to comply with the following:
- (1) Housing facilities for animals shall be structurally sound and meet all provisions of the Lake County Code and shall be maintained in good repair, to contain the animals, to protect the animals from injury, and to restrict the entrance of other animals. All animal rooms, cages, kennels, shipping containers, and runs shall be of sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept within. All areas of confinement, display, and sales and storage areas shall be maintained in a healthful and sanitary condition. These areas shall be cleaned and disinfected regularly as conditions warrant. All areas in which animals are confined shall be connected to an outside ventilating system or some other

appropriate means of ventilation, or air filtration shall be provided. The area shall be illuminated during the daylight hours but not directly into cages;

- (2) All cages shall be constructed of a nonabsorbent material. All cages, except bird cages, shall have floors of either solid construction or woven or wire mesh construction, or any combination thereof. Cages having woven or wire mesh floors may be used to confine animals provided that the spaces between the wire mesh or weave are smaller than the pads of the feet of the animals confined therein. Cages having wire construction shall be constructed of wire which is of sufficient thickness so as to preclude injury to the animals confined therein. Cages shall be of sufficient height to permit each animal to sit erect with at least four (4) inches clearance above the head, and of sufficient width to permit each animal to turn around with at least four (4) inches clearance beyond the length of the body, and of sufficient length for each animal to walk to the equivalent of its body length. No cages shall be enclosed entirely by solid walls. Stacked cages shall have solid floors. Each cat, if crated, shall have minimum floor space of five hundred seventy-six (576) square inches, and a height of twenty-four (24) inches. Each cat crate shall have a litter pan. Each bird cage shall contain at least two (2) horizontal perches and provide sufficient perch space for every bird confined therein. Perches shall not be aligned vertically. Parrots and other large birds shall not be confined in a cage with smaller birds, or in a cage smaller than their wing span. Pigeon lofts are exempt from this section;
- (3) No animal shall be transported by an animal establishment, whether by private or public means, unless housed in a container designed for that purpose and provided with adequate ventilation and food and water. The container must be open at one (1) end, having a solid top and bottom, and a minimum of fifteen (15) percent of the total accumulated side and end area shall incorporate an open grill for air circulation. The provisions of this section do not apply to greyhound owners who are transporting their dogs to and from the racetrack;
- (4) Any bedding utilized shall be clean and dry;
- (5) Animals, except fish of different species, may not be confined or displayed in the same cage. All animals which are natural enemies, temperamentally unsuited, or otherwise incompatible shall not be quartered together or so near each other as to cause injury, fear, or torment. If two (2) or more animals are so trained or inclined by nature that they can be placed together and do not attack each other or perform or attempt any hostile act to the others, the animals shall be deemed not to be natural enemies and shall not be required to be kept in separate runs or accommodations or otherwise segregated. Any animal which exhibits symptoms of disease or illness shall be separated to the greatest extent possible from other healthy animals. No animal which is known to have, or may reasonably be suspected of having, a disease contagious or communicable to humans may be exposed to or offered for sale to the public;
- (6) All animals requiring the daily intake of food shall be fed at least once every twenty-four (24) hour period, including Sundays and holidays. The type of food provided shall be appropriate for each particular species and shall be of sufficient nutritive content for the health and well-being of the species. Dogs and cats under six (6) months of age shall be fed twice each twenty-four (24) hours, including Sundays and holidays. The food containers shall be emptied and cleaned daily.

