

ORDINANCE 2015-089

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, RELATING TO ANIMAL CONTROL; AMENDING SARASOTA COUNTY ORDINANCE NO. 95-042, AS AMENDED AND CODIFIED IN ARTICLE II, CHAPTER 14 OF THE SARASOTA COUNTY CODE; AMENDING SECTION 14-31 FINDINGS OF FACT; AMENDING SECTION 14-33 APPLICABILITY; AMENDING SECTION 14-35 DEFINITIONS; AMENDING SECTION 14-36 ADMINISTRATION AND ENFORCEMENT; AMENDING AND RETITLING SECTION 14-51 VIOLATIONS; AMENDING SECTION 14-52 PENALTIES; AMENDING AND RETITLING SECTION 14-53 ANIMAL SALE PROHIBITIONS AND REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

SECTION 1. All ~~struckthrough~~ language shall constitute language removed from the Code, and all underlined language shall constitute language added to the Code.

SECTION 2. Section 14-31 of the Code of Ordinances of Sarasota County, Florida is amended as follows:

Sec. 14-31. Findings of fact.

The Board of County Commissioners of Sarasota County, Florida, hereby makes the following findings of fact:

(1) ~~F.S. § Section 828.27, Florida Statutes,~~ authorizes the Board of County Commissioners to enact an Ordinance relating to Animal ~~e~~Control and Cruelty. Additionally, Section 767.14, Florida Statutes, authorizes local governments to place further restrictions upon or additional requirements on dangerous dogs, and develop procedures and criteria for implementation of Chapter 767. Finally, pursuant to Chapter 125, Florida Statutes, Sarasota County may exercise any power for a municipal purpose unless otherwise expressly prohibited.

(2) It is in the interest of the public health, safety and general welfare of the citizens of Sarasota County to enact this article to regulate, restrict, or prohibit, if necessary, the sale and ownership of animals.

(3) Animal control regulations are necessary to protect the public from unvaccinated, diseased, stray, roaming, dangerous, wild, or exotic animals.

(4) Animal control regulations establish uniformity in the control and eradication of rabies.

(5) Animal control regulations help abate nuisance created by animals that interfere with the enjoyment of property or the peace and safety of the community.

(6) Animal control regulations help regulate animal population.

(7) Animal control regulations protect animals from abuse or conditions harmful to their well-being.

(8) Many Dogs and Cats have been bred and housed at substandard facilities, known as “puppy mills” or “kitten factories,” that mass-produce animals for sale to the public, many of which are sold in pet stores.

(9) Dogs and Cats bred in substandard facilities often suffer from health, social, and/or temperament problems that frequently result in costly treatment or even death.

(10) In addition to the congenital and hereditary conditions resulting from substandard breeding facilities, Dogs and Cats may arrive in pet stores and their new homes with giardia, parvovirus, and distemper, illnesses that can be transmitted to healthy family animals.

(11) When a buyer receives a sick or abused Dog or Cat, the responsibility for correcting the inadequate care has been effectively transferred from the seller to buyer, often without the buyer’s knowledge or intent. Although Section 828.29, Florida Statutes, provides a consumer guarantee for animals certified by a licensed veterinarian as unfit for purchase due to contagious or infectious disease, or for congenital or hereditary disorder, these protections do not fully safeguard a buyer from the emotional distress associated with caring for a sick or abused Dog or Cat.

(12) If a buyer is unable or unwilling to provide a sick or abused Dog or Cat with needed care, local shelters may become the default caregiver for those Dogs or Cats.

(13) Public shelters provide for the care of unwanted Dogs and Cats at taxpayer expense.

(14) A reduction in the number of sick or abused Dogs and Cats received by buyers may help reduce the number of sick or abused Dogs and Cats in local shelters, including public shelters.

(15) In May 2010, the U.S. Department of Agriculture, Office of Inspector General, issued Audit Report 33002-4-SF entitled, “Animal and Plant Health Inspection Service, Animal Care Program, Inspections of Problematic Dealers.” As detailed in the Executive Summary of the report, the Inspector General found that the Animal Care Unit’s enforcement process under the Animal Welfare Act was ineffective against large-scale dog dealers (i.e., breeders and brokers). Additionally, the report found that many Animal Care inspectors did not cite or document violations properly to support enforcement actions.

