

ORDINANCE 20-24

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING CHAPTER 2-4 OF THE MANATEE COUNTY CODE RELATING TO ANIMALS; AMENDING ARTICLE I OF CHAPTER 2-4 OF THE MANATEE COUNTY CODE TO AMEND DEFINITIONS; AMENDING ARTICLE I OF CHAPTER 2-4 OF THE MANATEE COUNTY CODE BY INCORPORATING STATE STATUTE HEALTH REQUIREMENTS FOR ANIMALS OFFERED FOR SALE WITHIN THE COUNTY; AMENDING ARTICLE I OF CHAPTER 2-4 OF THE MANATEE COUNTY CODE TO FURTHER PROVIDE FOR THE HUMANE TREATMENT OF ANIMALS; AMENDING ARTICLE I OF CHAPTER 2-4 OF THE MANATEE COUNTY CODE TO ESTABLISH A COMMUNITY CAT DIVERSION PROGRAM; AMENDING ARTICLE I OF CHAPTER 2-4 OF THE MANATEE COUNTY CODE TO UNIFY THE ENFORCEMENT AND PENALTIES SECTION FOR VIOLATIONS OF THE ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, as amended, authorizes and empowers the Board of County Commissioners of Manatee County to provide for and maintain the health and welfare of the residents of Manatee County; and

WHEREAS, Section 828.27, Florida Statutes, as amended, authorizes the Board of County Commissioners of Manatee County to enact ordinances relating to animal control and animal cruelty together and authorizing civil penalties not to exceed \$500; and

WHEREAS, Section 828.073, specifically authorizes the County to lawfully take custody of any animal found neglected or cruelly treated; and

WHEREAS, the humane treatment of animals is an important public purpose; and

WHEREAS, Ordinance No. 12-10 created the Manatee County Animal Ordinance, which is codified in Article I of Chapter 2-4 of the Manatee County Code; and

WHEREAS, the Board of County Commissioners of Manatee County wishes to amend Article I of Chapter 2-4 of the Manatee County Code to update the Manatee County Animal Ordinance; and

WHEREAS, the Board of County Commissioners of Manatee County finds that the provisions of this Ordinance are in the best interests of the County, its citizens, taxpayers and business community.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County:

Section 1. Article I of Chapter 2-4 of the Manatee County Code is hereby amended as set forth in Exhibit "A" to this Ordinance.

Section 2. For purposes of codification of any section of the Manatee County Code herein amended, words **underlined** represent additions to original text, and words **stricken** are deletions from the original text.

Section 3. Pursuant to Section 125.68(1), F.S., the Codifier shall codify the substantive amendments to the Manatee County Code contained in Section 1 of this Ordinance as provided therein, and shall not codify any other sections not designated for codification.

Section 4. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, the same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 5. This Ordinance shall take effect immediately upon filing with the State of Florida Department of State.

DULY ADOPTED with a quorum present and voting this ____ day of _____, 20____.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

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ARTICLE I. - ANIMAL ORDINANCE

Sec. 2-4-1. – Title and Applicability.

This article shall be known and may be cited as the "Manatee County Animal Ordinance." This article shall be applicable in all incorporated and unincorporated areas of Manatee County, except as expressly provided otherwise, or to the extent any provision of this article conflicts with a municipal ordinance or code, such provision shall not be effective within the municipality to the extent of such conflict.

Sec. 2-4-2. - Definitions.

The following terms shall have the meanings as indicated. No attempt is made to define any words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, words in the singular number include words in the plural number, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall," "will," and "must" are mandatory and the word "may" is permissive.

Abandon or *abandonment* shall mean the desertion of an animal or the failure, neglect, or refusal of an animal's owner or custodian to care for and maintain such animal.

Adequate food and water shall mean food and water which is sufficient in amount and appropriate by nature for a particular type of animal to prevent starvation, dehydration, or a significant risk to the animal's health from a lack of food or water consistent with the size, health, and age of each particular animal in issue.

Affidavit shall mean a written declaration made under oath before a notary public or other authorized officer.

Animal shall mean any living dumb creature that is a member of the mammalian, avian, reptilian, or amphibian species, except that sections of this article ordinance controlled by statute shall be governed by the statutory definition of animal.

Animal services center shall mean any facility maintained by Manatee County or any municipality within Manatee County for the confinement and maintenance of domesticated animals that, pursuant to the provisions of this article ordinance, come into the custody of Manatee County or a municipality within Manatee County.

Animal services division or *division* shall mean the division of Manatee County government established by the board and authorized to enforce this article ordinance.

Animal services officer shall mean any law enforcement officer, animal services officer, code enforcement officer, or individual employed, contracted with, or appointed

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by the county who is appropriately trained and authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations. Animal services officers are not authorized to bear arms or make arrests, but are otherwise empowered as provided for in Section 828.27, Florida Statutes ~~(2005)~~, as amended.

At large shall mean any dog or cat on the owner's premises, not in the control of the owner or custodian; or any dog or cat off the premises of the owner or custodian and not under the physical control of the owner or custodian.

Baiting shall mean to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in fights, with or among other animals.