In addition to birdseed and water, each bird cage shall contain an amount of fresh gravel needed for digestion sufficient for the number of birds confined therein;

- (7) Fresh water shall be continuously available to all animals and replenished whenever necessary during each day, including Sundays and holidays. The water containers shall be emptied and cleaned daily;
- (8) Dogs which have been weaned shall be taken from cages and allowed to exercise each and every day, including Sundays and holidays;
- (9) All animals exhibiting symptoms of illness or disease shall be treated under the supervision of a licensed veterinarian. If required, diseased animals shall be humanely destroyed under the supervision of a licensed veterinarian or animal control officer. Every licensed facility shall keep a permanent record of the deaths of any warm-blooded animals under its control. The record shall state the species of the deceased animal and the date and the cause of death, if known. These records shall be open to inspection by the director and any animal control officer;
- (10) All animals in an animal establishment shall be properly fed and cared for at all times and the animal establishment shall be maintained in a clean and sanitary condition so that the facility is not allowed to emit any offensive odors or noises as shall disturb the comfort, peace, quietude, or repose of any person residing in the vicinity of the establishment. The premises of the animal establishment may be periodically inspected during reasonable hours by the director or animal control officer. Failure to maintain an animal establishment in a clean and sanitary condition may result in the closing of the animal establishment and the revocation of any county license held by the animal establishment;
- (11) Whenever an animal is left unattended at an animal establishment, the name and telephone number of the responsible person shall be posted in a conspicuous place at the front of the property, visible from outside the facility; and
- (12) Every animal establishment shall keep on record a medical statement from or notation of consultation with a licensed veterinarian, if for any reason an animal in its care would need to be exempted from any requirement of this section.

(b) The recommended penalty for a violation of this section is a fine of two hundred and fifty dollars (\$250.00) for the first offense and seven hundred and fifty dollars (\$750.00) for any repeat violation within five (5) years of a previous offense.

(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-33. Animal cruelty or neglect.**

(a) It is a violation of this section for any owner, either willfully or negligently, to deprive any animal of food, water, shelter, or protection, or abandon any animal; or for any person to poison, beat, whip, mutilate, overdrive, overload, overwork, torment, torture, or otherwise cruelly ill-use any animal, including but not limited to, animal fighting; or for any person to kill any animal other than for humane or lawful purposes.

(b) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00) for the first offense and one thousand dollars (\$1,000.00) for any repeat violation within five (5) years of a previous offense. If injury or damage to the animal occurs such that care by a veterinarian is required, the recommended penalty shall be a fine of one thousand dollars (\$1,000.00) for the first offense and two thousand dollars (\$2,000.00) for any repeat violation within five (5) years of a previous offense. If severe injury or death of the animal results, the recommended penalty shall be two thousand five hundred dollars (\$2,500.00) for the first offense and five thousand dollars (\$5,000.00) for any repeat violation within five (5) years of a previous offense.

(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-34. Confinement of animal in vehicle.**

(a) It is a violation of this section for any owner to place or confine an animal, or allow it to be placed or confined or to remain, in an unattended vehicle without sufficient ventilation or under conditions for a period of time as may reasonably be expected to endanger the health or well-being of the animal due to heat, cold, lack of water or other circumstances as may reasonably be expected to cause suffering, debility or death.

(b) Any animal control officer or law enforcement officer who finds an animal maintained in a vehicle in violation of this section may enter the vehicle by using the amount of force reasonably necessary to remove the animal, and the officer shall have no civil or criminal liability for his or her action. The officer removing the animal shall take the animal to, or arrange to have the animal delivered to, a veterinary facility or a shelter. The officer shall leave in a prominent place in or upon the vehicle a written note bearing the address of the facility or shelter where the animal may be claimed by the owner. The animal shall be surrendered to its owner if the owner claims the animal within one hundred twenty (120) hours from the time the animal was removed from the vehicle, and pays all reasonable charges which have accrued for the maintenance and care of the animal. The facility or shelter having custody of the animal shall make reasonable efforts to contact the owner and provide notice that the animal is in its custody and may be reclaimed by the owner upon payment of the reasonable charges for maintenance and care. If the owner fails to reclaim the animal within the specified time, the facility or shelter having custody of the animal shall provide for the animal to be adopted or humanely disposed of.