(16) As a result of the May 2010 audit report, the Animal and Plant Inspection Service (“APHIS”) drafted “APHIS’ Enhanced Animal Welfare Act Enforcement Plan.” The preface to the plan details the increased enforcement activities taken by the Animal Care Unit.

(17) In September 2013, APHIS promulgated new rules governing retail pet stores, specifically amending the definition of retail pet stores in 9 C.F.R. § 1.1. Retail pet stores are not required to be licensed or inspected under the Animal Welfare Act. Under the revised regulations, a retail pet store means a place of business or residence at which the seller, buyer, and the animal are physically present so that every buyer may personally observe the animal prior to purchasing and/or taking custody of that animal after purchase. Furthermore, a breeder with four or few breeding females is exempt from licensing under the Animal Welfare Act.

(18) Although increased enforcement activities from the Animal Care Unit may reduce the health, social, and/or temperament problems found in Dogs and Cats raised in mass-breeding facilities, the Sarasota Board of County Commissioners believes additional measures should be taken locally to protect animals from abuse or conditions harmful to their well-being and to protect pet buyers.

(19) The Sarasota Board of County Commissioners deems the prohibition of the retail sale of dogs and cats in Sarasota County to be in the best interest of the health, safety, and welfare of its residents and citizens and the public at large, that such prohibition constitutes a municipal purpose and will encourage pet consumers to adopt dogs or cats from shelters or hobby breeders, thereby promoting consumer protection, saving animals’ lives, and reducing the cost to the public of sheltering and euthanizing animals.

SECTION 3. Section 14-33 of the Code of Ordinances of Sarasota County, Florida, is amended as follows:

Section 14-33. Applicability.

This article shall be applicable within the legal boundaries of Sarasota County, including all incorporated and unincorporated areas. Notwithstanding the foregoing, through resolution or ordinance of its governing body, any municipality may decide that the Animal Sale Prohibitions and Requirements in Subsections 14-53(a) through (e) shall not apply within its territorial jurisdiction.

SECTION 4. Section 14-35 of the Code of Ordinances of Sarasota County, Florida is amended as follows:

Sec. 14-35. Definitions.

As used in this article the following words and phrases shall have the following meanings, unless the context clearly indicates otherwise.

Abandon or 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.

Adoption Fee means remuneration to recover the costs of feeding, sheltering, and providing care for an animal without profit.

Animal means any dumb living creature.

Animal Services Director means the Director of Sarasota County Animal Services, or his or her designee, who is authorized to administer and enforce the provisions of this article. The County Sheriff may designate an employee under his administration as Animal Services Director or, through mutual agreement, may designate a Sarasota County constitutional officer or his designee as Sarasota County Animal Services Director. Sarasota County Animal Services is the Animal Control authority described in the statute.

Animal Services Officer means any Person employed or appointed by the Animal Services Director who is authorized to investigate, on public or private property, civil infractions or criminal infractions relating to Animal Control or Cruelty and issue Citations as provided in this article. The term includes the term "Animal Control Officer" as defined in the statute. An Animal Services Officer is not authorized to bear arms or make arrests.

Animal Shelter means any state, county, or municipal animal shelter, or animal control facility devoted to the rescue, care and adoption of stray, abandoned, or surrendered Animals, and which does not breed Animals.

Animal Welfare Organization means ~~any not for profit organization whose aim is to improve the welfare and well-being of animals~~ a duly incorporated non-profit organization that has tax exempt status under Section 501 of the United States Internal Revenue Code, whose mission is devoted to the welfare, care, and adoption of stray, abandoned, or surrendered Animals, and which does not breed Animals. An Animal Welfare Organization does not auction, barter, display for sale, offer for sale, or sell Animals, but rather only accepts an Adoption Fee.

At Large means off the premises of the Owner and not under the Direct Control, custody, charge, or possession of the Owner. A police dog or police horse, as defined in section 843.19, Florida Statutes, while in use by a law enforcement agency, shall not be deemed to be At Large.

Attack(s) means to set upon with violent force, including the making of an attack, launching of an assault, or chasing in a menacing fashion. The term does not include accidental, startled, or playful behavior by the Animal. Further, the term does not include behavior wherein the Animal is acting in self-defense or to protect its Owner from reasonable and imminent threat.

