

**SUMTER COUNTY ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 4 “ANIMAL CONTROL” OF THE SUMTER COUNTY CODE; PROVIDING FOR CONFLICTS AND SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Sumter County (“Board”) has adopted the Sumter County Code of Ordinances, which serve as the laws and regulations of Sumter County; and,

**WHEREAS**, the Board of County Commissioners established animal control regulations which are set forth in the Code of Ordinances, specifically Chapter 4 Animal Control; and,

**WHEREAS**, Sumter County seeks to amend its ordinance to streamline certain provisions; and

**WHEREAS**, intensive confinement or long-term restraint can severely damage an animals physical and psychological state, particularly for dogs; and

**WHEREAS**, tethered dogs may suffer from irregular feedings, overturned water bowls, inadequate veterinary care and extreme temperatures; and,

**WHEREAS**, Sumter County seeks to establish anti-tethering provisions to address the health, safety and welfare of animals and the general public; and,

**WHEREAS**, Sumter County desires to amend its animal control regulations to address the issues outlined herein; and,

**WHEREAS**, the Board, after the appropriate publication of notice of its intention to consider this Ordinance, has determined that in consideration of the health, safety and welfare of its citizens, it is in the best interests of Sumter County, Florida to approve this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY** the Board of County Commissioners of Sumter County, Florida, as follows:

**SECTION 1. PURPOSE.**

The purpose of this Ordinance is to amend Chapter 4 Animal Control for the reasons set forth in the above Whereas clauses, which are incorporated herein, *in haec verba*.

## **SECTION 2. AUTHORITY.**

Pursuant to Article VIII, Section I of the Florida Constitution and Sections 125.01 and 125.66 of the Florida Statutes, the Sumter County Board of County Commissioners has all powers of local self-government to perform county functions and render county services and facilities except when prohibited by law, including the authority to amend its Code of Ordinances.

**SECTION 3. AMENDMENT OF CHAPTER 4 ANIMAL CONTROL OF THE SUMTER COUNTY CODE OF ORDINANCES.** Chapter 4 is hereby amended and restated as follows:

Sec. 4-1. - Title and scope. This chapter may be cited as the "Sumter County Animal Control Ordinance."

Sec. 4-2. - Applicability. This chapter shall be applicable within the legal boundaries of the county, including all incorporated and unincorporated areas.

Sec. 4-3. - Liberal construction. This chapter shall be liberally construed in order to effectively carry out the purpose hereof.

Sec. 4-4. - Definitions. As used in this chapter the following words and phrases shall have the following meanings, unless the context clearly indicates otherwise.

Abandonment means to give up possession of, to neglect, to forsake an animal entirely or to refuse to provide or perform the legal obligations for the care and support of an animal by its owner or owner's agent.

Animal means any living dumb creature, traditionally considered domestic, excluding wildlife and exotic animals as defined in this chapter.

Animal care establishment means any private facility, whether for profit or non-profit, which boards and/or cares for animals including, but not limited to, boarding facilities, kennels, veterinary clinics, animal hospitals, pet stores, or animal rescue organizations.

Animal control manager means the manager of Sumter County Animal Control Services who is authorized by the board of county commissioners to administer the county animal shelter and to administer and enforce the provisions of this chapter. The county administrator shall designate a county employee as the animal control services manager. Sumter County Animal Control Services is the animal control authority described in the statute.

Animal control officer means any person designated by the county administrator who is authorized to investigate, on public or private property, civil infractions or criminal infractions relating to animal control or cruelty and to issue citations as

provided in this chapter. The term includes "animal control officer" as defined in Florida Statutes. An animal control officer is not authorized to bear arms or make arrests.

At large means off the premises of the owner and not under the direct control, custody, charge, or possession of the owner, keeper, or harbinger. A police dog or police horse, as defined in F.S. § 842.19, while in use by a law enforcement agency, shall not be deemed to be at large.

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 Sumter County.

Citation means a written notice, issued to a person by an animal control officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance and that the special master will hear the charge. The citation shall contain:

- (1) The date and time of issuance;
- (2) The name and address of the person;
- (3) The date and time the civil infraction was committed;
- (4) The facts constituting probable cause;
- (5) The ordinance violated;
- (6) The name and authority of the officer;
- (7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation or to appear before the special master;
- (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 before the special master, he shall be deemed to have waived his right to contest the citation and that, in such case, a ruling 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 before the special master mandated by section 4-20 of this chapter, he does not have the option of paying a fine in lieu of appearing at the hearing.

County means Sumter County, Florida.

County health officer means the Sumter County Public Health Unit Director or his designee.

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

Dangerous animal means:

- (1) Any animal with a propensity, tendency or disposition to attack, to cause injury to, or to otherwise endanger the health and safety of human beings or other domesticated animals;
- (2) Any animal which attacks a human being or other domestic animal without adequate provocation;
- (3) Any animal which, without adequate provocation, exhibits aggressive behavior or creates a reasonable apprehension of immediate injury.
- (4) Any animal which, without adequate provocation, because of temperament, conditioning or training, has a known propensity to bite or otherwise exhibits aggressive behavior causing injury to human beings or domestic animals or creates a reasonable apprehension of immediate injury; and
- (5) Any dog defined and certified as a "dangerous dog" pursuant to F.S. § 767.12.
- (6) 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. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

Designee means any person designated by the director of a county agency or department to act on behalf of such director.

Direct control shall mean immediate and continuous physical control of an animal at all times such as by means of a fence, leash, cord, or chain of sufficient strength to restrain the animal; or in the case of specifically trained working, agricultural or hunting animals which immediately respond to such commands, while working; direct control shall also include aural or oral control, if the controlling person is at all times clearly and fully within the unobstructed sight and hearing of the animal.

Domestic animal means any animal kept in captivity by humans and/or dependent upon humans to sustain life.

Exotic animal for the purposes of this chapter shall mean and include, but is not limited to, any animal which is required to be permitted pursuant to F.S. § 372.922, and/or any traditionally non-domestic mammal, reptile or bird, whether native or not to the state, that is considered to present a real, potential danger to human safety.

Feral animal means any wild domestic animal, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication. Evidence of the feral nature of an animal includes but is not limited to a lack of any identifying mark, such as a collar, tag, tattoo or notched ear, and the indication of extreme fear,

hysteria or aggression consistent with the characteristics of a wild animal in captivity.