Bite shall mean any cut, puncture, or breakage of the skin or tissue made with the teeth or fangs of any animal.

Board of County Commissioners or *Board* shall mean the board of county commissioners of Manatee County, Florida, ~~or the governing body of any municipality within Manatee County.~~

Boarding facility shall mean any premises wherein six (6) or more adult animals are kept for the purpose(s) of boarding, training, or any other similar business purposes.

Chicken shall mean a female member of *Gallus domesticus* or a hen. Chicken shall not include the following:

1. Any male chicken or rooster; or
2. Any duck, goose, turkey, peafowl, or other poultry or fowl.

Chief shall mean the person in charge of the day-to-day administration of the division of animal services, or his or her designee.

Cat means, but is expressly not limited to domestic cats, *Felis catus*, and any genetic hybridization thereof, including, but expressly not limited to, ocelot hybrids and bobcat hybrids, that is not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Citation shall mean a written notice issued to a person by an officer when the officer has probable cause to believe that the person has committed a civil infraction in violation of this article ordinance.

Community cat shall mean a free-roaming cat who may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats are ear tipped and sterilized, and have received at least one vaccination against rabies. Community cats are exempt from any licensing.

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stray, abandonment and at-large provisions directed towards animals owned by individuals. Community cats also include cats that are found outside and brought to an animal shelter, even though it is not yet ear-tipped or sterilized.

Community cat caregiver shall mean a person who, in accordance with a good faith effort to conduct trap-neuter-return, provides care to one or more community cat. This care includes providing food, shelter, or medical care to a community cat. However, community cat caregivers are not the owner, harborer, controller, or keeper of a community cat.

Community cat diversion program shall mean a program authorized by the article by which a cat that is found outside is sterilized, ear-tipped and vaccinated appropriately for the cat's age and size, and then its original location as opposed to admitting the animal to a shelter, unless the original location is unsafe or there is no location, in which case the cat may become a working cat, as defined herein.

Confine or *confinement* shall mean to humanely, safely, and securely hold or restrict an animal in a designated area or to keep an animal within certain parameters.

Control shall mean the regulation of the possession, ownership, care, custody, and supervision of an animal.

County shall mean Manatee County, a political subdivision of the State of Florida.

County Administrator shall mean that person appointed by the board of county commissioners to manage the operational affairs of the county.

Cruelty shall mean any act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue when there is reasonable remedy or relief, unless excepted by law.

Dangerous dog shall be defined in accordance with Section 767.11, Florida Statutes (2005), as amended, except that a dog that bites, attacks, endangers, injures, or kills a chicken shall be excluded from this definition.

Direct control shall mean immediate and continuous control of an animal at all times by means such as a fence, animal carrier or cage, leash, tether, cord, or chain of sufficient strength to restrain the animal or the animal shall be within the unobstructed sight, attended, and supervised by a competent person by use of hand or voice control when on the property of the owner or custodian, or property which the owner or custodian of the animal has the right to use.

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

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Domestic animal shall mean and include any equine or bovine animal, dog, cat, goat, sheep, swine, poultry, or other domesticated beast or bird.

Ear-tipping shall mean the removal of the distal one-quarter of a community cat's left ear, which is approximately 3/8-inch, or 1 cm, in an adult and proportionally smaller in a kitten. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian. Ear-tips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.

Enclosure shall mean a movable structure with a covered roof and sides, such as kennel or cage or in the case of chickens, a chicken coop or poultry house.

Fence shall mean an effective and reliable pet containment system constructed of chain link, wood, or similar material with the ability to confine the animal to the property. This shall also include containment systems wherein a constructed fence is not visible and the animal is wearing an electronic collar manufactured for the system, provided such system is in working order.

Fenced area shall mean an area on the ground surrounded on all sides by a secure fence and covered on the top by a secure fence or roof.

Feral cat shall mean a cat that:

- (1) Has an uncared for condition, such as rough haircoat, underweight, or poor general health; or
- (2) Cannot be handled without injury to the cat or a person; or
- (3) Displays violent or aggressive behavior; ~~and~~ or
- (4) Has no indication of ownership or identification, such as a tag, microchip, or tattoo.

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

Front yard shall have the same meaning as set forth in the Manatee County Land Development Code.

Harbor shall mean to perform any acts of providing care, shelter, protection, refuge, food, or nourishment in such a manner as to control the animal's actions.

Humane or *humanely* shall mean the responsible practice of good animal husbandry, management, and care in regard to feeding, watering, ventilation, space and confinement, exercise, lighting, shelter with protection from the elements, handling, and treatment in a manner consistent with the physical and behavioral needs of the species. The definition also includes the provision of euthanasia consistent with lawful practices.

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Impound or *impoundment* shall mean the taking of an animal into custody through lawful means by the division.

Intact shall mean any dog or cat that has not been spayed or neutered.

License certificate shall mean a document evidencing registration and vaccination for rabies of a dog, cat, or ferret residing in the county which contains at a minimum the information required by Section 828.30, Florida Statutes ~~(2005)~~, as amended.

