AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA
COUNTY, FLORIDA, AMENDING THE CODE OF
ORDINANCES OF THE COUNTY OF VOLUSIA, BY
AMENDING ARTICLE II OF CHAPTER 14 – ANIMALS;
AMENDING SECTION 14-31, INCORPORATING
ADDITIONAL DEFINITIONS APPLICABLE TO CHAPTER
14, ARTICLE II; AMENDING SECTION 14-32, PROVIDING
PENALTIES FOR VIOLATING CHAPTER 14, ARTICLE II;
AMENDING SECTION 14-33, ADDRESSING CONFLICTS
BETWEEN PROVISIONS; AMENDING SECTION 14-34,
PROVIDING FOR JURISDICTION AND AUTHORIZING
ENFORCEMENT; AMENDING SECTION 14-35,
PROVIDING FOR ANIMAL CONTROL OFFICERS;
AMENDING SECTION 14-36, PROVIDING FOR AN
ANIMAL CONTROL BOARD; AMENDING SECTION 14-37,
PROHIBITING INTERFERENCE WITH ANIMAL
CONTROL OFFICER OR HUMANE SOCIETY
PERSONNEL; RENUMBERING SECTION 14-38 AS
SECTION 14-40 AND REPLACING IT WITH SECTION 14-
38 PROHIBITING THE MISTREATMENT OR
ABANDONMENT OF DOMESTIC ANIMALS;
RENUMBERING SECTION 14-39 AS SECTION 14-41 AND
REPLACING IT WITH SECTION 14-39 PROVIDING FOR
TETHERING OF ANIMALS; AMENDING SECTION 14-38
AND RENUMBERING IT AS SECTION 14-40 PROVIDING
FOR THE IMPOUNDMENT OF ANIMALS FOUND IN
DISTRESS OR ABANDONED; AMENDING SECTION 14-39
AND RENUMBERING IT AS SECTION 14-41 PROVIDING
FOR THE METHODS OF ENFORCEMENT AND
INVESTIGATIONS; AMENDING SECTION 14-40 AND
RENUMBERING IT AS SECTION 14-42 PROVIDING FOR
CLASSIFICATION OF DANGEROUS DOGS; AMENDING
SECTION 14-41 AND RENUMBERING IT AS SECTION 14-
43 PROVIDING THE DUTY OF ANIMAL OWNERS TO BE
RESPONSIBLE; AMENDING SECTION 14-42 AND
RENUMBERING IT AS SECTION 14-44 PROVIDING FOR
VACCINATION OF ANIMALS; AMENDING SECTION 14-43
AND RENUMBERING IT AS SECTION 14-45 PROVIDING
FOR THE LICENSING OF ANIMALS AND FERAL CAT
COLONY EXEMPTION FROM LICENSING; AMENDING
SECTION 14-44 AND RENUMBERING IT AS SECTION 14-
46 PROVIDING FOR RABIES CONTROL; AMENDING
SECTION 14-45 AND RENUMBERING IT AS SECTION 14-
47, PROVIDING FOR THE RESTRAINT OF ANIMALS ON
ITS OWNER’S PROPERTY; AMENDING SECTION 14-46 AND RENUMBERING IT AS SECTION 14-48 PROVIDING FOR RESTRAINT OF ANIMALS WHILE OFF ITS OWNER’S PROPERTY; DELETING SECTION 14-47 IN ITS ENTIRETY; AMENDING SECTION 14-48 AND RENUMBERING IT AS SECTION 14-49 PROVIDING FOR NUISANCE ANIMALS; AMENDING SECTION 14-49 AND RENUMBERING IT AS SECTION 14-50 PROVIDING FOR TRANSPORTING DOGS OR CATS FOR SALE IN VOLUSIA COUNTY; AMENDING SECTION 14-50 AND RENUMBERING IT AS SECTION 14-51 PROVIDING FOR SAFEGUARDING FEMALE DOGS OR CATS IN HEAT; AMENDING SECTION 14-51 AND RENUMBERING IT AS SECTION 14-52 PROVIDING FOR THE DISPOSITION OF DEAD ANIMALS; DELETING SECTION 14-52 IN ITS ENTIRETY; AMENDING SECTION 14-53 PROVIDING FOR DUTIES OF A DRIVER WHEN VEHICLE STRIKES AN ANIMAL; AMENDING SECTION 14-54 PROHIBITING THE DISPOSAL OF LIVE ANIMALS TO BE USED FOR EXPERIMENTATION OR VIVISECTION; AMENDING SECTION 14-55 PROHIBITING THE SALE OF DOGS OR CATS FOR HUMAN OR ANIMAL CONSUMPTION; AMENDING SECTION 14-56 PROVIDING FOR HOBBY BREEDER PERMITS AND REGULATIONS; AMENDING SECTION 14-57 PROVIDING FOR A SPECIAL MAGISTRATE TO HEAR MATTERS RELATED TO ANIMAL CONTROL; AMENDING SECTION 14-58 PROVIDING FOR MANDATORY SPAYING AND NEUTERING OF ANIMALS WITH EXCEPTIONS; DELETING SECTION 14-59 IN ITS ENTIRETY AND REPLACING IT WITH SECTION 14-59 PROVIDING FOR THE SURRENDER OF STRAY ANIMALS TO ANIMAL HOLDING FACILITIES; AMENDING CHAPTER 14, ARTICLE II BY ADDING SECTION 14-60 PROHIBITING PERSONS FROM CONCEALING UNOWNED OR FOUND ANIMALS; AMENDING CHAPTER 14, ARTICLE II BY ADDING SECTION 14-61 PROHIBITING CONFINING AN ANIMAL IN A MOTOR VEHICLE AND PROVIDING IMMUNITY FOR PERSONS WHO RESCUE ANIMALS FOUND IN DISTRESS IN A MOTOR VEHICLE; AMENDING CHAPTER 14, ARTICLE II BY ADDING SECTION 14-62 PROVIDING FOR THE REDEMPTION AND DISPOSITION OF IMPOUNDED OR UNWANTED ANIMALS; AMENDING CHAPTER 14, ARTICLE II BY ADDING SECTION 14-63 PROVIDING FOR THE REGULATION AND REGISTRATION OF GUARD DOGS; AMENDING CHAPTER 14, ARTICLE II BY ADDING SECTION 14-64 PROHIBITING THE RETAIL SALE OF DOGS OR CATS;
WHEREAS, Volusia County seeks to update Chapter 14 of the Code of Ordinances, County of Volusia, pertaining to animals and animal control;

WHEREAS, Chapter 828, Florida Statutes, provides authorization for county agents to investigate violations of Chapter 828 regarding protecting children and animals or preventing any act of cruelty thereto; and

WHEREAS, Section 828.27, Florida Statutes, provides express authorization for the governing body of a county to enact ordinances relating to animal control or cruelty; and

WHEREAS, Section 828.28, Florida Statutes, provides express authorization for local animal licensing ordinances; and

WHEREAS, Section 828.30, Florida Statutes, requires all dogs, cats, and ferrets four (4) months of age or older to be vaccinated by a licensed veterinarian, unless exempted by statute; and

WHEREAS, Volusia County wishes to avail itself of the process provided in Section 828.27, Florida Statutes, for the enforcement and violations of local animal control and cruelty ordinances;

WHEREAS, Chapter 767, Florida Statutes, authorizes the classification of dangerous dogs; and

WHEREAS, the County may enforce Chapter 14 of the Code of Ordinances of Volusia County through any other means, including, but not limited to, the procedures provided in Chapter 162, Florida Statutes.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

SECTION I: Chapter 14, Article II, Section 14-31 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

**Abandoned Animal** means to give up possession of, to cease caring for, or to forsake an animal entirely, or to refuse to provide or perform care and support of an animal.

**Adequate food** means uncontaminated, wholesome, palatable food of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The food must be appropriate for the species, individual animal’s age, and individual animal’s condition.

**Adequate health care** means providing to an animal at a minimum immunizations and preventative care required to maintain good health and the provision to each sick, diseased, or injured animal veterinary care or humane euthanasia.

**Adequate shelter** means a structurally sound, properly ventilated, sanitary, and weather-proof shelter suitable for the species, condition, and age of the animal, which provides access to shade from direct sunlight and protection from exposure to inclement weather.

**Adequate water** means continual access to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species and in sufficient amounts to maintain good health. Such water shall be provided in a secure manner so that the container cannot be overturned.

**Adult animal** means any domesticated animal, including, dogs, cats, and ferrets, over the age of six four (4) months.

**Animal** for the purpose of enforcement by animal control officers acting pursuant to this Article in the unincorporated areas of the county and any included municipality, shall mean dogs and cats any dumb creature that is a member of the mammalian, avian, reptilian, or amphibian species, except that sections controlled by statute shall be governed by the statutory definition of animal.

**Animal care facility** means any person, group, or business that provides for the care, sustenance, housing, maintenance, or other necessary care of an animal, including, but not limited to, veterinary facilities, boarding facilities, groomers, animal sitters / foster care, animal rescues, and animal shelters.

**Animal Control Authority** means the County Manager, and the Animal Control Division, or its successors acting alone or in concert with other local governmental units and authorized by them to enforce the animal control laws of the
city, municipalities, County, or State. The Volusia Sheriff’s Office may also carry out the
duties of the Animal Control Authority under this Article.

Animal control Services Division means the enforcement and investigative agency
of the County relating designated to enforce the provisions of this chapter.

Animal Control Officer means any individual person employed, contracted with,
or appointed by the Animal Control Authority for the purpose of aiding in the
enforcement of this article, ordinance or any other law or act relating to the licensure of
animals, control of animals, or seizure and impoundment of animals and includes any
state or local law enforcement officer or other employee whose duties in whole or in part
include assignments that involve the seizure and impoundment of any animal who meets
the qualifications set forth in Section 828.27, Florida Statutes, as amended. Animal
Control Officers shall be authorized to investigate, on public or private property, civil
infractions relating to animal control or cruelty, to issue citations for violations of this
Chapter, and to assist in criminal investigations relating to animal control or cruelty.

Animal exposed to rabies means any animal bitten by or that has associated with
any animal determined by the Health Officer, or the Animal Control Officer, or other qualified health professional to be infected with rabies.

Animal holding facility means a public or private animal shelter or humane
organization designed to house abandoned or lost domestic animals in a safe and secure
holding area for a prescribed period of time to allow owners an opportunity to reclaim their
animal control.

Animal quarters means the area of a premises, including, but not limited to, and all
buildings, pens, yards, and their appurtenances used for the keeping of dogs and
cats.

Approved standard means the standard by which a dog or cat is judged for
conformation by the appropriate national or international breeders’ organization.

Caregiver for an animal means any person who provides food, water, or shelter to
or otherwise cares for an animal, feral or domesticated, for a period of at least twenty-four
(24) hours or more, whether of their own volition or by request of the owner of an animal.

Cat means any feline animal of any age that is a member of the species
scientifically known as Felius Catus, or any genetic hybridization of Felius Catus, which
is not a species under the jurisdiction of the Florida Fish and Wildlife Conservation
Commission.

Chain, cable and trolley, rope or tether means a restraint of sufficient strength to
hold the animal.
Commercial animal establishment means any pet shop, animal grooming shop, flea market, department store, guard dog training facility, riding school, any type of kennel, cattery, or any other premises or property where animals are available for sale as a part or whole of a business concern.

Dangerous dog means any dog that according to the records of the Animal Control Authority:

1. Has aggressively bitten, attacked, endangered, or has inflicted severe injury to or death of a human being on public or private property;

2. Has more than once severely injured or killed a domestic animal while off its owner's property;

3. Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or

4. Has, when unprovoked, chased, or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the Animal Control Authority.

Direct control of an animal means immediate and continuous physical control of an animal at all times, such as by means of a fence or leash not to exceed six (6) feet in length and of sufficient strength to restrain said animal. This definition shall not apply to herding dogs, dogs in the process of hunting, police dogs, dogs participating in a registered field trial, dogs participating in obedience training or trials, or dogs securely contained on its owner's property.

Dog means any canid, an animal of any age that is a member of the species scientifically known as Canis Lupus Familiaris, or any generic hybridization of Canis Lupus Familiaris, which is not a species under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Dog under restraint shall mean any canine secured by a leash, chain, rope, tether or cable and trolley; securely and humanely confined within a vehicle, parked or in motion; caged or tethered in the open bed of a pickup truck; confined within a house, building, fence, crate, pen or other enclosure; or controlled by the voice command of a responsible person who is with the dog at all times.

Domestic animal means an animal kept for enjoyment or companionship rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of people and is dependent upon people for food, shelter, and survival.
Ear-tipping means a straight line cut while the cat is anesthetized removing approximately a quarter-inch off the tip of the cat's left ear, which is a universal sign of a sterilized, unowned cat that has been spayed or neutered.

Euthanasia of an animal means the humane and painless putting to death of an animal that is hopelessly sick, injured, or irredeemably dangerous, by means as prescribed in Chapter 828, Florida Statutes, as amended.

Exotic species means any nondomestic animal whose natural habitat is outside of the State of Florida.

Feral cat or dog means a dog or cat whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication, which has: an uncared for condition, such as rough coat, underweight, or poor general health; cannot be handled without injury to a person or it; displays violent or aggressive behavior; or has no observable indication of ownership or identification, such as a tag, ear tag, microchip, or tattoo.

Feral cat volunteer means a person who provides assistance to the County’s feral cat trap-neuter/spay-return program. A feral cat volunteer shall not be considered the owner or caregiver of a feral cat so long as the feral cat remains free roaming and is not sheltered or fed in any way by the feral cat volunteer.

Ferret means a domesticated usually albino, brownish, or silver-gray animal of the Mustela putorius furo species.

Grooming shop means any commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Guard dog means any type of dog used primarily for the purposes of defending, patrolling, or protecting business property or life, but shall not include any working stock dogs used primarily for handling and controlling livestock or farm animals.

Guard dog registration means the process of registering a guard dog with the Animal Services Division for purposes of documenting pertinent data of the dog, which shall include name, address, and telephone number of the guard dog service, the service's manager, the owner (if other than the service), the handler, if any; the dog's breed, sex, color, microchip registration number, if applicable; certification of rabies vaccination; any other distinguishing physical characteristics of the dog, and any "stop attack/release" commands.

Guard dog service means any person, firm, or corporation which trains, sells, rents, leases, or loans guard dogs for the purpose of defending, patrolling, or protecting properties or persons.
Harbor means to own, keep, or provide care, shelter, protection, refuge or nourishment to an dog or cat animal.

Hearing officer means a person appointed by the county in accordance with section 14-57.

Hobby breeder means a person other than a pet dealer who shelters, breeds, or trains a single breed of dog or cat, to conform to an approved standard of competition. The owner of a hobby breeder facility must shall be in good standing and have active, current registration privileges intact with the appropriate national animal registry. The owner hobby breeder shall have three (3) years' documented experience in show clubs and participation in show trials for the single breed of dog or cat being bred.