Bite(s) shall mean any cut, puncture, or breakage of skin or tissue made with the teeth or fangs of any Animal.

Board means of the Board of County Commissioners of Sarasota County.

Bond means a written promise by the Owner to pay the costs of care, maintenance and custody of the Animal during the Owner's appeal of Animal Services Director's initial determination, as set forth in Section 14-40, to the Special Magistrate. The bond shall be in a form approved by Animal Services and backed by either an approved surety or cash in an amount not less than \$500. In the event that an Owner seeks an additional appeal(s) of the Special Magistrate's order to circuit court or other higher court, a new bond may be required in an amount not less than \$1000.

Cat means an Animal of the Felidae family of the order Carnivora.

Certificate of Source means a document which includes the following information about the Dog or Cat involved in any Retail Sale at a Commercial Establishment:

(1) the name, address, telephone number, and email address of any breeder, wholesaler, and transporter;

(2) breed;

(3) color;

(4) age;

(5) approximate weight; and

(6) the signatures of the breeder, wholesaler, and transporter.

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 a duly enacted Ordinance and that the County Court 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 in court if a court appearance is mandatory;
- (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 neither pays the civil penalty nor contests the Citation within 30 days after issuance of the Citation, he shall be deemed to have waived his right to contest the Citation and that, in such case, the County Court shall enter judgment against the Person in the amount of the Citation, plus court costs, recording fees, and all surcharges required by this article; and
- (11) A conspicuous statement that if the Person is required to appear in court as mandated by Section 14-51(f), he does not have the option of paying a fine in lieu of appearing in court.

Civil Penalty shall mean a sum of money assessed as pecuniary penalty for a violation of any provision of the Ordinance.

Claw(s) shall mean to scratch, dig, tear or pull with a sharp, curved horny structure at the end of a toe of an Animal.

Code Enforcement Officer means any designated employee or agent of Sarasota County whose duty it is to enforce codes and ordinances enacted by Sarasota County. Employees or agents who may be Code Enforcement Officers for purposes of this Article may include, but are not limited to, code inspectors, law enforcement officers and law enforcement civilian employees, building inspectors, or fire safety inspectors.

Commercial Establishment shall mean a business which is open to the public and that engages in a Retail Sale.

Community cat shall mean a Feral Cat ~~feral cat~~ which has been spayed/neutered, vaccinated, ear-notched, and tattooed or microchipped.

Confine or *Confinement* shall mean to hold or restrict an Animal in a designated area. Proper confinement shall mean to humanely, safely, and securely hold or restrict an Animal in a designated area.

County means Sarasota County, Florida.

County Health Officer means the Sarasota County Public Health Unit Director or his designee.

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

Dangerous Dog shall be defined in accordance with Section 767.11, Florida Statutes.

Designee means any Person designated by the Animal Services Director to act on behalf of such Director.

Department shall mean the Sarasota County Sheriff's Office Animal Services.

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.

Dog means, but expressly is not limited to, domestic dog, *Canis familiaris*, and any genetic hybridization thereof, including, but expressly not limited to, wolf hybrids and coyote hybrids, that is not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Domestic Animal means any equine or bovine Animal, goat, sheep, swine, dog, cat, poultry or other domestic beast or bird. The term refers to those Animals that have historically been domesticated by humans, and does not refer to whether the animals are tame or feral.

Exposure to rabies shall mean an action whereby a potentially rabid Animal has bitten, clawed, scratched or put its saliva in contact with the mucous membrane or an open lesion of another animal or human being.

Fee shall mean money chargeable pursuant to this article that is not assessed as a pecuniary penalty for violation of this article.

Feral Cat means any Cat born either wild or domesticated and has reverted to a wild nature, whose owner is unknown, that roams free, and typically resides with other Cats in colonies. Feral Cats include Community Cats.

Ferret shall mean any member of the domestic ferret species *Mustela putorius furo*, regardless of age.

