

Meeting Date
January 23, 2018



AGENDA	
Section	Public Hearing
Item No.	IVc

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Amendments to Chapter 14, Article II, Animal Control, Brevard County Code of Ordinances.
DEPT/OFFICE:	Brevard County Sheriff's Office – Animal Services and Enforcement

Requested Action:
It is requested that the Board of County Commissioners hold a public hearing for consideration of amendments to Chapter 14, Article II, Animal Control, Brevard County Code of Ordinances.

Summary Explanation & Background:

On December 19, 2017, the Brevard County Sheriff's Office requested permission to advertise revisions to Chapter 14, Article II, Animal Control, Brevard County Code of Ordinances, in order to update and conform the Code with changes to State law and incorporate best management practices. Said amendments seek to promote a safe and healthy community for the citizens and animals of Brevard County. Furthermore, the changes will supply the tools and resources necessary for the County to handle the animal control-related issues covered within Chapter 14, Article II more effectively and efficiently. These amendments and changes are the subject of this public hearing.

Attachment: redlined version of the proposed Ordinance

Contact: Commander DeMorat, BCSO; Director of Animal Services Joseph Hellebrand, BCSO
Phone: (321) 264-5201

Clerk to the Board Instructions: Upon execution by the Chair of the Board, forward to the Secretary of State for filing; upon receipt of confirmation of filing, forward certified copy to the Municipal Code Corporation for inclusion in the Code of Ordinances of Brevard County

Exhibits Attached: redlined version of the proposed Ordinance

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager Frank Abbate	Assistant County Manager John Denninghoff	Department Director/Extension <i>Wayne Ivy</i>
	Interim Assistant County Manager Jim Liesenfelt	



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

January 24, 2018

Honorable Wayne Ivey
Brevard County Sheriff's Office
700 South Street
Titusville, FL 32780

Attn: Commander Demorat

Dear Sheriff Ivey:

Re: Item IV.C., Ordinance for Amendments to Chapter 14, Article II, Animal Control, Brevard County Code of Ordinances

The Board of County Commissioners, in regular session on January 23, 2019, held a public hearing and adopted Ordinance No. 18-02, for amendments to Chapter 14, Article II, Animal Control, Brevard County Code of Ordinances. Enclosed is a certified copy of the Ordinance.

Your continued cooperation is greatly appreciated

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: County Manager



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

January 25, 2018

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Ms. Donna Scott

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your replacement electronic copy of Brevard County Ordinance No. 2018-02, which was filed in this office on January 25, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb



oldr

FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

January 24, 2018

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Ms. Christy Mulligan-Willey

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2018-02, which was filed in this office on January 24, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2018-02

AN ORDINANCE AMENDING THE BREVARD COUNTY CODE OF ORDINANCES, CHAPTER 14, ARTICLE II, ANIMAL CONTROL; UPDATING SEC. 14-36 DEFINITIONS; UPDATING SEC. 14-37 PENALTY; UPDATING SEC. 14-38 ALTERNATIVE REMEDIES; UPDATING SEC. 14-39 AUTHORITY AND PURPOSE; UPDATING SEC. 14-40 JURISDICTION; UPDATING SEC. 14-41 ADMINISTRATION; UPDATING SEC. 14-42 ENFORCEMENT AND PENALTIES; UPDATING SEC. 14-43 RESISTING, INTERFERING WITH OFFICER; UPDATING SEC. 14-44 IMPOUNDMENT OF ANIMALS; UPDATING SEC. 14-45 DISPOSITION OF IMPOUNDED ANIMALS; UPDATING SEC. 14-46 UNAUTHORIZED REMOVAL FROM CUSTODY; UPDATING SEC. 14-47 DISPOSAL OF DEAD ANIMALS; UPDATING SEC. 14-48 QUARANTINE OF ANIMALS; CREATING SEC. 14-48.5 AGGRESSIVE DOG CLASSIFICATION PROCEDURES, REQUIREMENTS, OWNER RESPONSIBILITIES, AND PENALTIES; UPDATING SEC. 14-49 CLASSIFICATION OF DOGS AS DANGEROUS; UPDATING SEC. 14-50 TO DEAL WITH AN ATTACK OR BITE BY DANGEROUS DOG OR SEVERE BITE BY ANY DOG; UPDATING SEC. 14-51 FAILURE TO SURRENDER ANIMAL OR CARCASS; UPDATING SEC. 14-52 RELATING TO RABIES VACCINATIONS AND ANIMAL REGISTRATION TAGS; UPDATING SEC. 14-53 PROHIBITING CRUEL AND INHUMANE TREATMENT OF ANIMALS; CREATING SEC. 14-54 TO RELATE TO TAKING CUSTODY OF MISTREATED ANIMALS; UPDATING SEC. 14-55 RESPONSIBILITY FOR ANIMALS; UPDATING SEC. 14-56 ANIMAL AT LARGE; UPDATING SEC. 14-57 CREATION OF NUISANCE; UPDATING SEC. 14-58 PROHIBITING PHYSICAL INJURY OR PROPERTY DAMAGE CAUSED BY ANIMAL; UPDATING SEC. 14-59 PROHIBITING THE DEFECATION OR URINATION ON PUBLIC OR PRIVATE PROPERTY; UPDATING SEC. 14-60 ANIMAL ACCESS TO PUBLIC PARKS AND BEACHES; UPDATING SEC. 14-61 SERVICE ANIMALS; UPDATING SEC. 14-62 TRANSPORTING IN OPEN BED OF VEHICLE; UPDATING SEC. 14-63 CONFINEMENT OF FEMALES IN ESTRUS (HEAT); RESERVING SEC. 14-64; UPDATING SEC. 14-65 ABANDONMENT OF ANIMALS; UPDATING SEC. 14-66 MANDATORY NEUTERING OF CATS AND DOGS; CREATING SEC. 14-67 RESTRAINT BY TETHERING; CREATING SEC. 14-68 DOG FIGHTING AND OTHER ANIMAL FIGHTING; CREATING SEC. 14-69 CONTROLLING POISONOUS SUBSTANCES; RESERVING SEC. 14-70; RESERVING SEC. 14-71; CREATING SEC. 14-72 COMMUNITY CAT INITIATIVE; CREATING SEC. 14-73 SPAY AND NEUTER TRUST FUND; CREATING SEC. 14-74 EDUCATION PROGRAM; CREATING SEC. 14-75 ANIMAL ADOPTION AND PET PLACEMENT PARTNERSHIP PROGRAM; CREATING SEC. 14-76 STERILIZATION PROGRAMS; RESERVING SEC. 14-77; CREATING SEC. 14-78 ESTABLISHMENT OF FEES; RESERVING SECS. 14-79 – 14-85; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING

Officially filed with the Secretary of State on 01/25/18.

PROVISIONS; PROVIDING FOR AN AREA ENCOMPASSED; PROVIDING FOR INCLUSION INTO THE CODE OF ORDINANCES; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 18, 2014, the Board of County Commissioners (“Board”) approved transferring the animal control and animal services responsibilities of Brevard County Animal Services and Enforcement (“BASE”) to the Brevard County Sheriff’s Office (“BCSO”); and

WHEREAS, the Board and BCSO have entered into an interlocal agreement appointing BCSO’s Animal Services as Brevard County’s (the “County”) animal control authority; and

WHEREAS, BCSO’s Animal Services (the “Animal Control Authority”) has identified areas for improvement within Chapter 14, Article II, Animal Control, Code of Ordinances of Brevard County, Florida (“Chapter 14, Article II”); and

WHEREAS, the existing version of Chapter 14, Article II needs to undergo significant changes in order to conform with revisions to Florida law and applicable administrative codes, as well as to implement best practices identified by the Animal Control Authority; and

WHEREAS, in order to ensure Chapter 14, Article II conforms with State law and best practices identified by the Animal Control Authority, the Board finds certain amendments are necessary and desirable to resolve inconsistencies and ambiguities; and

WHEREAS, the Board hereby finds that adoption of this Ordinance is in the interest of the health, safety, and welfare of the people of Brevard County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1: Chapter 14, Article II, Animal Control, Code of Ordinances of Brevard County, Florida (“Chapter 14, Article II”) is hereby amended to read as follows.

ARTICLE II. ANIMAL CONTROL

- Sec. 14-36. Definitions.
- Sec. 14-37. Penalty.
- Sec. 14-38. Alternative remedies.
- Sec. 14-39. Authority and purpose.
- Sec. 14-40. Jurisdiction.
- Sec. 14-41. Administration
- Sec. 14-42. Enforcement and penalties.
- Sec. 14-43. Resisting, interfering with officer.
- Sec. 14-44. Impoundment of animals.
- Sec. 14-45. Disposition of impounded animals.

- Sec. 14-46. Unauthorized removal from custody.
- Sec. 14-47. Disposal of dead animals.
- Sec. 14-48. Quarantine of animals.
- Sec. 14-48.5. Aggressive dog classification procedures, requirements, owner responsibilities, and penalties.
- Sec. 14-49. Classification of dogs as dangerous.
- Sec. 14-50. Attack or bite by dangerous dog; severe bite by any dog; confiscation; destruction.
- Sec. 14-51. Failure to surrender animal or carcass.
- Sec. 14-52. Rabies vaccination of dogs, cats, and ferrets; rabies vaccination certificates and animal registration tags.
- Sec. 14-53. Cruel and inhumane treatment of animals prohibited.
- Sec. 14-54. Taking custody of mistreated animals.
- Sec. 14-55. Responsibility for animals.
- Sec. 14-56. Animal at large.
- Sec. 14-57. Creation of nuisance.
- Sec. 14-58. Animal causing injury, property damage.
- Sec. 14-59. Defecating, urinating on public or private property.
- Sec. 14-60. Public parks and beaches.
- Sec. 14-61. Service animals.
- Sec. 14-62. Transporting in open bed of vehicle.
- Sec. 14-63. Confinement of females in estrus (heat).
- Sec. 14-64. Reserved.
- Sec. 14-65. Abandonment of animals.
- Sec. 14-66. Mandatory neutering of cats and dogs.
- Sec. 14-67. Restraint by tethering.
- Sec. 14-68. Dog fighting and other animal fighting.
- Sec. 14-69. Controlling poisonous substances.
- Sec. 14-70. Reserved.
- Sec. 14-71. Reserved.
- Sec. 14-72. Community Cat Initiative.
- Sec. 14-73. Spay and neuter trust fund.
- Sec. 14-74. Education program.
- Sec. 14-75. Animal adoption and pet placement partnership program.
- Sec. 14-76. Sterilization programs.
- Sec. 14-77. Reserved.
- Sec. 14-78. Establishment of fees.
- Secs. 14-79 – 14-85. Reserved.

Sec. 14-36. Definitions.

For the purposes of this Article, the following words, terms and phrases, shall have the meaning set forth in this Section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender. The word "shall" is always mandatory and not merely supervisory.

Abandon or abandonment means 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.

Aggressive dog means any dog that, according to the records of the Animal Control Authority, has severely injured or killed a domestic animal while unprovoked and off the owner's property which does not otherwise meet the definition of a dangerous dog.

Allow or permit, in addition to their common meanings, shall also include any failure to take reasonable, proactive measures to restrict the animal from engaging in any activity prohibited by this Chapter.

Animal shall have the meaning set forth in F.S. § 828.27, as may be amended from time to time.

Animal Control Authority means the entity tasked with animal control and animal services for the County. The Animal Control Authority shall be designated by the Board and authorized to enforce this Article and the animal control laws of the State.

Animal control officer or animal enforcement officer shall have the meaning ascribed to "animal control officer" in F.S. § 828.27, as may be amended from time to time. The terms animal control officer and animal enforcement officer may be used interchangeably herein.

Animal shelter means any public or private organization existing for the purpose of the prevention of cruelty to animals and/or for the sheltering of animals and that is incorporated or chartered under the laws of the State of Florida, or established by legislation. This definition also includes a person who rescues, shelters or provides a foster home facility, any of which places animals for adoption, whether for a fee, a donation, or free of charge.

Applicable civil penalty means the civil penalty established by the Board for violating a certain provision of this Article.

At large means not on the owner's property, and not under the direct control, custody, charge, or possession of the owner or other responsible person.

Baiting means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, "baiting" means the use of live animals in the training of racing greyhounds.

Board means the Board of County Commissioners of Brevard County, Florida.

Caregiver means any person who provides care, shelter, protection, refuge, or nourishment to any animal or undertakes the responsibility to do so, whether of their own volition or by request of the owner of that animal.

Citation means a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this Article and that the County Court will hear the charge. Pursuant to F.S. § 828.27, the citation shall contain:

- (1) The date and time of issuance.
- (2) The name and address of the person to whom the citation is issued.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting probable cause.
- (5) The Code section 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 if a mandatory court appearance is required for the violation.
- (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 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.
- (11) A conspicuous statement that if the person is required to appear in court, he or she does not have the option of paying a fine in lieu of appearing in court.

Community cat means any 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. Community cats shall be distinguished from other cats by being sterilized and ear tipped; qualified community cats are exempt from the licensing, stray, and at large provisions of this Article and may be exempt from other provisions directed toward owned animals.

Community standards means the minimum accepted standards of care for animals based upon the overall Brevard County community of pet owners and established guidelines of professional animal associations and/or groups.

County means Brevard County, Florida.

Cruelty or cruel treatment means any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal.

Dangerous dog means any dog that, according to the records of the animal control authority:

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

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

Enclosure or outdoor enclosure means any structure with at least three walls, a roof, and floor in adequate condition as not to endanger the safety of the animal and as to provide necessary protection of the animal from weather conditions. An enclosure must be properly located so that it does not allow for standing water to pool inside the enclosure following any weather event or other water intrusion. For pets not declared dangerous a residence may be considered a proper enclosure; different rules as specified as in this Chapter apply to a "proper enclosure of a dangerous dog" as defined in this Article.

Farm animal means any animal that customarily is raised or bred on farms including grazing animals, such as cattle, horses, goats, or sheep, swine, other hoofed animals, bees, fowl or other animals commonly referred to as livestock.

Feral animal means an animal that exists in a wild or untamed state, either due to birth or reversion to a wild state from domestication and has no known owner.

Harborer means any person or entity which provides care, shelter, protection, restraint, refuge, food or nourishment in such a manner as to control an animal's activities.

Inhumane treatment means acts which are physically cruel to an animal, or which expose an animal to unusual, unnecessary, and otherwise avoidable physical harm.

Licensed veterinarian or veterinarian means any person who is licensed to engage in the practice of veterinary medicine in this State under the authority of Ch. 474, F.S.

Notice means written notice by registered mail, certified hand delivery, or service in conformance with the provisions of Ch. 48, F.S., relating to service of process.