Hobby breeder facility means kennels or catteries operated by a hobby breeder that conform to the standards set out in this Article under section 14-56.

Humane manner means a manner consistent with the physical and behavioral needs of a species, including but not limited to adequate heat, ventilation, and sanitary shelter; wholesome food and water consistent with the normal requirements and feeding habits of the particular animal according to its size, species, and breed; and necessary veterinary care.

Impounding or holding facility means any one or combination of a pet shop, kennel, cattery, or humane society facility or any facility or place the county or municipality may so designate.

Kennel or cattery means any premises where animals are kept for profit rather than enjoyment, by boarding, grooming, buying, training, selling, letting-for-hire, or offering of stud services. Animal hospitals maintained by a Florida licensed veterinarian, shelters operated by the Animal Services Division, or tax exempt animal care facilities shall not be considered kennels or catteries.

Licensed veterinarians means all veterinarians actively engaged in the practice of that profession in the state, who are duly registered and licensed as such by the state, and who are authorized to vaccinate dogs and cats against rabies and to execute certificates of vaccination.

Livestock means all animals of the bovine, equine, capra, ovis, porcine, or avian species of domesticated poultry, or any other animals used in and for utility or preparation of products for commercial or private use.

Microchip or electronic implantation means an electronic animal identification device (EAID) implanted into an animal.

Neuter means the medical procedure of rendering a male dog or cat permanently incapable of breeding.
Nuisance animal means an animal that unreasonably annoys or harasses humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of persons, other than their owners, to the reasonable, quiet enjoyment of life or property.

Official health record means a certificate signed by a licensed veterinarian that shows the age, sex, breed, name, description, and health record of an animal, as well as the name, address, and phone number of the owner.

Owner means any person, firm, corporation, humane society, public or private nonprofit organization who harbors a dog or cat controlling, harboring, keeping, possessing, boarding, or owning an animal. If the person purporting to own a dog or catanimal is a minor, as defined by Florida Statutes, the minor’s parent(s) or legal guardian(s), shall be deemed the owner of the dog or catanimal for purposes of this eChapter. Any animal may be deemed to be owned by a person if the person feeds or shelters the animal for five (5) or more consecutive days.

Person means an individual, a natural person or persons, firm, association, partnership, corporation, limited liability company, trust, or any association of persons or other entity, legal or otherwise.

Pet dealer means any person who in the ordinary course of business engages in the sale of more than two litters, or 20 dogs or 20 cats, per year, whichever is greater, to the public. Such definition includes breeders of animals who sell such animals directly to a consumer.

Primary enclosure means a structure used to immediately restrict one or more catsanimals to a defined or limited amount of enclosed space, such as a room, pen, run, cage, or compartment.

Proper enclosure of a dangerous dog, while on the owner’s property, means a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements. A dangerous dog warning sign shall be posted on such pen or enclosure.

Public nuisance animal means any animal to which any of the following conditions apply:

1. Animals that are found within a residential zoned area and not under restraint as defined in this article; or in areas zoned other than residential, are off the premises of the owner and not under command of the owner;

2. Animal that damages the property of anyone other than its owner;
(3) Animals that are dangerous animals;

(4) Animals that cause unsanitary conditions of enclosures of surroundings as determined by the county health officer;

(5) Animals that are diseased animals dangerous to human health;

(6) Animals that bark excessively or make prolonged and disturbing noises interfering with the peace and quietude of the neighboring property; or

(7) Animals that have been determined to be strays.

Quarantined animal means the strict indoor confinement, isolation, and observation of an animal for symptoms of a contagious or dangerous condition, including, but not limited to rabies. Such confinement shall prevent the animal from coming into unplanned contact with any other animal or human being for a period of ten (10) days from the date of its exposure to the contagious or dangerous agent.

Recognized animal club means any national, regional, or local dog club or cat club which is chartered, organized, and has by-laws, directors, and members.

Restraint means the control of an animal by leash not to exceed six (6) feet in length and of sufficient strength to restrain said animal, fence, building, cage, crate, or other secure enclosure that prevents the animal from roaming at large.

Sanitary means clean and free from infection causing elements, deleterious influences, odors, or vermin-harboring debris.

Secure enclosure means confinement of an animal in a building or other enclosure that is locked, enclosed, or otherwise secured so as to limit access to the animal only to authorized animals or persons.

Service animal means a dog or cat that has been individually trained to do work or perform tasks for an individual with a disability meeting the definition of service animal as defined in 28 C.F.R. § 36.104 and F.S.§Section 413.08(1)(d), Florida Statutes, as may be amended from time to time. The task(s) performed by the dog must be directly related to the person’s disability.

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

Spay means the medical procedure of rendering a female dog or cat permanently incapable of breeding.
Stray animal or stray (used as a noun) means any unlicensed and unattended domestic animal that is wandering at large, lost, or roaming off the premises without supervision of its owner or person.

Trap-Neuter/Spay-Release or TNR program means a program in which feral cats are trapped, neutered/spayed, ear tipped, vaccinated against rabies, and returned to the cat’s original location of impoundment.

Unaltered shall mean an animal that has not been spayed or neutered.

Unprovoked behavior of an animal means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.

Without provocation has the same meaning as unprovoked.

Wild animal means any living non-domesticated species defined as wildlife by the wildlife code of the Florida Fish and Wildlife Conservation Commission.

SECTION II: Chapter 14, Article II, Section 14-32 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 14-32. Penalty.

(a) It shall be a violation to fail to comply with any of the requirements or restrictions set forth in this Article.

(b) A violation of this Article is a civil infraction which carries a maximum civil penalty not to exceed $500.00. The amount of said penalties shall be established by the Council by separate resolution or schedule.

(c) A citation from an Animal Control Officer or officer may be issued to any person believed to have committed a civil infraction of this Article, based on probable cause.

(d) Any citation issued must contain the provisions required by Section 828.27, Florida Statutes, as may be amended. The Citation must clearly inform the person of any mandatory court appearance.

(e) If a person who has committed such a civil infraction does not contest a citation issued to him or her, the civil penalty imposed shall be less than the maximum civil penalty.

(f) Pursuant to Section 828.27(4)(b), Florida Statutes, a surcharge of up to five dollars ($5.00) shall be imposed upon each citation issued pursuant to this Article. The proceeds from such surcharge shall be used to pay the cost of training the Animal Control Officers.
(a)(g) If a person fails to pay the civil penalty within the specified period, or fails to appear in court to contest the citation, that person shall be determined to have waived their right to contest the citation. A judgment may be entered against the person for an amount up to the maximum civil penalty.

(h) Any expenses imposed on the owner of an animal by operation of this Article which remain unpaid as of the time of judicial handling shall be ordered paid by the owner as a part of the court’s disposition. The County also may seek payment of outstanding expenses as restitution in any companion or related criminal prosecution. In the event of a violation of F.S. ch. Chapter 767, Florida Statutes, or F.S. §Section 828.29, Florida Statutes, the owner shall be subject to applicable criminal penalties in addition to any civil penalties. Further, nothing herein shall relieve the owner of civil liability for injuries or damage which result from actions or inactions that are violations of the provisions herein.

(b)(i) Notwithstanding any other provision of this Article, any person cited for a violation pursuant to this Article may have the citation dismissed if positive proof of compliance is presented to the Animal Control Authority.

SECTION III: Chapter 14, Article II, Section 14-33 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 14-33. Conflicting provisions.

This Article shall supersede any and all other ordinances dealing with animal control within the unincorporated areas of the County, except those ordinances prohibiting or regulating animals on the ocean beaches shall remain in full force and effect.

SECTION IV: Chapter 14, Article II, Section 14-34 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 14-34. Jurisdiction; persons authorized to enforce article.

This Article shall apply to and be enforced in the unincorporated areas of the County and in the incorporated areas of any municipality that contracts with the County to enforce this Article and the animal control laws of the State. Until the date Ordinance No. 2002-16 becomes effective, this article may be enforced by either animal control officers or law enforcement officers of the county and any municipality which contracts with the county to enforce this article and the animal control laws of the state. Upon Ordinance No. 2002-16 becoming effective, section 14-43 of this article shall apply to and be enforced in any municipality which has permitted Ordinance No. 2002-16 to be applicable in its jurisdiction. This Article may be enforced by either Animal Control Officers
SECTION V: Chapter 14, Article II, Section 14-35 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 14-35. Animal Control Officers.

(a) Animal Control Authority. The authority and primary responsibility of the County for enforcement of this Article and the animal control laws of the State is hereby delegated to the County Manager, the Animal Control Services Division, and each Animal Control Officer who is certified according to the laws of the State of Florida. Each Animal Control Officer so certified shall have complete police and law enforcement power to enforce this Article and the provisions of State law, rules and regulations relating to animal control in the unincorporated area of the County and in any incorporated area of any municipality that contracts with the County to enforce this Article and the animal control laws of the State.

(b) Animal Control Officer training course.

(1) County-employed Animal Control Officers shall successfully complete a forty (40)-hour minimum standards training course. Such course shall include, but is not limited to, training for animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations. The course curriculum must be approved by the Florida Animal Control Association. An Animal Control Officer who successfully completes such said course shall be issued a certificate indicating that he or she has received a passing grade.

(2) Any Animal Control Officer who was authorized by a county or municipality to issue citations prior to January 1, 1990, is not required to complete the minimum standards training course.

(3) A surcharge of $5.00 shall be collected upon each civil penalty imposed for violation of this article. The proceeds from such surcharges shall be used to pay the costs of training for animal control officers.

SECTION VI: Chapter 14, Article II, Section 14-36 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 14-36. Animal Control Board.

(a) Established. There is hereby established a County Animal Control Board.
(b) Orientation. The county council or county staff will conduct a board orientation in the first quarter of the year in which appointments are to be made. The orientation will acquaint Animal Control Board members with parliamentary procedures, including, Roberts Rules of Order, Sunshine Law, public records law, and county staff that will be assigned to the Volusia County Animal Control Board.

(c) Membership; term of office. The composition, appointment, and term of members of the Animal Control Board shall be as follows:

1. The Animal Control Board shall consist of nine (9) members and may include, whenever possible, a licensed veterinarian, a humane society representative, a cat owner, a member of a kennel club, a hunter, a county citizen from an unincorporated residential area, an owner of livestock, a county citizen from an unincorporated agricultural area, and a county citizen from any unincorporated area with an expressed interest in animal issues. All members shall be electors of Volusia County.

2. All members of the Animal Control Board shall be appointed by and serve at the pleasure of the county council. Any member of the Animal Control Board may be removed from office without cause by the county council. The chairmanperson of the Animal Control Board shall be elected annually from among the appointed members of the Animal Control Board.

3. Terms of the Animal Control Board shall be for two (2) years. However, the term of each member previously appointed to a two year pursuant to this section shall continue automatically, but said term shall expire March 31, 2001. Any member whose term expires before March 31, 2001, is hereby reappointed to serve until March 31, 2001. The county council shall appoint each board member, upon the nomination of a council-member. Each district council member and the at large member shall make one (1) nomination of an elector from within the county. The county chair and at-large member shall each make two (2) nominations of an elector from within the county.

4. No elected official, member of two (2) or more other county boards or commissions, or an employee of county government shall be appointed to serve on the Animal Control Board. If any member fails to attend two (2) meetings in any calendar year, regardless of the reason, the member’s seat shall be deemed vacant.

5. An Animal Control Board vacancy shall be filled upon nomination by the council-member who made the nomination to the vacated position or the successor to that council-member.

(d) Functions. The functions of the Animal Control Board shall be as follows:
(1) Meet at least quarterly, but no more than six (6) times annually, unless otherwise needed.

(2) Recommend to the County Council rules and regulations pertaining to any of the following:
   a. Operation of any County animal control facilities.
   b. Standards and procedures for the control, collection, care, custody, or disposal of animals not under restraint, and animals creating or causing a public nuisance.
   c. Standards for the maintenance of regulated facilities.

(3) Maintain a quorum of five members in attendance in order to conduct any meeting of the animal control board

(e) Quorum. Five (5) members in attendance at a duly noticed meeting shall constitute a quorum and be necessary to conduct any business of the Animal Control Board. The affirmative vote of a majority of the members present at a meeting of the Animal Control Board shall be necessary for any action taken by the Board.

SECTION VII: Chapter 14, Article II, Section 14-37 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 14-37. Interference with Animal Control Officer or humane society personnel.

(a) No person shall interfere with, hinder, resist or obstruct the Animal Control Officer or humane society personnel in the lawful performance of their duties as set forth in this Article or State law.

(b) It shall be unlawful for any person to willingly and knowingly provide false or misleading information to an Animal Control Officer or the Animal Services Division regarding animal ownership, licensing, rabies vaccination, medical treatment, condition, or other matters pertaining to the enforcement of State law or this Article.

(bc) No person shall, without proper authority, release, remove or attempt to release or remove any animal from the custody of the Animal Control Officer or humane society personnel.

(cd) No person shall tear down, burn, deface, destroy, or otherwise injure an impounding facility or enclosure.
Any person found in violation of this section is subject to the penalties prescribed in Section 14-32.

SECTION VIII: Chapter 14, Article II, Section 14-38 of the Code of Ordinances, County of Volusia is hereby renumbered as Section 14-40 and replaced with the a new Section 14-38 which reads as follows:

Sec. 14-38. – Mistreatment and abandonment of domestic animals.

(a) The following acts or omissions shall constitute mistreatment or abandonment of animals under this Article:

(1) No person who has the care, custody, or control of a domestic animal shall fail to provide the domestic animal with adequate food, water, shelter, or veterinary care, or restrain the animal by any means other than those prescribed in this Article.

(2) No domestic animal shall be kept in unsanitary conditions, or in areas where there is vermin-harboring debris, insect infestation, or other material which can provide an opportunity for injury or danger to the animal’s health or welfare.

(3) No domestic animal in the care, custody, or control of a person shall be neglected, beaten, cruelly treated, tormented, overworked, overloaded, abused, mutilated, or inhumanely killed.

(4) No person shall abuse, cause bloodletting, or death of a domestic animal, or procure an animal to abuse, cause bloodletting, or death.

(5) No person other than a licensed veterinarian shall crop the ears or dock the tail of any dog.

(i) It shall be a violation for a person to crop or cut off or cause to be cropped or cut off, the whole or part of the ear, ears, or tail of a dog, or procure an individual who is not a licensed veterinarian to crop, cut off or cause to be cropped or cut off, the whole or part of the ear, ears, or tail of a dog.

(ii) The possession by any person of a dog with an ear or ears cut off or cropped, or tail docked where the wound resulting therefrom remains unhealed shall be prima facie evidence of a violation of this Section, unless the person has documented proof that the cropping or docking was performed by a licensed veterinarian.