Hobby Breeder means a person who does not mass produce animals, selectively breeds purebred Dogs and/or Cats for the primary purpose of exhibition or improvement of a specific breed, carefully selects the future owner of their Dogs and/or Cats, and raises Dogs and/or Cats in a humane manner, as demonstrated by a person by meeting all of the following criteria:

(1) the Cats and/or Dogs are reared on the person's property;

(2) the Cats and/or Dogs are sold or transferred directly to individual pet owners or another Hobby Breeder;

(3) the number of Cats and/or Dogs owned shall not include more than four breeding females; and

(4) the Cats and/or Dogs are reared in a manner which complies with all existing nuisance, sanitation, zoning, and animal control and welfare laws.

Humane manner or Humanely shall mean the responsible practice of good animal husbandry, management and care in regard to feeding, watering, ventilation, space and confinement, exercise, lighting, shelter with protection from the elements, handling and treatment in a manner consistent with the physical and behavioral needs of the species as more particularly described in the County's animal care standards promulgated by the Department. The definition also includes the provision of euthanasia consistent with lawful practices.

Impound or Impoundment shall mean the taking of an Animal into custody through lawful means by the Department.

Intact shall mean any Dog or Cat that has not been spayed or neutered.

License Certificate means a Sarasota County License Certificate issued pursuant to this article.

License Tag means a Sarasota County License Tag issued pursuant to this article, or other license tag issued by another governmental entity recognized as valid by the Animal Services Director.

Licensed Veterinarian means any Person who is licensed to engage in the practice of veterinary medicine in Florida under the authority of Ch. 474, Florida Statutes.

Officer means any law enforcement Officer defined in Section 943.10, Florida Statutes, or any Animal Services Officer.

Official Certificate of Veterinary Inspection (Health Certificate) shall mean a legible certificate of veterinary inspection signed by the examining Veterinarian that shows the age, sex, breed, color and health record of the Dog or Cat, the printed or typed name ~~and addresses of the Persons or business from whom the Animal was obtained, the consigner or seller, the consignee purchaser and~~ of the examining Veterinarian, and the Veterinarian's license number. It must list all vaccines and deworming medications administered to the Dog or Cat, including the manufacturer, vaccine type, lot number, expiration date, and the date the examining Veterinarian warrants that, to the best of his

or her knowledge, the ~~Animal~~ Dog or Cat has no signs of contagious or infectious disease and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks.

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, has custody or control, gives shelter, feeds, confines, boards, keeps, houses, or is in charge of, or tends any Animal, for a period of five or more days. The term includes any agent of the Owner acting on his or her behalf.

Owner release and surrender statement shall mean an animal release form or statement signed by the Owner which relinquishes and vests all ownership and possessory rights to the County.

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.

Premises means a dwelling together with its surrounding land and grounds.

Provoke or provocation means the act of inducing or inciting an Animal to an immediate Attack. Any person or Domestic Animal that is acting peacefully and lawfully at the time immediately prior to an Attack cannot be said to have provoked an Attack.

Public Thoroughfare, Public Common Area, and Flea Market Sales means the sale or transfer, offer for sale or transfer, auction, barter, display, advertisement for sale, giving away or otherwise disposing of any live Dog or Cat on any public thoroughfare, public common area, roadside area, in any parking lot, or in any flea market, to any member of the public.

Quarantine shall mean the strict, humane, confinement, isolation and observation of an Animal suspected of carrying or being infected with rabies or some other contagious disease.

Rabies Vaccination shall mean inoculation with a United States Government-approved vaccine for the prevention of rabies and administered by a licensed Veterinarian.

Registration shall mean filing a Registration Certificate for an Animal with the Department informing them of ownership and for rabies tag purposes.

Registration Certificate shall mean a document evidencing registration and vaccination for rabies of a Dog or Cat residing in the County which contains, at a minimum, the information required by Section 828.30, Florida Statutes.

Retail Sale means the auction, barter, display for sale, offer for sale, or selling of any live Dog or Cat.

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 four feet by eight 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 11 gauge 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 provides protection from the elements.

Severe injury shall mean any physical injury that results in broken bones, multiple bites or claw wounds, or disfiguring lacerations requiring multiple sutures or reconstructive surgery, or as further defined in Section 767.11(3), Florida Statutes. A severe injury tends to be of a nature that creates a substantial risk of death or that causes permanent disfigurement or protracted loss or impairment of the function of any body part or organ.

Service Animal shall mean any guide or signal dog or any other animal that is specially trained as a service animal to provide assistance to an individual with a disability.