Nuisance means:

- (1) Any domestic animal that disturbs the peace and quiet of any person by habitually or continually barking, howling, crying, screaming, or making other bothersome noises; or
- (2) Any domestic animal that disturbs the peace of any person by habitually or repeatedly destroying, desecrating, or soiling public or private property, chasing persons, livestock, cars or other vehicles, running at large, or other behavior that interferes with the reasonable use and enjoyment of the property.

Officer means any law enforcement officer defined in F.S. § 943.10, or any animal control officer or animal enforcement officer, as defined in this Section.

Owner means any person, firm, corporation, partnership, association, trust, estate or any other legal entity, business unit or organization possessing, harboring, keeping or having control or custody of an animal temporarily or permanently, or, if the animal is owned by a person under the age of 18 years, that person's parent or legal guardian. This definition shall include any harborer or caregiver.

Physical control means adequate domination or power to influence/restrict 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 may be considered not under physical control and, therefore, could be subject to being treated as at large in accordance with this Article. Nothing in this definition is intended to prevent dogs from being on training leashes or while engaged in other lawful activities.

Police dog means any dog that is owned, or the service of which is employed, by a law enforcement agency.

Probable cause means reasonable grounds, based on personal knowledge of facts and circumstances or trustworthy information, sufficient to warrant a belief that a violation of this article has been or is being committed.

Proper enclosure for 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 young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides, top, and floor to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements.

Rabies vaccination means inoculation with a United States Government-approved vaccine recognized to prevent and reduce the possibility of rabies in the animal vaccinated administered by a licensed veterinarian in good standing.

Registration tag means a County animal tag issued pursuant to this Chapter.

Secure enclosure means, while on the owner's property, the animal is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides, top, and floor to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements.

Service animal means an animal that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work done or tasks performed must be directly related to the individual's disability and may include, but are not limited to, guiding a person who is visually impaired or blind, alerting a person who is deaf or hard of hearing, pulling a wheelchair, alerting and protecting a person who is having a seizure, retrieving objects, alerting an individual to the presence of allergens, providing physical support and assistance with balance and stability to an individual with a mobility disability, helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding an individual with mental illness to take prescribed medications, calming an individual with posttraumatic stress disorder during an anxiety attack, or doing other specific work or performing other special tasks. A service animal is not a pet. The crime-deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition.

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

Special magistrate means the individual authorized by the Board to hold hearings, assess fines, and issue rulings against violators of the County codes and ordinances.

Sufficient food or sustenance means access to proper food for the species of animal on a regular, ongoing basis in quantities sufficient to maintain a regular body weight as designated by objective measurement tools such as "Body Condition Score (BCS)" systems. As an example, regular body weight would be the "ideal" level (4 or 5) on the internationally recognized veterinary and animal welfare Purina Body Score System Chart. Animals under active, current veterinary care may deviate from the scale based upon the expertise of a licensed veterinarian.

Sufficient water means access to clean, potable water on a regular, ongoing basis in quantities to prevent the animal from exhibiting signs of dehydration.

Underground pet containment system means a device, which uses a buried wire along the perimeter of a premises that transmits a signal to a receiver attached to the collar of an animal, which gives the animal an electronic shock or other warning when the animal approaches the

buried perimeter wire to prevent said animal from leaving the premises. This definition includes buried electrical fencing and invisible fencing.

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 a dog.

Zoonoses or *zoonotic disease* means those diseases transmittable to humans from animals, including parasitic, bacterial, fungal and viral diseases.

Sec. 14-37. Penalty.

- (a) A violation of this Article shall constitute a civil infraction.
- (b) The maximum civil penalty for an infraction shall not exceed \$500.00 per violation.
- (c) The Board shall establish the amount of any civil penalty for a civil infraction under this Chapter. [See Table below]. Any changes to this schedule shall be done by the Board.
- (d) 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.
- (e) The County shall request an order to show cause for any person failing to pay the civil penalty, appear in court to contest a citation, or appear in court as required by a citation. The order shall require such person to appear before the court to explain why action on the citation has not been taken. If any person issued such order fails to appear in response to the court's directive, that person may be held in contempt of court.

Sec. 14-38. Alternative remedies.

In addition to the penalties otherwise provided in this Article, the Board shall have the right to enforce by injunction, or any other appropriate legal means, compliance with the regulations and requirements of this Article.

Sec. 14-39. Authority and purpose.

This Article is hereby enacted pursuant to the provisions of F.S. §§ 125.01 and 828.27, and Ch. 767, F.S., with the purposes of regulating the possession, ownership, keeping, care, and custody of animals, in the interest of the health, safety and welfare of the people of the County.

Sec. 14-40. Jurisdiction.

This Article shall be effective throughout the unincorporated areas of the County and within the incorporated areas of the County to the extent this Article does not conflict with any applicable municipal ordinance.

Sec. 14-41. Administration.

- (a) The Board shall designate an animal control authority to administer and enforce the provisions of this Article.
- (b) The Animal Control Authority may employ animal control officers to assist in the administration and enforcement of this Article. Such animal control officers shall successfully complete a training program in accordance with F.S. § 828.27.
- (c) Animal control officers are not authorized to bear arms or make arrests.
- (d) The Animal Control Authority shall investigate complaints of alleged violations of this Article.
- (e) The Animal Control Authority and its officers are hereby authorized to catch, seize, or pick up:
 - (1) Any sick or injured animal, including any animal subject to cruelty or in need of immediate medical attention.
 - (2) Any animal infected with, or suspected of carrying, rabies or any other infectious disease.
 - (3) Any dangerous dog not properly confined or restrained.
 - (4) Any animal not properly quarantined.
 - (5) Any animal at large.
 - (6) Any animal causing injury, or threat of injury, to any person by being at large, endangering or chasing persons, or by causing property damage to a person other than the owner of the animal.
 - (7) Any female dog or cat in estrus (heat) not properly confined.
- (f) The Animal Control Authority may impound any animal caught, seized, or picked up pursuant to this Article.
- (g) The Animal Control Authority may engage the services of a licensed veterinarian to treat any sick or injured animal, including any animal subject to cruel or inhumane treatment, or any animal infected with or suspected of carrying rabies, which animal has been impounded pursuant to this Article. The owner of such

animal shall be liable for payment of any and all fees, expenses, and/or fines assessed in connection with the capture, impoundment, sheltering, and/or treatment of the animal. The animal will not be released until the owner pays the amount owed or sets up a payment plan.

- (h) The Animal Control Authority may declare a dog to be a dangerous dog, pursuant to the provisions of this Article, and shall order the owner of such dog to confine or restrain such dog as required by this Article. Officers shall routinely inspect the premises of the owner of such dog to determine compliance with any order of the Animal Control Authority, Special Magistrate, or court of competent jurisdiction issued under this Article or any other provisions of law.
- (i) The Animal Control Authority shall conduct an ongoing public information campaign on the problems resulting from abandoning and neglecting animals, and the penalties under law for abandoning or neglecting animals.
- (j) The Board shall designate the Code Enforcement Special Magistrate to hear cases and rule on matters within his or her jurisdiction as provided for in this Article.

Sec. 14-42. Enforcement and penalties.

- (a) Any officer who has probable cause to believe that any person has committed an act in violation of this Article may issue a citation to such person.
- (b) Unless otherwise specified, any violation of this Article constitutes a civil infraction and may be punishable by a maximum civil penalty not to exceed \$500.00.
- (c) Unless otherwise specified, such as matters relating to the designation of a dog as dangerous or aggressive, which are addressed elsewhere in this Article, within thirty (30) days of the issuance of a citation for a violation of this Article, the person cited must comply with one of the following options for disposition of the citation:
 - (1) Pay the applicable civil penalty together with the court filing fee and animal control officer training surcharge to the Clerk of the County Court within thirty (30) days in the manner provided on the citation form. A person making this election shall be deemed to have admitted the infraction and waived the right to a hearing; or
 - (2) Request a hearing to contest the citation in County Court, as provided by F.S. § 828.27, through the Clerk of the County Court, in the manner provided on the citation form.

- a. The Clerk shall schedule a hearing in the County Court and cause the person contesting the citation, the citing officer, and any witness(es) to be notified of the court hearing by summons.
 - b. The standard of proof in the court hearing shall be a preponderance of the evidence.
 - c. Contesting the citation shall be deemed a waiver of any right to pay the applicable civil penalty, and upon a finding by the court that the civil infraction was committed, the court may order the violator to correct the violation and impose a penalty up to the maximum civil penalty of \$500.00 plus all costs of prosecution and court costs, but in no event shall any such civil penalty imposed by the court be less than the applicable civil penalty. The judge may provide for the civil penalty to be paid, and the violation to be corrected, within such time as the judge determines to be appropriate. If the person found to be in violation fails to pay the civil penalty or correct the violation within the time provided, a civil judgment shall be entered against that person in the amount adjudicated, and any other lawful sanctions may be imposed by the court.
- (3) If the person is required to appear in court he or she does not have the option of paying a civil penalty in lieu of appearing in court. Persons cited for the following must appear in County Court:
- a. Violations of the animal cruelty provisions contained in Chapter 14, Brevard County Ordinances.
 - b. Any violation that is indicated on the citation which requires a mandatory court appearance.
 - c. Any violator with outstanding or unpaid Animal Services fines.

The citation issued to the violator shall clearly inform the mandatory court appearance.

- (d) Pursuant to F.S. § 828.27(2)(f), if the person cited fails to pay the applicable civil penalty within thirty (30) days, fails to appear in court to contest the citation, or fails to appear in court as required by this Article and indicated on the citation, the court may issue an order to show cause upon the request of the Animal Control Authority. This order shall require such persons to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court and a civil judgment shall be entered against the person

in an amount not to exceed the maximum civil penalty of \$500.00 plus all applicable costs of prosecution and court costs, but in no event shall any such civil penalty imposed by the court be less than the applicable civil penalty.

- (e) Payment of any civil penalty imposed by the County Court shall be made to the Clerk of the County Court, who shall forward the monies collected to the County.
- (f) Civil penalties imposed pursuant to this Article shall be independent of and in addition to any fees, cost, or charges arising from the impoundment or registration of animals as provided in this Chapter.
- (g) As provided by F.S. § 828.27(4)(b), there shall be imposed and collected a surcharge of \$5.00 upon each civil penalty imposed for violation of this Article. The proceeds from such surcharges shall be used to pay the costs of training for animal control officers.
- (h) Nothing in this Article shall prevent officers from charging violations relating to animal control or cruelty as criminal offenses, when so authorized by State law.
- (i) In addition to the penalties otherwise provided in this Article, the Board, or the Animal Control Authority as its designee, shall have the right to enforce by injunction, or any other appropriate legal means, compliance with the regulations and requirements of this Article.

Sec. 14-43. Resisting, interfering with officer.

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. 14-44. Impoundment of animals.

- (a) The Animal Control Authority may operate and maintain County shelters, or contract for other shelter facilities, to impound any animal authorized to be caught, seized, or picked up by the Animal Control Authority pursuant to this Article.
- (b) It is a violation of this Article for any person to remove, or attempt to remove, any impounded animal from a County shelter or other shelter facility contrary to the provisions of this Section.
- (c) Any animal found to be cruelly or inhumanely treated, in obvious distress, or infected with or suspected of carrying rabies, which animal has been impounded pursuant to this Article, may be seen by a veterinarian without the owner's consent for examination and treatment, if necessary. The owner of such animal

shall be liable for payment of all veterinary and shelter expenses, and reimbursement of the County's expenses for treating such animal.

- (d) Fees for impounding, boarding, care, and feeding of animals will be established in accordance with Sec. 14-78.
- (e) No animal impounded pursuant to this Article shall be released until:
 - (1) The owner of the impounded animal shows proof of a valid rabies tag and animal license registration tag, or, where the animal does not have a valid rabies tag, arranges to have the animal vaccinated and obtains an animal registration tag for the animal;
 - (2) The owner of the impounded animal pays the fees for impoundment, board, and feed, and any additional fees for rabies vaccination, veterinary expenses, any and all current or outstanding citation fines, and/or an animal registration tag; and
 - (3) The owner of the impounded animal provides proof of ownership or custody, such as a rabies vaccination certificate, sales receipt, affidavits of neighbors, photographs, or other documentary evidence.
 - (4) If the animal is a dangerous dog, in addition to the foregoing requirements, the owner of such animal complies with all provisions of this Article applicable to such dangerous dog.
 - (5) If the animal is, or will be, subject of a petition seeking relief pursuant to F.S. § 828.073, the court of competent jurisdiction issues an order that the owner is able to adequately care for, and have custody of, the animal, directing the sale or destruction of the animal, or remanding custody of the animal to the animal control authority or other person or agency.
 - (6) Lawful exercise of discretion by the Animal Control Authority to destroy an animal or the failure of an owner to redeem an animal shall not relieve the owner of liability for violations, fines and accrued charges and fees, regardless of the ultimate disposition of the animal.
- (f) Holding periods established:
 - (1) The Animal Control Authority shall shelter and care for impounded potentially owned, dogs and cats, whether tagged or stray, for five (5) days, excluding the day of capture/intake, official holidays recognized by the Animal Control Authority, and when the shelter is otherwise closed to the public.

- (2) The County shall establish a program for the handling and disposition of feral animals, when no owner is identifiable, with no requirement for a holding period before disposition. All dogs and cats that are determined by the Animal Control Authority to be so unsocialized as to pose a threat to the safety and welfare of employees or the public shall be expeditiously and humanely euthanized (excluding any cat that qualifies for a community cat management program established by the County).
- (3) Due to the low reclaim rate and high euthanasia rate for cats, all cats that do not have positive, traceable identification through a currently registered microchip ("RFID"), County pet tag, or private identification tag (although still subject to the holding period established above) may be sterilized immediately upon intake and placed in the adoption area as soon as two (2) days after impound.
- (g) The Animal Control Authority shall not be required to shelter or care for any feral, wild, or exotic animals.
- (h) The Animal Control Authority shall not be required to shelter or care for any animal that: is severely injured; has a dangerous disease that is communicable to humans or other animals, as determined by a veterinarian; or is deemed by the Animal Control Authority as a danger to the community or an undue risk to employees of the animal control authority, unless such animal has a currently registered microchip or ownership information in the form of County pet tag or private identification tag on the animal. All animals without such positive, traceable identification that meet the previous criteria may be expeditiously and humanely euthanized.

Sec. 14-45. Disposition of impounded animals.