(b) No person shall abandon an animal in any public or private place.
(1) If an Animal Control Officer has probable cause to suspect that an animal has been abandoned, but such animal does not appear to be in immediate distress or danger, the Animal Control Officer may leave notices posted in conspicuous places informing the owner or responsible person to contact said officer within twenty-four (24) hours and notifying them that failure to do so may result in the animal being removed from the premises by the Animal Services Division and that a citation may be issued to the owner or person responsible for abandoning the animal.

(2) An abandoned animal removed by an Animal Control Officer shall be deemed a stray animal and will become the property of the Animal Services Division if not claimed by the owner within three (3) business days of the animal being taken.

(c) **Penalty.** Any person found in violation of this Section is subject to the penalties prescribed in Section 14-32.

**SECTION IX:** Chapter 14, Article II, Section 14-39 of the Code of Ordinances, County of Volusia is hereby renumbered as Section 14-41 and replaced with a new Section 14-39 which reads as follows:

**Sec. 14-39. – Tethering.**

(a) No person shall tether an animal to a stationary or inanimate object as a means of confinement or restraint, unless such restraint is temporary and the person is within sight of the animal and the animal is at all times visible to such person.

(b) If a tether is used to temporarily restrain an animal, the tether shall be constructed of a material sufficient to restrain the animal, but may not place the animal 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, or injury of or to the animal. Heavy chains, including, but not limited to, logging chains or vehicle tow chains, shall not be used to tether an animal. The addition of any weight to an animal’s collar, harness, chain, or tether is prohibited.

(c) If a tether is used to temporarily restrain multiple dogs, each dog must be on a separate tether, be tethered with sufficient space between the dogs to avoid any entanglements, and not be secured to the same fixed object.

(d) Any temporary tether shall be of a length and weight to allow an animal to move at least ten (10) feet in all directions from the point of tethering.

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

(f) Any tethered animals must be at least six (6) months of age and may not be sick, injured, in distress, or in the advanced stages of pregnancy.

(g) No tether may extend any closer than six (6) feet from the perimeter fence or lot line. If the tether 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 animals are temporarily tethered, the animals shall be tethered separately with no sharing of running lines, or near enough to each other that the animals may become tangled.

(h) No animal shall be temporarily tethered so that the animal has access to public property, including easements and rights-of-way, or the property of another.

(i) No animal shall be tethered in a manner that results in the animal being left in unsafe or unsanitary conditions or that forces the animal to sit, stand, or lie down in its own excrement or urine.

(j) When a dog or cat is transported in the bed of a vehicle, the dog or cat shall be safely and properly transported in a box, kennel, crate, or similar enclosure specifically designed for transporting dogs or cats and the transportation enclosure must be secured to the vehicle bed so that it does not move during transport. Dogs and cats shall not be transported in the open bed of a vehicle unrestrained.

(k) No animal shall be tethered during a natural disaster or weather related Governor Declared State of Emergency or Local State of Emergency regardless of whether a person is within sight of the animal or the animal is at all times visible to such person.

(l) The provisions of this Section do not apply to a dog that is:

1. Tethered temporarily while it is receiving medical care or treatment under the supervision of a licensed veterinarian or is being groomed.

2. Participating temporarily in an exhibition, show, contest, or other event in which the skill, breeding, or stamina of the dog is judged or
examined. However, such dogs at all other times in all other respects shall be subject to this and other ordinances.

(3) Being kept temporarily at a camping or recreation area.

(4) Being trained or used by a Federal, State, or local law enforcement agency, or military or National Guard unit.

(5) A hunting dog when engaged in any legal hunting activity or training procedure. However, such dogs at all other times in all other respects shall be subject to this and other ordinances.

(m) Penalty. Any person found in violation of this Section is subject to the penalties prescribed in Section 14-32.

SECTION X: Chapter 14, Article II, Section 14-38 of the Code of Ordinances, County of Volusia is hereby renumbered as Section 14-40 and amended to read as follows:

Sec. 14-3840. Impoundment of animals found or abandoned.

(a) Animals subject to impoundment.

(1) Any unrestrained or unlicensed animal required to licensed may be impounded by the animal control officer.

(2) Any animal creating a public nuisance as defined in this article may be impounded by the animal control officer, except that hunting dogs shall be exempt from the terms of subsections (1) and (6) of the definition of the term “public nuisance animal” in section 14-31 when engaged in a hunt or not under restraint as a result of a hunt during legally declared hunting seasons, as designated from year to year by the state game and freshwater fish commission.

(3) Any dog for which a final determination has been made that there is sufficient cause to deem the dog as dangerous whose owner fails to comply with the requirements of F.S. § 767.12, or its successor and subsections 14-40(g) and (h) of this article or its successor within the time period provided therein. The dog shall remain impounded until the owner complies with all of the provisions of subsections 14-40(g) and (h) of this article. Should the owner continue to fail to comply with subsections 14-40(g) and (h) of this article and the referenced statute for a period of 14 days from the date of the impoundment, then the animal control division may seek injunctive relief to enjoin the return of the dangerous dog to its owner and such other relief as the court deems appropriate. Authority. Animal Control Officers shall have the authority to impound any animal found or
abandoned. Any animal so impounded may be taken to a veterinarian without the owner's consent for examination and treatment, if necessary. The owner of said animal shall be liable for all costs incurred. Any animal impounded under the provision of this Section and not redeemed by its owner after three (3) business days shall become the property of the Animal Services Division.

(b) Redemption of impounded animals.

(1) Except for animals impounded pursuant to subsection (a)(3) of this section, where an impounded animal bears an indicium of ownership, the Animal Control Officer shall notify the owner or keeper of said animal's impoundment by direct conversation, telephone message, written notice which is posted at the owner's last known address, or sent to the owner's last known address by certified U.S. mail, return receipt requested. Said animal shall only be required to be held for the owner for three (3) working business days from the date of notification to the owner. At the expiration of said three (3) business days, if no owner has appeared to claim the impounded animal, said animal shall be deemed unowned and may be disposed of as provided in subsection (c) of this section. An owner of an animal impounded shall pay the impoundment fees before the animal will be released to the owner.

(2) Animals impounded pursuant to subsection (a)(3) of this section may only be redeemed upon full compliance with this article as demonstrated satisfactorily to the appropriate animal control officer or pursuant to a court's order and upon payment of all impoundment fees shall be spayed or neutered, unless the owner can demonstrate a valid exemption. No unclaimed animal shall be released for adoption without being sterilized prior to adoption.

(3) Working day shall mean a day in which the impounding facility is open for normal operating activities.

(4) Any dog or cat impounded in accordance with this section shall be spayed or neutered, or the owner shall obtain an unaltered animal permit for that dog or cat within 30 days of being redeemed, unless the owner has previously obtained an unaltered animal permit for that dog or cat in accordance with section 14-58. Documentation evidencing completion of the spay or neuter procedure shall be provided to the animal control division within this 30-day period. Any application for an unaltered animal permit filed to satisfy the terms of this section shall be filed with the animal control division within 72 hours of the dog or cat being redeemed.
(c) Disposition of impounded animals. Any unclaimed animal shall become the property of the county Animal Services Division. The Animal Services Division shall determine the appropriate disposition of the animal, which may include, but is not limited to, being humanely destroyed, transferred to a humane society, or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with all of the provisions of this Article.

(d) Fees. Impounding agencies shall charge impoundment fees plus fees for the animal's care, feeding, and maintenance. These fees shall be established by recommendation by the animal control board in cooperation with agreements between the Animal Services Division and the holding facilities, and subject to approval by resolution of the County Council.

(e) Impounding facilities. The County may construct and operate impounding or holding facilities or contract with organizations with such facilities to provide adequate animal impounding for the county.

SECTION XI: Chapter 14, Article II, Section 14-39 of the Code of Ordinances, County of Volusia is hereby renumbered as Section 14-41 and amended to read as follows:

Sec. 14-3941. Methods of enforcement; investigations.

(a) Procedures.

(1) An Animal Control Officer who has probable cause to believe that a person has committed an act in violation of this Article or applicable State law shall do one or more of the following:

a. Issue a notice of violation citation to the person who is in violation of this Article. Such notice of violation citation may be contested in the County Court for Volusia County. It shall state the date and time of the issuance of the notice, the name and address of the person in violation, the date of the offense, the offense committed, a description of the animal involved, and a demand that the offense be abated within 24 hours after the issuance of the notice. If the person shall fail to abate the offense, then the animal control officer may issue a citation to the person; and/or If a person fails to pay the civil penalty or fails to appear in court to contest the citation, the court may issue an order to show cause upon the request of the County Manager or their designee. This order shall require such a person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such an order fails to appear in response to the court's directive, that person may be held in contempt of court.
Impound the animal involved. Such animal may be redeemed as provided in subsection 14-38(b), unless said animal is impounded pursuant to subsection 14-38(a)(3); and/or persons in violation of Sections 14-39, 14-44, 14-45, 14-48, and 14-58 of this Article will receive a citation for the violation; however, a ten (10) day period will be provided to the owner to come into compliance. If said person comes into compliance within ten (10) days and pays any applicable administrative fee to the Animal Services Division, the citation shall be voided and shall not require a fine.

Issue a citation to the person who is in violation of this article. Such a citation may be contested in the county court. If a person fails to pay the civil penalty or fails to appear in court to contest the citation, the court may issue an order to show cause upon the request of the county manager or his designee. This order shall require such a person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such an order fails to appear in response to the court’s directive, that person may be held in contempt of court. Impound the animal involved. Such animal may be redeemed as provided in Subsection 14-40(b) of this Article.

Certain aggravated violations of this Article which result in the unprovoked biting, attacking, or wounding of a human being or domestic animal; violations resulting in the destruction or loss of personal property; second or subsequent violations of section 14-59; or violations resulting in the issuance of a third or subsequent citation to a person will require a mandatory court appearance.

Investigations. The Animal Control Officer may request the owners of an animal to exhibit the animal, produce ownership records, produce records of current rabies vaccination and, if applicable, the license of such animal or county licensing, or produce proof of veterinary care.

It shall be the duty of the Director of the Animal Control Division to keep the following records:

- Accurate and detailed records of the licensing, impoundment, and disposition of all animals coming into his or her custody;
- Accurate and detailed records of all reported dog bite cases and investigations in the unincorporated areas of the County;
- Accurate and detailed records on all money collected and expended in the operation of the functions of his or her office; and
d. Accurate records of all rabies certificates in the unincorporated areas of the County.

(2) All records required by this Section shall be subject to inspection by the County Manager or designee thereof.

SECTION XII: Chapter 14, Article II, Section 14-40 of the Code of Ordinances, County of Volusia is hereby renumbered as Section 14-42 and amended to read as follows:

Sec. 14-402. Classification of dogs as dangerous; destruction.

(a) Authority. The provisions of F.S. §§ Sections 767.10—767.16, Florida Statutes, or their successor are hereby adopted and incorporated herein by reference. No provision of this Ordinance shall be construed to lessen any valid provisions of F.S. §§ Sections 767.10—767.16, Florida Statutes, as such sections currently exist or may be amended from time to time.

(b) Enforcement. The Animal control Services Division shall enforce the provisions of F.S. §§ Sections 767.12, 767.13, 767.135, and 767.136, Florida Statutes, as may be amended from time to time, governing the classification of dangerous dogs and destruction of dangerous dogs, respectively. The Animal control Services Division shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner of the dog and require a sworn affidavit from any person, including but not limited to, any Animal control Officer or law enforcement officer, desiring to have a dog classified as dangerous.

(1) An animal that is the subject of a dangerous dog investigation because of severe injury to a human being may be immediately confiscated by the Animal control Services Division, placed in quarantine, if necessary, for the required length of time, or impounded and held. The dog may be held pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this Section. If the dog is to be destroyed, the dog may not be destroyed while an appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal dog pending any hearing or appeal.

(2) An animal dog that is the subject of a dangerous dog investigation, that is not impounded with the Animal control Services Division, shall be humanely and safely confined by the owner in a securely fenced or enclosed area secure enclosure. The use of an electronic or invisible dog fence shall not constitute a "securely fenced or enclosed area" for the purposes of this Section. The animal dog shall be confined in such manner
pending the outcome of the investigation and the resolution of any hearings or appeals related to the dangerous dog classification or any other penalties imposed under this section. The address at which the animal dog resides shall be provided to the Animal Services Division. A dog that is the subject of a dangerous dog investigation may not be relocated or its ownership transferred pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. If a dog is to be destroyed, the dog may not be relocated or its ownership transferred.

(6) Secure enclosure of a dangerous dog shall mean while on the owner’s or provider’s property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children and designed to prevent the dog from escaping. Such pen or structure shall include a concrete base with a minimum of eight (8) inches of block above concrete base with secure fencing material that is tied into the base and secured behind the block and the enclosure shall further include a full, secure top and locking access door that must remain locked at all times while the dangerous dog is inside. The pen or structure shall also provide adequate ventilation and protection from the elements. The secure enclosure of a dangerous dog shall be located inside a secondary perimeter fence which creates a complete boundary around the area in which the secure enclosure is located. The owner shall post the premises with clearly visible warning signs measuring at least 8 1/2” x 11” in size conspicuously placed at all entry points that informs the public of the presence of a dangerous dog on the property.

(c) **Defenses.** A dog may not be declared dangerous if:

(1) The threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, who while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member.

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

(d) **Notice.** Any written notification to an owner of a dog subject to a proceeding under §§ 767.12, 767.13, 767.135, or 767.136, Florida Statutes, and this Article, shall be by registered certified mail, with return receipt requested, certified affidavit of hand delivery, or service in conformance with the provisions of F.S. ch. Chapter 48, Florida Statutes, relating to service of process.

(e) **Initial determination of sufficient cause.** After the investigation, the Animal Control Services Division shall make an initial determination as to whether
there is sufficient cause to classify the dog as dangerous and, if sufficient cause is found, as to the appropriate penalty under Subsection (gh). The Animal Services Division shall provide written notification of the sufficient cause finding and proposed penalty to the owner by certified registered mail with return receipt requested, affidavit of hand delivery, or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process.

(e)(f) **Hearing.** The Animal Services Division shall afford the owner an opportunity for a hearing prior to the animal control authority's making a final determination regarding the classification or penalty. The animal control division shall provide written notification of the sufficient cause finding and proposed penalty to the owner by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process. To request a hearing before a special magistrate regarding the dangerous dog classification, penalty, or both, the owner shall file a written request for the hearing with the Animal Services Division within seven (7) calendar days after receipt of the notification of the sufficient cause finding and proposed penalty. If the owner requests a hearing, the hearing shall be held as soon as possible, but not later than twenty-one (21) calendar days and not sooner than five (5) days after receipt of the request from the owner. If a hearing is not timely requested regarding the dangerous dog classification or proposed penalty, the determination of the Animal Services Division as to such matter shall become final.