Service Animal User shall mean a person who has a disability and whom by reason thereof is aided by a service animal. When representing their animal as a "service animal," the animal must be actively engaged in the service to the person.

Shelter shall mean provision of and access to a three-dimensional structure having a roof, walls, and floor, which is dry, sanitary, clean, weatherproof and made of durable material. At a minimum the structure must: be sufficient in size to allow each sheltered Animal to stand up, turn around, lie down, and stretch comfortably; be designed to protect the sheltered Animal from the adverse effects of the elements and provide access to shade from direct sunlight and regress from exposure to inclement weather conditions; be free of standing water, accumulated waste and debris, protect the sheltered Animal from injury, have adequate ventilation, and provide a solid surface, resting platform, pad, floret, or similar device that is large enough for the Animal to lie on in a normal manner; and be properly lighted to provide a regular lighting cycle of either natural or artificial light corresponding to the natural periods of daylight unless otherwise directed by a Veterinarian. Structures with wire, grid or slat floors which permit the Animal's feet to pass through openings, sag under the Animal's weight or which otherwise do not protect the Animal's feet or toes from injury are prohibited except for birds where perches are provided.

Sterilized shall mean rendered permanently incapable of reproduction such as by surgical or chemical means.

Sustenance shall mean access to and the provision of palatable nourishment appropriate for the type of Animal which is to eat it, free from contamination and provided in a clean and sanitary manner. Food shall be of sufficient nutritional value to maintain the Animal in good health and shall be provided at suitable intervals for the species, age and condition of the Animal but not less than once daily except as otherwise prescribed by a Veterinarian or as dictated by naturally occurring states of hibernation or fasting normal of the species.

Tattoo shall mean an indelible mark made on a designated part of the Animal's body for the purpose of identification and Registration.

Tether shall mean to restrain an Animal by tying the Animal to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, running line, or other binding material. Tethering shall not include using a leash to walk an Animal.

Transfer shall mean to convey or shift ownership from one Person to another, with or without the exchange of money or other consideration.

TNR means a Trap, Neuter and Return program where stray Cats and Dogs are humanely captured, sterilized, vaccinated, and potentially released back into the area they were caught. This is a recognized program whose goal is disease prevention, population control and reduction in numbers of stray or unwanted Cats and Dogs.

Unjustifiable pain and suffering shall mean the character of an act which cannot reasonably be excused, defended or vindicated (such as in connection with the practice of veterinary medicine, law enforcement activities, to end needless suffering, or in defense of person or other Animals).

Unprovoked means the victim, who has been conducting himself or herself peacefully and lawfully, has been bitten, chased in a menacing fashion, or attacked by an Animal.

Veterinarian shall mean an individual who is licensed to engage in the practice of veterinary medicine in Florida or is exempt from the state licensure requirements under the authority of Chapter 474, Florida Statutes, or who is licensed in the area in which the Veterinarian is practicing if outside of the State of Florida.

Vicious Animal shall mean any Animal determined to meet one or more of the criteria listed in Section 14-40(a)(1)—(5) of this article.

Water shall mean provision of and access to clean, fresh potable water of a drinkable temperature which is free from contamination and provided in a suitable manner, in sufficient volume, and at suitable intervals to at all times maintain normal hydration for the age, species, condition, size and types of each Animal except as otherwise prescribed by a Veterinarian. An Animal confined outdoors shall have a continuous supply of clean,

fresh and potable water, unless the Animal is under the direct supervision of a responsible Person at events such as Dog and Cat shows or field trials; in such cases, the responsible Person shall ensure sufficient Water is provided to the Animal in order to maintain normal hydration for the species of Animal.

SECTION 5. Section 14-36 of the Code of Ordinances of Sarasota County, Florida is amended as follows:

Sec. 14-36. - Administration and enforcement.

(a) The Animal Services Director may employ Animal Services Officers to assist in the administration and enforcement of this article. Additionally, the County Administrator may employ Code Enforcement Officers to assist in the administration and enforcement of Section 14-53 of this article.