(c) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00) for the first offense and one thousand dollars (\$1,000.00) for any repeat violation within five (5) years of a previous offense. If injury or damage to the animal occurs such that care by a veterinarian is required, the recommended penalty shall be a fine of one thousand dollars (\$1,000.00) for the first offense and two thousand dollars (\$2,000.00) for any repeat violation within five (5) years of a previous offense. If severe injury or death of the animal results, the recommended penalty shall be two thousand five hundred dollars (\$2,500.00) for the first offense and five thousand dollars (\$5,000.00) for any repeat violation within five (5) years of a previous offense.

(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-35. Rabies vaccination required.**

(a) It is a violation of this section for the owner of any rabies-susceptible animal for which a licensed

vaccine is available to fail to have the rabies-susceptible animal vaccinated against rabies.

(b) Evidence of vaccination shall consist of a rabies certificate signed by the licensed veterinarian administering the vaccine. The certificate in triplicate shall show the date and type of vaccination, the name and address of the owner, the year and serial number of the animal's required tag, the breed, age, color and sex of the animal, and any other pertinent data for proper identification of the animal. One (1) copy of the certificate shall be given to the owner, one (1) copy filed with the division, and one (1) copy retained by the veterinarian administering the vaccine. For their services provided in the handling of the certificates, veterinarians may be allowed to retain a portion of the certificate fee as shall be established by the Board of County Commissioners by duly adopted resolution.

(c) No rabies-susceptible animal need be vaccinated for rabies where a licensed veterinarian has examined the rabies-susceptible animal and certified that vaccination would endanger the animal's health at that time because of its age, infirmity, debility, or other physiological consideration, and the certificate is presented to the enforcing agency within five (5) days of the examination; provided that the certificate shall not be valid for more than twelve (12) months from the date of issuance.

(d) All rabies-susceptible animals shall be vaccinated with a modified live virus, rabies vaccine, inactivated rabies vaccine or other vaccine that may be developed and licensed by the U.S. Department of Agriculture.

(e) The recommended penalty for a violation of this section is a fine of one hundred and fifty dollars (\$150.00) for the first offense and five hundred dollars (\$500.00) for any repeat violation within five (5) years of a previous offense.  
(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-36. Rabies certificate and county tag.**

(a) It is a violation of this section for any owner of any rabies-susceptible animal to fail to have and/or display in an appropriate manner the animal's rabies certificate and county tag.

(b) The division shall issue certificates and tags. Only certificates and tags approved by the director shall be valid in the county.

(c) Each certificate and tag shall be valid for the period of time corresponding to the type of rabies vaccination administered. No certificate or tag shall be valid for a period in excess of three (3) years. A certificate or tag issued for one (1) rabies-susceptible animal is not valid for any other animal. No tag shall be valid after the expiration of the rabies vaccination regardless of the date of issuance.

(d) The owner of a rabies-susceptible animal which is vaccinated against rabies shall obtain a tag for the animal upon each vaccination. The tag shall be attached to the collar of the animal and shall be worn at all times except:

(1) When the animal is participating in a sanctioned animal show;

- (2) When the animal is confined inside the owner's home, an animal establishment, or is being bathed or groomed, in which case the tag number shall be recorded and readily identifiable with the animal to which it belongs, or, if the animal does not have a tag, the absence of a tag shall be clearly indicated on the records of the animal establishment; or
- (3) When a licensed veterinarian orders in writing that the collar and tag be removed from the animal for health reasons, in which case the animal shall be confined in an enclosed building or a kennel at all times until a licensed veterinarian permits the collar and tag to be placed on the animal.
- (e) The Board of County Commissioners shall establish by resolution the fees to be charged for tags to be issued.
- (f) Any owner who brings a rabies-susceptible animal into the county with the intent to reside in the county permanently, or to reside in the county temporarily for more than six (6) months, shall comply with this section no later than thirty (30) days after arrival.
- (g) If a tag is lost or destroyed, a replacement tag shall be issued upon presentation of the corresponding certificate.
- (h) A police dog, as defined in F.S. § 843.19, shall be exempt from wearing a license tag while being used by a law enforcement agency.
- (i) The recommended penalty for a violation of this section is a fine of one hundred and fifty dollars (\$150.00) for the first offense and five hundred dollars (\$500.00) for any repeat violation within five (5) years of a previous offense.  
(Ord. No. 2009-47, § 2, 9-1-09)