Hybrid, for purposes of this chapter, as defined by the Florida Fish and Wildlife Conservation Commission (FWC), means an offspring resulting from the cross between wildlife and domestic animal, which is substantially similar in size, characteristics and behavior as to be indistinguishable from the wild animal shall be regulated by FWC as wildlife as the higher and more restricted class of the wild parent. Wolves, coyotes, jackals (family Canidae) are Class II Captive Wildlife and require FWC permits. Hybrids not meeting the FWC Class II definition do not require FWC permitting and fall under the animal licensing requirement for domestic dogs, cats, and ferrets.

Licensed veterinarian means any person who is licensed to engage in the practice of veterinary medicine in the state under the authority of F.S. ch. 474.

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

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

Ordinance means any ordinance enacted by the board, relating to the control of, or cruelty to animals, the violation of which is a civil infraction.

Owner shall mean any person who owns, possesses or has custody or control or gives shelter, feeds, confines, boards, keeps houses, or is in charge of, or tends any animal other than livestock, as that term is generally utilized, for a period of five (5) or more days.

Person means any individual, partnership, firm, joint stock company, corporation, association, trust, society, estate, other legal entity or business unit owning, harboring an animal, or with apparent control over an animal.

Provocation means when referring to public nuisance animals; the verbal, physical or visual act so as to incite a reaction from an animal.

Public nuisance animal means any animal that unreasonably annoys human beings, endangers the life or health of other animals or persons, or substantially interferes with the rights of persons other than their owners, to enjoyment of life or property. The term public nuisance animal shall mean and include, but is not limited to, any animal that:

- (1) Is repeatedly found at large;
- (2) Damages the property of anyone other than its owner;

- (3) Molests passersby or chases vehicles on a public right-of-way;
- (4) Makes unwarranted, excessive, disturbing noises, including but not limited to, continued or repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to the neighbors or to others in close proximity to the premises where the animal is kept or harbored.
- (5) Is offensive or dangerous to the public health, safety or welfare by virtue of the inability or unwillingness of the owner to properly care for the number of animals owned, harbored or kept; thereby creating the public health, safety, or welfare hazard.

Notwithstanding the foregoing, public nuisance animal does not include any animal certified as a dangerous animal pursuant to this chapter.

Secure enclosure means an enclosure which adequately prevents escape and unauthorized access such as:

- (1) A building such as the owner's dwelling; or
- (2) A kennel which measures a minimum of thirty-two (32) square feet, which does not share common fencing with the perimeter of the premises, and which consists of a top and sides made from at least eleven (11) gauge new chain link wire and secured to a concrete floor by embedding the wire in the concrete or by using galvanized or steel pipe and ties, and metal straps securely into the concrete floor screwed and shall be lockable.
- (3) Provides protection from the elements and a secured food and a secured water bowl, so as not to tip over.

Special master means that person appointed by the Sumter County Administrator as the Sumter County Code Enforcement Special Master under the provisions of chapter 2, article V of the Sumter County Code.

Sumter County animal control (animal control or animal services) means the division within the public works department in charge of animal control in the county.

Tethering means the action of tying an animal with a rope, chain or similar device, so as to restrict its movement.

Wildlife means any mammal, bird or reptile traditionally considered wild which is the responsibility of the state fish and wildlife conservation commission pursuant to F.S. §§ 372.001 and 372.072(3)(a).

Sec. 4-5. - Licensure and rabies vaccination of dogs, cats and ferrets.

- (a) The owner of a dog, cat or ferret four (4) months of age or older must maintain a current rabies vaccination of such dog, cat or ferret. It is a violation of this chapter

for the owner of a dog, cat or ferret to refuse or fail to have the dog, cat or ferret vaccinated against rabies as required by this section.

- (1) Only veterinarians actively engaged in the practice of veterinary medicine, who are duly registered and licensed by the State of Florida, are hereby authorized to vaccinate dogs, ferrets, or cats against rabies.
- (2) Evidence of such vaccinations for a dog, ferret or cat shall consist of a current State of Florida county metal rabies tag, and a certificate of vaccination, executed in triplicate, issued and signed by the veterinarian administering the vaccine.
- (3) No rabies certificate or tag issued for one animal shall be valid for another animal. It is a violation of this chapter for any person to possess or use a stolen, counterfeit or forged certificate, tag or other document required by or issued pursuant to this chapter.
- (4) The certificate of vaccination shall state the date of vaccination and type of vaccine administered, the veterinarian who administered the vaccine, the name, address and telephone number of the owner, the breed, age, sex, color and markings on the animal and other pertinent facts for proper identification of the animal. One (1) copy of the certificate shall be given to the owner and one (1) retained by the veterinarian administering the vaccination and one (1) returned to animal control.
- (5) All vaccines used shall be a type approved by the state division of health.
- (6) Temporary residents are required to provide valid proof of current rabies vaccination upon request.
- (7) It is a violation of this chapter for the owner or keeper of a dog, cat or ferret to refuse or fail to show the rabies certificate required by or issued pursuant to this chapter, upon lawful demand by an officer, provided that the officer may allow the owner twenty-four (24) hours to produce the requested certificate or tag.

(b) No dog, cat or ferret shall require vaccination if:

- (1) A licensed veterinarian has examined the animal and certified that at such time vaccination would endanger its health because of its age, infirmity, debility, illness or other medical consideration; and
- (2) A certificate evidencing such exception is presented to animal control within five (5) days of such examination. Such exempt animal shall be vaccinated against rabies as soon as its health permits.

- (c) Each dog, cat or ferret in Sumter County which is at least four (4) months of age or older, shall be licensed by animal control services. Animal control services shall provide a metal license tag for the subject animal upon payment of the requisite fee. The license tag shall be separate and distinct from the rabies tag required by this chapter. License fees shall be established by resolution of the board of county commissioners. License tags may be issued either annually or every three (3) years.
- (d) To register or renew a license tag for a dog, cat, or ferret, proof of a current rabies vaccination must be provided by the owner. Only rabies vaccination certificates signed by a licensed veterinarian shall be considered valid.
- (e) Any dog, cat or ferret at least four (4) months of age or older shall be required to have a valid license tag as required herein. Any person or owner who possesses any dog, cat or ferret which is at least four (4) months of age or older, without a valid license tag shall be in violation of this section. Violations of this section shall be punishable by a fine. Fines shall be established by resolution of the Sumter County Board of County Commissioners. If a dog, cat or ferret at least four (4) months of age or older is not wearing a license tag and is impounded, a fine will not be assessed if the metal license or valid Sumter County receipt for a current license can be produced by the owner. All other applicable fees will be assessed.
- (f) Any cat or dog hybrid which is four (4) months of age or older, that is not permitted as Class II Captive Wildlife, shall obtain a Sumter County animal license. Any owner of such hybrid shall not be required to show proof of a current rabies vaccination to obtain a license as there is no approved rabies vaccine for hybrid animals as of the date of the enactment of this subsection.