- (a) The Animal Control Authority shall attempt to identify and locate the owner of an animal impounded pursuant to this Article. If the owner is identified and located, the Animal Control Authority shall provide notice to the owner that the animal has been impounded and may be redeemed within five (5) business days after receipt of the notice by certified mail or ten (10) business days after the Animal Control Authority mails the notice out by certified mail. Neither time periods shall include the first day of impoundment. In the event that the last day of impoundment falls on a day that the animal shelter is not open for business, the animal shall be held until the end of the following day that the animal shelter is open for business. Fees shall be assessed beginning on the first day of impoundment. For purposes of calculating fees, each day in which the animal spends any time in impoundment is counted as a full day.
- (b) An animal impounded pursuant to this Article shall become the property of the County if:

- (1) The owner of such animal is not identified or located within five days after impoundment.
 - (2) The owner of such animal is notified, but does not redeem the animal within the five-day redemption period when notice is received or after ten (10) business days once notice by certified mail is sent;
 - (3) The animal is feral and impoundment creates unusual risks to such animal or any person; or
 - (4) A licensed veterinarian determines that the medical condition of the animal warrants humane destruction.
- (c) When an animal becomes the property of the County, the Animal Control Authority may, without further notice to the former owner:
- (1) Transfer ownership of such animal to a humane society, humane agency, law enforcement agency, zoo or other person, institution, or agency, provided that such person, institution or agency agrees to record the name and address of the new owner upon subsequent transfer of ownership of the animal; or
 - (2) Destroy such animal in a humane manner.
- (d) Redemption by owner.
- (1) Except as otherwise provided in this Chapter, the owner of any impounded animal may redeem the animal, upon payment to the County of the following:
 - a. A transport fee for each animal redeemed, if applicable;
 - b. A boarding fee per animal, per day;
 - c. All outstanding fines and final judgments, except for any fine of which a timely appeal is pending;
 - d. All veterinary charges, drug, and other medical expenses, including rabies vaccinations;
 - e. The cost of an implanted and registered microchip; and
 - f. The cost of an animal license and registration, if applicable.

At the request of the owner, the Animal Control Authority shall provide an itemized list of charges.

- (e) For the purposes of controlling pet overpopulation and ensuring all animals adopted from the Animal Control Authority are sterilized in an expeditious manner, the Animal Control Authority shall be considered the legal owner of: all stray dogs that remain in the shelter five (5) days after intake/impound (i.e. on the sixth (6th) day sterilization may take place) unless positive, traceable ownership may be indicated by a registered microchip, County tag or private id tag; and, all stray cats, excluding feral cats, upon intake/impound unless positive, traceable ownership may be indicated by a registered microchip, County tag, other form of traceable permanent identification, or private identification tag. The Animal Control Authority is hereby authorized to perform sterilization procedures on any animal anytime after it becomes property of the County. Such ownership provisions shall not affect the holding periods established in Sec. 14-44(f).
- (f) Conditions preventing redemption or adoption.
- (1) No animal that has been in recent contact with a rabid animal may be redeemed or adopted until the animal has been held for the prescribed period of observation.
 - (2) No animal that is infected with, or is suspected of being infected with, any dangerous disease that is communicable to humans or other animals, as determined by a veterinarian, shall be redeemed or adopted, and may be expeditiously and humanely euthanized.
 - (3) No dog previously classified as a dangerous dog may be adopted pending any appeal. The owner of such dog must be provided with proper written notice by registered mail, certified hand delivery, or service in conformance with the provisions of Ch. 48, F.S., relating to service of process.
 - (4) No animal prohibited by law from being kept as a household pet may be redeemed or adopted.
 - (5) At the discretion of the Animal Control Authority, an animal that is not subject to adoption or redemption may be medically treated and placed with a facility or agency equipped for care of such animal, or the animal may be humanely destroyed.
 - (6) Nothing in this Section shall prevent or limit the Animal Control Authority from allowing redemption, adoption, or placement of any animal under quarantine or observation with rescues or qualified individuals when in the best interest of the animal.
- (g) After the applicable time periods established in Secs. 14-44(f) and 14-45(b) have expired, or any applicable time period to appeal a final order has run, the Animal Control Authority may, in its discretion, adopt, sterilize, place with an

appropriately equipped facility or agency, and/or humanely dispose of an animal. No live unredeemed animal or voluntarily surrendered animal may be disposed of by selling or giving such animal to any person or entity for the purpose of using the animal for experimentation, for medical or other research, or for food or other commercial processing. Animals requiring extended care may be placed with foster homes so that they may become adoptable.

- (h) Any livestock, as defined in F.S. § 588.13, impounded pursuant to this Article may be disposed of as provided by Ch. 588, F.S..

Sec. 14-46. Unauthorized removal from custody.

It is a violation of this Article for any person to remove, or attempt to remove, an animal from the custody of the Animal Control Authority.

Sec. 14-47. Disposal of dead animals.

Unless otherwise prohibited by law, the owner of any real property may bury or dispose of any dead animal on such property after notice to the Animal Control Authority.

Sec. 14-48. Quarantine of animals.

- (a) The provisions of Ch. 64D-3, Florida Administrative Code ("F.A.C."), as may be amended or renumbered from time to time, which relate to diseased animals, the quarantine of animals, and zoonosis control and prevention, are hereby adopted by reference in this Article. A copy of Ch. 64D-3, F.A.C., is available for inspection in the Office of the Clerk to the Board of County Commissioners.
- (b) It is a violation of this Article for any person to commit an act, or cause an act to be committed, which is in violation of any provision of Ch. 64D-3, F.A.C., which relates to diseased animals, the quarantine of animals, or zoonosis control and prevention.
- (c) Suspected rabid animals, including animals involved in human exposure (bite and non-bite) and animals exposed to rabid or suspected rabid animals, shall be isolated and quarantined or humanely euthanized at the direction of a veterinarian in accordance with Rule 64D-3.040(3), F.A.C., as may be amended or renumbered from time to time. If quarantine of an animal cannot be maintained at the owner's home, or at another location permitted under Rule 64D-3.040(3), F.A.C., the animal shall be quarantined at a County animal shelter or at a licensed veterinary clinic having recognized isolation procedures, at the owner's expense. It is a violation of this article for the owner of any animal to refuse or fail to maintain the animal under rabies quarantine, as required by Rule 64D-3.040(3), F.A.C., and this Article.
- (d) Fees for quarantine will be established in accordance with Sec. 14-78.

- (e) Police dogs and service dogs that have current rabies vaccinations administered by a licensed veterinarian are exempt from any quarantine requirement.

Sec. 14-48.5. Aggressive dog classification procedures, requirements, owner responsibilities, and penalties.

- (a) Procedures to classify a dog aggressive. The Animal Control Authority shall investigate reported incidents involving any dog that may be aggressive and shall, if possible, interview the owner and require a sworn affidavit from any person, including any officer, desiring to have a dog classified as aggressive. The affidavit requesting the investigation must be presented to the Animal Control Authority within thirty (30) days of the incident leading to the request. The Director of the Animal Control Authority, or designee, may grant a deadline extension upon due cause and extenuating circumstances for a period not to exceed an additional thirty (30) days. Any animal that is the subject of an aggressive dog investigation that is not impounded with the Animal Control Authority shall be humanely and safely confined by the owner in a secure enclosure during the pendency of the investigation and resolution of any hearings related to the aggressive dog classification. The owner shall provide the address where the dog shall be so confined and the manner of confinement, to the Animal Control Authority. No dog that is subject to an aggressive dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of an aggressive dog classification.
- (b) After the investigation, the Animal Control Authority shall make an initial determination as to whether there is sufficient cause to classify the dog as aggressive and shall afford the owner an opportunity for a hearing prior to making a final determination. The Animal Control Authority shall provide written notification of the sufficient cause finding and proposed penalty to the owner by registered mail, certified hand delivery, or service in conformance with the provisions of Ch. 48, F.S., relating to service of process. The owner may file a written request for hearing regarding the aggressive dog classification, penalty, or both, at the address indicated on the sufficient cause finding within seven (7) calendar days after receipt of the notification of the sufficient cause finding and proposed penalty. If the owner requests a hearing, the hearing shall be held as soon as possible, but not more than twenty-one (21) calendar days and no sooner than five (5) days after receipt of the request from the owner. Such hearing shall be conducted according to the procedures set forth in Sec. 14-49(e). If a hearing is not timely requested regarding the aggressive dog classification or proposed penalty, the determination of the Animal Control Authority as to such matter shall become final. The Animal Control Authority shall provide notice of the Special Magistrate's determination to the owner by registered mail, certified hand delivery, or service in conformance with the provisions of Ch. 48, F.S.

- (c) Within ten (10) calendar days after a dog has been classified as aggressive or within ten (10) calendar days after such classification and/or penalty has been upheld in any appeal (dismissal of the appeal shall be deemed to uphold the classification), the owner of the aggressive dog shall comply with the following requirements and responsibilities.
- (1) The owner shall provide the Animal Control Authority with two (2) color photographs of the dog (front view and side view) that clearly identify the dog. Each photograph shall be at least three (3) inches by three (3) inches.
 - (2) The dog shall be spayed/neutered unless a licensed veterinarian has examined the dog and certifies, in writing (with a copy provided to the Animal Control Authority within such ten (10) day period), that at such time spaying/neutering the dog would endanger its health. Under that circumstance, the dog shall be spayed/neutered as soon as its health permits.
 - (3) Dogs classified as aggressive shall not be brought to a dog park or public park or public beach even if dogs are otherwise allowed.
 - (4) Dogs classified as aggressive shall not be brought to any commercial establishment other than a veterinary office or other facility where the dog is being treated.
 - (5) The owner shall register the dog as aggressive with the Animal Control Authority, and obtain an aggressive dog license which must be renewed annually. The fees for registration and licenses (including renewals) shall be as established in this Article or as needed by the Board.
 - (6) The owner must ensure that the dog, while on the owner's property, is securely confined indoors or in a secure enclosure from which the dog may not escape.
 - (7) The dog must be muzzled, leashed, and under the control of a person capable of controlling the dog whenever the dog is not within such a secure enclosure from which the dog may not escape or within the passenger portion of a vehicle.
- (d) Any person who fails to comply with any provision of this Section commits a violation of this Article. Each failure to comply with a requirement or responsibility contained within this Section shall constitute a noncriminal infraction punishable by a fine as defined in this Article. The owner may contest such fine(s) and citation(s) as provided in the citation.
- (e) The exemptions listed in Sec. 14-49(b) apply to this Section.

Sec. 14-49. Classification of dogs as dangerous.

- (a) The Animal Control Authority 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 officer, desiring to have a dog classified as dangerous. The affidavit requesting the investigation must be presented to the Animal Control Authority within thirty (30) days of the incident leading to the request. The Director of the Animal Control Authority, or designee, may grant a deadline extension upon due cause and extenuating circumstances for a period not to exceed an additional thirty (30) days. If the animal is quarantined or impounded pursuant to Sec. 14-50, the animal shall remain impounded and be disposed of in accordance with that Section. Any animal that is the subject of a dangerous dog investigation, that is not impounded with the Animal Control Authority shall be humanely and safely confined by the owner in a secure enclosure pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification. The owner shall provide the address where the dog shall be so confined, and the manner of confinement, to the Animal Control Authority. 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. In the event that a dog is to be destroyed these same provisions shall apply and the dog shall not be relocated or ownership transferred.
- (b) Exemptions.
- (1) 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 property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member.
 - (2) A dog may not 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.
 - (3) Any dog that is owned, or the service of which is employed, by a law enforcement agency, is exempt from these provisions.
 - (4) Any dog used as a service dog for blind, hearing impaired, or disabled persons that bites another animal or a human is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination that was administered by a licensed veterinarian.
 - (5) A hunting dog engaged in any legal hunt or training procedure is exempt from this Section.

- (6) Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from this section when engaged in any legal procedures. However, such dogs at all other times in all other respects are subject to this Article and other County Code provisions. Dogs that have been classified as dangerous may not be used for hunting purposes.
 - (7) The dog attacks or bites a human who is engaged in or attempting to engage in criminal activity at the time of the attack.
 - (8) The dog attacks or bites another dog or domesticated animal that, at the time, is on the property of the attacking dog's owner without the owner's consent.
- (c) After the investigation, the Animal Control Authority shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall afford the owner an opportunity for a hearing prior to making a final determination. The Animal Control Authority shall provide written notification of the sufficient cause finding and proposed penalty to the owner by registered mail, certified hand delivery, or service in conformance with the provisions of Ch. 48, F.S., relating to service of process. The owner may file a written request for hearing regarding the dangerous dog classification, penalty, or both, at the address indicated on the sufficient cause finding within seven (7) calendar days after receipt of the notification of the sufficient cause finding and proposed penalty. If the owner requests a hearing, the hearing shall be held as soon as possible, but not more than twenty-one (21) calendar days and no sooner than five (5) days after receipt of the request from the owner. Such hearing shall be conducted according to the procedures set forth in subsection (e). If a hearing is not timely requested regarding the dangerous dog classification or proposed penalty, the determination of the Animal Control Authority as to such matter shall become final.
- (d) The Board shall appoint a Special Magistrate to conduct dangerous dog classification hearings. The Special Magistrate must be an attorney in good standing to practice law in the State of Florida. A copy of the rules of procedure for dangerous dog classification hearings shall be made available to any person who requests a hearing. The Special Magistrate shall hear all relevant evidence from the animal owner, the Animal Control Authority, and any witness with information relevant to the dangerous dog classification, including any victim, if applicable. The Animal Control Authority shall provide notice of the Special Magistrate's determination to the owner by registered mail, certified hand delivery or service. If classified as dangerous, the notice shall include the basis for declaring the dog dangerous, a description of the dog, and describe the responsibility of the owner for maintenance of the dog under this Article.

- (e) Dangerous Dog Hearing Procedure. Pursuant to Part II, Ch. 767, F.S., the following procedure shall apply to dangerous dog hearings held before the Special Magistrate:
- (1) The purpose of the dangerous dog hearing is to provide an appeal procedure for the owner of a dog that has been deemed dangerous in accordance with Part II, Ch. 767, F.S. The dog owner has the opportunity to refute the Animal Control Authority's findings of sufficient cause to classify the dog as dangerous. This hearing process shall afford the owner an opportunity for a hearing prior to making a final determination regarding the classification or penalty.
 - (2) The owner must file a written request for a hearing regarding the dangerous dog classification, penalty, or both, within seven (7) calendar days after receipt of the notification of the sufficient cause finding and proposed penalty.
 - (3) This hearing shall be held no sooner than five (5) days and no longer twenty-one (21) days after the Animal Control Authority receives the request from the owner. The Animal Control Authority shall set a date for hearing upon receipt of the owner's written request.
 - (4) The Special Magistrate shall bring the hearing to order. The Animal Control Authority will then have twenty (20) minutes to present its case, including, but not limited to, witnesses; photographs of the dog(s) and/or victim(s); sworn affidavits; previously issued citations to the dog(s) subject to the dangerous dog hearing; and, other types of information that will be used to support the Animal Control Authority's claims. Once the Animal Control Authority has presented its case, the dog owner will have twenty (20) minutes to present his/her case, including, but not limited to, witnesses; photographs of the dog(s) and/or victim(s); sworn affidavits; previously issued citations to the dog(s) subject to the dangerous dog hearing; and, other types of information that will be used to support the dog owner's claims.
 - (5) The Animal Control Authority must prove its case by clear and convincing evidence.
 - (6) The Special Magistrate shall render a decision at the same meeting.
 - (7) Upon a dangerous dog classification and penalty becoming final after a hearing or by operation of law, the Animal Control Authority shall provide a written final order to the owner by registered mail, certified mail, or service in accordance with Ch. 48, F.S.
 - (8) The owner may appeal the determination, penalty, or both, to the Eighteenth Judicial Circuit Court in accordance with the Florida Rules of

Appellate Procedure and F.S. § 767.12(4) after receipt of the final order. The owner must file a timely appeal in order to preserve his/her rights.