**Sec. 4-37. Impoundment, quarantine when suspected of having rabies.**

- (a) Any rabies-susceptible animal suspected of having rabies shall be impounded and placed in quarantine at the owner's expense at a place designated by the Lake County Health Department or, in the event the state lacks jurisdiction over the incident, the director, or placed at the owner's expense in the custody of a licensed veterinarian. The period of impoundment or custody shall be based on the incubation period for rabies in the species of animal concerned.
- (b) Any rabies-susceptible animal bitten by a known rabid animal shall be placed under the surveillance of the Lake County Health Department, or its authorized representative, and shall be handled pursuant to state law and the Florida Department of Health rules and regulations.  
(Ord. No. 2009-47, § 2, 9-1-09)

**Sec. 4-38. Reporting and confinement of rabies-susceptible animals that have bitten people or animals, or appear to have rabies.**

- (a) It is a violation of this section for any attending practitioner licensed to practice medicine, osteopathic medicine, or veterinary medicine or any other person knowing of or in attendance on a case to fail to

promptly report to the Lake County Health Department every instance in which a rabies-susceptible animal has bitten, scratched, or its saliva has come in contact with the mucous membrane or an open lesion of another animal or human.

(b) All reporting requirements provided in Florida Administrative Code Section 64D-3 shall remain in effect.

(c) Any rabies susceptible animal which bites any person or animal or appears to have rabies shall be impounded or confined for the required quarantine period under suitable observation or may be destroyed according to the direction of the state health officer or his or her duly authorized representative. Any expense incurred in handling the rabies-susceptible animal during this period shall be borne by the owner.

(d) The recommended penalty for a violation of this section is a fine of one hundred and fifty dollars (\$150.00) for the first offense and five hundred dollars (\$500.00) for any repeat violation within five (5) years of a previous offense.

(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-39. Treatment or destruction of infected animals.**

(a) If any animal is impounded because it is infected or carrying, or believed to be infected or carrying, an infectious or contagious disease, the division or division employee shall have authority to procure the services of a licensed veterinarian to treat the animal if, in the opinion of the division, employee or veterinarian, it can be treated successfully.

(b) If the health or safety of the citizens of the county would be jeopardized, or the principles of humane treatment would be violated by the continued existence of an infected animal, it may be destroyed by a licensed veterinarian or an authorized division employee after an attempt has been made to notify the owner. The animal or its remains will be disposed of without compensation being paid to the owner.

(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-40. Livestock at large or straying.**

(a) It is a violation of this section for the owner of livestock to intentionally, willfully, carelessly, or negligently suffer or permit livestock to run at large or stray on public or private property. Any livestock found at large or straying shall be impounded by the division and disposed of in accordance with the requirements of F.S. Ch. 588.

(b) Lake County shall be entitled to the recovery of a fee, which fee shall be set by resolution of the Board of County Commissioners, for the following services:

- (1) For the impoundment of each individual animal;
- (2) For the serving of any notice and making return thereon;
- (3) For the feed and care of impounded animals;



- (4) For advertising or posting of notices of sale of impounded animals;
- (5) For the sale or other disposition of impounded animals; and
- (6) For the report of sale of impounded animals.

(c) The division, upon making a sale or other lawful disposal, shall make a written return to the county finance department, with a full and accurate description of the livestock sold or disposed of, to whom the livestock was sold, and the sale price. At the time of making this report, the division shall pay over to the finance department the entire proceeds of the sale. The finance department shall pay all costs and fees allowed herein to the division, and if there is any balance remaining, the balance shall be paid to the owner of the livestock, provided the owner makes satisfactory proof of ownership to the Board of County Commissioners within ninety (90) days from the date the division reports the sale. If proof of ownership cannot be made within the time allowed, the finance department shall pay the proceeds into the Lake County Animal Shelter Trust Fund. The finance department shall keep a permanent record of all sales, disbursements, and distributions made under this section. If the amount realized from the sale or other disposition of the animal is insufficient to pay all fees, costs and expenses as provided in this section, the deficit shall be paid from the division's general fund.