Motor vehicle or *vehicle* shall mean any vehicle which is self-propelled, including a vehicle propelled by electric power, including, but not limited to, mopeds, go-carts, motorcycles, dune buggies, boats, recreational vehicles, trucks, trailers, semi-trailers, truck-tractors, semi-trailer combinations, or any other attachment to such a vehicle, operated on the roads of the county.

Nuisance shall mean a condition that disturbs the peace or interferes with the enjoyment of life or property, by persistent or repetitive barking, yelping, whining, howling, meowing, squealing, screaming, or causing other objectionable noise for a period of time, or dog feces left on public property, a public walkway, recreations areas or private property of others.

Occupied shall mean residential occupancy by the owner of the real property or by a tenant or lessee.

Officer shall mean any law enforcement officer as defined in Section 943.10, Florida Statutes ~~(2005)~~, as amended, or any animal services officer as defined herein.

Official certificate of veterinary inspection shall be defined in accordance with Section 828.29(3)(b), Florida Statutes ~~(2005)~~, as amended.

Owner or *custodian* shall mean any person owning, harboring, possessing, or otherwise keeping or exercising control or custody of any animal, or if the animal is owned by an individual under the age of eighteen (18), that individual's parent or guardian. Knowledge and acts of agents and employees of the owner in regards to animal transportation, employment or custody shall be held to be the knowledge and acts of the owner. Owner or custodian shall not include a community cat caregiver.

Owner release and surrender statement shall mean an animal release form or statement signed by the owner, or his or her authorized agent, which relinquishes all ownership and possessory rights and vests those rights in the county.

Person shall mean any individual, child, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, entity, or any group or combination thereof.

Pest shall include but shall not be limited to any rodent, snake, or other vermin.

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Physical control shall mean the immediate and continuous control of an animal at all times by means such as an animal carrier or cage, leash, cord, or chain of sufficient strength to restrain the animal when off the property of the owner or custodian or on public property. The leash, cord, or chain shall not exceed eight (8) feet in length.

Proper enclosure shall mean securely enclosed and locked pen or structure, suitable to prevent the entry of other dogs, cats, or young children and designed to prevent the dog or cat from escaping over, under, or through the structure and shall also provide protection from the elements in a humane manner.

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

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

Rabies vaccination shall mean the vaccination of a dog, cat, ferret, or other domestic animal with an anti-rabies vaccine approved by the U.S. Department of Agriculture (USDA) and administered by a licensed veterinarian.

Rear yard shall have the same meaning as set forth in the Manatee County Land Development Code.

Residential property shall mean a parcel of real property that contains an occupied single-family detached dwelling located in a zoning district designated as Residential Single Family (RSF) or Planned Development Residential (PDR) under the Manatee County Land Development Code.

Registration shall mean filing a county license certificate for an animal with the division informing them of ownership and for license tag purposes.

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

~~*Service animal user* shall mean a person who is visually impaired, blind, hearing impaired, deaf, physically challenged, or similarly health impaired person whom by reason thereof is aided by a service animal.~~

Severe injury shall mean any physical injury that results in broken bones, multiple punctures, or disfiguring lacerations requiring sutures or reconstructive surgery, regardless of the permanency of any disfigurement.

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Shelter shall mean provision of and access to a three-dimensional structure having a roof, walls, and a floor, which is dry, sanitary, clean, weatherproof, and made of durable material. At a minimum, the structure must be:

- (1) Sufficient in size to allow each sheltered animal to stand up, turn around, lie down, and stretch comfortably;
- (2) Designed to protect the sheltered animal from the adverse effects of the elements and provide access to shade from direct sunlight and regress from exposure to inclement weather conditions; and
- (3) Free of standing water, accumulated waste and debris, protect the sheltered animal from injury, and have adequate ventilation. Structures with wire, grid, or slat floors which permit the animal's feet to pass through the openings, sag under the animal's weight or which otherwise do not protect the animal's feet or toes from injury are prohibited except for birds where perches are provided.

Side yard shall have the same meaning as set forth in the Manatee County Land Development Code.

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

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

Tag shall mean a current county issued or approved animal license tag.

Tether shall mean to restrain an animal by tying the animal to any object or structure, including without limitation, chain, rope, cord, leash, running line, or other binding material. Tethering shall not include using a leash to walk an animal.

Torment shall mean every act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue when there is reasonable remedy or relief; except when done in the interest of medical science pursuant to and in compliance with the applicable law.

Transfer shall mean to convey or shift ownership from one person or authorized rescue partner ~~to another~~, with or without the exchange of money or other consideration.

Trap-Neuter-Return shall mean the nonlethal process of humanely trapping, sterilizing, vaccinating for rabies, ear-tipping, and returning community cats to their original location.

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

Unprovoked means that the victim, who has been conducting himself or herself peacefully and lawfully, and has done no act to induce an animal to act, has been bitten, chased in a menacing fashion, or attacked by an animal.

Veterinarian shall mean an individual who is licensed to engage in the practice of veterinary medicine in the State of Florida or is exempt from the state licensure requirements under the authority of Chapter 474, Florida Statutes (~~2005~~), as amended.