- (f) Within fourteen (14) 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 must obtain a certificate of registration for the dog from the Animal Control Authority, and the certificate shall be renewed annually. The Animal Control Authority is authorized to issue such certificates of registration, and the renewals thereof, only to persons who are at least 18 years of age and who present to the Animal Control Authority sufficient evidence of:
- (1) A current certificate of rabies vaccination and animal registration tag for the dog.
 - (2) A proper enclosure to confine the dangerous dog, and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property.
 - (3) Permanent identification of the dangerous dog, such as a tattoo or an electronic implantation, as specified by the Animal Control Authority, within 24 hours of release.
 - (4) Payment of the applicable annual fee for the issuance of certificate of registration required by this Section. The annual fee shall be established by the Board.
 - (5) Payment of any boarding costs, impound fees, any and all current or outstanding civil citations, and any other fines or fees associated with, related to, or arising from the incident, investigation, and any hearing or appeal procedure under this Section.
 - (6) Proof that the owner has procured liability insurance in the amount of at least \$100,000.00 covering any damage or injury which may be caused by the dangerous dog during the 12-month period for which licensing is sought. The owner shall name the animal control authority as a certificate holder and notify the animal control authority of any cancellation, modification, expiration or termination of the liability policy required by this Section.
 - (7) The owner shall obtain a dangerous dog tag from the Animal Control Authority which shall be worn by the dog at all times. The purpose of the tag shall be to provide immediate identification to the Animal

Control Authority and the public that the dog has been declared dangerous.

- (8) The dog shall be spayed/neutered unless a licensed veterinarian has examined the dog and certifies, in writing (with a copy provided to the Animal Control Authority within such fourteen (14) day period), that at such time spaying/neutering the dog would endanger its health. Under that circumstance, the dog shall be spayed/neutered as soon as its health permits.
 - (9) Within ninety (90) days, the owner shall attend a dangerous dog owner orientation course conducted by the Animal Control Authority, or designee.
 - (10) Five (5) years after the date that the dog was declared dangerous, the owner may request a reduction of the annual dangerous dog certification fee. Any such request shall be granted in the event that there have been no violations of this Article since the dog was declared dangerous. However, a dangerous dog declaration is permanent and shall never be removed from the dog once the determination has been finalized and the time for all appeals has passed.
- (g) The owner shall immediately notify the Animal Control Authority when a dog that has been declared as dangerous is:
- (1) Loose, at large or unconfined.
 - (2) Has bitten a human being or attacked another animal.
 - (3) Is sold, given away, stolen or dies.
 - (4) Is moved to an address other than that stated in the certificate of registration.

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 Animal Control Authority. The new owner must comply with all of the requirements of this Article. The Animal Control Authority must be notified by the owner of a dog classified as dangerous when that dog is moved into the County. When the Animal Control Authority receives notice that a dog classified as dangerous is to be moved out of the County, the Animal Control Authority may provide a courtesy notice to the Animal Control Authority of the receiving jurisdiction.

- (h) It is a violation of this Article for the owner of a dangerous dog to permit, whether intentionally or negligently, the dog to be outside of the locked, secure enclosure described in subsection (f)(2), unless the dog is muzzled and restrained by a substantial, non-retractable chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person or animal. The owner may exercise the dog in a secure enclosure 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 owner's immediate household are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.
- (i) Dogs declared dangerous shall not be allowed in any off-leash park or any dog beach within the County.
- (j) The owner of a dangerous dog shall permit unannounced inspections by the Animal Control Authority to determine the owner's compliance with this Section.
- (k) Any person who fails to comply with any provision of this Section commits a violation of this Article. In addition to any applicable civil penalty, if a violation results in an immediate and direct risk of harm to the general public, the Animal Control Authority shall impound the dangerous dog, shall provide written notice to the owner, and require the owner comply with any requirements in the final order within ten (10) days after receipt of such notice. If the owner of a dog impounded under this subsection believes that there has not been such a violation, the owner may file a petition for injunctive relief in the Eighteenth Judicial Circuit Court requesting that the impounded dog not be destroyed. The petition must be filed within ten (10) business days of the owner's receipt of notice of impoundment of the dog, and notice of the petition must be timely served upon the Animal Control Authority. If the circuit court finds that there has been no violation of this Section, such dog shall be released to the custody of the owner. In the event that the circuit court denies the petition for injunction, the owner shall be responsible for all impoundment fees and maintenance costs incurred for such dog.

Sec. 14-50. Attack or bite by dangerous dog; severe bite by any dog; confiscation; destruction.

- (a) Pursuant to F.S. § 767.13, if a dog that has previously been declared dangerous attacks or bites a person or a domestic animal 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 the animal control authority, 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 Sec. 14-49, and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under Sec. 14-49. 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 appeal procedure. If, prior to the ten-day time period, the owner notifies the Animal Control Authority in writing of the owner's intent to challenge the Animal Control Authority's decision to euthanize the dog, the Animal Control Authority shall continue to impound the dangerous dog so long as the owner either posts bond or pays in advance by certified check payable to the Animal Control Authority the estimated costs associated with impounding the dangerous dog, as estimated by the Animal Control Authority. This amount shall include medical costs. Should the animal have to be boarded beyond the original estimated time covered by the pre-payment of fees, the owner shall be required to pay in advance by certified check the estimated weekly costs of boarding and care until the final decision has been reached. If the dog is determined not to have been a danger or potential danger under the provisions of this Article or State law at the time of impoundment, the Animal Control Authority shall process a refund of boarding and intake fees. Pursuant to Florida law, 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 is not guilty of any crime under this Section.

- (b) If a dog that has previously been declared 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, 775.084. In addition, the dog shall be immediately confiscated by the Animal Control Authority, 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 Sec. 14-49, and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under Sec. 14-49. 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 appeal procedure. Pursuant to Florida law, 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 is not guilty of any crime under this Section.
- (c) If a dog that has not been declared dangerous attacks and causes the death of a human, the dog shall be immediately confiscated by the Animal Control Authority, 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 Sec. 14-49, and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under Sec. 14-49. 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 appeal procedure.

- (d) 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 commits a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 or 775.083. 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.
- (e) If the owner files a written appeal under Sec. 14-49 or this Section, the dog must be impounded and held and may not be destroyed while any lawful appeal is pending or any time frame to appeal is still open.
- (f) In the event it is determined that humane destruction of a dog is justified pursuant to this Section, the owner is guilty of a noncriminal violation of this Article and subject to a civil penalty, in addition to any criminal charges.

Sec. 14-51. Failure to surrender animal or carcass.

It is a violation of this Article for any person to fail to surrender an animal for rabies quarantine, impoundment or destruction, or produce the carcass of a dead animal, upon lawful demand by the animal control authority or any officer. A citation issued pursuant to this Section shall be set for a mandatory hearing in County Court no later than five (5) days from the issuance of the citation. In addition to the civil penalty provided in this Article, the County Court shall order the person to comply with the lawful demand for surrender or production by injunction, or any other appropriate legal means.

Sec. 14-52. Rabies vaccination of dogs, cats, and ferrets; rabies vaccination certificates and animal registration tags.

- (a) All dogs, cats, and ferrets four (4) months of age or older must be vaccinated by a licensed veterinarian against rabies with a vaccine that is licensed by the United States Department of Agriculture for use in those species. The owner of every dog, cat, and ferret shall have the animal revaccinated twelve (12) months after the initial vaccination. If a veterinarian administers a vaccine licensed by the United States Department of Agriculture that is approved for a three-year duration of immunity, a dog or cat may be vaccinated at three (3) to four (4) months of age, with a booster at one (1) year and every three years thereafter. Thereafter, the interval between vaccinations shall conform to the vaccine manufacturer's directions. The cost of vaccination must be borne by the animal's owner.

Evidence of circulating rabies virus neutralizing antibodies shall not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations.

- (b) Each ferret vaccinated according to this Section must be quarantined, when necessary, according to rules of the Department of Health.
- (c) 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. A veterinarian's letter of exemption from rabies vaccination does not alter an animal's status for quarantine purposes.
- (d) The owner of a dog, cat, or ferret in the County that is vaccinated against rabies shall obtain a rabies vaccination certificate. Upon vaccination against rabies, the licensed veterinarian shall provide the animal's owner and the animal control authority with a rabies vaccination certificate, in the form prescribed by the Animal Control Authority, which must contain at least the following information:
 - (1) The owner's name, address, telephone number.
 - (2) The veterinarian's name, license number, address, and telephone number.
 - (3) The animal's species, name, age, sex, whether the animal has been spayed/neutered, size, predominant breed, predominant colors/markings, microchip number (if applicable), rabies tag number, and County registration tag number.
 - (4) Date of vaccination and the date of next vaccination.
 - (5) The product name, manufacturer, serial/lot number, and expiration date (1-year/3-year/4-year).
 - (6) The route of administration of the vaccine and the type (initial dose or booster dose).
 - (7) The signature or signature stamp of the veterinarian.
- (e) The owner of a dog or cat shall obtain an animal registration tag within twenty-eight (28) days of establishing residency in the County. This tag shall be renewed annually. The Animal Control Authority shall approve the form, content, and design of the animal registration tag. No other animal registration tag shall be valid in the County. Animal registration tags may be issued by the Animal Control Authority, its designee, or any licensed veterinarian who administers a

rabies vaccination. An animal registration tag shall be valid for a period of one (1) year from the date of issuance. All veterinarians in the County shall display, in a conspicuous place that can be seen and easily read by all customers, a sign indicating that County registration tags are required and indicating where they can be purchased.

- (f) The registration tag shall be attached to the collar or harness of the dog or cat and shall be worn at all times, except when such animal is confined for treatment in a veterinary hospital or clinic operated by a licensed veterinarian; while competing in an organized animal show, trial, or training therefor; or by a police dog while being used by law enforcement officials for law enforcement work.
- (g) All veterinarians conducting business, whether permanently or temporarily, within the County shall provide the Animal Control Authority with a copy of each and every rabies vaccination certificate issued. Copies of rabies certificates shall be submitted to the Animal Control Authority within thirty (30) days of the vaccination. Upon request, such certificate shall be made available to any animal enforcement officer, law enforcement officer or other representatives of the department.
- (h) Veterinary clinics may add a surcharge of up to two dollars (\$2) per registration sold to cover administrative costs as long as the surcharge is not added to the cost of the registration and is invoiced on a separate line.
- (i) Fees for rabies vaccination certificates and animal registration tags will be established and adjusted in accordance with Sec. 14-78. There shall be a differential between the fees assessed for registration certificates and tags of intact dogs or cats versus sterilized animals, with intact animals to be charged at a higher rate. Any resident of the County who owns or keeps a service animal actively being used to assist a disabled person, as defined under the Americans with Disabilities Act, may obtain an animal registration tag, when applicable, at no charge.
- (j) If an animal registration tag is lost or destroyed, the animal owner shall obtain a replacement animal registration tag. A replacement animal registration tag may be issued to the owner upon presentation of the corresponding rabies vaccination certificate and payment of the applicable fee.
- (k) Organizations may be authorized by the Animal Control Authority at its discretion, to sell registration tags to their customers or clients. To be authorized to sell registration tags, these other organizations shall enter into a contract with the County.
- (l) It is a violation of this Article for the owner of a dog, cat, or ferret to fail or refuse to have the animal vaccinated against rabies as required by this Section and/or State law.

- (m) It is a violation of this Article for the owner of a dog, cat, or ferret to fail or refuse to obtain or renew a rabies vaccination certificate or animal registration tag when required by this Section.
- (n) The owner commits a violation of this Article if the owner's dog or cat is without a physically attached animal registration tag as required by this Section.
- (o) The owner commits a violation of this Article if the owner's dog or cat wears an animal registration tag which has expired.
- (p) A rabies vaccination certificate or animal registration tag is not valid for any animal other than the animal to which it was issued. The owner commits a violation of this Article if the owner's dog or cat wears an animal registration tag which has not been issued for such animal, or if the owner presents a rabies vaccination certificate issued for another animal for the purpose of obtaining an animal registration tag or demonstrating compliance with this Section.
- (q) Pursuant to F.S. § 828.30, an animal owner's name, street address, phone number, and animal registration tag number contained in a rabies vaccination certificate provided to the animal control authority is exempt from F.S. § 119.07(1) and Sec. 24(a), Art. I of the State Constitution. However, any person who has been bitten, scratched, or otherwise exposed to a zoonotic disease or the physician of such person; a veterinarian who is treating an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease; or the owner of an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease shall be provided with any information contained in a rabies vaccination certificate but only with respect to the particular animal biting, scratching, or otherwise causing exposure. Any person with an animal tag registration number may receive vaccination certificate information with regard to that animal. Law enforcement and prosecutorial agencies; other animal control authorities; emergency and medical response and disease control agencies; or other governmental health agencies shall be provided information contained in the rabies vaccination certificate for the purpose of controlling the transmission of rabies; however, the receiving agencies and authorities must not release the exempt information.
- (r) A dog, cat, or ferret may be exempt from certain requirements of this Section as follows:
 - (1) A greyhound temporarily brought into the County for purposes of racing at licensed greyhound tracks is exempt from registration and licensing.
 - (2) A dog, cat, or ferret temporarily brought into the County as a part of an entertainment act is exempt from registration and licensing.
 - (3) A dog, cat, or ferret temporarily brought into the County for a period of less than thirty (30) consecutive days is exempt from registration and licensing.

- (4) A dog, cat, or ferret is exempt from rabies vaccination if a veterinarian has examined the animal and has certified in writing that vaccinating the animal at that time would endanger the animal's health because of its age, infirmity, disability, illness or other medical considerations. An animal exempt under this provision must be vaccinated as soon as its health allows. A registration fee equal to the cost of a pet registration for a dog, cat, or ferret shall be paid even if the animal cannot currently be vaccinated for rabies. An exemption that extends beyond 12 months must be renewed annually through submission of a new exemption letter. No exemption letter shall be deemed valid after one (1) year from the date it was written.
- (5) A veterinarian's letter of exemption from rabies vaccination does not alter an animal's status for quarantine purposes.
- (s) The Animal Control Authority, or designee, shall be required to maintain and retain a registry of all registered animals within the County.
- (t) Violations of this Section are subject to a fine of not less than the amount designated in Chapter 14, Brevard County Ordinances.

Sec. 14-53. Cruel and inhumane treatment of animals prohibited.