(d) The recommended penalty for a violation of this section is a fine of two hundred and fifty dollars (\$250.00) for the first offense and seven hundred and fifty dollars (\$750.00) for any repeat violation within five (5) years of a previous offense.  
(Ord. No. 2009-47, § 2, 9-1-09)

**Secs. 4-41--4-55. Reserved.**

### **ARTICLE III.**

#### **DANGEROUS DOGS AND ANIMALS**

##### **Sec. 4-56. Investigation and classification of dangerous dogs.**

(a) The division shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, including any animal control officer or law enforcement officer desiring to have a dog declared dangerous. Any animal that is the subject of a dangerous dog investigation that is not impounded with the division shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification. The address of where the animal resides shall be provided to the division. No dog that is the subject of a dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog classification.

(b) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the dog owner's property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog shall be declared dangerous if the dog

was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(c) After the investigation, the division shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous. The division shall provide written notification of the initial determination to the owner, by registered mail, return receipt requested, certified hand delivery, or service in conformance with the provisions of F.S. Ch. 48, relating to service of process. The owner may file a written request with the division for a hearing to appeal the initial determination within seven (7) calendar days from the date of receipt of the notification of the determination and, if requested, the hearing shall be held as soon as possible, but not more than twenty-one (21) days and no sooner than five (5) days after receipt of the request from the owner.

(d) Upon timely receipt of the owner's written request for a hearing, the special master shall hold a hearing to decide if the dog should be declared dangerous. At the hearing the dog owner or his or her representative and any other interested person may present any evidence relevant to a determination of whether the dog is dangerous. The special master shall hear and consider the evidence presented at the hearing and make a determination as to whether the dog should be declared dangerous.

(e) Once a dog is declared dangerous, the division shall provide written notification to the owner by registered mail, return receipt requested, certified hand delivery or service, and the owner may file a written request for a hearing in the county court to appeal the classification within ten (10) business days after receipt of the written notification.

(f) This section does not apply to dogs used by law enforcement officers for law enforcement work. (Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-57. Dangerous dog requirements.**

(a) It is a violation of this section for an owner of a dog declared dangerous pursuant to section 4-56 to fail to comply with the dangerous dog requirements as detailed below.

(b) The owner of a dog declared dangerous must confine the dog in a proper enclosure for a dangerous dog pending resolution of any appeal.

(c) Within fourteen (14) days after a dog has been declared dangerous by the division or special master, or the classification is upheld by the county court on appeal, the owner of the dog shall obtain a certificate of registration for the dog from the division, and the certificate shall be renewed annually. The division is authorized to issue the certificate of registration, and renewals thereof, only to persons who are at least eighteen (18) years of age and who present to the division sufficient evidence of:

- (1) A current rabies vaccination certificate and county tag for the dog;
- (2) A proper enclosure to confine a dangerous dog and the posting of the premises at all entry points with a clearly visible warning sign provided by the division which informs both children and adults of the presence of a dangerous dog on the property;

- (3) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation;
- (4) The current county-issued dangerous dog tag, which tag shall be worn by the dog at all times;
- (5) Sterilization within thirty (30) days of being declared dangerous; and
- (6) Payment of the appropriate fee imposed by the division for the issuance of required certificates of registration, which fee shall be set by resolution of the Board of County Commissioners.

(d) The owner of a dangerous dog shall immediately notify the division when a dog which has been declared dangerous:

- (1) Is loose or unconfined;
- (2) Has bitten a human being or attacked another animal;
- (3) Is sold or given away, or dies; or
- (4) Is moved to another address.

(e) Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the division. The new owner shall comply with all of the requirements of this chapter.