(fg) **Final determination of sufficient cause.** Upon a dangerous dog classification and penalty becoming final after a hearing or by operation of law pursuant to Subsection (ef), the Animal Services Division shall provide a written final order to the owner by registered certified mail with return receipt requested, certified affidavit of hand delivery, or in conformance with the provisions of Chapter 48, Florida Statutes, related to service of process. The owner may appeal the determination, penalty, or both to the Circuit Court of Volusia County, Florida in accordance with the Florida Rules of Appellate Procedure and F.S. § 767.12(4), Florida Statutes, after receipt of the final order. Failure to file the appeal timely waives the owner's right to do so. If the dog is not held by the Animal Services Division, the owner must confine the dog in a securely fenced or enclosed area enclosure as defined in this Section pending resolution of the appeal. The use of an electronic or invisible dog fence shall not constitute a "securely fenced or enclosed area" for the purposes of this section. If the owner files a written appeal under this Section, the dog must be held and may not be destroyed while the appeal is pending. The owner shall be responsible for payment of all fees, boarding costs, and other related expenses incurred by the County during the period a dog is quarantined or impounded under F.S. § 767.12, Florida Statutes.

(gh) **Registration and restrictions.**
(1) Except as otherwise provided in Paragraph (2) below, the owner of a dog classified as a dangerous dog shall:

a. Within fourteen (14) days after issuance of the final order classifying the dog as dangerous or the conclusion of any appeal that affirms such final order, obtain a certificate of registration for the dog from the Animal control Services Division. The owner shall be required to renew the certificate annually. The initial registration fee for the dangerous dog shall be $1,500.00. The owner shall be required to renew the certificate at an annual cost of $500.00. To obtain a certificate of registration or a renewal thereof the owner shall be at least eighteen (18) years of age and shall present to the Animal control Services Division sufficient evidence of:

i. A current certificate of rabies vaccination for the dog.

ii. A proper enclosure to confine a dangerous dog as defined in section 14-342(b)(3).

iii. The posting of the premises with a clearly visible warning sign measuring at least 8 1/2" x 11" in size conspicuously placed at all entry points that informs both children and adults the public of the presence of a dangerous dog on the property.

iv. Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.

v. A certificate from a veterinarian that the dog has been spayed or neutered.

vi. Proof of liability insurance for the premises where the dangerous dog shall be securely enclosed that includes coverage for dog bites or attacks.

vii. If applicable, a notarized statement shall be submitted to the Animal Services Division by the landlord of the dog owner’s premises where the dangerous dog shall be securely enclosed, including, a statement confirming that the landlord shall adhere to all posting regulations and insurance requirements.

b. Immediately notify the Animal control Services Division when the dog:

i. Is loose or unconfined.
ii. Has bitten a human being or attacked another animal.

iii. Is sold, given away, or dies.

iv. Is moved to another address.

Before a dangerous dog is sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the Animal Services Division. The new owner must comply with all of the requirements of this Article and §§ Sections 767.10—767.16, Florida Statutes. If the dangerous dog is moved from this jurisdiction to another within the state, the owner shall advise the new owner that he or she is required to notify the animal control authority in the new jurisdiction and shall be notified. The owner of a dog classified as dangerous who enters the jurisdiction of Volusia County and brings the dog into Volusia County shall immediately notify the Animal Services Division that the dog is in Volusia County and comply with this Article and applicable State laws related to dangerous dogs.

c. Not permit the dangerous dog to be outside a properly secure enclosure unless the dangerous dog is muzzled and retrained by a substantial chain or leash proper restraint with a minimum tensile strength of three-hundred (300) pounds and not exceeding three (3) feet in length attached to an approved harness and under control of a competent person over the age of eighteen (18) years. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but will prevent the dog from biting a person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without muzzle or leash, if the dangerous dog remains within his or her sight and only members of the immediate household or persons eighteen (18) years of age or older are allowed in the enclosure securely fenced or enclosed area when the dog is present. The use of an electronic or invisible dog fence shall not constitute a "securely fenced or enclosed area" for the purposes of this Section. When being transported, such dogs must be safely and securely restrained within a vehicle a secure, marked carrier identifying the dog as dangerous.

(2) If a dog is classified as a dangerous dog due to an incident that causes severe injury to a human being, based upon the nature and circumstances of the injury and the likelihood of a future threat to the public
safety, health, and welfare, the dog may be destroyed in an expeditious and
humane manner.

(hi) Attack or bite by dangerous dog; confiscation; destruction. If a dog that has
previously been declared dangerous attacks or bites a human being or a
domestic animal without provocation, the dangerous dog shall be
immediately confiscated by the Animal control Services Division, placed
in quarantine, if necessary, for the proper length of time, or impounded and
held for ten (10) business days after the owner is given written notification
of confiscation under F.S. §§Section 767.12, Florida Statutes, and thereafter
destroyed in an expeditious and humane manner. This ten (10)-day time
period shall allow the owner time to request a hearing under Subsection
(ef) above. If the owner files a written appeal under Subsection (f) above or
this Section, the dog must be held and may not be destroyed while the
appeal is pending. The owner shall be responsible for payment of all
boarding costs and other fees as may be required to humanely and safely
keep the animal dog during any appeal procedure.

(ij) Attack or bite by unclassified dog that causes death; confiscation;
destruction. If a dog that has not been previously declared dangerous
attacks and causes the death of a human being, the dog shall be
immediately confiscated by the Animal control Services Division, placed
in quarantine, if necessary, for the proper length of time or held for ten (10)
business days after the owner is given written notification under F.S.
§§Section 767.12, Florida Statutes, and thereafter destroyed in an
expeditious and humane manner. This ten (10) business-day time period
shall allow the owner to request a hearing under Subsection (ef) above. If
the owner files a written appeal under Subsection (f) above or this
Section, the dog must be held and may not be destroyed while the appeal
is pending. The owner is responsible for payment of all boarding costs and
other fees as may be required to humanely and safely keep the animal dog
during any appeal procedure.

(ik) Exceptions; hunting dogs; sports/show dogs; law enforcement; service dog.

(1) Hunting dogs are exempt from the provisions of this Article when
engaged in any legal hunt or training procedure. Dogs engaged in training
or exhibiting in legal sports such as obedience trials, conformation shows,
field trials, hunting/retrieving trials, and herding trials are exempt from the
provisions of this Article when engaged in any legal procedures. However,
such dogs at all other times in all other respects shall be subject to this and
other ordinances. Dogs that have been classified as dangerous may
not be expressly forbidden from being used-utilized for hunting these exempt purposes.
(2) Any dog that is owned, or the service of which is employed, by a law enforcement agency is exempt from this Article.

(3) Any dog used as a service dog for blind, hearing impaired, or disabled persons that bites another animal or a human is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination that was administered by a licensed veterinarian.

(4) Any dog declared dangerous shall not be eligible for use as a guard dog.

SECTION XIII: Chapter 14, Article II, Section 14-41 of the Code of Ordinances, County of Volusia is hereby renumbered as Section 14-43 and amended to read as follows:

Sec. 14-43. Duty of animal owners to be responsible owners.

(a) It shall be the duty of every owner of any animal, or anyone having any animal in his or her possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from his or her animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

(b) In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this Article are complied with.

(c) Penalty. Any person found in violation of this Section is subject to the penalties prescribed in Section 14-32.

SECTION XIV: Chapter 14, Article II, Section 14-42 of the Code of Ordinances, County of Volusia is hereby renumbered as Section 14-44 and amended to read as follows:

Sec. 14-44. Vaccination of ferrets, dogs, and cats, and ferrets.

(a) Required. Every owner of any adult ferret, all dogs, or cats, and ferrets within the county shall have such ferret, cat or dog be vaccinated against rabies in compliance with F.S. § 828.30, Florida Statutes, as amended, by a licensed veterinarian of his choice with a vaccine that is licensed for use in such species and in the following manner. Evidence of such vaccination shall consist of a current certificate issued and signed by the veterinarian administering the vaccine, or other reasonable proof. However, except as it may be otherwise required by F.S. § 828.30, as amended, no ferret, dog or cat need be vaccinated where:
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

Such exception certificate is presented to the animal control officer within
five days of such examination. However, the animal shall be vaccinated
against rabies as soon as its health and age permit. Unvaccinated animals
must be confined to owner's property or a veterinary facility.

The cost of the rabies vaccination shall be borne by the owner of the animal.

(1) The animal shall be vaccinated for the first time at four (4) months of
age;

(2) The animal shall be revaccinated at least once every twelve (12)
months after the initial vaccination, except as provided otherwise in
Subsection (3);

(3) For any subsequent vaccinations, the interval between vaccinations
may conform to the vaccine manufacturer's directions for the specific
species of animal; and

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

Certificate of vaccination. Upon vaccination, the licensed veterinarian
administering the vaccine shall provide the owner of the animal with a
rabies vaccination certificate at the time of vaccination. The licensed
veterinarian shall provide, execute, deliver to the animal control officer and furnish to the owner of the animal, as evidence thereof,
a copy of the rabies vaccination certificate in the form required by F.S. §
828.30, as amended within thirty (30) days of the vaccination or
immediately upon demand for the purpose of investigation, public safety,
or other reason of enforcement.

(1) Each veterinarian shall use the form, “Rabies Vaccination Certificate”
of the National Association of State Public Health Veterinarians (NASPHV)
or an equivalent form approved by the Animal Services Division.

(2) Failure to provide the rabies vaccination certificate as required by
this Section shall be deemed a separate and distinct violation by the
veterinarian for each certificate not issued or provided to the Animal
Services Division.
(3) The County shall not use rabies vaccination certificate information submitted to the Animal Services Division by veterinarians for any purpose other than enforcement of the licensing and rabies ordinances and programs.

(c) **Citation for violation.** Any person owning, keeping, possessing, or harboring any dog, cat, or ferret without proof of a current vaccination shall be in violation of this Section. Any such person who is not a licensed veterinarian claiming to have performed or administered a vaccination for rabies shall be deemed in violation of this Section. The cost of the rabies vaccination shall be borne by such person.

(d) **Exception.** Except as it may be otherwise required by Section 828.30, Florida Statutes, as amended, no dog, cat, or ferret need be vaccinated where:

1. A licensed veterinarian has examined the animal and certified that, at such time, vaccination would endanger the animal's health because of its age, infirmity, debility, illness, or other medical condition; and

2. Such exception certificate is presented to the Animal Services Division within five (5) days of such examination. However, the animal shall be vaccinated against rabies as soon as its health and age permit.

3. Unvaccinated animals shall be confined to the owner's property or a veterinary facility.

(e) **Penalty.** Any person found in violation of this Section is subject to the penalties prescribed in Section 14-32.

**SECTION XV:** Chapter 14, Article II, Section 14-43 of the Code of Ordinances, County of Volusia is hereby renumbered as Section 14-45 and amended to read as follows:

**Sec. 14-435. Licensing of dogs, cats and ferrets.**

(a) **Required; payment of license fee.** Except as specifically exempted in this Section, every ferret, dog, and cat and ferret that is four (4) months of age or older, kept by an owner in any municipality over which Volusia County has animal control jurisdiction or in the unincorporated area of Volusia County shall be licensed annually. All owners shall be issued a county license certificate and tag for their animal by the Animal control Services Division upon presentation of reasonable proof of current rabies inoculation or an exception certificate from a licensed veterinarian, or by a licensed veterinarian at the time of inoculating or issuing an exception certificate for an animal. The owner shall pay to the Animal control...
Division, or a person or entity designated by the County to receive such funds, a license fee in an amount recommended by the animal control board and established by resolution of the County Council, which the Animal Services Division or County designee shall collect immediately and issue a receipt. License fees shall not be required for seeing eye dogs identified as part of a hobby breeder program which is in compliance with all hobby breeder licensing requirements or working dogs actively being utilized by a governmental agency like police dogs.

(b) **Duration; renewal.** Any license issued pursuant to this Section shall expire, and become null and void, one (1) year after the date of issuance. The license shall be renewed annually by the owner of the ferret, dog, or cat, or ferret or annually exempted therefrom by other sections of this Article.

(c) **Issuance of tag.** The County license tag issued by the Animal control Services Division or a veterinarian shall be serially numbered, bear the year of issuance, and be attached to the collar or harness of the animal.

(d) **Use of fees collected.** The license fees collected from the owners of sterilized and unsterilized animals may be used on a first come, first serve as available basis, by the Animal control Services Division or County designee for purposes of the County’s mobile spay/neuter clinic program.

(e) **Duplicate tag.** In the event of loss or destruction of an original tag, the owner of the animal may obtain a duplicate tag from the Animal Control Division upon payment of the fee for a duplicate tag.

(f) **Issued licenses.** A license tag issued to an animal shall not be valid for or transferable to any other animal. Any person that owns, keeps, harbors, provides for, or possesses an animal wearing the license tag of another animal shall be in violation of this Section, even if the animal has a valid license of its own.

(g) **Animals exempt from wearing license tag.** Racing — greyhounds; hunting — working dogs, while engaged in a hunt or working; show dogs, while engaged in showing; or dogs engaged in obedience or K-9 training, while under the command or presence of the owner, trainer, or other responsible custodian directly related to the racing, working, hunting, showing, or training activities, respectively, are exempt from wearing the license tag, if tattooed-microchipped. A dog having an identifying tattoo registered with the animal control officer is also exempt from the requirement of wearing a license tag. The licensing provisions of this Article shall not apply to animals remaining in the County for a period of less than thirty (30) days, provided, however, that nothing in this Section shall prohibit an Animal Control Officer...
or other law enforcement officer from demanding proof of rabies vaccination from another state or county, and failure to provide said proof upon demand shall require said animal to be vaccinated under the provisions of this Article within ten (10) days of being issued a citation.

(h) **Feral cat colony; exemption.** Volunteers who assist with a feral cat colony shall be exempt from licensing requirements if the following conditions are strictly adhered to by the volunteer:

1. Regularly and frequently trap feral cats over the age of twelve (12) weeks for purposes of sterilization.
2. Identify all feral cats by having their ears tipped and regularly and frequently trapping any un-tipped feral cats for the purposes of compliance with this Article, including sterilization, vaccination, and ear-tipping.
3. All feral cats with illnesses or injuries that cannot be provided with treatment shall be humanely euthanized to prevent pain and suffering.
4. Never taking a feral cat into the volunteer’s home, any other home, or otherwise possess a feral cat except for the purposes specifically enumerated herein.
5. Never purposefully release a domestic cat into the wild with the hopes that the cat will join or become a part of an existing cat colony.
6. Never feeding or fostering cats such that the volunteer creates a colony of outdoor, domestic cats.

(f) **Duplicate tag.** In the event of loss or destruction of the original tag, the owner of the domesticated animal may obtain a duplicate tag from the animal control officer at the established fee for same.