Sec. 4-6. - Housing and care of animals

- (a) Confinement. Any owner who confines an animal in any place must:
  - (1) Supply the animal with a sufficient quantity of wholesome food and fresh clean water. Water for domestic pets shall be supplied in a clean bowl that is stable enough as to not tip over. Water for pigs, hogs, cattle, or horses shall be provided in a clean trough or bathtub, which is connected to or immediately adjacent to a ready and immediate supply of fresh water sufficient to maintain animal hydration;
  - (2) Provide for wholesome exercise sufficient for the size of the animal;
  - (3) Provide a shelter from wind and rain that is large enough for the animal to stand up, turn around, which remains dry and supplies a change of clean, wholesome air;
- (b) Dogs and cats running at large.



- (1) No person shall cause, permit, or allow a dog or cat to stray or in any manner to run at large in or upon any public street, sidewalk, or other public property or the property of another.
- (2) This section shall not apply to any dog actually engaged in the sport of hunting in authorized areas at authorized times and supervised by a competent person, dogs used by state, county or municipal law enforcement forces in the exercise of their duties, or dogs used to work livestock in areas of the county designated as agricultural areas.
- (3) Officers are authorized to impound any dog or cat which is at large and are authorized to enter onto private property for the purpose of capturing such dog or cat for impoundment.

(c) Female dogs and cats in heat.

- (1) The owner of any female dog or cat in heat (estrus) is required to keep such animal in one (1) of the following enclosures: a building, veterinary hospital, boarding kennel or other secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for intentional breeding purposes. The failure to keep such animal so enclosed shall be a violation of this chapter. Additionally, it shall be a violation of this article for any person who owns, harbors, or keeps any (male or female) unsterilized cat four (4) months of age or older to allow or permit such unsterilized cat to be or remain outdoors unattended.

(d) Regulation of Tethering.

In order to protect the public safety and welfare, the following conditions shall apply when tethering a dog or cat:

- (1) No person, to include owner, harborer, or caretaker shall tether a dog or cat to a stationary or inanimate object as a means of confinement or restraint unless such person is with the dog or cat and the dog or cat is at all times visible to such person.
- (2) The tether must be constructed of material sufficient to restrain the dog or cat but may not place the dog or cat in danger of injury or death. At no time shall the tether extend over an object or edge in such a manner that could result in strangulation, entanglement of or injury to the dog or cat. Logging chains and vehicle tow chains may not be used to tether a dog or cat. The addition of weight to a dog's or cat's collar, harness, chain, or tether is prohibited.
- (3) The tether shall be of a length and weight to allow a dog or cat to move at least ten (10) feet in all directions from the point of tethering and allow entry and egress to proper shelter and enclosure as defined herein. No person shall keep a dog or cat in any enclosure without daily exercise and change of air.

(4) The tether shall be attached to a properly fitted buckle-style collar or buckle-style harness sufficient to restrain the dog or cat. The tether must have an operative swivel attached to a collar or harness and may not be attached to a stationary object at a height higher than the dog's or cat's neck in standing position. The tether must swivel on both ends and be free of tangles. A leash or lead may not be attached directly to the dog's or cat's neck in lieu of a manufactured collar or harness. Choke, chain, slip, or prong-type collars shall not be used on a dog or cat when such dog or cat is tethered.

(5) The dog or cat must have access to sufficient wholesome food and a continuous supply of clean, potable water, and freedom to move about and avoid area of dog's or cat's waste, parasites, or anything that would adversely harm a dog's or a cat's health or safety.

(6) The tethered dog or cat must be at least six (6) months of age and may not be sick or injured.

(7) The dog or cat may not be outside during extreme weather conditions, including, but not limited to, extreme heat or near-freezing temperatures or during thunderstorms, lightning storms, tornado watches or warnings, or during tropical storm or hurricane watches or warnings.

(8) No tether may extend any closer than six (6) feet from the perimeter fence or lot line. If it is connected to a pulley, the running line must be at least fifteen (15) feet in length and less than seven (7) feet above the ground. If multiple dogs or cats, they must be tethered separately with no sharing of running lines, or near enough to each other that they may become tangled. No dog or cat shall be tethered so that it has access to public property, including easements, and rights-of-way property, or the property of another.

(9) When the dog or cat is transported in a pickup truck with a metal bed, the dog or cat shall be provided protection from the metal bed; and the dog shall be safely and properly tethered as defined herein. Any cat being transported must be in a hard-shelled crate specifically designed for cats and the crate must be secured to the truck bed so that it does not move during transporting.

(10) Tethering and/or inappropriately sheltering a dog or cat in violation of the provisions of this section shall be unlawful. When a violation of this section occurs, an officer may take reasonable measures to remove the dog or cat from the tether and/or inappropriate shelter and impound the dog or cat.

(11) "Inadequate shelter" may be indicated by the appearance of the shelter itself, including, but not limited to, size, structural soundness, evidence of crowding within the housing facility, unhealthy environment in the area immediately

surround such facility, or by the appearance or physical condition of the dog or the cat.

(12) Upon enactment of this section, officers shall provide a warning to all first-time tethering and/or sheltering violators and allow five (5) working days to correct the violation before any civil citation is issued. Notwithstanding the foregoing, nothing shall prevent an officer from citing an owner for violation of any other provision of this section, including other prohibited acts of cruelty or neglect.

(13) All persons, to include, owners, harborers, and caretakers of a dog or cat shall provide all health related grooming, cleaning, and parasite control required to ensure that the dogs or cats are maintained in a humane state and able to carry out normal activities.

(14) No dog or cat shall be tethered on vacant or abandoned property.