It is a violation of this Article for any person to commit cruel or inhumane treatment to any animal. In addition to any criminal or civil penalties established pursuant to F.S. §§ 828.12 or 828.13, the County shall hold the violator civilly liable in an amount not to exceed \$500.00. By way of example and not limitation, the following acts shall be deemed cruel or inhumane treatment to animals:

- (a) Unnecessarily overloading, overdriving, tormenting, depriving of necessary sustenance or shelter, or unnecessarily mutilating, or killing any animal, or causing the same to be done, or carrying in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner.
- (b) Intentionally committing an act to any animal, or the person who owns or has custody or control of any animal failing to act, which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done.
- (c) Intentionally tripping, felling, roping, or lassoing the legs of a horse by any means for the purpose of entertainment or sport, where "trip" means any act that consists of the use of any wire, pole, stick, rope, or other apparatus to cause a horse to fall or lose its balance, and "horse" means any animal of any registered breed of the genus *Equus*, or any recognized hybrid thereof, except that this subsection shall not apply when tripping is used:
 - (1) to control a horse that is posing an immediate threat to other livestock or human beings;

- (2) for the purposes of identifying ownership of the horse when its ownership is unknown; or
- (3) for the purpose of administering veterinary care to the horse.
- (d) Impounding or confining any animal in any place and failing to supply that animal, during such confinement, with a sufficient quantity of good and wholesome food and water.
- (e) Keeping any animal in any enclosure without wholesome exercise, rest, sanitary conditions and change of air.
- (f) Abandoning to die any animal that is maimed, sick, infirm, or diseased.
- (g) Abandonment by the owner or possessor, or person who has charge or custody, of any animal to suffer injury or malnutrition.
- (h) Abandonment by the owner or possessor, or person who has charge or custody, of any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal.
- (i) Failing to either provide reasonable veterinary care to any maimed, sick, infirm, or diseased animal, or have such animal expeditiously and humanely euthanized, which failure results in the cruel death, or excessive or repeated exposure to unnecessary pain and suffering.
- (j) Using any animal for baiting or fighting, as defined in Ch. 828, F.S., including, but not limited to, dog fighting, cock fighting, or training any animal for fighting.
- (k) Leaving or depositing any poison or any substance containing poison in any common street, alley, lane, or thoroughfare of any kind, or in any yard or enclosure other than the yard or enclosure occupied or owned by such person.
- (l) Leaving any animal unattended in a standing or parked vehicle with inadequate ventilation, subject to unsafe temperatures, or in any other manner that endangers the animal's health or safety.
- (m) Failing to provide adequate shade or protection from the elements.
- (n) In the case of a stunt or entertainment act:
 - (1) failing to make allowance for an animal's reasonable limits of endurance;
 - (2) failing to determine whether equipment operated in conjunction with the working animal is in safe operating condition;
 - (3) an animal is killed or injured during the stunt or act; or
 - (4) any animal of any registered breed of the genus *Equus*, or any recognized hybrid thereof, including a horse, mule or donkey, is allowed to fall or

drop into water from a platform or structure more than ten feet above the water.

- (o) Restraining the animal by tethering, except as provided for in Sec. 14-67.

Sec. 14-54. Taking custody of mistreated animals.

- (a) The purpose of this Section is to provide a means by which a neglected or mistreated animal, pursuant to a violation of any Section of this Article, may be removed from its owner or made the subject of an order to provide care, issued to its owner by the Animal Control Authority.
- (b) Pursuant to F.S. § 828.073, an animal control officer is authorized to:
 - (1) lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location, or
 - (2) order the owner of the animal found neglected, cruelly treated, or otherwise treated in violation of this Article, to provide certain care to the animal at the owner's expense without removing the animal from its current location.
- (c) After the seizure of the animal or the issuance of the order to provide care, the Animal Control Authority shall petition the County Court for a hearing within ten (10) days after the animal is seized or order to provide care is issued. The court shall schedule and commence a hearing on the petition within thirty (30) days after the petition is filed to determine whether the owner, if known, is able to adequately provide for the animal and is fit to have custody of the animal. The hearing shall be concluded and the court order entered as expeditiously as possible, and in any case, not more than sixty (60) days after the date the hearing commenced. The timeframes set forth in this subsection are not jurisdictional. If a failure to meet such timeframes is attributable to the Animal Control Authority, the owner is not required to pay the Animal Control Authority for care of the animal during any period of delay caused by the animal control authority. No fee shall be charged for the filing of the petition.
- (d) The Animal Control Authority shall have written notice served, at least three (3) days before the hearing scheduled under subsection (c), upon the owner of the animal, if he or she is known and is residing in the County where the animal was taken, in accordance with Ch. 48, F.S., relating to service of process. There shall be no fee charged by the sheriff for service of such notice. If the owner of the animal is unknown, or is known but is residing outside of the County, notice of the hearing shall be by publication in conformance with the provisions of Ch. 49, F.S.

- (e) The Animal Control Authority shall shelter and care for the animal seized under this Section until either:
 - (1) the owner is adjudged by the court to be able to adequately provide for, and have custody of the animal, in which case the animal shall be returned to the owner upon payment by the owner for the care and provision for the animal while in the Animal Control Authority's custody; or
 - (2) the animal is turned over to the Animal Control Authority pursuant to the court's determination that the owner is unable or unfit to adequately provide for the animal.
- (f) If the court determines the owner is able to provide adequately for, and have custody of, the animal, the court order shall provide that the animal in the possession of the Animal Control Authority be claimed and removed by the owner within seven (7) days after the date of the order.
- (g) Upon the court's judgment that the owner is unable or unfit to adequately provide for the animal, the court may:
 - (1) order that the current owner have no further custody of the animal and that the animal be sold by the sheriff at public auction or remanded to the custody of the Animal Control Authority or any other agency the judge deems appropriate to be disposed of as the Animal Control Authority or other agency sees fit; or
 - (2) order that the animal be destroyed or remanded directly to the custody of the Animal Control Authority or any other agency the judge deems appropriate to be disposed of as the Animal Control Authority or other agency sees fit.

In any case in which an animal is offered for auction under this Section, the proceeds shall be applied in the following order: to the cost of the sale; to the care of and provision for the animal by the Animal Control Authority or other agency with custody of the animal; to the payment of the owner for the sale of the animal; and, lastly, paid to the court if the owner is not known.

- (h) The court, upon proof of costs incurred by the Animal Control Authority, may require that the owner pay for the care of the animal while in the custody of the animal control authority. A separate hearing may be held.
- (i) The court may order that other animals that are in the custody of the owner and that were not seized by the Animal Control Authority be turned over to the Animal Control Authority if the court determines that the owner is unable or unfit to adequately provide for the animals. The court may enjoin the owner's further possession of custody of other animals.

- (j) When reaching a determination on an owner's fitness, the court may look to the following factors:
 - (1) Testimony from the animal control officer who seized the animal and other witnesses as to the condition of the animal when seized and as to the conditions under which the animal was kept.
 - (2) Testimony and evidence as to the veterinary care provided to the animal.
 - (3) Testimony and evidence as to the type and amount of care provided to the animal.
 - (4) Expert testimony as to the community standards for proper and reasonable care of the same type of animal.
 - (5) Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody.
 - (6) The owner's past record of judgments pursuant to this Article.
 - (7) Convictions pursuant to applicable statutes prohibiting cruelty to animals.
 - (8) Other evidence the court considers to be material or relevant.
- (k) If the evidence indicates a lack of proper and reasonable care of the animal, the burden is on the owner to demonstrate by clear and convincing evidence that he or she is able and fit to have custody of and provide adequately for the animal.
- (l) Nothing herein is intended to require court action for capturing, impounding, and making proper disposition of stray or abandoned animals as lawfully performed by animal control officers.
- (m) The provisions of this Section are in addition to any civil penalties that may be imposed under State law.

Sec. 14-55. Responsibility for animals.

- (a) The owner of any animal shall exercise reasonable care to protect humans, other animals or property from injury or damage caused by the behavior of such animal.
- (b) The owner of an animal shall exercise reasonable care to prevent such animal, while unattended, from leaving the premises of such owner by:
 - (1) confinement in a securely enclosed, fence, pen or structure from which the animal cannot dig, climb, jump or escape and which is locked when the animal remains unattended;
 - (2) restraint by chain, cable and trolley, or other tether of sufficient strength to prevent escape; or
 - (3) leash and physical control of a person capable of preventing such animal from escaping.

- (c) The use of an underground pet containment system as the sole means of restraining an animal shall not constitute reasonable care as specified in this Section.
- (d) The owner of an animal shall exercise reasonable care to maintain such animal off the premises of such owner by:
 - (1) confinement in a vehicle from which the animal cannot climb, jump or escape; or
 - (2) leash and physical control of a person capable of preventing such animal from escaping.
- (e) It is a violation of this Article for an owner or caregiver not to exercise reasonable care in restraining animals as specified in this Section.

Sec. 14-56. Animal at large.

No animal shall be permitted or allowed to be at large. It is a violation of this Article for the owner of an animal to permit or allow the animal to be at large, whether willfully, negligently, or as a result of the failure to exercise reasonable care in restraining the animal as defined in Sec. 14-55.

Sec. 14-57. Creation of nuisance.

- (a) No animal shall be permitted or allowed to create a nuisance. It is a violation of this Article for the owner of an animal to permit or allow the animal to create a nuisance.
- (b) It shall be unlawful for the owner or caretaker of an animal to allow the animal to bark, meow, whine, howl, or make other sounds common to the species, persistently or continuously, for a period of thirty (30) minutes or longer when said animal is not contained within an enclosure sufficient to baffle loud noises and render them reasonably unobjectionable. For the purposes of this Section, persistently or continuously shall mean non-stop utterances for thirty (30) consecutive minutes with individual interruptions of less than thirty (30) seconds at a time during the thirty (30) minute utterances. For the purposes of this Section, noise from farm animals, including exotic birds, shall not constitute a nuisance within an AU zoning classification; provided, however, that the following setback requirement shall apply only to exotic birds kept on AU property which abuts non-AU property of a residential character: a minimum set back of 100 feet between the noise source and the abutting non-AU residential property.
- (c) Animals shall not be kept on property in a manner that causes any of the following: creates unsanitary conditions; is a source of infestation by insects or rodents; creates physical conditions that endanger the health or safety of humans;

that are detrimental to property values; or, that tend to degrade the appearance of a neighborhood.

- (d) Whenever an animal defecates upon any property not owned, leased, rented, or otherwise in the care, custody, or control of the animal's owner, the animal's owner shall immediately remove and properly dispose of feces. The only exception is by permission of the property owner.
- (e) An owner shall remove and properly dispose of feces and other animal wastes on owner's property so as to avoid noxious and nauseous odors that are irritating, annoying or offensive to a person of normal sensibilities; that are injurious to human, plant or animal life; or that reasonably interfere with the use and enjoyment of property.
- (f) No person shall maintain or feed any animal, domesticated or wild, in such manner that it: creates a nuisance; creates unsanitary conditions; is a source of infestation by insects or rodents; or creates physical conditions that endanger the health or safety of humans, that are detrimental to property values, or that tend to degrade the appearance of a neighborhood.
- (g) Any nuisance complaint may be investigated by the animal control authority. However, before a citation may be issued, the animal control officer must have personal knowledge of the nuisance or must have received at least two affidavits from different parties residing in close proximity to the alleged nuisance. One affidavit may be sufficient to warrant investigation where there is only one party in close proximity to the alleged nuisance.
- (h) A nuisance exists where an owner of an animal or animals has been found to have violated more than four (4) sections of this Article within a 12-month period.
- (i) A violation of this Section is a civil infraction punishable by a fine not to exceed \$500.00.

Sec. 14-58. Animal causing injury, property damage.

No animal shall cause, or threaten to cause, injury, whether minor or severe, to any person or domestic animal. Furthermore, no animal may cause any property damage to a person other than the owner. It is a violation of this Article for the owner to willfully, negligently, or otherwise allow or permit his/her animal to violate this Section.

Sec. 14-59. Defecating, urinating on public or private property.

No animal shall be permitted or allowed to defecate or urinate upon any public property, or any private property, without permission of the property owner. It shall be the responsibility of the owner or person in control of the animal to dispose of or remove any excretions caused by

the animal. It is a violation of this article for the owner of an animal to permit or allow the animal to defecate or urinate upon any public property, or any private property, without permission of the property owner.

Sec. 14-60. Public parks and beaches.

- (a) No animal shall be permitted or allowed into or on any public park or beach; provided, however, that an area in a public parks or beach may be designated for animals by resolution of the board, or by the governing body of any applicable municipality. In that event, the area provided for animals must be properly identified and posted by the county or the appropriate municipality.
- (b) It is a violation of this article for the owner of an animal to permit or allow the animal into, or on, any public park or beach not designated for animals and not properly identified and posted. However, a disabled person, as defined under the Americans With Disabilities Act, shall have the right to be accompanied into or on any public park or beach by a service animal without violating this section.

Sec. 14-61. Service animals.

Every disabled person, as defined under the Americans With Disabilities Act, shall have the right to be accompanied by a service animal.

Sec. 14-62. Transporting in open bed of vehicle.

Any animal being transported in the open bed of a pickup truck or other similar vehicle from which the animal can easily escape shall be confined inside a locked animal carrier or restrained by a minimum of two tethers, with one tether each being affixed to the opposite side of the vehicle, and both tethers being attached to the collar or harness of such animal. It is a violation of this article for the owner of an animal, as well as the driver of the pickup truck or other similar vehicle being used to transport an animal, to refuse or fail to confine or restrain the animal being transported as required by this section.

Sec. 14-63. Confinement of females in estrus (heat).

Any female dog or cat in estrus (heat) shall be confined so as to prevent such dog or cat from coming in contact with another dog or cat, except for intentional breeding purposes. It is a violation of this article for the owner of a female dog or cat in estrus to refuse or fail to confine the dog or cat as required by this section.

Sec. 14-64. Reserved.

Sec. 14-65. Abandonment of animals.

Pursuant to F.S. § 828.13, any person who is the owner, possessor, or caregiver, or has charge or custody of any animal who abandons such animal to suffer injury or malnutrition or

abandons any animal in or on a street, road or public place without providing for the care, sustenance, protection and shelter of such animal is guilty of a misdemeanor of the first degree, punishable as provided in F.S. § 775.082, or a fine of not more than \$5,000.00 or by both imprisonment and a fine.

Sec. 14-66. Mandatory neutering of cats and dogs.