(g) **Animals exempt from licensing.** The licensing provisions of this article shall not apply to greyhounds kept, maintained or brought into the county for the purpose of racing at licensed greyhound tracks; to animals used as part of entertainment acts when properly controlled; to animals remaining in the county for a period of less than 30 days; or to purebreds kept, maintained or brought into the county for the purposes of training or competition; provided, however, that nothing in this section shall prohibit the demand for proof of vaccination done in another state or county; and failure to provide said proof upon demand shall require said animal to be vaccinated under the provisions of this article.

(h) **Conflict.** An ordinance of any municipality covering the same subject matter as this section shall be considered in conflict herewith.
(i) **Penalty.** Any person who violates a provision of this Section is subject to the penalties prescribed in Section 14-32. If a person violates the regulations related to feral cat colonies, he or she may be permanently banned from being recognized as a volunteer for feral cats or feral cat colonies.

(j) **Enforcement procedures.** Subject to approval of the county council, the animal control division or county designee shall establish procedures for the enforcement of this section.

(k) **Intent.** The county shall not use the rabies vaccination certificate information submitted to the animal control division by licensed veterinarians for any purpose other than enforcement of the licensing and rabies programs.

**SECTION XVI:** Chapter 14, Article II, Section 14-44 of the Code of Ordinances, County of Volusia is hereby renumbered as Section 14-46 and amended to read as follows:

**Sec. 14-446. Rabies control.**

(a) **Report of animals infected with or showing symptoms of rabies.** It shall be the duty of the owner or of any person knowing of an animal infected with or showing suspicious symptoms of rabies or any unusual behavior to report the same within twelve (12) hours to the County Health Officer or the Animal Control Officer.

(b) **Duties of county health reporting officer.**

(1) The County Health Officer or Animal Control Officer shall enforce the applicable state statutes and the applicable rules of the Florida Department of Health and Rehabilitative Services regarding rabies control.

(2) Whenever the County Health Officer or Animal Control Officer is informed that an animal has bitten or scratched a person or is suspected of having or showing suspicious symptoms of rabies or other infectious or contagious disease, the County Health Officer or Animal Control Officer may capture such animal, alive, if possible, and quarantine it under observation for a period of at least ten (10) days from the date of bite or scratch.

(3) The quarantine shall be in the holding facility designated by the County or, at the owner's request and with approval of the County Health Officer or Animal Control Officer, in a licensed veterinary hospital. Quarantined animals shall be released only upon approval of the County
The owner shall bear the cost of the care, feeding, and maintenance of a quarantined animal.

(4) If a quarantined animal dies, the Health Officer, the Animal Control Officer, the bite victim, and the owner of the animal shall be notified by the operators of the quarantine facility. The head of the animal shall be removed and forwarded to one of the State board of health laboratories for pathological examination.

(5) In the event rabies exists in any given area of the County to the extent that circumstances indicate necessity of quarantine and if such quarantine is ordered by the Health Officer or Animal control Services Division, the following requirements shall be enforced by the Health Officer or Animal control Services Division in the area of quarantine:

   a. All animals, vaccinated as well as unvaccinated, must be confined to their owners' premises and will be permitted to be away from the premises only when under proper restraint as required in section 14-32. Confinement to an owners' premises may be by means of secure fencing, cage an appropriate enclosure, or chain attached to a stake or animal run keeping the animal indoors.

   b. All animals found not under proper restraint are to be impounded. Animals may be released to their owners or agents upon payment of impounding fees. No animals will be released from the holding facility except to owners or agents. Unvaccinated animals which have been impounded will not be released to the owners or agents until said animals have been vaccinated or until arrangements have been made with the Animal control Services Division to vaccinate the animals.

   c. Animals will not be adopted by any facilities during a quarantine period.

(6) The owner of any ferret, dog, or cat, or ferret vaccinated with an approved anti-rabies vaccine as set forth in F.S. §Section 828.30, Florida Statutes, as amended, except such ferret, dog, or cat, or ferret exempted from the vaccination in Subsection 14-4424(ac)(4) after receiving approval of the Health Officer or Animal control Services Division, may have such ferret, dog, or cat, or ferret quarantined and confined in a place other than the places specified in Subsection (b)(3) of this Section. However, if at any time during the quarantine it is determined by the Health Officer or Animal control Services Division that the quarantine is not properly maintained in order to ensure isolation of the
animal, this exemption shall be void, and the animal shall be impounded at
the owner's expense.

(7) Quarantined animals may, with the County Health Officer's or
Animal Control Services Division's permission, be quarantined at or
on the owner's property.

(8) Any animal subject to quarantine shall not be vaccinated before the
quarantine period has expired.

(c) Penalty. Any person found in violation of this section is subject to the
penalties prescribed in Section 14-32.

SECTION XVII: Chapter 14, Article II, Section 14-45 of the Code of Ordinances,
County of Volusia is hereby renumbered as Section 14-47 and amended to read as
follows:

Sec. 14-457. Restraint of animals while on property of owner.

(a) Required. It shall be the duty of every owner of any animal, or anyone
having any animal in his or her possession or custody, to ensure that:

(1) The animal is kept under restraint at all times;

(2) Reasonable care and precautions are taken to prevent the animal
from leaving, while unattended, roaming unrestrained outside the real
property limits of its owner, possessor, or custodian; and

(3) The animal is properly restrained by:

a. Securely and humanely confined within a house, building,
fence, crate, pen, or other enclosure; or

b. Humanely secured by chain, cable and trolley, rope or tether
of sufficient strength to prevent escape. If the animal is secured for
more than three consecutive hours a day, the restraint device must
be at least three times the length of the animal and free from
stationary objects and other entanglements at all times; or

e. Leashed or otherwise controlled by a responsible person or is
obedient to the commands of a person present with the animal at any
time if the animal is not secured and humanely confined as provided
for in subsections (a)(3)a. or b. of this section, within a house,
building, fence, crate, pen, or other enclosure. The voice
command must be affirmatively demonstrated as an effective
restraint if upon requested.
(b) Dangerous animals. In addition to the requirements in subsection (a) of this section, an owner who maintains any dangerous dog as defined in F.S. § 767.11(1), or its successor, out of doors must fence a portion of his or her property with a perimeter or area fence. Within this perimeter fence, the dangerous dog must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides and the sides must be either buried two feet into the ground, sunk into a concrete pad, or securely attached to a wire bottom. The gate to the kennel must be locked.

(c) Penalty. Any person found in violation of this Section is subject to the penalties prescribed in Section 14-32.

SECTION XVIII: Chapter 14, Article II, Section 14-46 of the Code of Ordinances, County of Volusia is hereby renumbered as Section 14-48 and amended to read as follows:

Sec. 14-468. Restraint of animals while off property of owner.

(a) Required. It shall be the duty of the owner of any animal or anyone having an animal in his or her possession to keep the animal under restraint and control at all times while the animal is off the real property limits of the owner, possessor, or custodian. For the purpose of this Section, an animal is deemed under control when it is:

(1) Securely confined within a vehicle, parked or in motion; or

(2) Caged or tethered in the open-bed of a pickup truck; or

(3) Securely and humanely confined within a house, building, fence, crate, pen, or other enclosure with the property owner’s consent; or

(4) Humanely secured by a chain, cable and trolley, rope or tether of sufficient strength to prevent escape with the permission of the owner of the property where the restraint is being used; or

(5) Leashed or otherwise controlled by a responsible person or is obedient to the commands of a person present with the animal at any time it is not secured as provided for in Subsections (a)(1), (2), or (3) or (4) of this Section. Any voice command must be affirmatively demonstrated as an effective restraint if requested.

(b) Public parks (excluding the Atlantic Ocean beach). It shall be the duty of the owner of any animal or anyone having an animal in his or her possession
to keep the animal leashed, under secure restraint within a vehicle parked
or in motion, or caged or tethered in the open bed of a pickup truck, at all
times when visiting any public park, except in an area of a public park
designated as a "leash free dog park".

(c) Penalty. Any person found in violation of this Section is subject to the
penalties prescribed in Section 14-32.

SECTION XIX: Chapter 14, Article II, Section 14-47 of the Code of Ordinances,
County of Volusia is hereby deleted in its entirety.

Sec. 14-47. Warning signs of premises where guard dogs or dangerous dogs are kept

(a) All owners, keepers or harborers of any guard dog or dangerous dog shall
display in a prominent place on their premises, and at each entrance or exit
to the area where such dog is confined, a sign easily readable by the public
using the words “BAD DOG”:

(b) Any person found in violation of this section is subject to the penalties
prescribed in Section 14-32.

SECTION XX: Chapter 14, Article II, Section 14-48 of the Code of Ordinances,
County of Volusia is hereby renumbered as Section 14-49 and amended to read as
follows:

Sec. 14-489. Nuisance animals.

Any owner whose animal is determined to be a public nuisance is subject to the penalties
prescribed in Section 14-32.

(a) Required. It shall be the duty of every owner of an animal, or anyone having
an animal in his or her possession or custody, to ensure that the animal is
not a nuisance to the public.

(b) For the purpose of this Section, an animal is deemed in violation and a
nuisance when:

(1) Any animal that makes unreasonable disturbing noises that are
persistent and consistent, including, but not limited to, barking, howling,
whining, screeching, or other utterances causing annoyance, discomfort, or
disturbance of the peace or sleep of a reasonable person. For the purposes
of this Subsection, persistently or continuously shall mean nonstop
utterances for twenty (20) consecutive minutes with individual interruptions
of less than twenty (20) seconds at any time during the twenty (20) minute
utterances. This Subsection shall not apply to animals maintained on land
zoned for agricultural purposes, nor shall it apply to a properly permitted
animal shelter established for the care and/or placement of unwanted or
stray animals, nor a properly zoned commercial boarding kennel or other 
animal facility.

(2) Any animal that damages the property of anyone other than its 
owner.

(3) Any animal that roams on school grounds or in the area of school 
transportation vehicles.

(4) Any animal that causes unsanitary conditions in enclosures or 
surrounds where the animal is kept or confined.

(5) Any person that keeps animals that are dangerous to public health, 
safety, or welfare by virtue of the number or types of animals maintained.

(6) Any animal that disturbs or turns over any garbage containers other 
than its owner.

(7) Any person owning or in possession of an animal that fails to remove 
any excreta deposited by the animal on public walks, recreation areas, 
private property other than its owner’s, or any other place where such 
excreta deposits may create a nuisance injurious to public health.

(c) No person shall offer a bounty for the collection or elimination of an animal 
determined to be a nuisance under the provisions of this Article.

(d) Penalty. Any person whose animal is determined to be a public nuisance 
shall be subject to the penalties prescribed in Section 14-32.

SECTION XXI: Chapter 14, Article II, Section 14-49 of the Code of Ordinances, 
County of Volusia is hereby renumbered as Section 14-50 and amended to read as 
follows:

Sec. 14-4950. Dogs and cats transported into county for sale or gift; sale of animals 
at outdoor markets.

(a) Each dog or cat transported into or within the cCounty for sale and each 
dog or cat offered in the cCounty for sale or gift shall be subject to the 
provisions of F.S. §Section 828.29, Florida Statutes, or its successor as 
amended, which is hereby adopted and incorporated herein by reference.

(b) County-operated or citymunicipality-operated animal control agencies and 
registered, nonprofit humane organizations shall be exempt from the 
provisions of this sSection.
(c) The sale, transfer or display of all live animals at flea markets or related outdoor markets shall be subject to the following restrictions and/or limitations:

(1) A permit will be obtained by the vendor from the animal control board through the animal control authority, upon presentation of a valid county occupational license, prior to any sale, transfer, or display.

(2) All animals must be displayed in crates which meet current minimum United States Department of Agriculture requirements regarding crating of live animals. There shall be no more than two animals per crate.

(3) Crates will allow for a free flow of air. The crates shall be displayed in such a manner that access to the animals is controlled by the vendor.

(4) A source of heat and mechanical ventilation shall be available at the side for use as necessary.

(5) All animals must be kept in a clean and sanitary environment.

(6) All animals must be located under a permanent roofed structure and be in a shaded area.

(7) All animals shall be provided with adequate water and food which is available to them at all times.

(8) The owner or manager of the flea market or related outdoor market shall inspect the site of all animal vendors on a daily basis and shall report any violations that he or she is aware of to the appropriate agencies.

(9) A valid health certificate shall accompany the sale or transfer of all animals.

(d) Penalty. Any person found in violation of this Section is subject to the penalties prescribed in Section 14-32.

SECTION XXII: Chapter 14, Article II, Section 14-50 of the Code of Ordinances, County of Volusia is hereby renumbered as Section 14-51 and amended to read as follows:

Sec. 14-501. Female dogs and female cats in heat.

(a) The owner of female dogs or cats shall confine said animals when they are in heat in such a manner as to make said animals inaccessible to any male dog or cat, except for intentional breeding purposes.
(b) **Penalty.** Any person who violates this provision, either willfully or through failure to exercise due care and control, is subject to the penalties prescribed in Section 14-32.

SECTION XXIII: Chapter 14, Article II, Section 14-51 of the Code of Ordinances, County of Volusia is hereby renumbered as Section 14-52 and amended to read as follows:

Sec. 14-542. Disposition of dead animals.

(a) When any animal dies on public or private property, it shall be the responsibility of the owner of said animal or the owner of said property to remove and dispose of said animal immediately pursuant to state code provisions of Section 823.041, Florida Statutes, as amended from time to time. Should the owner not be aware of said animal's presence, the following procedures shall be followed:

(1) When any dead animal shall be found upon public property, the owner of said animal shall remove and dispose of said animal upon notification by the Animal Control Officer or any other law enforcement officer, so as not to constitute a nuisance. If the owner of said animal shall fail to do so within a reasonable time, the County shall remove and dispose of said animal and charge the cost of said removal and disposal to the owner of said animal, if known.

(2) When any dead animal shall be found upon private property, the owner of said animal or the owner of said property shall immediately remove and dispose of said animal, upon notification by the Animal Control Officer or any other law enforcement officer.

(b) **Penalty.** Any person found in violation of this section is subject to the penalties prescribed in Section 14-32.

SECTION XXIV: Chapter 14, Article II, Section 14-52 of the Code of Ordinances, County of Volusia is hereby deleted in its entirety.


(a) The owner of every animal shall be responsible for the removal of any excreta deposited by his or her animal(s) on public walks, recreation areas or private property other than his or her own.

(b) Any person found in violation of this section is subject to the penalties prescribed in Section 14-32.
SECTION XXV: Chapter 14, Article II, Section 14-53 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 14-53. Duties of driver when vehicle strikes animal.

(a) Any person who, as the operator of a motor vehicle, strikes a domestic animal with his or her vehicle shall stop as soon as safely possible and render such assistance as may be possible, and said person shall immediately report such injury or death to the animal's owner, if known. If the identity of the owner cannot be ascertained and the owner cannot be located, such operator shall report the accident to the appropriate law enforcement agency or to the local humane society.