#### Sec. 4-7 Animal care establishments.

- (a) Animal housing facilities at animal care establishments shall be structurally sound and meet all provisions of the Sumter County Code. Such facilities shall be maintained in good repair, to contain the animals, to protect the animals from injury, and to restrict the entrance of other animals. All animal rooms, cages, kennels, shipping containers and runs shall be of sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept within. All bedding shall be clean and dry. All cages shall have floors. All areas of confinement, display, sales, and storage areas shall be maintained in a sanitary condition. These areas shall be cleaned and disinfected regularly as conditions warrant. All areas in which animals are confined shall be connected to an outside ventilation system or some other appropriate means of ventilation, or air filtration shall be provided. The area of confinement shall be illuminated during daylight hours.
- (b) Animals at animal care establishments requiring daily food and water shall receive same in their assigned facility using sanitary dispensers appropriate to the species and number of animals. Dogs and cats housed at an animal care facility shall be fed at least once every twenty-four-hour period.

#### Sec. 4-8. - Public nuisance animals.

- (a) This section shall not apply to animals on land zoned for agricultural purposes, to guide dogs for the blind, or to hunting, competition or working dogs while being trained or worked.
- (b) It is a violation of this chapter to own, keep, or harbor a public nuisance animal. The owner of any public nuisance animal shall be in violation of this chapter, regardless of the knowledge, intent or culpability of the owner.

- (c) It shall be considered a nuisance when the keeping of dogs, cats or other animals results in an offensive odor because of failure of the owner to clean the premises.
- (d) Public nuisance animal shall also mean any dog that makes excessive noises that cause unreasonable annoyance, disturbance or discomfort to the neighbors. This includes but is not limited to continued or repeated howling, barking or whining, without provocation, with the exception of dogs housed at animal care establishments. The violation can be witnessed by an officer or documented in at least two (2) affidavits from individuals living or staying in separate residences within one thousand (1,000) feet of the dog's location. The affidavits must contain documentation of the times and dates of such nuisances, and must be documented by an animal control officer who will determine if there is probable cause to believe a violation has occurred. A violation may be documented in one (1) notarized affidavit for the purposes of this section if there are no other residences within the dog's location other than the residence of the party filing the affidavit.

Sec. 4-9. - Dangerous animals.

- (a) The animal control manager or his/her designee may declare that an animal is a dangerous animal based upon the criteria listed in section 4-4 hereof. The animal control manager or the manager's designee shall provide written notice to the owner of such animal by mail or hand delivery. The written notice shall include the basis for declaring the animal dangerous, a description of the animal, and the responsibility of the owner for maintenance of the animal. The owner of an animal declared dangerous may request a hearing to show cause why such animal should not be declared dangerous. Such request shall be in writing and shall be made in accordance with subsection 4-9(k) below.
- (b) Within fourteen (14) days after a dog has been classified as dangerous pursuant to F.S. § 767.12, the owner of the dog must obtain a dangerous dog certificate of registration from animal control. It is a violation of this chapter for the owner of a dog classified as dangerous to refuse or fail to obtain a dangerous dog certificate of registration as required by this subsection. The certificate shall be renewed annually. Such certificates shall be issued only to persons who are at least eighteen (18) years of age and who present to animal control sufficient evidence of:
  - (1) A current certificate of rabies vaccination for the dog.
  - (2) A secure enclosure to confine a dangerous dog and the posting of both the enclosure and the premises with a clearly visible warning sign at each entry point that informs both children and adults of the presence of a dangerous dog on the property. The words "dangerous dog" must appear on the sign in four-inch letters, or on an additional sign, if necessary to achieve the same result.
  - (3) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.

- (4) Animal control will review/inspect said premises periodically to ensure compliance with this chapter.
  - (5) Any animal classified as "dangerous" under this chapter shall be sterilized. If a special master hearing is requested under the provisions of this chapter concerning whether or not the animal is "dangerous," sterilization shall be delayed until after the finding of the special master on that issue.
- (c) The board of county commissioners may impose by resolution an annual fee for the issuance of such dangerous dog certificate of registration.
  - (d) Any animal declared to be a dangerous animal shall be confined in a locked, secure enclosure on the premises of the owner of such animal. No dangerous animal shall be permitted or allowed off the premises of the owner unless such animal remains:
    - (1) Inside a locked animal carrier;
    - (2) Under the physical control of the owner and securely muzzled and restrained by a chain with a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length; and
    - (3) Subject to other conditions established by the animal control manager.
  - (e) It is a violation of this chapter for the owner of a dangerous animal to refuse or fail to confine or restrain such animal as required by this section.
  - (f) No dangerous animal impounded pursuant to this chapter shall be released until:
    - (1) The owner of such dangerous animal presents proof to animal control that the animal will be confined as required by this section; and
    - (2) The owner of such dangerous animal executes an affidavit acknowledging that the animal has been declared dangerous, agreeing to confine and restrain the animal, and recognizing the county's right to ownership and custody of the animal if it bites or injures a human or another animal after being declared dangerous.
  - (g) The owner of a dangerous animal must register a written disaster plan for such animal with both animal control and county emergency management.
  - (h) The owner of a dangerous animal shall report in writing the name and address of the new owner to animal control prior to transfer of ownership or custody of such animal.

- (i) The owner of a dangerous animal shall report in writing the death of such animal to animal control. The written document shall be hand delivered to animal control within twenty-four (24) hours of the death of the animal. The death of such animal shall be verified by a licensed veterinarian or an animal control officer.
- (j) The owner of a classified "dangerous" animal who permits, allows or causes such animal to run, stray or be uncontrolled or at large in or upon public or private property, shall be in violation of this chapter if such dangerous animal bites, attacks, or causes injury to any person or domestic animal. Qualifying "attacks" as that term is utilized in this section must consist of an act or acts which would put a reasonable person or owner of a domestic animal in fear of actual physical harm to the targeted person or animal. The animal control services manager or an animal control officer shall make a determination as to whether a particular reported incident qualifies as an "attack" based on the standard stated herein. The animal control services manager's or officer's determination that an attack occurred may be challenged during a hearing before the special master under the provisions of this section.
- (k) The following hearing procedures shall be applied in cases involving classified dangerous animals:
  - (1) A request for a hearing pursuant to F.S. § 767.12 and this chapter to review a determination or action of the animal control manager or animal control officer must be filed, in writing, with the animal control manager or animal control officer within seven (7) calendar days after receipt of written notice of the animal control manager's or animal control officer's determination or action. The written hearing request must be accompanied by a hearing fee consistent with the requirements of state statute, must briefly state the grounds therefore and list the names and addresses of any witnesses the owner intends to call at the hearing. The animal which is the subject of the determination or action must be confined in a secure enclosure pending resolution of the hearing.
  - (2) Upon receipt of a written hearing request the animal control services manager shall schedule an evidentiary hearing before the special master. The hearing shall be held as soon as possible but not more than twenty-one (21) calendar days and no sooner than five (5) calendar days after receipt of the request from the owner. Written notice of the date, time and location of the hearing shall be delivered to the owner no later than five (5) business days prior to the hearing date.
  - (3) All testimony presented at the hearing shall be under oath and shall be recorded. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. At the hearing, the animal control service manager or his/her designee shall have the burden of proving by a preponderance of the evidence presented, that the determination or action under review was justified and in accordance with the

statute. Failure of the owner to appear personally or through legal counsel at the hearing shall result in an order affirming the determination or action and forfeiture of the hearing fee. If the owner prevails, the hearing fee will be returned to the owner.