Water shall mean provision of and access to clean, fresh, and potable water of a drinkable temperature which is free from contamination and provided in a suitable manner, in sufficient volume, and at suitable intervals to maintain normal hydration for the age, species, condition, size and types of each animal, except as otherwise prescribed by a veterinarian or as dictated by naturally occurring states of hibernation. An animal confined outdoors shall have a continuous supply of clean, fresh, and potable water, unless the animal is under the direct supervision of a responsible person who shall ensure sufficient water is provided to the animal in order to maintain normal hydration for the species of the animal.

Working Cats shall mean a definable member of the community cat diversion Program. Community cats that cannot be returned to the original location where they were found, may be designated by the division as working cats. Cats that qualify for the designation as working cats will generally possess one or more of the following characteristics, and can benefit people by keeping rodents away from their property:

1. Social, but too feisty for human interaction as a domesticated pet; and/or
2. Shy or fearful of people and prefer the company of other cats and animals; and/or
3. Litterbox habits which make them unsuitable to live indoors (and for whom medical issues have been ruled out).

Working Cat Program shall mean an adoption program that involves matching a working cat with a property owner that has property deemed appropriate by the division for a working cat to keep rodents away, such as a barn, warehouse, corporate campus or plant nursery, in exchange for the working cat's food, shelter and medical care.

Yard shall have the same meaning as set forth in the Manatee County Land Development Code.

Sec. 2-4-3. - Division of Animal Services.

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The Animal Services Division, under the direction of the County Administrator or his designee, shall implement and enforce this ~~ordinance~~ chapter. The duties, responsibilities, procedures, rules, and regulations for the operation of the animal services division and the implementation of this article ~~ordinance~~ shall be assigned to the designated person in charge of the animal services division.

Sec. 2-4-4. - Dog, Cat, and Ferret rabies vaccination requirement; medical exemption.

~~(a)~~A. Rabies Vaccination Required.

- ~~(1.)~~ It is a violation of this article ~~ordinance~~ for the owner or custodian of a dog, cat, or ferret to fail to have each dog, cat, or ferret vaccinated with an anti-rabies vaccine, as required by this section.
- ~~(2.)~~ Any person who owns a dog, cat, or ferret, four (4) months of age or older, shall have such dog, cat, or ferret vaccinated with an anti-rabies vaccine in accordance with Section 828.30, Florida Statutes ~~(2005)~~, as ~~may be~~ amended. Dogs and cats shall be vaccinated annually for rabies; however, dogs, cats, and ferrets vaccinated by a veterinarian using a USDA-approved triennial vaccine are considered currently vaccinated for the entire three-year period and will not be required to have an annual revaccination for the purpose of obtaining a license tag except that dogs and cats vaccinated at less than one year of age must be revaccinated with a booster one year after the initial vaccination.
- ~~(3.)~~ Proof of rabies vaccination in a form containing the information required by the registration certificate shall be provided to the owner and the division by the vaccinating veterinarian. Upon request, such certificate shall be made available to any officer or representative of any enforcement agency. In the event the vaccinating veterinarian does not practice in Florida, other verifiable evidence of a current rabies vaccination as deemed acceptable by the division may be substituted.

~~(b)~~B. Medical exemption.

- ~~(1.)~~ A medical exemption from any vaccination requirement of the article ~~ordinance~~ may be granted by the division if the following requirements are satisfied:
 - a. A veterinarian examines the dog or cat and certifies in writing that at the time of such examination, in his or her professional opinion, administering the vaccination would endanger the health or life of the animal. The veterinarian's certification must include the basis for his or her opinion (e.g., age, infirmity, disability, illness, or other injurious condition), the anticipated duration of this condition, and the dates of

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administration for the last occurring series of vaccinations or a statement that this information was not available; and

- b. The dog or cat is registered with the division within thirty (30) days of the exam by submitting the veterinarian's certification, completing any other required forms, and paying the applicable fee; and
- c. The dog or cat is securely and humanely confined.

~~(2.)~~ In no event shall any exemption granted pursuant to this section be in effect for more than one year without recertification by a veterinarian. As soon as the animal's condition permits, it must be vaccinated and otherwise come into full compliance with the article ordinance.

~~(3.)~~ The division must be contacted upon expiration or termination of the exemption and/or the animal's condition, and within fourteen (14) days provide proof of compliance with all vaccination requirements.

Sec. 2-4-5. - Dog, cat, and ferret license certificates and tags; requirements; exemptions; changes in ownership.

~~(a)~~A. Requirements.

~~(1.)~~ Except as provided for in section 2-4-5(b) of this article, all dogs, cats, and ferrets that are four (4) months of age or older must be licensed with the division. The length of time that such license certificate will remain valid may be based on the expiration of the animal's rabies vaccination, but in no instance shall it be greater than one year.