(b) It shall be unlawful and a violation of this article for any Person to interfere with, obstruct, resist or oppose any Animal Services Officer or Code Enforcement Officer while apprehending Animals or performing any other duties, as set forth in this article. It shall be unlawful and a violation of this article for any Person to take or attempt to take any Animal from any Animal Services Officer or from any vehicle used by the Animal Services Officer to transport any Animal or to take or attempt to take any Animal from a County Animal shelter without proper authority.

(c) For purposes of discharging the duties imposed by this article, including investigation of possible violation and for enforcing its provisions, an Animal Services Officer, Code Enforcement 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 License 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 exigent circumstances which may affect the health, safety and welfare of the general public. The Animal Services Director and Officers shall be immune from prosecution for reasonable, good faith entry upon private property, as provided in F.S. § 810.12.

(d) The Animal Services Director, ~~and~~ Animal Services Officers, and Code Enforcement Officers shall investigate complaints of alleged violations of this article.

(e) The Animal Services Director and Animal Services Officers may catch, seize, or pick up:

(1) Any Animal At Large;

(2) Any sick or injured Animal, including any Animal subject to Cruelty, in need of immediate medical attention;

(3) Any Animal infected with or suspected of carrying rabies or any other infectious disease;

(4) Any Vicious Animal not properly confined or restrained;

(5) Any Animal not properly quarantined;

(6) Any Animal creating a nuisance;

(7) Any female dog or cat in heat not properly confined;

(8) Any dog or cat not vaccinated against rabies;

(9) Any dog or cat not wearing a License Tag; and

(10) Any Animal otherwise in violation of this article.

(f) The Animal Services Director and Animal Services Officers shall impound any Animal caught, seized, or picked up pursuant to this article.

(g) It is a violation of this article for any Person to refuse or fail to surrender an Animal or the carcass of a dead Animal upon lawful demand by the Animal Services Director or an Animal Services Officer.

(h) The Animal Services Director or his/her Designee and Animal Services Officers shall keep, or cause to be kept, accurate and detailed records and accounts of funds relating to the administration and enforcement of this article.

(i) The Animal Services Director may declare an Animal to be a Vicious Animal, and shall order the Owner or Keeper to confine or restrain such Animal as required by this article. Animal Services Officers may inspect the premises of the Owner or Keeper of such Animal for compliance with the order of the Animal Services Director and the provisions of this article.

SECTION 6. Section 14-51 of the Code of Ordinances of Sarasota County, Florida is amended as follows:

Sec. 14-51. ~~Proceedings for Violations.~~

(a) All violations of this Article may be processed according to Article VIII, Chapter 2 of the Sarasota County Code of Ordinances, and per the provisions of Parts I and II, Chapter 162, Florida Statutes, as may be applicable. Each day of any such violation shall constitute a separate and distinct offense. A separate and distinct offense occurs per Animal. An Officer who has probable cause to believe that a Person has committed an act in violation of this article may issue a Citation to the Person. However, for the first six

~~months after the effective date of this Ordinance, an Officer shall provide a warning to any Owner the Officer has probable cause to believe has committed an act in violation of Section 14-44(f) to desist and comply with Section 14-44(f). If the Officer issues a warning, the warning shall advise the Owner of the violation of Section 14-44(f) and specify a reasonable time to comply. Absent special circumstances, "reasonable time" shall mean seven days.~~

(b) A Citation may be contested in the County Court.

(c) If a Person elects not to contest the Citation, he shall pay the applicable civil penalty to the Clerk of the County Court within 30 days after issuance of the Citation.

(d) If the Person elects to contest the Citation, he shall request a hearing through the Clerk of the County Court within 30 days after issuance of the Citation. The Clerk shall schedule a hearing in the County Court and shall provide written notice of the hearing to the Person and the Officer.

(e) If, within 30 days after issuance of the Citation, the Person neither pays the civil penalty nor contests the Citation, he shall be deemed to have waived his right to contest the Citation and, in such case, the County Court shall enter a judgment against the Person in the amount of the Citation, plus court costs, recording fees, and all surcharges required by this Ordinance. Additionally, the Court may issue an order to show cause upon the request of the County requiring such Person to appear before the Court to explain why action on the Citation has not been taken. The Court may hold in contempt any Person who is issued such order and fails to appear in response to the Court's directive.

(f) A Person who is issued a Citation pursuant to this article does not have the option of paying the fine and is required to appear in court 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 a maximum civil penalty of \$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); Any party seeking restitution may file the appropriate civil action in the court having jurisdiction over the amount in controversy.