- (4) At the conclusion of the hearing, the special master, utilizing his or her sole discretion, shall issue findings of fact, based on evidence of record, and conclusions of law in an order affording the proper relief, said findings and relief being consistent with local and state law. The order shall be filed with the animal control services manager or animal control officer promptly after issuance and shall be deemed entered upon the date of said filing. A copy of the order shall be personally served on the owner or on the owner's legal counsel or mailed by certified mail, return receipt requested, to the owner.
- (5) The order of the special master shall be final, subject, however, to review in the county court as provided by statute. Such review by the county court shall be in the nature of an appeal from administrative action and not a hearing de novo.

Sec. 4-10. - Exotic animals and hybrid dogs or cats.

- (a) All exotic animals in the county must be maintained in accordance with all local, state, and federal laws and regulations. In addition all exotic animals shall be registered with animal control, which will supply copies of the registration to county emergency management. Such registration shall include the name, address and phone number of owner of the animal, a description of the breed, coloring and other identifying characteristics, age, and permit number issued by the state pursuant to F.S. § 372.922, if applicable. If the location on the registration of where the animal is being kept is changed, animal control must be notified in writing within seven (7) days of the new location.
- (b) All exotic animals are required to be housed in secure buildings, are not permitted to be unattended in open runs and must be under the direct control at all times, of a competent handler at least eighteen (18) years of age. A clearly visible warning sign that informs both children and adults of the presence of a dangerous animal must be posted at each entrance of both the building and the premises. Wording such as "warning!," "danger," "dangerous animal," "tiger" or "poisonous reptiles" etc. "within" or "behind fence" or "on premises" must be in four-inch letters on the sign, or on an additional sign, if necessary to achieve the same result.
- (c) Owners of exotic animals must register a written disaster plan for each such animal with animal control. Animal control shall supply a copy of each plan to county emergency management.

- (d) Any person, entity or business selling exotic animals in Sumter County is required to post a sign no less than twenty-four (24) inches by thirty-six (36) inches in a prominent location containing substantially this wording:

"Any person possessing an exotic animal in Sumter County for personal use is required to register the animal with Sumter County Animal Control and is required to register a written Disaster Plan with Animal Control and Sumter County Emergency Management."

- (e) The possession and/or ownership of any hybrid of the family Canis or Felis including, but not limited to, wolf/dog hybrids or coyote/dog hybrids, within the legal boundaries of Sumter County, Florida must meet FWC permitting for Class II Captive Wildlife or animal control services animal licensing requirements. The hybrid nature of the animal shall be confirmed utilizing standards established by FWC.

The seller is required to provide a copy of this section of this chapter to the purchaser and obtain a signed receipt acknowledging the purchaser's understanding of the ordinance. The seller shall also submit fully completed registration applications to animal control upon the sale of any exotic animal.

#### Sec. 4-11. - Impoundment.

- (a) The board is empowered and authorized to create, institute, construct, operate and maintain animal control shelters or holding facilities at locations selected by the board in order to provide adequate animal service facilities for the entire county or arrange with private parties for the same.
- (b) Owners reclaiming an animal shall pay all impoundment fees and per diem boarding fees as a condition to picking up the animal. Non-payment of impounding fees, civil penalties, or any other lawfully imposed charges involving an animal shall constitute abandonment of the animal transferring ownership to the county for adoption or euthanasia as set forth in subsection (h) below. The owner may be assessed cost/fee for euthanasia of the animal.
- (c) Animal control may engage the services of a licensed veterinarian to treat any sick or injured animal, including any animal subject to cruelty, or any animal infected with or suspected of carrying rabies, impounded pursuant to this chapter. The owner of such animal shall be liable for payment of veterinary and impoundment expenses or reimbursement of the county's expenses in treating the animal.
- (d) Animal control may catch, seize, humanely trap, or pick up and impound:
- (1) Any dog or cat at large;



- (2) Any animal which has bitten or scratched a person or any animal carrying or suspected of carrying rabies or other infectious or contagious diseases;
  - (3) Any sick, injured, abandoned or cruelly treated animal for which the owner cannot be found after reasonable effort to do so;
  - (4) Any dangerous animal;
  - (5) Any animal not properly quarantined;
  - (6) Any other animal authorized by this chapter to be impounded; or
  - (7) Any animal otherwise in violation of this chapter.
- (e) Animal control shall attempt to identify and locate the owner of an animal who is properly identified and is impounded pursuant to this chapter. If the owner can be identified and located, animal control shall provide notice either in writing, by telephone, or in person that the animal has been impounded.
- (f) Any dog or ferret without any form of identification which is impounded pursuant to this chapter may be redeemed within a minimum of three (3) working days from the date of impoundment, or within five (5) working days if such animal is wearing a current rabies tag or is otherwise properly identified. The last day of redemption shall occur on a day the county shelter or other holding facility is open for business. No minimum hold time will be required for stray cats not possessing any form of identification to expedite the goal of the trap-spay/neuter-vaccinate-return program.
- (g) No animal impounded pursuant to this article shall be released to its owner until:
- (1) The owner provides proof of a current rabies vaccination certificate to animal control.
  - (2) If the animal does not have a current rabies vaccination, the owner will be required to arrange for a veterinarian to come to the shelter to vaccinate the animal against rabies before the animal leaves the shelter.
  - (3) The owner of an impounded animal pays all applicable fees due and any expenses incurred by animal control for veterinary treatment before the animal will be released from the shelter.
- (h) Any animal impounded under the provisions of this chapter and not redeemed as provided for herein, or any animal turned over to the custody of animal control by the owner or owner's agent shall become the property of the county. Animal control shall humanely destroy such animal or place it in the custody of some person, by gift or sale, deemed to be a responsible and suitable owner, who will agree to

comply with all provisions of this chapter. No live animal impounded may be given or sold to any person for use in laboratory testing or experiments of any kind.