~~(2)~~ ~~Except as provided for in section 2-4-5(b) of this article, all dogs and cats in the county that are at least four (4) months of age or older must have been issued a license tag. The length of time that such tag will remain valid may be based on the expiration of the animal's rabies vaccination, but in no instance shall it be greater than one year.~~

~~(3)~~2. The owner of a newly acquired dog, cat, or ferret that is at least four (4) months of age or older, shall have three (3) business days to license the animal and obtain a tag for the dog or cat, if no proof is provided that the animal has a current license certificate or tag. This provision does not excuse the previous owner from any applicable license or tag requirements. If the animal has a current license certificate and current license tag, both would be transferable to the new owner as required in section 2-4-5~~(e)~~C.

~~(4)~~3. The county shall provide all license certificates and license tags. Only such license certificates and license tags provided or approved by the county shall satisfy the requirements of this article. The license tag shall be serially numbered.

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~~(b)~~B. *Exemptions to license and tag requirements.*

- ~~(1.)~~ Visiting dogs, cats, or ferrets: The license and tag requirements of this ~~article ordinance~~ shall not apply to any animal that will only remain in the county for a period of ninety (90) days or less and for which the division is provided proof of domicile outside of the county; a current, valid certificate of rabies vaccination; and any applicable registration, required license, or permit required by the laws of the jurisdiction of domicile.
- ~~(2.)~~ The license tag requirement shall be waived for division-approved cat caretaker organizations.

~~(e)~~C. Changes in owner information.

1. The person named as the owner and the address as it appears on the registration certificate shall be prima facie evidence of ownership and domicile of the animal. The division must be notified within ten (10) business days of any change in ownership or any other change in the information contained in the license certificate including the address or telephone number.
2. Before a dog is offered for sale or transferred it shall:
 - a. be a minimum of eight (8) weeks old;
 - b. receive a fecal exam, vaccines and anthelmintics against the following diseases and internal parasites:
 - (i) Canine distemper;
 - (ii) leptospirosis;
 - (iii) bordetella;
 - (iv) para influenza;
 - (v) hepatitis;
 - (vi) canine parvo;
 - (vii) rabies, if the dog is over four (4) months of age and the inoculation is administered by a veterinarian;
 - (viii) roundworm;
 - (ix) hookworm; and
 - (x) other internal parasites.
 - c. All tests, exams, vaccines and anthelmintics must be administered prior to the dog being offered for sale, unless a veterinarian certifies on the official Health Certificate that it is not in the best medical interest of the dog to inoculate or deworm the dog.

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- d. If the dog is under four (4) months of age, the exams, vaccines, and anthelmintics required by this section must be administered no more than twenty-one (21) days before the sale. If the dog is four (4) months of age or older, the exams, vaccines and anthelmintics required by this section must be administered no more than one (1) year before the sale. If the dog is six (6) months of age or older, it must also be tested for heartworms before the sale.
3. Before a cat is offered for sale or transferred it shall:
- a. be a minimum of eight (8) weeks old;
- b. be tested for feline leukemia and feline immunodeficiency virus (FIV) and receive a fecal exam, vaccines and anthelmintics against the following diseases and internal parasites:
- (i) Panleukopenia;
 - (ii) feline viral rhinotracheitis;
 - (iii) calici virus;
 - (iv) rabies if the cat is over four (4) months of age and the inoculation is administered by a veterinarian;
 - (v) roundworm;
 - (vi) hookworm; and
 - (vii) other internal parasites.
- c. All tests, exams, vaccines and anthelmintics must be administered prior to the cat being offered for sale, unless a veterinarian certifies on the official Health Certificate that it is not in the best medical interest of the cat to inoculate or deworm the cat.
- d. If the cat is under four (4) months of age, the tests, vaccines, and anthelmintics required by this section must be administered no more than twenty-one (21) days before the sale. If the cat is four (4) months of age or older, the tests, vaccines and anthelmintics required by this section must be administered no more than one (1) year before the sale.
4. Each dog or cat must be accompanied by a current Health Certificate at all times while being offered for sale. Copies of these certificates must be held by the seller and the veterinarian for a period of three (3) years.
5. The examination of each dog and cat by a veterinarian must take place no more than thirty (30) days before the sale.

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6. The records of a pet dealer shall be open for inspection by an Animal Services Officer to be in compliance of this section.
7. County-operated or city-operated animal service agencies and State of Florida registered nonprofit humane organizations are exempt from the requirements section.
8. The retail seller of rabies vaccines for dogs, cats or ferrets shall advise the buyers of such vaccines that Florida law requires all dogs, cats and ferrets that are four (4) months of age or older be vaccinated in accordance with state law.

Sec. 2-4-6. - Display of license tag; cat identification.

- ~~(a)~~A. Dogs. Unless otherwise exempted by this ~~ordinance~~ article, all dogs required to have a tag must wear the tag when outside. Other types of identification are encouraged, such as microchips or tattoos, in addition to the required license tag.
- ~~(b)~~B. Cats. Unless otherwise exempted by this ~~ordinance~~ article, all cats are required to have a tag. A cat shall be required to wear its tag or be microchipped, ~~tattooed, or have an ear tip that can be used~~ to identify the cat and link it to the owner or custodian when outside.
- ~~(c)~~C. Exemptions.
 - ~~(1.)~~ An animal actively participating in a field trial, obedience trial, training exercise, conformation show, and/or match or any other organized legal public competition, will not be required to wear its tag while participating in the activity. However, the handler must keep the tag on his or her person during the event. Dogs or cats kept in an enclosure such as a kennel or cage are not required to wear tags. Tags for such animals shall be in the possession of the owner or the person responsible for the animal.
 - ~~(2.)~~ Authorized shelters and approved government agencies shall be exempt from the provisions of ~~this~~ section 2-4-6.
 - ~~(3.)~~ Community cats that have been ear-tipped shall be exempt from the requirements of section 2-4-6.
- ~~(d)~~D. Transfer of license tags. A tag shall not be transferred from one animal to another.
- ~~(e)~~E. Lost tags. A replacement tag must be purchased and in place within ten (10) calendar days if the original tag is lost, misplaced, or stolen.