(2) The violation results in the destruction of personal property.

(3) The violation is a second or subsequent violation by the Person of Section 14-44 regarding Cruelty to Animals; or

(4) The violation is a third or subsequent violation by the Person of the same portion of this article, whether or not it pertains to the same or different Animal(s).

The Animal Services Director shall maintain records to prove the number of Citations issued to a Person.

(g) Any Person who willfully refuses to sign and accept a Citation issued by an Officer shall be guilty of a misdemeanor of the second degree, punishable as provided by F.S. § 775.082, 775.083 or 775.084.

(h) Violations of Section 14-44 may be prosecuted in the same manner as second-degree misdemeanors are prosecuted pursuant to general law.

(i) The County or Sheriff may also enforce this article by action in equity, including injunctive or declaratory relief, in the appropriate court of competent jurisdiction.

(j) Any person who knowingly violates any provision of this Article, including refusal to allow a law enforcement officer, animal services officer, or code enforcement officer to make an inspection under this Article, shall also be punished in the same manner as a second-degree misdemeanor as provided by general law.

SECTION 7. Section 14-52 of the Code of Ordinances of Sarasota County, Florida is amended as follows:

Sec. 14-52. Penalties.

(a) *Citation penalties.*

(1) Unless otherwise stated elsewhere in this Article, a ~~violation of this Ordinance~~ article is a civil infraction.

(2) The maximum civil penalty for a civil infraction is \$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) By resolution, the Board shall establish the amount of any civil penalty for a civil infraction.

(5) In addition to the civil penalties set by resolution of the Board, there is hereby imposed a surcharge of \$5.00 upon each civil penalty imposed for violation of this article. Such surcharges shall be used to pay the costs of training for Animal Services Officers.

(6) All civil fines and penalties shall be deposited into the County general fund.

(7) Upon a third violation of Section 14-41 within a period of 18 months for allowing an Animal to run At Large, or a third violation of Section 14-

44, the Owner may, in addition to the fines imposed, be ordered to do any or all of the following:

- a. Provide proof to Animal Services that the Animal has been sterilized.
- b. Complete a class or classes pertaining to pet ownership/training and/or care or any other class specified by the Court.
- c. Appear at Animal Services at designated dates and times to provide a written statement that the Animal(s) is properly confined or otherwise cared for.
- d. Complete community service work at any nonprofit agency of the Owner's choice, if oversight and monitoring of such a program is available.
- e. Limit the number of Domestic Animals in the Owner's household.
- f. Tattoo or microchip the Animal(s).

(8) Upon a fourth or subsequent violation of Section 14-41 for allowing an Animal(s) to run At Large within a period of 18 months, or upon a fourth or subsequent violation of Section 14-44, or upon a fourth or subsequent violation, in addition to the penalties referenced above, the Court may order that animal(s) be forfeited to the custody of Animal Services and placed for adoption or otherwise humanely disposed of should the Court find that the owner is unfit or unwilling to properly confine or care for the animal.

~~(b) — Enforcement by other means. Violations of Section 14-44 may also be prosecuted in the same manner misdemeanors are prosecuted pursuant to F.S. § 125.69, punishable by a fine not to exceed \$500.00 or by imprisonment in the County jail not to exceed 60 days or by both such fine and imprisonment. Each Animal produced, reared, bred, kept, released, or shot at in violation of Section 14-44(c) shall be deemed a separate offense.~~

SECTION 8. Section 14-53 of the Code of Ordinances of Sarasota County, Florida is amended as follows:

Sec. 14-53. Animal Sale ~~Health~~ Prohibitions and Requirements.

(a) Prohibitions. The following acts shall be a violation of this Article:

- (1) Any Retail Sale from a Commercial Establishment.
- (2) Any Public Thoroughfare, Public Common Area, or Flea Market Sale.

(b) Exemptions. ~~G.~~ The following shall be exempt from the prohibitions in subsection (a) this section:

(1) Animal Shelters.

(2) Animal Welfare Organizations.

(3) Hobby Breeders.