- (i) In compliance with F.S. § 823.15, all dogs and cats adopted from the county animal facility will be sterilized by a licensed veterinarian.
- (j) This section shall not apply to the impoundment of livestock which is governed by F.S. ch. 588.
- (k) Sumter County will establish a trap, spay/neuter, vaccinate, and return (TNVR) program for cats arriving at the county facility without identification. The TNVR program shall provide for the following:
  - (1) All cats entering the county animal shelter without identification and in good health shall be eligible for the TNVR program after a twenty-four-hour observation period and counted toward live intake and, upon release, shall be counted as a live release.
  - (2) TNVR eligible cats shall be sterilized, ear tipped, vaccinated, and returned to the original area of pick-up by a county animal control officer.
  - (3) Any TNVR cat determined to be a nuisance by animal control services due to repeat capture shall be relocated to an alternate suitable outdoor location.

Sec. 4-12. - Quarantine of animals.

- (a) Any person bitten or having knowledge of any person bitten by any dog, cat or other animal, shall report the fact immediately to the county health department and animal control. The county health officer shall notify in writing, the owner of the animal alleged to have bitten a person and the person bitten or his guardian concerning the reported bite.
- (b) The provisions of sections 64D-3.001 through 64D-3.010 and sections 64D-3.012 through 64D-3.014, Florida Administrative Code, as the same may be amended from time to time, are hereby adopted by reference in this chapter.
- (c) It is a violation of this chapter for any person to commit an act, or cause an act to be committed in violation of sections 64D-3.001(2), through 64D-3.010 or sections 64D-3.012 through 64D-3.014, Florida Administrative Code, as the same may be amended from time to time.
- (d) If quarantine of a dog or cat cannot be maintained at the owner's home or at the animal control facility pursuant to section 64D-3.013(2), Florida Administrative Code, the dog or cat shall be quarantined at the animal control facility or other holding facility approved by the supervisor. It is a violation of this chapter for the owner of a dog or cat to refuse or fail to maintain the dog or cat under rabies

quarantine as required by section 64D-3.013(2), Florida Administrative Code, as the same may be amended from time to time.

- (e) The fees established by the board for impoundment and maintenance of animals shall be applied to quarantined animals. No animal quarantined pursuant to this chapter shall be released until all such fees have been paid.
- (f) Notwithstanding any other provision of this chapter to the contrary, a dangerous animal which has bitten, attacked, or caused injury to any person or domestic animal without provocation shall not be released but shall be humanely destroyed. Prior to the destruction of any such dangerous animal, the owner shall be notified of the imminent destruction of the animal, and the basis thereof, by hand delivery or regular mail, to the owner's last known address. The date of destruction shall be included in the notice and such destruction shall not be earlier than the eighth business day following the mailing or hand delivery of such notice. Notice is prescribed by this chapter in order to give the owner of such animal time to seek review of such administrative action by a hearing officer as provided in section 4-8(j).
- (g) The county public health unit director, as defined in section 64D-3.001, Florida Administrative Code, shall keep, or cause to be kept, accurate and detailed records relating to reports and investigations of animal bites.

#### Sec. 4-13. – Prohibitions and Violations.

- (a) Cruelty to animals is prohibited.
  - (1) It is a violation of this chapter for any owner, either willfully or negligently, to deprive any animal of food, water, shelter, or protection, or otherwise ill-use an animal.
  - (2) It is a violation of F.S. § 828.13 and this chapter for an owner to abandon any animal:
    - (i) To die, that is maimed, sick, infirm, or diseased;
    - (ii) To suffer injury, malnutrition or dehydration.
  - (3) Pursuant to F.S. § 828.12, no person shall:
    - (i) Unnecessarily overload, overdrive, torment, deprive of necessary sustenance or shelter, or unnecessarily mutilate, or kill any animal, or cause the same to be done, or carry in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner.

- (ii) Intentionally commit an act to any animal which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or cause the same to be done.
- (4) It is unlawful for any person to entice or lure any animal out of an enclosure or off the property of the owner or seize, molest or tease any animal while the animal is on the property of the owner.
- (5) Pursuant to F.S. § 828.08, it shall be unlawful for any person to leave or deposit any 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.
- (6) No vehicle owner, passenger or operator shall place or confine an animal or allow it to be placed or confined or to remain in an unattended vehicle without sufficient ventilation or under conditions or for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to heat, lack of water or such other circumstances as may be expected to cause suffering, disability or death.
- (7) Any law or animal control officer who finds an animal in a vehicle in violation of this chapter may enter the vehicle using the amount of force which is reasonably necessary to remove the animal. The officer is authorized to impound and transport such animal to a veterinarian for medical care in the manner provided for in this chapter. The owner is then liable for all veterinary fees.
- (8) Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes.
- (9) Cruelty to animals shall include, but not be limited to, the following:
  - (i) Producing, rearing, breeding, keeping, or releasing animals including pigeons, to be shot at either for amusement or a test of skill in marksmanship;
  - (ii) Shooting at an animal, including a pigeon, produced, reared, bred, kept, or released as described in subsection 4-14(g)(1)); or
  - (iii) Knowingly allowing land or premises under one's ownership or control to be used for either of the purposes described in subsection 4-14(9)(i) and (ii).

(10) This section shall not be construed to prohibit the taking of game in accordance with the regulations set forth in F.S. ch. 372, and title 39, Florida Administrative Code.

(11) Pursuant to F.S. § 828.12, a veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this section. Such a veterinarian is, therefore, under this subsection, immune from a lawsuit for his part in an investigation of cruelty to animals.

–(b) Fighting or baiting of animals is prohibited.

(1) Pursuant to F.S. § 828.122, fighting or baiting animals; in its entirety, no person shall:

(i) Bait, use any animal for purposes of fighting or baiting any other animal;

(ii) Knowingly own, manage or operate any facility kept or used for the purpose of fighting or baiting any animal or promote, stage, advertise, or charge any admission fee to a fight or baiting between two or more animals;

(iii) Bet, or wager any money or other valuable consideration on the fighting or baiting of animals;

(iv) Attend the fighting or baiting of animals.