(b) Penalty. Any person who violates any provision of this section is subject to the penalties prescribed in Section 14-32.

SECTION XXVI: Chapter 14, Article II, Section 14-54 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 14-54. Disposal of live animals to be used for experimentation or vivisection prohibited.

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

(b) Penalty. Any person who violates any provision of this section is subject to the penalties prescribed in Section 14-32.

SECTION XXVII: The Chapter 14, Article II, Section 14-55 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 14-55. Selling or obtaining dogs or cats for purpose of human or animal consumption.

(a) Dogs or cats may not be obtained, sold, or purchased in the unincorporated areas of the county for the purpose of human or animal consumption.

(b) Penalty. Any person who violates any provisions of this section is subject to the penalties prescribed in Section 14-32.
SECTION XXVIII: Chapter 14, Article II, Section 14-56 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 14-56. Hobby breeders.

(a) Generally.

(1) License Permit required; fee. No person shall establish or maintain a hobby breeder facility without first obtaining an annual license permit from the Animal control Services Division. The license permit fee for such a hobby breeder facility will be set by resolution of the County Council and not be based on the number of animals maintained at the facility. A license permit shall be issued only after an inspection by the Animal Services Division that determines confirming that the minimum requirements and standards, as set forth herein, have been met and upon obtaining approval by the County Council of a special exception for a kennel or animal shelter in accordance with Ordinance 72-293(25), as may be amended. The license permit shall be valid for a period of one (1) year from the date of issue, unless otherwise stated or revoked. Renewal applications shall be made within thirty (30) days prior to the expiration date.

(2) Sale of animals. The offspring of the dogs or cats bred at a hobby breeder facility to enhance or perpetuate a given breed, may be sold by the owner. Such sales shall not be considered commercial breeding for the purpose of this Article provided that such sale is not the primary function of the hobby breeder facility.

(3) Permitted animals; identification of animals. There shall be only allowed to maintain one (1) species and one (1) breed of either dog or cat that species or kept at any individual licensed for a hobby breeder facility. There hobby breeder facility shall produce no more than two (2) litters or twenty (20) puppies or kittens, whichever is greater, produced per hobby breeder facility per year. Dogs or cats maintained at a licensed hobby breeder facility are exempt from the individual licensing permitting provisions of this Article except as otherwise provided in this Article. For protection and identification, all dogs and cats will be licensed and identifiable by either a tattoo or implant device. An implant scanner must be on the premises if using an implant device. At no time will the total number of adult dogs or cats exceed the following limitations:

a. Miniature or toy breeds of dogs ...... 15
b. Standard or large breeds of dogs ...... 10
c. All breeds of cats .................. 25
(4) **Return of animals by new owners.** If a new ownerperson who obtains a dog or cat from a hobby breeder becomes unable or unwilling to continue ownership and responsibility for a dog or cat, the license holder shall assist in placement of the dog or cat, the hobby breeder permit holder shall assist in finding another placement for the dog or cat. If no suitable placement can be found within six (6) months, the license permit holder shall accept return of the dog or cat, if healthy, and shall become fully responsible for its care.

(5) **Personal pet exemption.** A hobby breeder permit holder may keep a combined total of no more than four (4) dogs or cats of any breed may be kept as personal pets at his or her hobby breeder facility in addition to the animals permitted under Subsection (a)(3), above.

(b) **Facilities.** The following are required for all hobby breeder facilities:

(1) Hobby breeder facility owners shall live on the premises.

(2) The hobby breeder facility, whether it be a private residence, portion of a private residence, or a separate structure not physically connected to a private residence, shall be structurally sound and maintained in good repair to protect the animals from injury, to protect the animals against overexposure to the elements, to contain the animals, and to restrict the entrance of other animals.

(23) Food shall be transported, handled, and stored in a manner that ensures against the introduction of parasites, disease vectors (such as insects), or chemical contaminants. Supplies of dry food shall be stored in areas that are cool, dry, clean, and free of vermin and other potential contaminants. Refrigeration shall be provided for supplies of perishable food. Conditions affecting the shelf life of food such as date of manufacture, exposure to extremes in temperature and humidity, exposure to moisture, unsanitary conditions, exposure to light, exposure to oxygen, and exposure to insects shall be monitored to prevent deterioration of the nutrient value of food. Food receptacles shall be accessible to all animals and shall be located to prevent contamination by excreta. Feeding dishes shall be kept clean. Self-feeders may be used for the feeding of dry food and shall be sanitized regularly to prevent molding, deterioration or caking of food.

(4) Food must be fresh, wholesome, palatable, nutritionally adequate, and offered to each animal at least once daily. Water must be fresh and available at all times. Food and water receptacles shall be accessible to all animals and shall be located to prevent contamination by excreta. Feeding dishes shall be kept clean. Self-feeders may be used for the feeding of dry food and shall be sanitized regularly to prevent molding, deterioration, or caking of food.
(5) All cages shall be constructed of impervious porous materials. All cages shall have floors of either solid construction or metal grid construction. Cages with metal grid floors may be used provided the grid size is no greater than a measurement which is one-quarter (1/4) the width of the pads of the feet of the animals confined therein. No cages shall be enclosed by four (4) solid surfaces. Stack cages shall have solid floors.

(6) All primary enclosures for cats shall be constructed and maintained so that cats therein have convenient access to clean food, water, and litter. The number of cats in a primary enclosure shall not exceed the number which would prevent proper ventilation and sanitation. A primary enclosure shall not be constructed or maintained with an exposed wire mesh bottom, or any other material that will injure the feet or legs of a cat. If the primary enclosure is not of sufficient size to allow the cats to express their specialized locomotor patterns, then an area shall be made available for the cats to exercise and scratch at least thirty (30) minutes once per day.

(37) Access to shelter shall be provided for the animals to allow them to remain dry at all times. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow the animals to protect themselves from direct rays of the sun.

(8) The hobby breeder facility must provide adequate shelter from the elements and be kept clean and dry. The hobby breeder facility shall be provided with a source of fresh air by means of windows, doors, or vents and shall be ventilated in a manner that minimizes drafts, odors, and moisture conditions.

(9) Excreta shall be removed from enclosures as often as necessary to prevent contamination of the animals contained therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning an enclosure commonly known as a cage, any animal contained therein shall be removed from such enclosure during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and waste. A suitable method of drainage shall be provided to rapidly eliminate any excess water and waste from the enclosure.

(10) Cages, rooms, and hard-surfaced pens or runs shall be sanitized by washing them with hot water and soap or detergent, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam. Pens or runs using gravel, sand, or dirt shall be sanitized by removing the soiled gravel, sand, or dirt and replacing it as necessary. Feces and soiled litter material shall be removed from all litter pans at least once per day. Absorbent litter
and any other material used to absorb urine shall be changed when the litter becomes thirty (30%) percent or more saturated with urine.

(11) Prior to the introduction of animals into empty enclosures previously occupied, the enclosures shall be sanitized. Enclosures occupied by animals shall be sanitized often enough to prevent an accumulation of debris or excreta or disease hazards; provided, however, such enclosures shall be sanitized at a minimum once per week.

(12) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained for the premises. Appropriate measures must be taken to control and restrict the presence of rodents.

(13) Animals shall be provided proper and necessary veterinary care.

(c) Indoor facilities. In addition to the requirements of Section (b), indoor facilities shall require:

(1) a. A source of heat and mechanical ventilation shall be available at the hobby breeder facility for use as necessary in preventing extremes in temperatures in any indoor facilities. Buildings must be maintained with suitable temperatures, ventilation, and lighting. The ambient temperature shall be maintained in a range that ensures that the animals will not suffer from neither heat stress, such as (heat stroke or hyperthermia), nor from cold stress, such as (frostbite or hypothermia).

(2)b. The facility must provide adequate shelter from the elements and be kept clean and dry. Food must be fresh, wholesome, palatable, nutritionally adequate and offered to each animal at least once daily. Water must be fresh and available at all times. Animals shall be provided proper and necessary veterinary care. Facility owners must live on the premises.

c. The interior building surfaces of any indoor housing facilities shall be constructed and maintained so that they are impervious to moisture and can be readily sanitized.

d. (3) A primary indoor enclosure shall provide sufficient space appropriate to the size and species of animal as follows:

(a) to allow each

An enclosed cat shall have sufficient space to turn freely and to easily stand, sit, and lie in a comfortable position. The minimum primary enclosure space for a single four (4) pound or
greater cat is to be thirty (30) cubic feet. When a primary enclosure is used for more than one (1) cat, resting perches shall be provided.

(a)(b) An enclosed dog shall be in cages, kennels, and runs must have with enough space for dogs to lie down, stand, sit, and stretch without touching the sides or top. Dogs shall be exercised outside of their enclosures a minimum of thirty (30) minutes twice daily.

e. (4) Concrete floors and runs must have a resting board; and cages must have sanitary bedding. Easily accessible litter pans shall be provided for all cats at all times.

f. The animal care facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury. Appropriate measures must be taken to control and restrict the entrance of rodents.

g. The facility shall have

(5) A ample light of good quality by natural or artificial means or both. The lighting shall provide uniformly distributed illumination of sufficient intensity to permit routine inspection, cleaning, and provide for the well-being of the animals. The animals shall be protected from excessive illumination.

h. All cages shall be constructed of impervious porous materials. All cages shall have floors of either solid construction or metal-grid construction. Cages having metal-grid floors can be used provided the grid size is smaller than the pads of the feet of the dogs confined therein. No cages shall be enclosed entirely by solid walls. Stack cages must have solid floors. All primary enclosures shall be constructed and maintained so that cats therein have convenient access to clean food, water and litter. The number of cats in a primary enclosure shall not exceed the number which would prevent proper ventilation and sanitation. A primary enclosure shall not be constructed or maintained with an exposed wire mesh bottom, or any other material that will injure the feet or legs of a cat. If the primary enclosure is not of sufficient size to allow the cat(s) to express their specialized locomotor patterns, then an area shall be made available for the cat(s) to exercise and scratch at least once a day.

(6)i. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors in any enclosed areas.

(7)j. In all primary enclosures for cats with a solid floor, a receptacle containing sufficient clean litter shall be provided to contain excreta. Each primary enclosure shall be provided with a solid resting board and shall be of adequate size to comfortably hold all occupants of the enclosure at the same time. Such resting surface
or surfaces shall be elevated in primary indoor enclosures housing two (2) or more cats.

(5d) Outdoor facilities. In addition to the requirements of Section (b), outdoor facilities shall require:

a(1). Shelter. Sufficient shade shall be provided to afford all animals protection from direct sunlight. Sufficient cover shall be provided to protect all animals from rain. Shelter shall be provided for all animals when the ambient temperature falls below fifty (50) degrees Fahrenheit. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient temperature falls below that temperature to which the dogs are acclimated appropriate to weather conditions. The facility shall be adequately ventilated to provide for the health and comfort of the animals at all times. The facility shall be provided with a source of fresh air by means of windows, doors, or vents and shall be ventilated in a manner that minimizes drafts, odors and moisture conditions.

b. Cleaning of enclosures. Excreta shall be removed from enclosures as often as necessary to prevent contamination of the animals contained therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning an enclosure commonly known as a cage, any animal contained therein shall be removed from such enclosure during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other waste. A suitable method shall be provided to rapidly eliminate any excess water.

c. Sanitation of enclosures required. Prior to the introduction of animals into empty enclosures previously occupied, such enclosures shall be sanitized. Enclosures for animals shall be sanitized often enough to prevent an accumulation of debris or excreta or a disease hazard; provided, however, such enclosure shall be sanitized at least once a week.

d. Method of sanitation. Cages, rooms and hard surfaced pens or runs shall be sanitized by washing them with hot water and soap or detergent, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam. Pens or runs using gravel, sand or dirt shall be sanitized by removing the soiled gravel, sand or dirt and replacing it as necessary. Feces and soiled litter material shall be removed from all litter pans at least once a day. Absorbent litter
and/or any other material used to absorb urine shall be changed when it becomes 30 percent saturated with urine.

e. Maintenance of buildings and grounds.
(2) Premises, including (all buildings and grounds), shall be kept clean and in good repair in order to protect the dogs or cats from injury and to facilitate the prescribed husbandry practices set forth in this subsection. Premises shall remain free of accumulations of trash.

f. Pest control. An effective program for the control of insects, ectoparasites and avian and mammalian pests shall be established and maintained.

g. Distance of animal facilities from adjoining property. (3) All runs, exercise areas, and primary enclosures shall meet the minimum setback requirements provided for the property in the zoning code.

h. Containment of animals. (4) Outdoor areas for dogs must be double-fenced in order to ensure all dogs are contained and do not escape. If cats are allowed outdoors they must be kept in an enclosure that has four (4) sides and an attached solid or wire mesh top or roof to prevent the cats from escaping the enclosure.

(ee) Inspections and enforcement. It shall be a condition of the issuance of a hobby breeder license permit that an animal control officer shall be allowed, at any reasonable time, to inspect without notice all domestic animals and all premises where animals are kept. The animal control services division shall give a hobby breeder license permit holder twenty-four (24)-hours advance notice of the annual inspection. However, no notice is required for routine investigations of complaints. Any alleged violations of this section shall be investigated by the animal control services division. Upon receipt of information of violation of this section, the animal control services division may issue a notice of revocation to a hobby breeder license permit holder. The notice of revocation shall provide a summary of the information of the violation and shall be sent to the address listed in the licencsee’s application. No hobby breeder license permit shall be renewed if an applicant has had his or her license permit revoked within the prior two (2) years of the date of the application or has outstanding and unsatisfied civil penalties imposed due to violations of this article or any Volusia County Ordinance.

(d) Hearing. Any challenge to a notice of revocation must be in the form of a request for hearing and filed by the hobby breeder license permit holder with the animal control services division within ten (10) days after the hobby breeder license permit holder’s receipt of said the notice of revocation. The hobby breeder license permit holder shall set forth the
reasons why the license holder believes the revocation would be an error. The challenge to a notice of revocation shall be accompanied by a filing fee of $250.00 to cover administrative cost involved in the challenge. Failure to timely request a hearing shall render the revocation final.

(e) Hearing on revocation. All hearings shall be open to the public, conducted by a hearing officer/special magistrate within thirty (30) days after the receipt of a request for hearing by the hobby breeder license permit holder and in accordance with Section 14-57.

(f) Filing of decision. No later than sixty (60) days after the conclusion of the hearing, the original of the hearing officer/special magistrate’s written decision shall be filed with the Animal control Services Division, and copies shall be mailed to the County Attorney and the hobby breeder license permit holder.

(g) Notice. Any written notification to the hobby breeder license permit holder subject to a proceeding under this Section shall be by certified registered mail with return receipt requested, certified affidavit of hand delivery, or service in conformance with the provisions of F.S. Chapter 48, Florida Statutes, relating to service of process.