(c) Amortization Period. Any existing Commercial Establishment that is lawfully operating on or before January 27, 2016, shall be permitted to continue the Retail Sale of live Dogs or Cats until January 27, 2017. As a condition of continued operation during the amortization period, a Commercial Establishment shall not increase or enlarge its floor space. A Commercial Establishment shall provide proof of its Retail Sales existing as of January 27, 2016, to the Zoning Administrator through sales receipts, franchise agreements, leases, or other documentation readily authenticated as true and correct documents. Any Commercial Establishment that voluntarily abandons Retail Sale for a period of more than thirty (30) days, or ceases Retail Sale as a result of destruction by fire or other peril, shall lose its nonconforming status.

(d) Adoption of Animals. Nothing in this Article shall prevent a Commercial Establishment from providing space and appropriate shelter, food, or care for Animals owned by any Animal Welfare Organization or Animal Shelter and collecting an Adoption Fee.

(e) Certificate of Source. During the Amortization Period above, Commercial Establishments within Sarasota County shall post and maintain in a conspicuous place, a Certificate of Source of each live Dog or Cat offered for sale or transfer, and shall provide a copy of such certificate to the purchaser or transferee of any Dog or Cat sold or transferred.

(f) Sale and Transfer Requirements for Dogs. ~~A.~~ Before a Dog is offered for sale or transferred:

(1) It shall be a minimum of eight weeks old;

(2) It shall receive fecal exam, vaccines and anthelmintics against the following disease and internal parasites:

(a) Canine distemper; leptospirosis; bordetella; Para influenza; hepatitis; canine parvo; rabies, if the Dog is over four months old and the inoculation is administered by a Veterinarian; roundworm; hookworm and other internal parasites.

(b) The tests, vaccines, and anthelmintics must be administered prior to the Dog being offered for sale, unless a Veterinarian certifies on the official Health Certificate that to inoculate or deworm the Dog is not in the best medical interest of the Dog.

(c) If the Dog is under four months of age the tests, vaccines, and anthelmintics required by this section must be administered no more than 21 days before the sale. If the Dog is four months of age or older, the tests, vaccines, and anthelmintics must be administered at or after three months of age, but no more than one year before the sale. If the Dog is six months of age it will be tested for heartworms.

(g) Sale and Transfer Requirements for Cats. Before a Cat is offered for sale or transferred:

(1) It shall be a minimum of eight weeks old.

(2) It shall receive fecal exam, vaccines and anthelmintics against the following disease and internal parasites:

(a) Panleukopenia, feline viral rhinotracheitis, calici virus, rabies if the Cat is over four months of age and the inoculation is administered by a Veterinarian, hookworm, roundworms and other internal parasites.

(b) The tests, vaccines, and anthelmintics must be administered prior to the Cat being offered for sale, unless a Veterinarian certifies on the official Health Certificate that to inoculate or deworm the Cat is not in the best medical interest of the Cat.

(c) If the Cat is under four months of age the tests, vaccines, and anthelmintics required by this section must be administered no more than 21 days before the sale. If the Cat is four months of age or older, the tests, vaccines, and anthelmintics must be administered at or after three months of age, but no more than one year before the sale.

(3) Each Cat must also be tested for feline leukemia and FIV before being offered for sale.

(h) Official Certificate of Veterinary Inspection (Health Certificate). ~~D.~~ Each Dog and Cat must be accompanied by a current Health Certificate at all times while being offered for sale. Copies of these certificates shall be held by the seller and the Veterinarian for a period of three years.

(i) Veterinarian Examination. ~~E.~~The examination of each Dog and Cat by a Veterinarian must take place no more than 30 days before the sale.

(j) Inspection. ~~F.~~ The records of a Commercial Establishment which engages in a Retail Sale shall be open for inspection by an Animal Services Officer from the Department for compliance with this section of the Code.

(k) Rabies Vaccine. ~~H.~~ The retail seller of Dog, Cat, or Ferret rabies vaccine shall advise the buyer of such vaccine that Florida law requires all Dogs, Cats, and Ferrets that are four months of age or older be vaccinated in accordance with state law.

SECTION 9. This Ordinance shall take effect upon the filing with the Secretary of State of Florida.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida, this ___ day of _____, 2015.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: _____
Chair

ATTEST:

KAREN E. RUSHING, Clerk of Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners of
Sarasota County, Florida

By: _____