- (a) All county-owned cats and dogs offered for adoption, sale or release from any animal shelter must be sterilized (spayed or neutered), by either:
 - (1) Providing sterilization by a licensed veterinarian before relinquishing custody of the animal; or
 - (2) Entering into a written agreement with the adopter or purchaser guaranteeing that sterilization will be performed within thirty (30) days or prior to sexual maturity. The shelter or animal control authority shall require a sufficient deposit from the adopter or purchaser, which deposit shall be refundable upon presentation to the shelter or animal control authority of written evidence by the veterinarian performing the sterilization that the animal has been sterilized. The deposit or donation may be based upon recommended guidelines established by the Florida Federation of Humane Societies, and in the case of county owned shelters, shall be established by the Board. Failure to comply with the provisions of this subsection shall be a noncriminal violation, punishable by civil penalty and forfeiture of the deposit or donation to the shelter or animal control authority. Any legal fees or court costs used for the enforcement of this subsection are the responsibility of the adopter. Upon the request of a licensed veterinarian, and for a valid reason, the shelter or animal control authority shall extend the time limit within which the animal must be sterilized. The deposit shall be forfeited after thirty-one (31) days, and such funds shall be deposited in the Spay Neuter Trust Fund for sterilization programs.
- (b) It is a violation of this Article for any person to fail to comply with the provisions of this Section.

Sec. 14-67. Restraint by tethering.

Brevard County recognizes that there is a clear link between animals that are left tethered in one location and increased aggressiveness. In order to protect the safety and welfare of citizens and visitors, restraint by tethering may only be used provided all of the following conditions are met:

- (a) The tether is constructed of material sufficient to restrain the animal, but also not place the animal in danger of injury or death. Welded metal link chain with links larger than 2.5 mm in thickness (2.5 mm welded link chain has a working load of 750 pounds and a breaking load of 2,000 pounds) cannot be used to tether an

animal regardless of the length or weight of the chain. The tether shall not weigh more than one-eighth of the animal's body weight. When a violation of this provision occurs, an animal control officer is authorized to take reasonable measures to remove the animal from the tether and take the tether and animal to the shelter;

- (b) The tether shall be at least long enough to allow the animal to move ten feet in all directions from the point of tethering. The tether must have operative swivels on both ends and be attached to an elevated line, not less than seven feet from the ground and not more than ten feet from the ground, connected to two stationary points not less than 15 feet apart and sufficient to hold the dog without breaking or coming loose;
- (c) The tether shall be attached to a properly fitted buckle-style collar or buckle-style harness made of nylon or leather with a width of not less than one inch worn by the animal; the tether may not be attached to a slip or prong collar;
- (d) The animal, while restrained by tether, is able to access proper shelter with sufficient floor, at least three walls, and roof to protect the animal from the weather, extreme temperatures and direct sunlight; and is able to access sufficient potable water and sufficient wholesome food.
- (e) The animal is at least one year of age or older, and is not sick or injured;
- (f) The animal is not outside during a period of extreme weather, including but not limited to, extreme heat or near freezing temperatures, tropical storm or hurricane watches or warnings, thunderstorms, and/or tornado watches and warnings;
- (g) Every animal must be tethered separately with each complying with all provisions herein, plus the animals must not be able to tangle their tether with any other animal on the property;
- (h) No tethered animal may extend any closer than five feet from the perimeter fence or lot line; and

During the educational phase of the revision of this Section, beginning upon enactment of this ordinance and for a period of six months thereafter, animal enforcement officers shall provide a warning to all first time tethering violators and allow them thirty (30) days to correct the violation before any civil citation is issued for the tethering violation. Provided however, nothing herein prohibits any animal enforcement officers from citing an owner for violations of any other portion of Chapter 14, Brevard County Ordinances, including other prohibited acts of cruelty or neglect.

In the interest of public safety, animal enforcement officers and/or law enforcement officers are authorized to remove aggressive and dangerous dogs from tethers and impound such animals where the animal is accessible by children or the public without a secured fence or enclosure.

A violation of this Section shall subject the violator to a civil fine of not less than the amount designated in Chapter 14, Brevard County Ordinances.

Sec. 14-68. Dog fighting and other animal fighting.

- (a) The provisions of F.S. § 828.122, also known as the Animal Fighting Act, are hereby specifically adopted and incorporated in this Article by this reference,
- (b) In addition to other penalties prescribed by law, a violation of this Section shall subject the violator to a civil fine of \$500.

Sec. 14-69. - Controlling poisonous substances.

- (a) It shall be unlawful for any person to knowingly or negligently place or leave any poison or poisonous substances injurious to domestic animals in any place accessible to domestic animals or to knowingly or negligently expose any non-vermin animal to poison or poisonous substances. Nothing in this Section is intended to address the unintentional poisoning of an animal due to the animal's ingestion of plants that are naturally growing, potted or part of a maintained landscape, nor shall it include unintentional poisoning of an animal due to the animal's ingestion of bugs, reptiles, and other animals. For the purposes of this Section 'knowingly' shall mean that a reasonable person should have known under the given circumstances.
- (b) It shall be unlawful for any person to feed an animal any intoxicating substance or to impair the physical condition of an animal by non-therapeutic administration of a drug or narcotic not legally permitted or licensed for that purpose. This provision does not apply to animal enforcement officers or veterinarians in the performance of their duties.
- (c) A violation of this Section shall subject the violator to a civil fine of \$500.

Sec. 14-71. Reserved.

Sec. 14-72. Community Cat Initiative.

- (a) Community Cat Management Initiatives: The County acknowledges that there is currently a strong need to address issues presented by feral, free-roaming, and other community cats. To that end, it recognizes the need for multi-tiered programs that not only work to address the issues of feral, free-roaming, and other community cats, but also the need to educate and bring awareness to cat caregivers so that we can collectively work toward stabilized populations of

colonies and a significant decline in areas impacts by this issue. Therefore, this Section establishes the following requirements:

- (1) A no cost community cat caregiver certification program will be developed and maintained to educate people about community cats, the importance of a veterinary provider relationship to best address community cat needs, common disease(s) and proper care, good management practices, and maintenance of the community cats.
- (2) All cats that are part of community cat management programs 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 ordinance that apply to owned animals.
- (3) If a person is providing care for the community cats, he or she should provide certain necessities on a regular/ongoing basis, including, but not limited to, proper nutrition and medical care as needed.
 - (i) 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.
 - (ii) Water, if supplied, must be clean, potable and free from debris and algae.
 - (iii) 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 thirty (30) minutes, after which it shall be removed.
 - (iv) 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.
 - (v) Dumping excessive quantities of food on the ground, placing excess quantities in bowls or other containers and leaving open food packages is prohibited.
 - (vi) If shelter is provided, it shall be unobtrusive, safe, and of the proper size for the cat(s).

- (b) Violations of this Section are subject to a fine of not less than the amount designated in Chapter 14, Brevard County Ordinances.

Sec. 14-73. Spay and Neuter Trust Fund.

There is created the Spay and Neuter Trust Fund, a permanent trust fund of the County, into which shall be deposited monthly monies derived from the fees generated by difference between the costs for registering an altered animal versus the cost of registering an unaltered animal. There shall also be deposited into the Spay and Neuter Trust Fund any other monies which may be from time to time appropriated to this trust fund by the Board, or monies, gifts, or donations donated by non-governmental sources. The monies deposited in this trust fund are to be appropriated by the Director of the Animal Control Authority or designee and shall be utilized and expended, solely for the education/promotion of sterilization and primarily for sterilization programs created and established in Section 14-76. Monies deposited in this trust fund shall be available for expenditure notwithstanding fiscal years and shall not lapse at the end of any fiscal year. Expenditures from this trust fund shall not exceed actual revenues received at any time. The Director of the County Finance Department is authorized and directed to make disbursements from this trust fund upon the written request of the Director of the Animal Control Authority, or designee, with respect to permitted expenditures. The Animal Control Authority shall give to the Brevard County Board of County Commissioners an accounting of the disposition of the monies of this trust fund upon request of the Board.

Sec. 14-74. Education Program.

- (a) It is the intent of the County to provide a comprehensive education program for the public to educate all citizens in the proper care of animals, to promote the animal adoption program, to promote the sterilization of animals and to address other animal issues of general interest and concern to the citizens of the County. For that purpose, the County hereby establishes the Education Program as set forth in this Section.
- (b) The Director of the Animal Control Authority shall be responsible for the creation and administration of the Education Program, which will target both adults and children and will provide education and public awareness of animal issues such as: responsible pet health care; procedures for adoption of animals from the County; promoting the benefits of animal sterilization; avoiding nuisances; and other animal issues of general interest and concern to the citizens of the County.
- (c) There shall be available to the Animal Control Authority for this purpose an amount of money from the Spay and Neuter Trust Fund (the "Trust Fund"), created by Section 14-73, of no more than 25 percent of the funds contained in the Trust Fund at the beginning of the fiscal year, and that are available for expenditure in this program. Any donations of monies, or in kind, by nongovernmental sources into the Trust Fund shall be subject to any specific conditions placed upon their use by the donor.

Secs. 14-79 —14-85. Reserved.

Civil Penalties for Civil Infractions

Includes Applicable Civil Penalty + \$10.00 Court Cost + \$5.00 Officer Training Surcharge

Code Section	Description of Violation	Offenses			
		1st	2nd	3rd	4th
14-43	Resisting, interfering with officer	\$300.00	\$400.00	\$500.00	\$500.00
14-44(b)	Unlawful or unauthorized removal of animal from shelter	\$65.00	\$115.00	\$215.00	\$415.00
14-46	Removal of animal from custody of animal control authority	\$65.00	\$115.00	\$215.00	\$415.00
14-48	Violation of quarantine (ch. 64D-3, Florida Administrative Code)	\$215.00	\$315.00	\$415.00	\$500.00
14-48.5	Violation of aggressive dog restrictions	\$250.00	\$250.00	\$250.00	\$250.00
14-49	Violation of dangerous dog restrictions	\$500.00	\$500.00	\$500.00	\$500.00
14-50	Attack, bite or injury by dangerous dog; attack causing severe injury	\$500.00	\$500.00	\$500.00	\$500.00
14-51	Failure to surrender animal or carcass	\$300.00	\$300.00	\$300.00	\$300.00
14-52(g)	Failure to submit rabies certificate to Animal Control Authority	\$100.00	\$250.00	\$500.00	Mandatory Court Appearance \$500.00
14-52(1)	Failure to vaccinate dog, cat, or ferret	\$120.00	\$215.00	\$315.00	\$415.00
14-52(m)	Failure to obtain rabies certificate or animal registration tag	\$120.00	\$215.00	\$315.00	\$415.00
14-52(n) or (o)	Dog or cat without attached animal registration tag or with expired tag	\$40.00	\$65.00	\$65.00	\$65.00
14-52(p)	Animal registration tag or rabies certification used for animal other than that for which it was issued	\$120.00	\$215.00	\$315.00	\$415.00

Sec. 14-75. Animal Adoption and Pet Placement Partnership Program.

The Director of the Animal Control Authority shall be responsible for the creation and administration of an Animal Adoption Program to promote the adoption of animals from the animal control authority. The program shall include an application process and other pre-adoption screening procedures for the purpose of approving or denying adoptions. All funds from adoption fees shall be deposited into the Spay and Neuter Trust Fund. The program may include placement of animals with available animal shelters and animal rescuers to augment the Animal Control Authority's adoption program. The program may also include the use of available animal foster homes to provide shelter for animals requiring extended care in order that they may become adoptable and to provide shelter for puppies and kittens to remain with their mothers until the age of eight weeks.

Sec. 14-76. Sterilization Programs.

- (a) It is the intent of the County to provide program(s) to promote the sterilization of companion animals as one of the important parts of a comprehensive program to reduce pet overpopulation and the growing intake by area pet shelters.
- (b) The Director of the Animal Control Authority shall be responsible for the creation and administration of low cost sterilization programs for people with limited means who could not otherwise afford the procedure and any other programs that help reduce pet overpopulation and growing animal intake in area shelters. Such programs may include reimbursement rates for participating veterinarians based upon a fee schedule established by the Director of the Animal Control Authority that may be amended from time to time and shall be on file with the Animal Control Authority. Funding for such programs shall come from the Spay/Neuter Trust Fund. The funds allocated shall be the difference in fees between registering sterilized animals versus non-sterilized animals.
- (c) The Director of the Animal Control Authority is authorized to seek and accept grants, donations and other public and private funding to assist in the payment of sterilization programs.

Sec. 14-77. Reserved.

Sec. 14-78. Establishment of fees.

The Animal Control Authority, or designee, shall recommend adjustment to the fees for services provided by the Animal Control Authority and civil penalties for civil infractions. A recommendation regarding the adjustment of fees will be made by the Director of the Animal Control Authority, or designee, for adoption by the Board of County Commissioners no less than once every three years. The Animal Control Authority Director, or designee, has the authority to reduce or waive fees based upon individual circumstances with the goal of returning pets to responsible owners even if they cannot afford the total fees accrued.

14-53	Cruel or inhumane treatment	\$200.00	\$300.00	\$400.00	\$500.00
14-55	Failure to properly secure animal	\$55.00	\$165.00	\$265.00	\$415.00
14-56	Animal at large	\$55.00	\$165.00	\$265.00	\$415.00
14-57	Creation of a nuisance	\$100.00	\$200.00	\$300.00	\$400.00
14-58	Animal causing property damage	\$100.00	\$200.00	\$300.00	\$400.00
14-58	Animal causing injury	\$220.00	\$315.00	\$415.00	\$465.00
14-59	Animal defecating/urinating on property	\$50.00	\$65.00	\$65.00	\$65.00
14-60(b)	Animal on public park or beach	\$55.00	\$65.00	\$65.00	\$65.00
14-62	Failure to confine or restrain animal in pickup truck	\$100.00	\$200.00	\$300.00	\$400.00
14-63	Failure to confine female dog or cat in heat	\$200.00	\$300.00	\$400.00	\$500.00
14-65	Animal abandonment	\$500.00	Mandatory Court Appearance \$500.00	Mandatory Court Appearance. \$500.00	Mandatory Court Appearance \$500.00
14-66	Failure to comply with mandatory neutering	\$75.00	\$125.00	\$250.00	\$500.00
14-67	Violation of restraint by tethering	\$500.00	Mandatory Court Appearance \$500.00.	Mandatory Court Appearance \$500.00	Mandatory Court Appearance \$500.00
14-68	Dog or other animal fighting	\$500.00	\$500.00	\$500.00	\$500.00
14-69	Failure to guard against poisoning domestic animal	\$500.00	\$500.00	\$500.00	\$500.00
14-72(b)	Failure to comply with Community Cat requirements	\$100.00	\$250.00	\$500.00	Mandatory Court Appearance \$500.00

SECTION 2. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, unenforceable, or unconstitutional, such invalid, unenforceable, or unconstitutional portion shall not affect the validity of other portions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable. Any word, phrase, sentence, subsection, or section held as invalid, unenforceable, or unconstitutional shall be severed from this Ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION 3. CONFLICTING PROVISIONS. In instances where provisions of this Ordinance conflict with County or municipal zoning regulations, the zoning regulations shall govern.

SECTION 4. AREA ENCOMPASSED. This Ordinance shall apply to both the unincorporated and incorporated areas of Brevard County, Florida to the extent this Article does not conflict with any applicable municipal ordinance.