(f) An owner shall not permit a dangerous dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle shall be made in a manner which will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any person or animal. 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 his or her sight and only members of the immediate household or person eighteen (18) years of age or older are allowed in the enclosure when the dog is present. When being transported, the dog must be safely and securely restrained and muzzled within a vehicle.

(g) An owner of a dangerous dog shall not remove, destroy or deface a dangerous dog tag, and if the dangerous dog tag is lost, the owner shall immediately replace it at the owner's expense.

(h) An owner who brings into the county a dog declared dangerous in any other jurisdiction, with the intent to reside permanently or temporarily for more than six (6) months in the county, shall comply with the requirements of this section no later than fourteen (14) days after arrival.

(i) The recommended penalty for a violation of this section is a fine of one thousand dollars (\$1,000.00) for the first offense and five thousand dollars (\$5,000.00) for any repeat violation within five (5) years of any previous violation.

(Ord. No. 2009-47, § 2, 9-1-09)

**Sec. 4-58. Attack or bite by dangerous dog.**

(a) It is a violation of this section for the owner of any dog previously declared dangerous to fail to exercise due care and control of his or her animal, and the animal attacks or bites any person or animal.

(b) If a dog that has previously been declared dangerous attacks or bites a person or animal, the dog shall be immediately confiscated by the division and impounded for the required quarantine period, if necessary, or impounded and thereafter destroyed in an expeditious and humane manner. The division shall provide written notification of the confiscation of the dog by registered mail, return receipt requested, certified hand delivery, or service in conformance with the provisions of F.S. Ch. 48, relating to service of process, and the dog shall be held for ten (10) business days after written notification is provided to the owner. This ten (10) day time period shall allow the owner to file a written request for a hearing with the special master to determine whether the dog should be destroyed.

(c) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the dog shall be immediately confiscated by the division, placed in quarantine, if necessary, for the proper length of time, or impounded and thereafter destroyed in an expeditious and humane manner. The division shall provide written notification of the confiscation of the dog by registered mail, return receipt requested, certified hand delivery, or service, in conformance with the provisions of F.S. Ch. 48, relating to service of process, and the dog shall be held for seventy-two (72) hours after the owner is given written notification. This seventy-two (72) hours period shall allow the owner to file a written request for a hearing with the special master to determine whether the dog should be destroyed.

(d) Upon timely receipt of the owner's written request for a hearing under section (b) or (c) above, the special master shall hold a hearing to decide if the dog should be destroyed. At the hearing the dog owner or his or her representative and any other interested person may present any evidence relevant to a determination of whether the dog should be destroyed. The special master shall hear and consider the evidence presented at the hearing, including whether the owner is able to safely confine and control the dog, and shall make a determination as to whether the dog should be destroyed. If the special master determines that the dog should be destroyed, the owner may file a written request for a hearing in the county court to appeal the decision within ten (10) business days after receipt of a written determination of the special master. If the special master determines that the dog should be released to the owner, the special master may impose additional conditions for secure keeping of the dog. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any hearing.

(e) Any order which provides for the destruction of a dog shall include a date before which the destruction of the dog shall not take place. All decisions of the special master shall be final and subject to review only by the county court. The destruction shall be stayed pending court review, but the owner of the dog shall be responsible for the payment of all impoundment and other fees incurred to the date specified in the order and, in the event the dog is being confined at the animal shelter, advanced payment of any fees as would accrue in the succeeding six (6) month period shall be required. If court review should exceed six (6) months, the owner shall be required to pay, at the expiration of the initial six (6) month period, and every month thereafter, one (1) month fees in advance. At the time the dog is released from the animal shelter by court order

or destroyed, any excess fees shall be refunded to the owner. The owner of the dog shall be responsible for all impoundment and other fees incurred regardless of the final determination of the special master or the court unless custody of the animal is relinquished to the division. If custody of the animal is relinquished to the division the fees may be waived by the court or the director. All costs of impounding the dog shall be paid by the owner prior to the release of the dog.