(h) Penalty. In addition to any revocation proceeding under this Section, any person who violates any provision of this Section is subject to the penalties prescribed in Section 14-32.

SECTION XXIX: Chapter 14, Article II, Section 14-57 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

Sec. 14-57. Hearing officer Special Magistrate.

(a) Appointment of hearing officer special magistrate. The County shall appoint and retain one (1) or more hearing officers special magistrates to:

(1) Conduct hearings and make determinations arising out of requests for hearing by recipients of notices of revocation of hobby breeder permits in accordance with Section 14-56;

(2) Hold hearings and make determinations regarding dangerous dog classifications pursuant to F.S. Sections 767.12, 767.13, 767.135, or 767.136, Florida Statutes, or its successor as amended from time to time, and this Article, and regarding dog confiscations for destruction pursuant to F.S. § 767.13, or its successor, and this article; and
(3) Conduct hearings and make determinations arising out of requests for hearing by recipients of notices of revocation of unaltered animal permits in accordance with Section 14-58.

(b) **Qualifications.** Each hearing officer special magistrate shall be a licensed attorney with the Florida Bar who has practiced law in the State for at least five (5) years, and who has experience in local government law or administrative law. No hearing officer special magistrate shall represent clients against the County before the Animal Control Board during the period in which they serve as a hearing officer special magistrate. No hearing officer special magistrate or law firms with which he or she may be associated shall represent a client in any judicial or administrative proceeding in which the County is an adverse party in any proceeding under F.S. ch. Chapter 828, Florida Statutes; F.S. §§ Sections 767.12 or 767.13, Florida Statutes; or ch. Chapter 14, Code of Ordinances, County of Volusia.

(c) **Term, compensation.** Each hearing officer special magistrate shall serve at the pleasure of the County Council and shall be compensated at a rate or rates to be fixed by the County Council.

(d) **Ex parte communication.**

(1) No county employee, elected official, or other person who is or may become a party to a proceeding before a hearing officer special magistrate shall engage in an ex parte communication with the hearing officer special magistrate. However, the foregoing does not prohibit discussions between the hearing officer special magistrate and County staff that pertain solely to scheduling and other administrative matters unrelated to the merits of the application.

(2) If a person engages in an ex parte communication with the hearing officer special magistrate, the hearing officer special magistrate shall place on the record of the pending case all ex parte written communications received, all written responses to such communications, a memorandum stating the substance of all oral communications received, and all oral responses made, and shall advise all parties that such matters have been placed on the record. Any party desiring to rebut the ex parte communications shall be entitled to do so, but only if such party requests the opportunity for rebuttal within ten (10) days after notice of such communication. If the hearing officer deems it necessary due to the effect of an ex parte communication received by him, the hearing officer special magistrate may withdraw from the case.

(3) Any person who makes an ex parte communication prohibited by this Section and any hearing officer special magistrate who fails to place in the
record any such communication, shall render the proceeding void to the extent the communication effected the proceedings.

(e) **Prohibited from acting as agent or attorney for subject matter.** A hearing officer/special magistrate, any firm with which he or she is or may become associated, is prohibited for a period of three (3) years after rendition of a decision from acting as an agent or attorney on any matter involving persons or property which was the subject of the proceeding in which the hearing officer/special magistrate presided.

(f) **Hearing procedures.**

(1) Each party to a proceeding shall have the opportunity to:

a. Be represented by counsel at his or her own expense;

b. Call and examine witnesses;

c. Introduce exhibits and evidence relevant to the matter; and

d. Examine opposing witnesses on any relevant matter, even though the matter was not covered under direct examination;

e. Impeach any witness regardless of which party first called the witness to testify.

(2) All hearings shall be conducted, insofar as is practicable, in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an informal manner. All testimony shall be under oath. Failure of the alleged violator to attend the hearing shall be deemed an admission of the violation.

(3) Evidence. A party shall be permitted to conduct cross examination when testimony is taken or documents are made a part of the record. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. The hearing officer shall ensure that a tape recording of the hearing is preserved, which record shall be public and open to inspection and transcription by any person. A party wishing to have a court reporter record the proceedings must retain and compensate the court reporter for his or her services. The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses. Any relevant evidence shall be admitted if the special magistrate finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary.
(4) Written determinations of the hearing officer.

a. After the hearing, the hearing officer shall issue a determination based upon the preponderance of the evidence. The animal control division shall bear the burden of establishing the elements sufficient to support a written notification under F.S. §§ 767.12 or 767.13 or notice of revocation under section 14-56.

b. All determinations of the hearing officer shall be in writing, signed and dated by the hearing officer, shall contain findings of fact and conclusions of law. The special magistrate shall conduct a de novo hearing, determine whether to uphold or reverse the decision of the Animal Control Officer on the applicable ordinance or law and make findings of fact based on evidence in the record. The burden of proof which shall be met by the County is preponderance of the evidence. The fact-finding determination of the special magistrate for purposes of a violation notice shall be limited to whether the violation alleged did occur and, if so, whether the person named in the violation notice can be held responsible for that violation. The special magistrate shall either affirm or reverse the decision of the Animal Control Officer at the conclusion of the hearing. If the special magistrate reverses the decision of the Animal Control Officer and finds the named violator not responsible for the violation alleged in the violation notice, the named violator shall not be liable for the payment of any civil penalty. If the decision of the special magistrate is to affirm, then the following shall be included in the final administrative order:

(i) Amount of civil penalty.

(ii) Administrative costs of hearing.

(iii) Date by which the violation must be corrected to prevent imposition of continuing violation penalties, if applicable.

(5) Costs. In the event the special magistrate upholds the notice of violation, he or she may impose the reasonable costs of the administrative hearing and the costs and expenses of the County for investigation and enforcement, in addition to the civil penalty, as part of the final administrative order. The County shall provide proof of said costs at the hearing.

SECTION XXX: Chapter 14, Article II, Section 14-58 of the Code of Ordinances, County of Volusia is hereby amended to read as follows:
Sec. 14-58. Mandatory spay and neuter.

(a) **Purpose; declaration of irreparable harm.** The County has determined that the unintended or uncontrolled breeding of dogs and cats within the County leads to many dogs, cats, puppies, and kittens being unwanted, becoming strays, suffering privation and death, being impounded and euthanized at great expense to the community, and constituting a public nuisance and public health hazard. It is, therefore, the County Council hereby finds and declares that overpopulation of dogs and cats due to unregulated breeding presents a serious threat to the public health, safety, and welfare, is irreparable or irreversible in nature, and constitutes a public nuisance by overburdening the community and injuring the health of citizens in general every feasible means of reducing the number of unwanted dogs, cats, puppies, and kittens by encouraged.

(b) **Spaying, neutering of dogs and cats.**

(1) **Requirement.** No person may harbor a dog or cat six (6) months of age or older within the unincorporated areas of Volusia County that has not been spayed or neutered unless the owner has obtained an unaltered animal permit for each unaltered dog or cat, unless the dog or cat is otherwise exempt under this section from the Animal Services Division. A dog or cat governed by this Section shall be spayed or neutered by its owner within thirty (30) days of the dog or cat becoming six (6) months of age or, by the effective date of this Ordinance, whichever is later in time, or, in the case of an owner who acquired a dog or cat after the animal attained the age of six (6) months of age within thirty (30) days of acquisition, unless the owner obtained an unaltered animal permit.

(2) **Unaltered animal permit.**

a. **Qualifications.** An owner of an unaltered dog or cat shall qualify for an unaltered animal permit if one of the following is satisfied:

1. **Shows and competitions.** The dog or cat is used to show, to compete or to breed, which is and the breed is recognized by and registered with the American Kennel Club (AKC), United Kennel Club (UKC), American Dog Breeders Association (ADBA), Cat Fanciers' Association (CFA), or other bona fide registry, and A dog or cat used to show, to compete, or to breed shall further meet one of the following requirements:

   i. The dog or cat has competed in at least one (1) show or sporting competition sanctioned by a bona fide national registry within the last three-hundred-sixty-five (365) days;
ii. The dog earned conformation, obedience, agility, carting, herding, hunting, protection, rally, sporting, working, or other title from a purebred dog registry, referenced above, or other registry or dog sport association; or

iii. The owner of the dog or cat is a member of, and the dog or cat is registered with a bona fide purebred dog breed club or cat fancier's association, which maintains and enforces a code of ethics for dog or cat breeding that includes restrictions from breeding dogs or cats with genetic defects and life threatening health problems that commonly threaten the breed, or the owner signs a statement under oath attesting that the dog or cat is being trained to comply with Subsections i. or ii., above.

2. Medical fitness. A Florida licensed veterinarian licensed in the State of Florida certifies in writing that a dog or cat is medically unfit to undergo the required spay or neuter procedure because of a medical condition, including but not limited to age, would be substantially aggravated by the procedure or would likely result in the death of the dog or cat. The certification must state the date, if any, by which the dog or cat may be spayed or neutered. As soon as the medical condition that prevents a dog or cat from being spayed or neutered ceases to exist, it shall be the duty of the owner to have the dog or cat spayed or neutered within thirty (30) days.

3. Law enforcement. The dog that is currently used by a law enforcement agency for law enforcement purposes or is part of a bona fide law enforcement animal breeding program.

4. Service animals. A dog or cat that is a service animal as defined in section 14-31 or is part of a bona fide service animal breeding program.

5. Breeders. The owner demonstrates to the animal control division proof of a breeding contract for a particular dog or cat, membership in a bona fide national, state or local organization, for the perpetuation of a given breed of dog or cat or proof of a litter produced by breeding of the dog or cat within the last 365 days.

6. Hunting and herding dogs. The dog that is currently used as, or trained to be, a hunting or herding dog and the dog is registered with a bona fide national, state, or local hunting or herding dog association. Alternatively, the owner of the dog signs a statement under oath attesting that the dog is used, trained, or will be trained
to be a hunting or herding dog or with the Florida Fish and Wildlife Conservation Commission.

None of the aforementioned qualifications shall be construed to authorize the breeding or harboring of dogs or cats in violation of the Zoning Code of Volusia County, or exempt the owner or his dog or cat from any other provision of this chapter.

b. Deadline. A dog or cat governed by this section shall be spayed or neutered by its owner or, if eligible, the owner shall obtain an unaltered animal permit within 30 days of the dog or cat becoming six months of age or, by September 1, 2008, whichever is later in time, or, in the case of an owner whom acquired a dog or cat after it becoming six months of age, 30 days of acquisition.

(2) Permits, application, term, deadline. A request for an unaltered permit shall be provided on a form prepared and furnished by the Animal Services Division. Permits shall be valid for one (1) year from the date of issue and shall be renewed annually by the owner. An administrative fee shall be assessed by the Animal Services Division upon the approval of the permit.

c.(3) Microchipping. As a condition to obtaining an unaltered animal permit, the owner shall have any eligible dog or cat must be implanted with an identifying microchip and the owner must provide the microchip number to the Animal Control Services Division. This requirement shall not apply to hunting or herding dogs.

d. Place of residence. The address of the owner shall be presumed to be the residence of the dog or cat. All changes of address must be reported to the animal control division within 30 calendar days following such change.

e. Change in ownership. A permit holder shall notify the animal control division and the national registry applicable to the implanted microchip in writing of any change in ownership of a dog or cat within 30 calendar days.

f. Term of permit. An unaltered animal permit shall be valid for the life of the dog or cat.

g.(4) Revocation. Upon receipt of information of violation of this section, the animal control services division may issue a notice of revocation to a permit holder. The notice of revocation shall provide a summary of the information of the violation and shall be sent by certified mail, return receipt requested, by hand delivery by the sheriff, or the animal control officer, or upon posting of the property in a conspicuous place at the address listed in the permit application. Any request for hearing shall be filed by the permit holder with the animal control services division within
ten (10) days after the permit holder’s receipt of said notice. The permit holder shall set forth the reasons why the permit holder believes the revocation would be an error. Failure to timely request a hearing shall render the revocation final. All hearings shall be conducted by the hearing officer special magistrate within thirty (30) days after the receipt of a request for hearing and in accordance with Section 14-57. The original of the hearing officer special magistrate’s written decision shall be filed with the Animal Control Services Division, and copies shall be mailed to the County Attorney and the permit holder.

(5) Compliance with zoning regulations and ordinances. Qualifying for an unaltered permit for a dog or cat shall not be construed to authorize the breeding or harboring of dogs or cats in violation of the Zoning Code of Volusia County, or exempt the owner or his or her dog or cat from any other provisions of this Article.

(6) Penalty. Any person who violates any provision of this section is subject to the enforcement procedures of Section 14-3941 and penalties prescribed in Section 14-32. These penalties shall not preclude the issuance of a notice of revocation to a holder of an unaltered animal permit for violations of this Section.

(37) Exemptions. A dog or cat that meets the following criteria shall be exempt from this section and not be required to obtain an unaltered animal permit:

a. A dog or cat temporarily harbored within the unincorporated areas of Volusia County for less than 120 days within a calendar year.

b. The dog or cat is being harbored by a lawful humane society/animal shelter under the provisions of the Zoning Code of Volusia County, Florida, whether public or private, whose principal purpose is securing the adoption of Dogs or cats or offering sanctuary for dogs or cats and certifies in writing to the Animal Control Division that it does not engage in the breeding of dogs or cats, provided that the requirements of F.S. § 823.15, are satisfied.

b. A dog or cat that is being harbored by a lawful humane society or animal shelter, whether public or private, whose principal purpose is securing the adoption of dogs or cats or offering sanctuary for dogs or cats and certifies in writing to the Animal Services Division that it does not engage in the breeding of dogs or cats, shall be exempt from this Section, provided that the requirements of Section 823.15, Florida Statutes, as amended from time to time, are satisfied.
SECTION XXXI: Chapter 14, Article II, Section 14-59 of the Code of Ordinances, County of Volusia is hereby deleted in its entirety and amended to read as follows:

Sec. 14-59. Humane-careSurrender of Stray Animals to Animal Holding Facilities.

Prohibition. It shall be unlawful and a civil infraction for any person owning or responsible for caring for, confining or impounding an animal to fail to provide the animal with proper shelter, protection from the weather or humanely clean conditions as prescribed in this section.

(1) Indoor standards. The following standards shall apply to the sheltering of animals within a fully enclosed structure:

a. The ambient temperature shall be maintained in a range that ensures that the animal will not suffer from heat stress (heat stroke or hyperthermia), nor from cold stress (frost bite or hypothermia).

b. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide clear and fresh air to the animal.

(2) Outdoor standards. The following standards shall apply to the sheltering of animals outdoors or within a structure which is not fully enclosed:

a. Animals shall have sufficient shelter for refuge and protection from the elements and sufficient shade by natural or artificial means to protect the animal from direct sunlight.

b. An outdoor housing facility shall be provided that is an artificial structure with at least three sides, a bottom and a roof. The structure shall provide refuge and protection from the elements, be of sufficient size to allow the animals to sit, stand and lie in a normal manner and turn about freely and must allow for an exchange of fresh air.