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Sec. 2-4-7. - Report of animal bites/exposure to rabies/animal quarantine.

- (a)A. When any individual has been exposed to rabies by any animal or has knowledge that an individual has been exposed to rabies, that individual must report the incident promptly to the county health department. The individual making the report shall state, to the best of his knowledge, the name, address, and telephone number of the individual who has been exposed to rabies; the time and place of such exposure; and if known, the location, description, and type of animal involved, information about the owner, and circumstances surrounding the incident.
- (b)B. The director or administrator of the county health department or the appropriate state health officer shall determine which animals are subject to quarantine and shall issue appropriate instructions pursuant to the applicable provisions of the Florida Administrative Code.
- (c)C. No person shall refuse to surrender to an authorized representative of the public health department, animal services officer, law enforcement officer, or any other person designated by the county health unit any animal that has bitten a person. Any attempt to hide, conceal or release such an animal, or interfere with the impoundment of such an animal, shall also be a violation of this article ordinance.
- (d)D. No person shall vaccinate an animal against rabies, or kill or euthanize an animal which said person knows or suspects has bitten, scratched or otherwise harmfully attacked another animal or person without the express approval and authorization of the officials of the county health department.

Sec. 2-4-8. - Humane treatment of animals.

- (a)A. Any person owning, caring for, harboring, or keeping an animal must treat the animal humanely at all times.
- (b)B. No person shall:
- (1.) Breed, own, possess, harbor, keep, or train any animal with the intent that such animal be engaged in animal fighting;
 - (2.) Build, make, maintain, or keep a pit or other area on premises owned or occupied by him or allow an area to be built, made, maintained, or kept on such premises, for the purposes of animal fighting;
 - (3.) Own, manage, possess, maintain, sell, or operate any facility, staging equipment, concession equipment, handling equipment, or exhibition equipment related to animal fighting;
 - (4.) Advertise for the purpose of animal fighting;
 - (5.) Encourage or instigate animal fighting in any manner; or

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- ~~(6.)~~ Perform any service, with or without pay, in the furtherance of, or to facilitate, any animal baiting or fighting, including refereeing, advertising, acting as a stakes or security holder of wages, or handling animals intended to be used in fighting.
- ~~(e)~~C. Any animal that is confined must be provided appropriate care; sufficient quantities of good and wholesome food and water on a daily basis; kept in a sanitary condition; provided with sufficient room to stand up, turn around, and sit comfortably; proper air ventilation and quality of air; and protection from the elements and from excessive exposure to fleas, ticks, other harmful insects or external parasites.
- ~~(d)~~D. Under no circumstances shall a person improperly tether any animal. It shall be unlawful for any owner to tether an animal outdoors, except when all of the following conditions are met:
- ~~(1.)~~ The animal is within visual range of the owner, and the owner is located outside with the animal.
- ~~(2.)~~ The tether is connected to the animal by a buckle-type collar or a body harness made of nylon or leather, not less than one inch in width. This shall prohibit any pinch, prong or choke-type collars.
- ~~(3.)~~ The tether has the following features:
- a. It is at least five (5) times the length of the animal's body, as measured from the tip of the nose to the base of the tail;
 - b. It terminates at both ends with a swivel;
 - c. It does not weigh more than one-eighth the animal's weight and shall not be tethered with a tow chain, log chain, padlock chain, or any other type of tether unsuitable for the animal's size; and
 - d. Is free of tangles.
- ~~(4.)~~ The animal is tethered in such a manner as to prevent injury, strangulation or entanglement.
- ~~(5.)~~ The animal is not outside during a period of extreme weather, including without limitation, extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms or hurricanes.
- ~~(6.)~~ The animal has access to water, shelter and dry ground.
- ~~(7.)~~ The animal is at least six (6) months of age. Puppies, kittens and other young animals shall not be tethered.

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- ~~{8.}~~ The animal is not sick or injured.
- ~~{9.}~~ Pulley, running line, or trolley systems are at least fifteen (15) feet in length and are less than seven (7) feet off the ground and in a manner that will not allow the animal to reach within the property of another person, a public walkway, or right-of-way.
- ~~{10.}~~ If there are multiple animals, each animal is tethered separately.