(f) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00) for the first offense and one thousand dollars (\$1,000.00) for any repeat violation within five (5) years of a previous offense. If injury or damage to the person or animal occurs such that care by a medical doctor or veterinarian is required, the recommended penalty shall be a fine of one thousand dollars (\$1,000.00) for the first offense and five thousand dollars (\$5,000.00) for any repeat violation within five (5) years of a previous offense. If severe injury or death of a person or animal results, the recommended penalty shall be five thousand dollars (\$5,000.00) for animal victims and ten thousand dollars (\$10,000.00) for human victims for the first offense and ten thousand dollars (\$10,000.00) for animal victims and fifteen thousand dollars (\$15,000.00) for human victims for any repeat violation within five (5) years of a previous offense.  
(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-59. Confinement of dangerous animals.**

(a) It is a violation of this section for the owner of any dangerous animal to fail to confine the animal within a building, cage or other secure enclosure, or to take the animal from the building, cage or secure enclosure unless the animal is securely leashed, tethered, chained, muzzled, anesthetized and/or otherwise restrained so as to protect persons and other animals.

(b) This section shall not apply to law enforcement or rescue animals actually engaged in law enforcement or rescue operations.

(c) Any animal of wild or exotic nature, so classified by the Florida Fish and Wildlife Conservation Commission as requiring a specific pen or enclosure, shall be caged in accordance with the commission's regulations.

(d) The recommended penalty for a violation of this section is a fine of one thousand dollars (\$1,000.00) for the first offense and five thousand dollars (\$5,000.00) for any repeat violation within five (5) years of any previous violation.  
(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-60. Disposal of dangerous animals found at large.**

When any dangerous animal is found at large anywhere within the county, whether licensed or otherwise, and whether owned or otherwise, the animal shall be taken into custody by the division, animal control officer, or any other law enforcement officer to be impounded at the animal shelter and disposed of as follows:

(a) Where the animal bears no indicia of ownership, it shall be confined by the division for one hundred twenty (120) hours. At the expiration of one hundred twenty (120) hours, if the division

determines that the animal is dangerous, and if no owner has appeared to claim the animal, the animal shall be deemed abandoned and destroyed in a humane fashion or otherwise safely disposed of alive.

- (b) Where the animal bears indicia of ownership, the division shall notify the owner of the animal's impoundment by certified mail, return receipt requested. The animal shall be confined by the division for one hundred twenty (120) hours from the date the certified mail return is received by the division. At the expiration of one hundred twenty (120) hours, if the division determines that the animal is dangerous and if no owner has appeared to claim the animal, the animal shall be deemed abandoned and destroyed in a humane fashion or otherwise safely disposed of alive. When no certified mail return is received by the division within five (5) calendar days from the date the division sent the notice, if the division determines that the animal is dangerous and if no owner has appeared to claim the animal, the animal shall be deemed abandoned and destroyed in a humane fashion or otherwise safely disposed of alive.
- (c) Where the animal is claimed in writing by its owner, the animal shall remain confined by the division at the animal shelter, or, at the owner's request and expense, at some other secure quarters subject to the sole discretion of the division, pending a hearing. An owner may file a written request for a hearing to determine whether the animal is dangerous within seven (7) calendar days from the date of receipt of the division's notice of the animal's impoundment.
- (d) Upon timely receipt of the owner's written request for a hearing, the special master shall hold a hearing to decide if the animal is dangerous. The hearing shall be held as soon as possible, but not more than twenty-one (21) days and no sooner than five (5) days after receipt of the request from the owner. At the hearing, the owner or his or her representative and any other interested person may present any evidence relevant to a determination of whether the animal is dangerous. The special master shall hear and consider the evidence presented at the hearing and make a determination as to whether the animal is dangerous. If the animal is found to be dangerous, the special master shall enter an order requiring that the dangerous animal be destroyed in a humane fashion or otherwise safely disposed of alive. Any order providing for the disposal of the animal alive, whether through release to the owner or otherwise, shall be subject to any conditions the special master imposes to ensure the secure and safe confinement of the animal. Violation of any conditions imposed by the special master shall be sufficient grounds for the division to obtain a pick up order from a court of competent jurisdiction. Unless the owner of the animal consents, the animal shall only be destroyed upon a finding that no reasonable alternative other than the destruction of the animal is sufficient to adequately protect the public. Any order which provides for the destruction of the animal shall include a date before which the destruction of the animal shall not take place which date shall be no sooner than ten (10) calendar days from the date of the order. All decisions of the special master shall be final and subject to review only by a court of competent jurisdiction upon petition of the owner.
- (e) The owner may file a written request for a hearing in the county court to appeal the order of the special master within ten (10) days from the date of the order. Orders of the special master shall be stayed pending court review. The owner shall be responsible for payment of all impoundment and other fees incurred to the date specified and, in the event the animal is being confined at the