(2) The provisions of subsections (b)(i), (ii) and (iv) shall not apply to any person:

(i) Simulating a fight for the purpose of using the simulated fight as part of a motion picture which will be used on television or in a motion picture, provided F.S. § 828.12, cruelty to animals is not violated;

(ii) Using animals to pursue or take wildlife or to participate in any hunting regulated or subject to being regulated by the rules and regulations of the state fish and wildlife commission;

(iii) Using animals to work livestock for agricultural purposes;

(iv) Violating F.S. § 828.121;

(v) Using animals to hunt wild hogs or to retrieve domestic hogs.

(3) Nothing in this section shall be construed to prohibit, impede, or otherwise interfere with recognized animal husbandry and training techniques or practices not otherwise specifically prohibited by law.

–(c) Abandonment of animals.

(1) It shall be a violation of this chapter for a person to abandon or dispose of an animal on the property of another or public property. In the case of the abandonment of cattle or horses on the property of another, the owner of the land upon which the cattle or horses are improperly located, or, in the case of an agricultural lease, the lessee providing for the stock, shall notify Sumter County Animal Control Services of the abandonment. If the original owner of said stock can be readily ascertained through evidence of a brand, number, tag, broken fence or other reasonable means, the landowner or agricultural lessee providing for the stock shall then send a letter, certified mail, return receipt, to the suspected owner of the stock, demanding that they be claimed and returned to their proper location. If the proper owner does not reclaim and remove stock within thirty (30) days of the date of the documented receipt of the demand, or if provisions for reclamation are not made by the proper owner at that time, the owner or lessee providing for the stock, shall, if he or she chooses, become the owner of the stock at issue. If the original owner of the stock cannot be determined through any available evidence, the owner of the lands at issue, the lessee of an applicable agricultural lease who is providing for the stock, shall, if he or she chooses, become the owner of the stock after a period of thirty (30) days from the date of the report to animal control services. Should ownership be refused by any party, the provisions for animal seizure included in this Code and Florida Statutes shall be pursued.

(2) It shall be a violation of this chapter to abandon an animal in his former residence when relocating to a new residence.

(3) After posting a 24-hour notice of intent to impound and no attempt by the owner has been made to contact animal control, the animal shall be impounded by animal control.

–(d) Concealment of animals prohibited.

(1) No person shall hold, hide, or conceal any animal to which he does not have legal title, provided, however, that no person shall be in violation of this section if he shall have reported his possession of such animal to animal control within forty-eight (48) hours after acquiring possession of such animal.

–(e) Animals are prohibited in parks, playgrounds, public school premises, public buildings and on beaches, except where allowed.

(1) It shall be a violation of this chapter for any person to take or allow any animal into or on any public beach, park, playground, public school premises or public building in the county, unless such animal is a dog trained to assist or aid disabled individuals and is actually being used for the purpose of assisting or aiding such individual. Notwithstanding the foregoing, the board of county

commissioners from time to time may designate specific parks or areas in the county where domesticated pets (non-livestock) are allowed. The owner must insure the animal is leashed, under restraint and control at all times, and is properly licensed as required as required by this chapter. Animal waste must be disposed of by the animal's owner. Failure to comply with this section shall result in a citation by an animal control officer.

- (f) It shall be unlawful and a violation of this chapter for any person to interfere with, obstruct, resist or oppose any officer while apprehending animals or performing any other duties, as set forth in this chapter. It shall be unlawful and a violation of this chapter for any person to take or attempt to take any animal from any officer or from any vehicle used by the officer to transport any animal or to take or attempt to take any animal from a county animal shelter without proper authority.
- (g) No animals carrying any disease, virus or bacteria known to be transferable to humans shall be sold in Sumter County.
- (h) It is a violation of this chapter for any person to refuse or fail to surrender an animal or the carcass of a dead animal upon the lawful demand by an officer.
- (i) It is a violation of this chapter to:
  - (1) Interfere with, hinder, resist, obstruct, molest or threaten bodily injury to any animal control officer or agent of the county in the legal performance of his or her duties, or take or attempt to take an animal from any animal control officer or agent from any vehicle used by him or her to transport the animal;
  - (2) Knowingly mislead, give false information, or provide a false report or statement to any animal control officer or agent;
  - (3) Take or attempt to take any animal from an animal shelter without proper authority; or
  - (4) Knowingly remove, without authorization, an animal from a trap placed by an animal control officer or agent; or, without authorization, to knowingly tamper with, damage, or relocate a trap placed by an animal control officer or agent.

#### Sec. 4-14 – Administration and Implementation.

- (a) The county may employ personnel to carry out and assist in the administration and enforcement of this chapter.
  - (1) For purposes of discharging the duties imposed by this chapter, including investigation of possible violation and for enforcing its provision, an officer or the county health officer, is empowered to enter, without authority of any court of competent jurisdiction, upon any private property, not including any

dwelling or structure or curtilage thereof, to demand that the animal or, if applicable, the rabies certificate and/or tag of such animal be exhibited to said officer, provided the officer shall be empowered to enter into any curtilage of a dwelling or structure to investigate or impound any animal known or suspected of biting or scratching any person or any animal infected with or showing suspicious symptoms of rabies, or for any other circumstances needing immediate attention, which may affect the health, safety, and welfare of the general public. The officers shall be immune from prosecution for reasonable, good faith entry upon private property, as provided in F.S. § 810.12.

- (2) The officers shall investigate complaints of alleged violations of this chapter.
  - (3) The officers may cite the owner and catch, seize, or pick up:
    - (i) Any animal at large;
    - (ii) Any sick or injured animal, including any animal subject to cruelty, in need of immediate medical attention;
    - (iii) Any animal infected with or suspected of carrying rabies or any other infectious disease;
    - (iv) Any dangerous animal not properly confined or restrained;
    - (v) Any animal not properly quarantined;
    - (vi) Any animal creating a nuisance;
    - (vii) Any female dog or cat in heat not properly confined;
    - (viii) Any dog, cat or ferret not vaccinated against rabies by a licensed veterinarian;
    - (ix) Any dog, cat or ferret not wearing a rabies tag;
    - (x) Any animal otherwise in violation of this chapter.
  - (4) The officers shall impound any animal caught, seized, or picked up pursuant to this chapter.
  - (5) The officers shall keep, or cause to be kept, accurate and detailed records and accounts of funds relating to the administration and enforcement of this chapter.
  - (6) The officers may declare an animal to be a dangerous animal, and shall order the owner to confine or restrain such animal as required by this chapter. officers may inspect the premises of the owner of such animal for compliance with the order of the animal control manager and the provisions of this chapter.
- (b) The board may, by resolution, establish such procedures and provisions of animal control as are necessary to implement this chapter.