(3) Food and water. No animal shall be deprived of sufficient good and wholesome food and fresh water. Provisions shall be made available and refreshed daily, be suitable for the species and age of the animal and maintain a reasonable level of nutrition. Water shall be made available to the animal at all times.

(4) Medical care. No animal shall suffer from the following untreated conditions:

Open sores, lacerations, broken or dislocated bones, eye injury or infection, abnormally low body weight, nasal discharge caused by infection, poisoning, animal bites or life threatening trauma or injury. Proof that the animal is under medical supervision shall be a defense under this subsection.
Stray animals shall be surrendered by the finder to an animal holding facility within twenty-four (24) hours of being found to provide owners the opportunity to reclaim their animal during the stray holding period. A finder may adopt the found animal if unclaimed by the owner at the expiration of the stray holding period with a completed and approved adoption application through the respective animal holding facility. A finder may be allowed to foster such pet if identifying information on the pet is listed on the lost pets website of the Animal Services Division.

SECTION XXXII: Chapter 14, Article II, Code of Ordinances, County of Volusia is hereby amended to include Section 14-60 which reads as follows:

Sec. 14-60. – Concealment of animals.

(a) It shall be unlawful for any person to confine, hide, or conceal any animal to which the person does not have proof of ownership such as, but not limited to, vaccination certificate, microchip, license, or registration with a recognized club; or any animal which has been involved in a bite or scratch or rabies exposure incident for which formal investigation is pending, or to conceal any other animal that is subject to an investigation by the Animal Services Division or law enforcement.

(b) Penalty. Any person who violates any provisions of this Section is subject to the penalties prescribed in Section 14-32.

SECTION XXXIII: Chapter 14, Article II, Code of Ordinances, County of Volusia is hereby amended to include Section 14-61 which reads as follows:

Sec. 14-61. – Animals in motor vehicles.

(a) The owner or operator of a motor vehicle shall not place or confine an animal, nor allow an animal to be placed or confined in an unattended motor vehicle without sufficient ventilation or under conditions which may endanger the health or well-being of the animal due to heat, lack of water, or any other circumstances which may cause suffering, disability, or death.

(b) It shall be unlawful to transport any animal in any vehicle if such vehicle is of open-air design, unless the animal is safely and humanely restrained.

(c) Any person who enters a motor vehicle, by force or otherwise, for the purpose of removing a domestic animal is immune from civil liability for damage to the motor vehicle if the person:

(1) Determines the motor vehicle is locked or there is otherwise no reasonable method for the domestic animal to exit the motor vehicle without assistance.
(2) Has a good faith and reasonable belief, based upon the known circumstances, that entry into the motor vehicle is necessary because the domestic animal is in imminent danger of suffering harm.

(3) Ensures that law enforcement or the Animal Services Division is notified or 911 has been called before entering the motor vehicle or immediately thereafter.

(4) Uses no more force to enter the motor vehicle and remove the domestic animal than is necessary.

(5) Remains with the domestic animal in a safe location, in reasonable proximity to the motor vehicle, until law enforcement, Animal Services Division, or other first responder arrives.

(d) **Penalty.** Any person who violates any provisions of this Section is subject to the penalties prescribed in Section 14-32.

SECTION XXXIV: Chapter 14, Article II, Code of Ordinances, County of Volusia is hereby amended to include Section 14-62 which reads as follows:

**Sec. 14-62. – Redemption and disposition of impounded and unwanted animals.**

(a) Any animal impounded under the provisions of this Article and not redeemed by its owner after three (3) business days shall become the property of the Animal Services Division or authorized animal housing facility. The three (3) day period does not apply to sick, injured, diseased, or orphaned neonates; or wild animals regulated by State wildlife agencies. Litters of animals or individual members of a litter of animals, including the nursing mother and un-weaned animals that do not possess a valid county license or microchip may be transferred immediately upon impoundment to a private sheltering agency, rescue group, or individuals for the purpose of adoption. Individual members of litters of animals who are at least six (6) weeks of age, including the mother, may be adopted immediately upon impoundment.

(b) This time period may be extended or reduced at the discretion of the Animal Services Division to relieve animal suffering or to limit diseases contagious to humans and animals housed at an animal housing facility.

(c) The Animal Services Division may utilize the services of a veterinarian to treat sick, injured, or diseased animals. The owner shall be responsible for all such costs incurred.

(d) Feral animals that do not possess a valid County license or microchip may be humanely euthanized upon impoundment.
(e) Any person seeking to redeem or reclaim an animal impounded under the provisions of this Article shall pay the impoundment fees, boarding fees, license fees, and all other fees resulting from impounding and caring for the animal. Any animal to be released from the Animal Services Division or authorized animal holding facility must have a rabies vaccination and license, or a license and rabies vaccination must be obtained by the owner. If a rabies vaccination is not available at the Animal Services Division or an authorized animal holding facility for any reason, the person seeking to redeem or reclaim the animal must pre-pay the license fee for the animal to be released to its owner, who then must have the animal vaccinated for rabies by a licensed veterinarian. The certificate of vaccination must be provided to the Animal Services Division as a prerequisite to the issuance of the license.

(f) An owner whose animal has been impounded more than one (1) time during a twelve (12) month period shall be charged increasing fees for each subsequent impoundment. Fees will be set by resolution of the County Council.

(g) When the ownership of an animal is deemed to be in question, the Animal Services Division shall require proof of ownership. Proof of ownership may include a valid County license, veterinary records, registered microchip identification, or other reliable and verifiable documentary evidence. If ownership cannot be proven by the required information, the animal in question must be adopted rather than redeemed. The person claiming unproven ownership may be afforded the opportunity to adopt the animal prior to the public at the discretion of the Animal Services Division or authorized animal holding facility.

(h) All impounded animals must be microchipped prior to release from the Animal Services Division shelter or authorized animal holding facility. The microchip shall be registered to the animal’s owner.

(i) Exotic invasive animal species found at large that are impounded and not redeemed by its owner upon proof of proper licensing or permitting shall be humanely euthanized. The only exception to this Subsection is if the animal is released to an educational facility for study to assist in the control and removal of the species or if the animal is to be used for educational purposes to inform the public of the dangers of the invasive exotic animal species.

SECTION XXXV: Chapter 14, Article II, Code of Ordinances, County of Volusia is hereby amended to include Section 14-63 which reads as follows:

Sec. 14-63. – Guard dogs.

(a) All dogs used for the purpose of guarding a business shall be registered with the Animal Services Division. The registration shall be on a form prepared and provided by the Animal Services Division and shall include the name, address, and telephone number of the property owner or business manager; the breed, sex,
weight, age, color, tattoo registration number of the guard dog, and other
distinguishing physical characteristic of the dog; and certification of a current rabies
vaccination. Registration fees will be set by resolution of the County Council.

(b) Guard dogs newly acquired shall be vaccinated for rabies and registered with the
Animal Services Division no later than seventy-two (72) hours after acquisition.

(c) Each guard dog shall be issued a registration number by the Animal Services
Division. The registration number shall be posted in a conspicuous place at the
entrance of any property using that guard dog service. At the time of registration,
each dog shall be microchipped and receive an identification tag that must be
affixed to the dog at all times.

(d) Animal Services Division shall maintain a guard dog registry which shall contain
all data required by this Section. Within two (2) business days of a transfer of
ownership, death, disappearance, or annual rabies inoculation of a guard dog,
each guard dog service or guard dog owner shall notify the Animal Services
Division. The Animal Services Division shall maintain an up to date registry. If a
guard dog has disappeared, an entry will be made to reflect the locale and reason
of such disappearance.

(e) Animal Control Officers shall have the right to enter and inspect all kennels housing
guard dogs and other premises where such dogs are in use for determination of
owner registration compliance.

(f) It shall be unlawful for any person, firm, or corporation to own or harbor any guard
dog in the County that has not been inoculated, registered, and microchipped as
provided by this Section.

(g) Any vehicle utilized to transport a guard dog shall be clearly marked with signage
indicating that the vehicle is transporting a guard dog. Each guard dog being
transported shall be in a compartment separate from the driver and separate from
any other dog being transported. All compartments shall be arranged to ensure
maximum ventilation for the dogs.

(h) **Requirements of businesses using dogs for the purpose of guarding:**

(1) Persons who hire or use a guard dog service to patrol their premises shall
provide adequate fencing or some other confining structure to keep the
guard dog within the enclosed area being protected.

(2) Persons who hire or use a guard dog service to patrol their premises during
the business’ operating hours shall have said dog confined in such a
manner so as not to pose a danger to the public.
(3) At each entry point and at fifty (50') foot intervals along any fence, wall, or perimeter, signs measuring at a minimum 8 1/2" x 11" shall be posted and shall include the words "Bad Dog" or "Guard Dog", with a picture depicting a dog.

(4) All signs at the entry points shall include the guard dog registration number.

(5) Dogs used for guarding businesses shall be provided with humane living conditions, including, but not limited to, adequate shelter, food, water, and exercise.

(6) No dog which has been classified as dangerous by any animal services division or any State shall be used as a guard dog in Volusia County.

(i) Penalty. Any person who violates any provisions of this Section is subject to the penalties prescribed in Section 14-32.

SECTION XXXVI: Chapter 14, Article II, Code of Ordinances, County of Volusia is hereby amended to include Section 14-64 which reads as follows:

Sec. 14-64. – Prohibition of retail sale of dogs and cats.

(a) No commercial animal establishment shall, for the purposes of resale or retail, display, sale, deliver, offer for sale, barter, auction, or otherwise transfer or dispose of dogs or cats in Volusia County on or after the effective date of this Section. No commercial animal establishment shall consummate a sale of dogs or cats in Volusia County on and after the effective date of this Section. Commercial animal establishments existing as of the effective date of this Section may not consummate sales of dogs and cats more than thirty (30) days thereafter.

(b) This Section shall not apply to:

(1) The sale, barter, adoption, or gift of a dog or cat made necessary because its owner can no longer care for it.

(2) A publicly operated animal control facility or animal shelter.

(3) A private, charitable, nonprofit humane society or animal rescue organization.

(4) A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a commercial animal establishment.
(c) Nothing in this Section shall prevent a commercial animal establishment from providing space and appropriate care for animals owned by a publically operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency and maintained at the commercial animal establishment for the purpose of adopting those animals to the public.

(d) Penalty. Any person who violates any provisions of this Section is subject to the penalties prescribed in Section 14-32.

SECTION XXXVII: Chapter 14, Article II, Code of Ordinances, County of Volusia is hereby amended to include Section 14-65 which reads as follows:

Sec. 14-65. – Prohibition of pet leasing and pet collateral transactions.

(a) The County Council finds that the practice of pet leasing and pet collateral transactions can be financially predatory and emotionally distressing to families. Animals that are subject to pet leases and pet-collateral transactions are cruel in that the animal undergoes emotional distress upon being removed from the families with whom they may have been living for an extended period of time causing emotional distress which may develop into behavioral issues, which in turn makes them less adoptable to new families. Prohibition of pet leasing and pet-collateral transactions are appropriate for the health, safety, and welfare of the residents of the County and their pets.

(b) It shall be unlawful to finance the purchase of an animal through a lease-to-own contract, pet-collateral contract, or similar contract in which the animal is collateral for payment. Any such contract entered into after the effective date of this Article shall be void as against public policy, and the person who took possession of the animal under such a contract shall be deemed the legal owner of the animal.

(c) No contract for the sale or transfer of an animal or the financing of such sale or transfer shall include any provision that authorizes the use of an animal as security or collateral, by which such animal may be repossessed if the purchaser defaults under such contract. Any such contract or financing arrangement entered into after the effective date of this Article shall be void as against public policy, and the person who took possession of the animal under such contract shall be deemed to remain the legal owner of the animal regardless of any default.

(d) Penalty. Any seller or transferor of animals who violates provisions of this Section shall be subject to the penalties prescribed in Section 14-32. Each prohibited transaction shall subject the violator to a separate civil penalty.

(e) Nothing in this Section shall be construed to prohibit:

(1) The purchase of an animal through an unsecured personal loan or a loan secured by collateral other than an animal.
(2) Adoption or sale contracts involving public or private animal shelters, animal
rescue organizations, breeders, or other persons or entities that provide that
animals may be reclaimed because the adopter or purchaser is not
providing appropriate care for the animal or because the animal was lost or
stray or because the original owner has been located and wishes to reclaim
the animal, provided that such reclamation provisions are clearly set out in
the agreement.

(f) Exemptions. This Section shall not apply to agreements involving provision of
animals for lawful breeding purposes; lawful use in professional shows and
exhibitions; and working purposes, such as service animals, guard dogs in
compliance with Section 14-64, or law enforcement dogs.

(g) Applicability. This Section shall be prospective only, and shall not impair any
existing contracts.

SECTION XXXVIII: Chapter 14, Article II, Code of Ordinances, County of Volusia
is hereby amended to include Section 14-66 which reads as follows:

Sec. 14-66. – Prohibition of the declawing of cats.

(a) No person shall perform onychectomy (declawing), partial or complete
phalangectomy, or tendonectomy procedure by any means on a cat, except when
deemed necessary by a veterinarian for therapeutic purposes. “Therapeutic
purposes” means the necessity to address the physical medical condition of the
cat, such as an existing or recurring illness, infection, disease, injury, or abnormal
condition in the claw that compromises the cat’s health. “Therapeutic purposes”
shall not include cosmetic or aesthetic reasons or for the convenience of the owner
in keeping or handling the cat.

(b) Penalty. Any person who performs an onychectomy, partial or complete
phalangectomy, or tendonectomy procedure on any cat shall be subject to the
penalties prescribed in Section 14-32.

SECTION XXXIX: AUTHORIZING INCLUSION IN CODE - The provisions of this
ordinance shall be included and incorporated into the Code of Ordinances of the County
of Volusia, as additions or amendments thereto, and shall be appropriately renumbered
to conform to the uniform numbering system of the code.

SECTION XL: SEVERABILITY - Should any word, phrase, sentence, subsection,
or section be held by a court of competent jurisdiction to be illegal, void, unenforceable,
or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall
be severed from this ordinance and all other words, phrases, sentences, subsections, or
sections shall remain in full force and effect.
SECTION XLI: CONFLICTING ORDINANCES - All ordinances, or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

SECTION XLII: EFFECTIVE DATE – A certified copy of this Ordinance shall be filed with the Department of State by the County Manager within ten (10) days after enactment by the County Council and this Ordinance shall take effect upon filing with the Department of State.

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 7TH DAY OF JUNE 2022 A.D.

ATTEST:

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

_____________________________  ________________________________
George Recktenwald    Jeffrey S. Brower
County Manager        County Chair