animal shelter, advanced payment of any fees as would accrue in the succeeding six-month period. If court review should exceed six (6) months, the owner shall be required to pay, at the expiration of the initial six-month period, and every month thereafter, one (1) months fees in advance. At the time the animal is released from the animal shelter by court order or destroyed or transferred to other secure quarters, as provided above, any excess fees shall be refunded to the owner. The owner of the animal shall be responsible for all impoundment and other fees incurred regardless of the final determination of the special master or the court. If the animal is destroyed, the fees may be waived by the court or the director. All costs of impounding the animal shall be paid by the owner prior to release of the animal.

(Ord. No. 2009-47, § 2, 9-1-09)

#### **Sec. 4-61. Attack or bite by dangerous animal.**

(a) It is a violation of this section for the owner of a dangerous animal to fail to exercise due care and control of his or her animal and the animal attacks or bites any person or animal.

(b) Upon the written, sworn complaint of any person alleging that an animal has actually bitten, mauled, attacked, or otherwise injured any person or any animal, the division shall take the animal into custody with the owner's consent, or shall require that the owner confine the animal in a securely fenced or enclosed area. The division may apply to a court of competent jurisdiction for an order permitting the pickup and impoundment of the animal. In entering its order, the court shall make a preliminary finding that probable cause exists to believe the animal to be dangerous under this chapter and a threat to public safety. The court may order impoundment at the animal shelter or, at the request and expense of the owner, may in its discretion require impoundment to be at some other secure quarters. If the animal has been taken into custody and quarantined pursuant to section 4-37 above, the animal shall remain in the custody of the division until a determination has been made with regard to the dangerousness of the animal. All costs of impounding the animal shall be paid by the owner prior to release of the animal.

(c) The division shall make a determination of the animal's dangerousness in accordance with the procedure set forth in section 4-60 above. If an animal is determined to be dangerous, it shall thereafter be destroyed in an expeditious and humane manner, pending any further appeal of the owner.

(d) Nothing in this section shall be deemed to affect any criminal proceeding, nor shall any determination or deliberation by the special master be admissible in evidence in any criminal proceeding against the owner of the impounded animal.

(e) The recommended penalty for a violation of this section is a fine of five hundred dollars (\$500.00) for the first offense and one thousand dollars (\$1,000.00) for any repeat violation within five (5) years of a previous offense. If damage or injury to a person or animal occurs such that care by a medical doctor or veterinarian is required, the recommended penalty shall be a fine of one thousand dollars (\$1,000.00) for the first offense and five thousand dollars (\$5,000.00) for any repeat violation within five (5) years of a previous offense. If severe injury or death of a person or animal results, the recommended penalty shall be five thousand dollars (\$5,000.00) for animal victims and ten thousand dollars (\$10,000.00) for human victims for the first offense and ten thousand dollars (\$10,000.00) for animal victims and fifteen thousand dollars (\$15,000.00) for human victims for any repeat violation within five (5) years of a previous offense.

(Ord. No. 2009-47, § 2, 9-1-09)