SECTION 5. INCLUSION IN THE CODE. This Ordinance shall be included and be made a part of the Code of Ordinances of Brevard County, Florida, and the editors of that Code of Ordinances shall have the authority to re-number or re-letter any section in this Ordinance to conform to the format used in the Code of Ordinances. Any editorial changes to the section numbers or section titles in this Ordinance shall be deemed and interpreted as a non-substantive editorial changes that have no effect on any substantive provision in this Ordinance.

SECTION 6. EFFECTIVE DATE. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. Unless specified otherwise, this ordinance shall take effect upon adoption and filing as required by law.

DONE, ORDERED AND ADOPTED, in regular session, this 23 day of January, 2018.

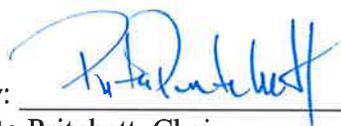
ATTEST:

By:


Scott Ellis, Clerk of Court

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By:


Rita Pritchett, Chair

(As approved by the Board on 01/23/18)

Reviewed for legal form and content by:


Assistant County Attorney

Assistant County Attorney


Assistant County Attorney

Assistant County Attorney

ATTACHMENT "A"

Animal Services Fee Schedule	Current Fee:	Proposed Fee:
Adopt Dog	\$ 25.00	\$ 25.00
Adopt Cat	\$ 0.00	\$ 0.00
Registration Fee –Unaltered	\$ 16.00	\$ 16.00
Registration Fee – Altered	\$ 10.00	\$ 10.00
Dangerous Dog Registration	\$300.00	\$300.00
Registration Fee – Duplicate Tag	\$ 2.00	\$ 6.00
Microchip	\$ 20.00	\$ 20.00
Rabies Vaccination	\$ 12.00	\$ 12.00
Owner Requested Euthanasia	\$ 50.00	\$ 50.00
Impound/Transport 1st Offense	\$ 70.00	\$ 70.00
Impound/Transport 2nd Offense	\$ 95.00	\$ 95.00
Impound/Transport 3rd Offense	\$185.00	\$185.00
Impound/Transport 4th Offense	\$235.00	\$235.00
Board Per Day	\$ 6.00	\$ 10.00
Medical Expenses	\$ 0.00	Actual Cost

AD# 2658547, 1/12/2018

NOTICE OF PUBLIC HEARING
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

Pursuant to the provisions of Section 125.66, Florida Statutes, notice is hereby given that the Brevard County Board of County Commissioners shall hold a public hearing at 9:00AM or as soon thereafter as the item may come up, on January 23, 2018, to consider adoption of an ordinance amending Chapter 14, Article II of the Brevard County Code of Ordinances. The title of the Ordinance to be considered by the Board of County Commissioners of Brevard County, Florida, on that date reads as follows:

ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING THE BREVARD COUNTY CODE OF ORDINANCES, CHAPTER 14, ARTICLE II, ANIMAL CONTROL; UPDATING SEC. 14-36 DEFINITIONS; UPDATING SEC. 14-37 PENALTY; UPDATING SEC. 14-38 ALTERNATIVE REMEDIES; UPDATING SEC. 14-39 AUTHORITY AND PURPOSE; UPDATING SEC. 14-40 JURISDICTION; UPDATING SEC. 14-41 ADMINISTRATION; UPDATING SEC. 14-42 ENFORCEMENT AND PENALTIES; UPDATING SEC. 14-43 RESISTING, INTERFERING WITH OFFICER; UPDATING SEC. 14-44 IMPOUNDMENT OF ANIMALS; UPDATING SEC. 14-45 DISPOSITION OF IMPOUNDED ANIMALS; UPDATING SEC. 14-46 UNAUTHORIZED REMOVAL FROM CUSTODY; UPDATING SEC. 14-47 DISPOSAL OF DEAD ANIMALS; UPDATING SEC. 14-48 QUARANTINE OF ANIMALS; UPDATING SEC. 14-48.5 AGGRESSIVE DOG CLASSIFICATION PROCEDURES, REQUIREMENTS, OWNER RESPONSIBILITIES, AND PENALTIES; UPDATING SEC. 14-49 CLASSIFICATION OF DOGS AS DANGEROUS; UPDATING SEC. 14-50 TO DEAL WITH AN ATTACK OR BITE BY DANGEROUS DOG OR SEVERE BITE BY ANY DOG; UPDATING SEC. 14-51 FAILURE TO SURRENDER ANIMAL OR CARCASS; UPDATING SEC. 14-52 RELATING TO RABIES VACCINATIONS AND ANIMAL REGISTRATION TAGS; UPDATING SEC. 14-53 PROHIBITING CRUEL AND INHUMANE TREATMENT OF ANIMALS; UPDATING SEC. 14-54 TO RELATE TO TAKING CUSTODY OF MISTREATED ANIMALS; UPDATING SEC. 14-55 RESPONSIBILITY FOR ANIMALS; UPDATING SEC. 14-56 ANIMAL AT LARGE; UPDATING SEC. 14-57 CREATION OF NUISANCE; UPDATING SEC. 14-58 PROHIBITING PHYSICAL INJURY OR PROPERTY DAMAGE CAUSED BY ANIMAL; UPDATING SEC. 14-59 PROHIBITING THE DEFECACTION OR URINATION ON PUBLIC OR PRIVATE PROPERTY; UPDATING SEC. 14-60 ANIMAL ACCESS TO PUBLIC PARKS AND BEACHES; UPDATING SEC. 14-61 SERVICE ANIMALS; UPDATING SEC. 14-62 TRANSPORTING IN OPEN BED OF VEHICLE; UPDATING SEC. 14-63 CONFINEMENT OF FEMALES IN ESTRUS (HEAT); RESERVING SEC. 14-64; UPDATING SEC. 14-65 ABANDONMENT OF ANIMALS; UPDATING SEC. 14-66 MANDATORY NEUTERING OF CATS AND DOGS; UPDATING SEC. 14-67 RESTRAINT BY TETHERING; UPDATING SEC. 14-68 DOG FIGHTING AND OTHER ANIMAL FIGHTING; UPDATING SEC. 14-69 CONTROLLING POISONOUS SUBSTANCES; RESERVING SEC. 14-70; RESERVING SEC. 14-71; UPDATING SEC. 14-72 FEEDING OF CATS AND DOGS OUTDOORS; UPDATING SEC. 14-73 SPAY AND NEUTER TRUST FUND; UPDATING SEC. 14-74 EDUCATION PROGRAM; UPDATING SEC. 14-75 ANIMAL ADOPTION AND PET PLACEMENT PARTNERSHIP PROGRAM; UPDATING SEC. 14-76 STERILIZATION PROGRAMS; UPDATING SEC. 14-77 SPONSORSHIPS AND DONATIONS; UPDATING SEC. 14-78 ESTABLISHMENT OF FEES; RESERVING SECS. 14-79 - 14-85; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR AN AREA ENCOMPASSED; PROVIDING FOR INCLUSION INTO THE CODE OF ORDINANCES; AND, PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at the January 23, 2018, meeting and be heard with respect to the proposed ordinance.

A copy of the ordinance may be inspected at the following locations:

Office of Clerk to the Board of County Commissioners, Titusville, Florida
North Brevard Library, Titusville, Florida
Central Brevard Library, Cocoa, Florida
Melbourne Library, Melbourne, Florida
Micco Library, Micco, Florida

A copy of the ordinance may also be viewed online at: <http://www.brevardcounty.us/CountyManager/DraftOrdinances>.

Pursuant to Section 286.0105 Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she will need to ensure that a verbatim record of the proceedings is made, at his or her own expense, which record includes the testimony and evidence upon which any such appeal is to be based. Such person may provide a court reporter, stenographer, or a tape recorder for such verbatim record.

In accordance with the Americans Disabilities Act, persons needing a special accommodation or an interpreter to participate in the proceedings, please notify the department sponsoring the meeting/hearing, or the County Manager's Office, (321) 633-2010, at least 48 hours in advance. TDD: 1-800-955-8771. Assisted Listening System receivers are available for the hearing impaired, & can be obtained from the Sound Technician at the meeting.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Bright House Networks channel 499, Comcast Cable Communications channel 51 in North Brevard and channel 13 in South Brevard, and AT&T U-verse channel 99. SCGTV will also replay this meeting during the coming month. Check the SCGTV website for daily program updates <http://www.scgtv.org>.



Received
JAN 22 2018

Central Logistics Unit

BC SHERIFF-PURCHASING
700 S PARK AVE

TITUSVILLE, FL 32780

STATE OF FLORIDA COUNTY OF BREVARD:
Before the undersigned authority personally appeared Becky Holland, who on oath says that he or she is a Legal Advertising Representative of the FLORIDA TODAY, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

Legal Notices

as published in FLORIDA TODAY in the issue(s) of:

01/12/18

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 12th of January 2018, by Becky Holland who is personally known to me

Adla Bell
Notary Public for the State of Florida
My Commission expires January 27, 2020

Publication Cost: \$510.56
Ad No: 0002658547
Customer No: BRE-6PU515



Adla Bell
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF954893
Expires 1/27/2020

AD# 2658547 1/12/2018
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Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: BC SHERIFF-PURCHASING

Ad No.: 0002658547

Address: 700 S PARK AVE
TITUSVILLE FL 32780
USA

Pymt Method: Invoice

Net Amt: \$510.56

Run Times: 1

No. of Affdavlts: 1

Run Dates: 01/12/18

Text of Ad:

AD# 2658547, 1/12/2018

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Pursuant to the provisions of Section 125.56, Florida Statutes, notice is hereby given that the Brevard County Board of County Commissioners shall hold a public hearing at 9:00AM or as soon thereafter as the item may come up, on January 23, 2018, to consider adoption of an ordinance amending Chapter 14, Article II of the Brevard County Code of Ordinances. The title of the Ordinance to be considered by the Board of County Commissioners of Brevard County, Florida, on that date reads as follows:

ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING THE BREVARD COUNTY CODE OF ORDINANCES, CHAPTER 14, ARTICLE II, ANIMAL CONTROL; UPDATING SEC. 14-36 DEFINITIONS; UPDATING SEC. 14-37 PENALTY; UPDATING SEC. 14-38 ALTERNATIVE REMEDIES; UPDATING SEC. 14-39 AUTHORITY AND PURPOSE; UPDATING SEC. 14-40 JURISDICTION; UPDATING SEC. 14-41 ADMINISTRATION; UPDATING SEC. 14-42 ENFORCEMENT AND PENALTIES; UPDATING SEC. 14-43 RESISTING, INTERFERING WITH OFFICER; UPDATING SEC. 14-44 IMPOUNDMENT OF ANIMALS; UPDATING SEC. 14-45 DISPOSITION OF IMPOUNDED ANIMALS; UPDATING SEC. 14-46 UNAUTHORIZED REMOVAL FROM CUSTODY; UPDATING SEC. 14-47 DISPOSAL OF DEAD ANIMALS; UPDATING SEC. 14-48 QUARANTINE OF ANIMALS; CREATING SEC. 14-48.5 AGGRESSIVE DOG CLASSIFICATION PROCEDURES, REQUIREMENTS, OWNER RESPONSIBILITIES, AND PENALTIES; UPDATING SEC. 14-49 CLASSIFICATION OF DOGS AS DANGEROUS; UPDATING SEC. 14-50 TO DEAL WITH AN ATTACK OR BITE BY DANGEROUS DOG OR SEVERE BITE BY ANY DOG; UPDATING SEC. 14-51 FAILURE TO SURRENDER ANIMAL OR CARCASS; UPDATING SEC. 14-52 RELATING TO RABIES VACCINATIONS AND ANIMAL REGISTRATION TAGS; UPDATING SEC. 14-53 PROHIBITING CRUEL AND INHUMANE TREATMENT OF ANIMALS; CREATING SEC. 14-54 TO RELATE TO TAKING CUSTODY OF MISTREATED ANIMALS; UPDATING SEC. 14-55 RESPONSIBILITY FOR ANIMALS; UPDATING SEC. 14-56 ANIMAL AT LARGE; UPDATING SEC. 14-57 CREATION OF NUISANCE; UPDATING SEC. 14-58 PROHIBITING PHYSICAL INJURY OR PROPERTY DAMAGE CAUSED BY ANIMAL; UPDATING SEC. 14-59 PROHIBITING THE DEFECACTION OR URINATION ON PUBLIC OR PRIVATE PROPERTY; UPDATING SEC. 14-60 ANIMAL ACCESS TO PUBLIC PARKS AND BEACHES; UPDATING SEC. 14-61 SERVICE ANIMALS; UPDATING SEC. 14-62 TRANSPORTING IN OPEN BED OF VEHICLE; UPDATING SEC. 14-63 CONFINEMENT OF FEMALES IN ESTRUS (HEAT); RESERVING SEC. 14-64; UPDATING SEC. 14-65 ABANDONMENT OF ANIMALS; UPDATING SEC. 14-66 MANDATORY NEUTERING OF CATS AND DOGS; CREATING SEC. 14-67 RESTRAINT BY TETHERING; CREATING SEC. 14-68 DOG FIGHTING AND OTHER ANIMAL FIGHTING; CREATING SEC. 14-69 CONTROLLING POISONOUS SUBSTANCES; RESERVING SEC. 14-70; RESERVING SEC. 14-71; CREATING SEC. 14-72 FEEDING OF CATS AND DOGS OUTDOORS; CREATING SEC. 14-73 SPAY AND NEUTER TRUST FUND; CREATING SEC. 14-74 EDUCATION PROGRAM; CREATING SEC. 14-75 ANIMAL ADOPTION AND PET PLACEMENT PARTNERSHIP PROGRAM; CREATING SEC. 14-76 STERILIZATION PROGRAMS; CREATING SEC. 14-77 SPONSORSHIPS AND DONATIONS; CREATING SEC. 14-78 ESTABLISHMENT OF FEES; RESERVING SECS. 14-79 - 14-85; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR AN AREA ENCOMPASSED; PROVIDING FOR INCLUSION INTO THE CODE OF ORDINANCES; AND, PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at the January 23, 2018, meeting and be heard with respect to the proposed ordinance.

A copy of the ordinance may be inspected at the following locations:

Office of Clerk to the Board of County Commissioners, Titusville, Florida
North Brevard Library, Titusville, Florida
Central Brevard Library, Cocoa, Florida
Melbourne Library, Melbourne, Florida
Micco Library, Micco, Florida

A copy of the ordinance may also be viewed online at: <http://www.brevardcounty.us/CountyManager/DraftOrdinances>.

Pursuant to Section 285.0105 Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she will need to ensure that a verbatim record of the proceedings is made, at his or her own expense, which record includes the testimony and evidence upon which any such appeal is to be based. Such person may provide a court reporter, stenographer, or a tape recorder for such verbatim record.