E. Under no circumstances shall a person improperly confine any animal outside in any type of crate, container, box, shed, carrier or any other structure that confines the animal to a small space with a limited area to move comfortably, have proper air flow, and maintain a healthy sanitary condition. It shall be unlawful for any owner to confine an animal in this manner outdoors, except when all of the following conditions are met:

1. The animal is within visual range of the owner, and the owner is located outside with the animal.
2. The animal is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms or hurricanes.
3. The animal has access to water, is on dry ground, protected from the elements, and is not restricted from movement.
4. The animal is at least three (3) months of age. Puppies, kittens and other young animals shall not be confined outside under the provisions of this section.
5. If there are multiple animals, each animal is confined separately.

Sec. 2-4-9. - Cruelty to animals.

~~{a)}~~A. Section 828.12, Florida Statutes ~~(2005)~~, as amended, is hereby adopted by reference. Cruelty to animals is a criminal offense. The division shall investigate reported incidents involving cruelty to animals or support investigations by other law enforcement agencies when so requested and shall refer cases where probable cause exists to the State Attorney for potential criminal prosecution.

~~{b)}~~B. In addition to those set forth in the statute, the following additional acts or omissions shall constitute cruelty to animals under this article Ordinance:

- ~~{1.}~~ Unnecessarily overloading, overdriving, tormenting, depriving of necessary sustenance, shelter, or medical care; or unnecessarily mutilating; or killing any animal or causing the same to be done; or carrying in or upon any vehicle or otherwise, any animal in a cruel or inhumane manner.

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- ~~(2.)~~ Intentionally committing an act to any animal which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done.
- ~~(3.)~~ Poisoning a dog, cat, ferret, or any other animal.
- ~~(c)~~C. Section 828.13, Florida Statutes ~~(2005)~~, as amended, is hereby adopted by reference. Confining an animal without sufficient food, water, or exercise, or abandonment of an animal is a criminal offense. The division shall investigate reported incidents involving such action, or support investigations by other law enforcement agencies when so requested, and shall refer cases where probable cause exists to the State Attorney for potential criminal prosecution.
- ~~(d)~~D. The following acts or omissions shall constitute improper confinement or abandonment:
- ~~(1.)~~ Impounding or confining an animal without a sufficient quantity of water and good and wholesome food.
- ~~(2.)~~ Keeping an animal in any enclosure without wholesome exercise and change of air.
- ~~(3.)~~ Abandoning to die any animal that is maimed, sick, infirm, or diseased.
- ~~(4.)~~ Abandoning an animal to suffer injury, malnutrition, or illness without veterinary care.
- ~~(e)~~E. A veterinarian rendering services is exempt from the provisions of this section.
- ~~(f)~~F. Section 828.122, Florida Statutes ~~(2005)~~, as amended, is hereby adopted by reference. Fighting or baiting animals is a criminal offense. The division shall report incidents involving such action to the appropriate law enforcement agency, and support investigations when so requested, and shall refer cases where probable cause exists to the state attorney for potential criminal prosecution.
- ~~(g)~~G. The following acts or omissions shall constitute improper fighting or baiting under this article ordinance:
- ~~(1.)~~ Baiting or using any animal for the purpose of fighting or baiting any other animal.
- ~~(2.)~~ Knowingly owning, managing, or operating any facility kept or used for the purpose of fighting or baiting any animal.
- ~~(3.)~~ Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two (2) or more animals.

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

Sec. 2-4-10. - Vicious animals and dangerous dogs.

~~(a)~~A. Vicious animals.

~~(1.)~~ The owner or custodian of a dog or cat will be in violation of this section ordinance if their dog or cat, when unprovoked, bites, attacks, endangers, or inflicts injury on a human, domestic animal, or livestock; or causes damage to property, while on public or private property; or chases or approaches an individual upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, except that it is not a violation of this section if a dog bites, attacks, endangers, injures, or kills a chicken.

~~(2.)~~ The owner shall not be found in violation of this section for any injury to a person who, at the time such injury was sustained, was committing a willful trespass or other tort or crime upon premises occupied by the owner of the dog or cat or was teasing, tormenting, abusing, or assaulting the dog or cat.

~~(3.)~~ Violations of this section may constitute proof of "prior knowledge of a dog's dangerous propensities" under Section 767.13(2), Florida Statutes ~~(2005)~~, as amended.

~~(b)~~B. Dangerous dogs. The provisions of Chapter 767, Florida Statutes ~~(2005)~~, as amended, pertaining to dangerous dogs are adopted in their entirety as a part of this article ordinance. All procedures, regulations, requirements, and restrictions pertaining to dangerous dogs are applicable under this article ordinance, and a violation of the statute shall constitute a violation of this article ordinance. ~~Each day the owner of a dangerous dog fails to comply with the requirements of this section or the requirements of Section 767.12, Florida Statutes, shall constitute a separate and distinct offense.~~

~~(1.)~~ Administrative procedures shall be approved by the county administrator, or his or her designee, regarding dangerous dog investigations, hearings, and appeals. The procedures may be amended or modified, from time to time, by the county administrator or his or her designee.