Sec. 4-15. - Proceedings for violations.



- (a) An animal control officer who has probable cause to believe that a person who owns or is responsible for an animal has committed an act in violation of any provision of this chapter may issue a citation to the person.
- (b) The recipient of a citation may contest it by requesting a hearing before the special master.
- (c) If a person elects not to contest the citation, he or she shall pay the applicable citation penalty to the clerk of the county court within ten (10) days after issuance of the citation.
- (d) If the person elects to contest the citation, he or she shall request a hearing through the Sumter County Animal Control Services within ten (10) days of the issuance of the citation. The county shall provide written notice of the hearing location, date and time to the person and the officer. Hearings shall be conducted in the same manner as code enforcement hearings are conducted pursuant to chapter 2, article V of the Sumter County Code to the extent the provisions therein do not conflict with this chapter.
- (e) An animal control officer shall present the findings and recommendations of the animal control services department at the hearing and shall support same by testimony under direct examination of the Sumter County Attorney before the special master. The contesting party may present rebuttal evidence. Should the special master find in favor of Sumter County, the person petitioning for the hearing shall pay the amount owed pursuant to the citation and reimburse the county for the costs of the hearing and the time spent by the special master reviewing and adjudicating the matter at issue. Any appeal of the decision of the special master shall be a de novo appeal to the Circuit Court of Sumter County, Florida, to be filed within fifteen (15) days of the written entry of the special master's decision.
- (f) If the person fails to pay the penalty noted in the citation within thirty (30) days of the issuance of the citation or, as applicable, the special master hearing, or fails to appear in before the special master to contest the citation at the scheduled hearing, said person shall be deemed to have waived his or her right to contest the citation and in such case, shall be guilty of a misdemeanor.
- (g) A person who is issued a citation pursuant to this chapter does not have the option of paying the fine and is required to appear before the special master if:
  - (1) The violation results in the unprovoked biting, attacking, or wounding of an individual or a domestic animal. In addition to or in lieu of the set maximum penalty, a person whose animal has bitten, attacked, or wounded a person or a domestic animal may be found liable for restitution to the victim(s).
  - (2) The violation results in the destruction or loss of personal property.

- (3) The violation is a second or subsequent violation by the person of section 4-14 of this chapter regarding cruelty to animals; or
- (4) The violation is a third or subsequent violation by the person of the same portion of this chapter, whether or not it pertains to the same or different animal(s).
- (h) The animal control services manager shall maintain records to prove the number of citations issued to a particular person or address.
- (i) Any person who willfully refuses to sign and accept a citation issued by an officer shall be immediately be liable for amount stated therein and subject to prosecution for a misdemeanor if not paid in thirty (30) days from the date of the citation.
- (j) The procedures outlined in this section shall not be applied in lieu of the dangerous animal hearing procedures outlined in section 4-8 of this chapter for animals that have been designated as "dangerous animals" under the provisions of that section.

Sec. 4-16. – Penalties, Fees and Costs.

- (a) Fees, costs and citation amounts related to enforcement and adjudication under this chapter shall be implemented and amended by formal resolution of the board of county commissioners.
- (b) Citation penalties.
  - (1) A violation of this chapter is a civil infraction.
  - (2) The maximum civil penalty for a civil infraction is five hundred dollars (\$500.00).
  - (3) If a person who has committed a civil infraction does not contest the citation, the civil penalty shall be the amount established by the board for the civil infraction.
  - (4) Penalty amounts related to enforcement and adjudication under this section shall be implemented and amended by formal resolution of the board of county commissioners.
  - (5) In addition to the civil penalties set forth above, there is hereby imposed a surcharge of five dollars (\$5.00) upon each civil penalty imposed for violation of this chapter. Such surcharges shall be used to pay the costs of training for animal control officers.
  - (6) All civil fines and penalties shall be deposited into the county general fund.

- (7) In addition to or in lieu of a maximum civil penalty of five hundred dollars (\$500.00), a person whose animal has bitten, attacked, or wounded a person or a domestic animal may be found liable for restitution to the victim(s).
- (c) Enforcement by other means. Violations of section 4-13(a) may also be prosecuted in the same manner misdemeanors are prosecuted pursuant to F.S. § 125.69, punishable by a fine not to exceed five hundred dollars (\$500.00) or by both such fine and imprisonment. Each animal produced, reared, bred, kept, released, or shot at in violation of subsection 4-13 shall be deemed a separate offense.
- (d) Each day or fraction thereof the violation continues shall be considered a separate violation.

Sec. 4-17. - Conflict with state law.

In the event of a conflict between the provisions of this chapter and F.S. ch. 828, as the same may be amended from time to time, the provisions of F.S. ch. 828 shall prevail.

#### **SECTION 4. CONFLICTS AND REPEALER.**

This Ordinance shall be cumulative of all provisions of the Ordinances of Sumter County, Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

#### **SECTION 5. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

#### **SECTION 6. CODIFICATION**

It is the intention of the Sumter County Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be reflected and made a part of the Code of Ordinances of Sumter County, Florida, with the exception of Sections 1, 2, 4, 5, 6 and 7. The word "Ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein.

#### **SECTION 7. EFFECTIVE DATE.**

Once adopted by the Sumter County Board of County Commissioners, this Ordinance shall become effective immediately upon adoption.

**PASSED AND ADOPTED** at a duly called session of the Sumter County Board of County Commissioners, this \_\_\_\_ day of \_\_\_\_\_, 2021.

**GLORIA HAYWARD  
SUMTER COUNTY CLERK**

**BOARD OF COUNTY COMMISSIONERS,  
SUMTER COUNTY, FLORIDA**

**ATTEST:**

\_\_\_\_\_  
DEPUTY CLERK

BY: \_\_\_\_\_  
Garry Breeden  
Chairman

Approved as to form for the reliance  
of The Sumter County Board of  
County Commissioners, only:

\_\_\_\_\_  
Jennifer C. Rey, Esq.  
The Hogan Law Firm, County Attorney