In accordance with the Americans Disabilities Act, persons needing a special accommodation or an interpreter to participate in the proceedings, please notify the department sponsoring the meeting/hearing, or the County Manager's Office, (321) 633-2010, at least 48 hours in advance. TDD: 1-800-955-8771. Assisted Listening System receivers are available for the hearing impaired, & can be obtained from the Sound Technician at the meeting.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Bright House Networks channel 499, Comcast Cable Communications channel 51 in North Brevard and channel 13 in South Brevard, and AT&T U-verse channel 99. SCGTV will also replay this meeting during the coming month. Check the SCGTV website for daily program updates <http://www.scgtv.org>.

*Charge to
Animal sus
per coreg 1/10/18*

EXHIBIT A: TITLE OF ORDINANCE

AN ORDINANCE AMENDING THE BREVARD COUNTY CODE OF ORDINANCES, CHAPTER 14, ARTICLE II, ANIMAL CONTROL; UPDATING SEC. 14-36 DEFINITIONS; UPDATING SEC. 14-37 PENALTY; UPDATING SEC. 14-38 ALTERNATIVE REMEDIES; UPDATING SEC. 14-39 AUTHORITY AND PURPOSE; UPDATING SEC. 14-40 JURISDICTION; UPDATING SEC. 14-41 ADMINISTRATION; UPDATING SEC. 14-42 ENFORCEMENT AND PENALTIES; UPDATING SEC. 14-43 RESISTING, INTERFERING WITH OFFICER; UPDATING SEC. 14-44 IMPOUNDMENT OF ANIMALS; UPDATING SEC. 14-45 DISPOSITION OF IMPOUNDED ANIMALS; UPDATING SEC. 14-46 UNAUTHORIZED REMOVAL FROM CUSTODY; UPDATING SEC. 14-47 DISPOSAL OF DEAD ANIMALS; UPDATING SEC. 14-48 QUARANTINE OF ANIMALS; CREATING SEC. 14-48.5 AGGRESSIVE DOG CLASSIFICATION PROCEDURES, REQUIREMENTS, OWNER RESPONSIBILITIES, AND PENALTIES; UPDATING SEC. 14-49 CLASSIFICATION OF DOGS AS DANGEROUS; UPDATING SEC. 14-50 TO DEAL WITH AN ATTACK OR BITE BY DANGEROUS DOG OR SEVERE BITE BY ANY DOG; UPDATING SEC. 14-51 FAILURE TO SURRENDER ANIMAL OR CARCASS; CREATING SEC. 14-52 RABIES VACCINATIONS AND ANIMAL REGISTRATION TAGS; UPDATING SEC. 14-53 PROHIBITING CRUEL AND INHUMANE TREATMENT OF ANIMALS; CREATING SEC. 14-54 TAKING CUSTODY OF MISTREATED ANIMALS; UPDATING SEC. 14-55 RESPONSIBILITY FOR ANIMALS; UPDATING SEC. 14-56 ANIMAL AT LARGE; UPDATING SEC. 14-57 CREATION OF NUISANCE; UPDATING SEC. 14-58 PROHIBITING PHYSICAL INJURY OR PROPERTY DAMAGE CAUSED BY ANIMAL; UPDATING SEC. 14-59 PROHIBITING THE DEFECATION OR URINATION ON PUBLIC OR PRIVATE PROPERTY; UPDATING SEC. 14-60 ANIMAL ACCESS TO PUBLIC PARKS AND BEACHES; UPDATING SEC. 14-61 SERVICE ANIMALS; UPDATING SEC. 14-62 TRANSPORTING IN OPEN BED OF VEHICLE; UPDATING SEC. 14-63 CONFINEMENT OF FEMALES IN ESTRUS (HEAT); RESERVING SEC. 14-64; UPDATING SEC. 14-65 ABANDONMENT OF ANIMALS; UPDATING SEC. 14-66 MANDATORY NEUTERING OF CATS AND DOGS; CREATING SEC. 14-67 RESTRAINT BY TETHERING; CREATING SEC. 14-68 DOG FIGHTING AND OTHER ANIMAL FIGHTING; CREATING SEC. 14-69 CONTROLLING POISONOUS SUBSTANCES; RESERVING SEC. 14-70; CREATING SEC. 14-71 INJURY TO ANIMALS BY MOTOR VEHICLES AND REPORTING REQUIREMENTS; CREATING SEC. 14-72 FEEDING OF CATS AND DOGS OUTDOORS; CREATING SEC. 14-73 SPAY AND NEUTER TRUST FUND; CREATING SEC. 14-74 EDUCATION PROGRAM; CREATING SEC. 14-75 ANIMAL ADOPTION AND PET PLACEMENT PARTNERSHIP PROGRAM; CREATING SEC. 14-76 STERILIZATION PROGRAMS; CREATING SEC. 14-77 SPONSORSHIPS AND DONATIONS; CREATING SEC. 14-78 ANIMAL DEALERS; CREATING SEC. 14-79 HOBBY BREEDERS AND OCCASSIONAL SELLERS; CREATING SEC. 14-80 EXCESSIVE UNSTERILIZED ANIMAL PERMITS; CREATING SEC. 14-81 ESTABLISHMENT OF FEES; RESERVING SECS. 14-82 - 14-85; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR AN AREA ENCOMPASSED; PROVIDING FOR INCLUSION INTO THE CODE OF ORDINANCES; AND, PROVIDING FOR AN EFFECTIVE DATE.

COUNTY COMMISSION MEETING ANIMAL SERVICES

JANUARY 23, 2018



BACKGROUND

- In October 2014 Brevard County Sheriff's Office was asked by BOCC to take over Animal Services
- It has been an amazing and extremely rewarding 39 months
- Our Animals Services Team includes:
 1. Care Center Staff
 2. Animal Enforcement Officers
 3. Administrative Personnel
 4. Our Incredible Volunteers
 5. Our Rescue Partners (Many Of Whom Are Here Today)
 6. Our Incredible Community



COMMITMENT

- When we assumed responsibility we made a strong commitment to make Brevard County...
 1. A more humane community
 2. To raise the standard of care in our Animal Care Center
 3. To re-unite as many lost and stray pets with their owners as possible
 4. To save as many pets as possible through adoptions, fosters, innovative programs, relationships with our rescue partners, and by educating, uniting, igniting and empowering our community to become a “No Kill” Community



GOAL

- The success of an animal welfare organization is measured by how many animals they save, the live release rate.
- Prior to Brevard County Sheriff's Office taking over the LRR was 55%
- In April of 2015, I stood before this Commission and announced that we planned to become a "no kill" community in 2 years
- To be classified as "No Kill" an agency must complete one calendar or fiscal year with an average LRR of 90% or higher



SUCCESS

- It was a goal few people thought was possible (Refer To Previous Article)
- In 2013, 4,869 animals were euthanized in Brevard County (Average 13 Animals Per Day)
- In 2014, 2,109 animals were euthanized in Brevard County (we only had 3 months of 2014)
- In 2015, the number was cut in half by dropping to 1,219
- In 2016 we again significantly reduced the number to 317
- In 2017 the number was reduced even further to 160 creating a 92% reduction during a 3 year period



PROUD TO TELL YOU THAT WE ARE "NO KILL!"

Fiscal Year	2014/2015	2015/2016	2016/2017	2017/2018
Live Release Rate	80.91%	94.85%	95.82%	95.79%

Month	2014	2015	2016	2017
January		79.55%	94.38%	96.06%
February		76.46%	91.85%	97.85%
March		84.54%	96.91%	98.13%
April		89.65%	96.01%	94.43%
May		93.65%	94.77%	95.72%
June		91.74%	94.98%	96.53%
July		91.90%	96.43%	95.91%
August		89.30%	96.13%	95.80%
September		88.16%	96.09%	95.97%
October	74.67%	94.79%	92.83%	96.10%
November	49.87%	91.85%	95.19%	95.15%
December	61.46%	93.98%	95.45%	96.12%



NEED FOR ORDINANCE UPDATE AND CHANGES

Over the past several months, county staff has worked to update and amend various Sections of Chapter 14, Article II, Animal Control, Brevard County Code of Ordinances. These amendments take into account changes made at the State level and incorporate best management practices to better address issues related to animal control. The changes seek to promote a safe, healthy, and humane community for the citizens and animals of Brevard County.

Additionally the changes will supply the tools and resources necessary for the County to handle the animal control-related issues covered within Chapter 14, Article II more effectively and efficiently.

Two weeks ago a draft of this ordinance was released. A draft that caused some concern in the community. What you have before you is not that draft. (Block of Ice)



CURRENT ORDINANCE VS. PROPOSED ORDINANCE

- Registration Fee Altered: Currently \$10.00 (Proposed Change None) (Explain Importance Of Compliance)
- Registration Fee Unaltered: Currently \$16.00 (Proposed Change-None)
- Spay Neuter Trust Fund Using Differential Dollars: Currently there is "No" established Trust Fund
- Public Education Program: Currently there is "No" established criteria for a Public Education Program



CURRENT ORDINANCE VS. PROPOSED ORDINANCE

- Tethering Guidelines: Currently None
- Dangerous Dog Protocols: Extremely Antiquated New Ordinance Creates Current Industry Standards
- Three Member Dangerous Dog Council: Proposed Ordinance Creates Magistrate To Hear Aggressive/Dangerous Dogs
- Current Ordinance Has No Restrictions On Feeding Outdoor Animals: Proposed Ordinance Creates Requirements



CURRENT ORDINANCE VS. PROPOSED ORDINANCE

- Proposed Ordinance Creates "Free Training Program For Community Cat Caregivers
- Proposed Ordinance Creates Tools To Address Dogs That Fatally Attack Another Animal Even One Time
- Proposed Ordinance Creates Tools To Combat Dog Fighting
- Proposed Ordinance Creates Service Charge On Citations For Training Of Animal Enforcement Officers
- Proposed Ordinance Creates Ability To Set Court Appearances For Special Circumstances In Abuse Cases
- Proposed Ordinance Gives Deeper Authority To Confiscate Mistreated Animals



CITIZEN CONCERNS THAT HAVE BEEN RAISED AND ADDRESSED

- Is The Stray Hold Changing From 5 Days To 3 Days? No (It was never our intent to change that part of the current ordinance)
- Why Would A Veterinarian Be Required To Give Rabies Certificate To County? (It is mandated by F.S. 828.30 (3) and by the State of Florida Health Department as part of Rabies Prevention and Control in Florida, 2014)
- Why Is The Stray Hold Fee Going Up? (The boarding fee is currently \$6.00 and the recommended fee is being adjusted to \$10.00, far below any boarding facility. In 2017 this fee impacted 96 citizens for a total amount of \$2,617.00)
- Does Anything In The Proposed Ordinance Have To Do With Animal Dealers, Hobby Breeders Or Occasional Sellers? (No that is not addressed in the proposed ordinance in any capacity)



ADDITIONAL RECOMMENDATIONS & AMENDMENTS

I am requesting the deletion of the proposed Section 14-77 which specifically allows the county to apply for grants, and to solicit sponsors and donations.



ADDITIONAL RECOMMENDATIONS & AMENDMENTS

I am requesting a modification of proposed Section 14.72 to remove outdoor feeding requirements for dogs and to provide further guidance on the feeding and care of community cats.



ADDITIONAL RECOMMENDATIONS & AMENDMENTS

I am requesting that Section 14.52(g) be amended and that corresponding Sections 14.52(i) and 14.52(j) be removed, in order to eliminate the requirement that veterinarians remit animal registration tags, and to solely provide for the remittance of rabies certificates by veterinarians to Animal Services, as is required by state statute.



ADDITIONAL RECOMMENDATIONS & AMENDMENTS

I am recommending that "Attachment A" be amended to show a \$10.00 fee for an altered pet registration, and \$16.00 for an unaltered pet registration, reflecting no increase to current fees.



ADDITIONAL RECOMMENDATIONS & AMENDMENTS

Additionally, In any motion to approve this amendment, I would request that you authorize staff to amend the proposed ordinance to provide for these new modifications prior to execution by the Chair.



OUR COMMITMENT TO OUR COMMUNITY AND OUR HOMELESS PETS

Our team is extremely passionate about achieving our goal of saving homeless pets in our community as we recognize and held close to our hearts that taking care of animals in our community is not only our job, but it is our gift from God!!

On October 1st of 2016, I proudly held a press conference to announce that we had achieved “No Kill” status only 18 months after we announced that goal, and two years to the day since taking over Animal Services. Although we proudly recognize the significance of this achievement we also realize that achieving a 90% or higher LRR and recognition as a “No Kill” Community, is not a destination or a one time designate, rather it is a continued journey that together with our community partners we WILL maintain!!

I always say that “it takes a community to protect a community” and without question “it takes a community to protect our animals!!”



IV.C

clear

1313 Hillsdale Drive
Cocoa, Florida 32922

Board of Brevard County Commissioners
2725 J. F Jamieson Way
Viera, Florida 32940

January 22, 2018

Dear Commission:

It was a serious mistake, in Year 2014, I believe, on the part of this Commission when it put the animal control function under the Sheriff Department and discontinued euthanazia as the solution to the County's stray cat problem, and attempting to control the problem with a "trap, neuter, and return to the neighborhood" scheme. The problem has mushroomed since then, and growing.

The Sheriff has assumed a conflict of interest, in, on the one hand, being asked to defend private property rights, and with the other hand dump stray cats in neighborhoods against the wishes of the property owners. The scheme is obviously unworkable, even if a significant number of strays were so treated, because for each one treated there are hundreds of others that will not be, thus guaranteeing continuation and worsening of the problem. The scheme is a token, superficial, appeasement of a few animal rights advocates, whose hearts might seem to be in the right place, but whose minds are at a distance from reality, and whose voice and influence is far out of proportion to the rest of the citizens involved. The scheme includes the feeding of stray cats in arbitrarily-selected neighborhoods at "feral colonies," at taxpayer expense, against the wishes of the property owners involved, and even against their knowledge. This is unconscienable misuse of taxes, especially when considering the large number of homeless, hungry humans in the County.

A virtual rabies epidemic is rumored here, mostly attributable to stray cats. This was emphasized last week when a local motorist sitting in her vehicle was attacked by a rabid cat. Rabies is just one of the diseases from this source, some of which are transmissible to humans. There is a toxoplasmosis epidemic among the dolphin population in the local lagoon, attributable to runoff from stray cats. In addition, feline leukemia, FIV (immune system virus,) PARVO, worms, distemper, fleas, etc., along with the disagreeable odors and noises they create. House pets can no longer be let outdoors because of the probability of being infected.

Each one of these creatures is responsible for killing large numbers of birds and other wildlife. Since they are naturally nocturnal, most people don't realize the seriousness of the problem. It is time for this Commission to recognize and admit its error and reverse the action it wrongly took in discontinuing euthanization and moving the problem to the Sheriff Department. And in no way further exacerbate the problem, by favorably considering this most recent proposition before it.

Yours truly,