~~(2.)~~ The division will only issue certificates of registration and their renewals to individuals, who are at least eighteen (18) years of age, pay the appropriate fee, and present sufficient evidence of the requirements provided for in Section 767.12, Florida Statutes ~~(2005)~~, as amended. In addition to those requirements, the dog's owner must:

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- a. Sterilize the dog within thirty (30) calendar days of being declared dangerous;
 - b. Provide the division proof of a current health certificate for the dog issued by a veterinarian;
 - c. Have the dog microchipped and registered to the owner at his or her current address;
 - d. Post approved signage ~~obtained from the division~~ at intervals determined by the division and at all entrances to the property;
 - e. Provide a secure enclosure to properly confine the dog, as determined by the division, which may be inside the owner's dwelling or a kennel which measures a minimum of four (4) feet by eight (8) feet, which does not share common fencing with the perimeter of the premises, and which consists of a top and sides made from at least eleven (11) gauge chain link wire secured to a concrete floor by embedding the wire in the concrete or by other means as preapproved by the division;
 - f. Provide access to property and the dog for no less than two (2) inspections annually by the division to verify compliance with the provisions of this article ordinance and Chapter 767, Florida Statutes (2005), as amended.
- ~~(3.)~~ The division may provide notification to appropriate neighbors and the public advising them of the presence of a declared dangerous dog. Photographs of the dog may be used in providing the public with internet access to dangerous dog information.
- ~~(4)~~ ~~The division may confiscate any dog classified as dangerous for euthanasia as a result of the owner's failure to comply with any or all requirements of Chapter 767, Florida Statutes, or any requirement of this section. Should the division confiscate any dog under this section, notice of sufficient cause to confiscate the animal shall be provided in writing to the owner in accordance with Section 767.12, Florida Statutes (2005).~~
- ~~(5)~~ ~~The dog shall be held for ten (10) business days after the owner is provided this written notice and thereafter destroyed in an expeditious and humane manner. The owner may request a hearing during this ten (10) business day period. If a hearing is held, the dog shall not be euthanized until all administrative proceedings have been concluded.~~

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~~(c)~~C. Previously declared dangerous dog; subsequent attack.

- ~~(1.)~~ If a dog previously declared dangerous attacks or bites a human being or a domestic animal without provocation, in accordance with Section 767.13, Florida Statutes ~~(2005)~~, as amended, the owner is guilty of a criminal offense as set forth in this article ordinance.
- ~~(2.)~~ The owner shall be responsible for any boarding costs and other fees as may be required to humanely and safely keep the dog during any hearing or appeal procedure, including any and all investigative fees accrued by the division.
- ~~(3.)~~ If the owner files a timely written request for a hearing, the division may not destroy the dog while the appeal is pending. The only exception would be to prevent unnecessary suffering by the animal as determined by two (2) veterinarians.

Sec. 2-4-11. – Community Cat Diversion Program.

- A. A community cat diversion program shall be authorized in Manatee County to control and reduce feral and free-roaming cat populations in the County by establishing and responsibly managing community cat populations in accordance with the provisions of this section. Community cat diversion program activities include trap-neuter-return and managing working cats.
- B. For the purposes of this article, a community cat is any feral or free-roaming cat that is cared for by one or more individual caregivers, provided that such cat shall be sterilized, vaccinated for rabies, and distinguished from other cats by being ear-tipped.
- C. Community cat caregivers shall, at a minimum, comply with applicable law, including laws governing animal neglect and cruelty, and not allow a community cat to suffer.
- D. Community cat caregivers may reclaim impounded community cats that are ear-tipped, without proof of ownership and without paying a redemption fee.

Sec. 2-4-12 – Dogs and cats at large; direct control; exceptions.

- ~~(a)~~A. No dog or cat shall be "at large," as defined by this article ordinance, upon any public property, street, or sidewalk, or on private property of another, without the consent of the property owner.
- ~~(b)~~B. Any dog or cat that is on private property without the consent of the property owner or resident may be captured in a humane trap or otherwise humanely confined. Persons capturing "at large" dogs and cats will be responsible for the humane care

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of the animal until the captured animal is turned over to the division, other humane organization, or licensed wildlife trapper.

- (c)C. No person shall tie, chain, or tether any dog or cat in such a manner that it is or could be injurious to its health, or that it has access to public property or the property of another without the consent of that property owner.
- (d)D. The owner or custodian of a dog or cat must have direct control of such animal at all times, unless the cat is sterilized and/or classified as a community cat.
- (e)E. ~~Any cat that is outdoors while not under direct control must be sterilized in order to be exempt from the requirements of section 2-4-11(d) of this ordinance.~~ This section shall not apply to police dogs, as defined in Section 843.19, Florida Statutes, as amended, when such dog is engaged by a law enforcement agency in an official capacity.
- (f) ~~This section shall not apply to police dogs, as defined in Section 843.19, Florida Statutes (2005), when such dog is engaged by a law enforcement agency in an official capacity, or to any dog which is being trained for the sport of hunting, or is actually engaged in hunting, during a legal hunting season within authorized areas and supervised by a competent person, or to any dog working livestock in areas of the county designated as green belt areas.~~

Sec. 2-4-~~1312~~. - Nuisance dogs and cats.

- (a)A. Any feces deposited by a dog on public property, public walks, recreation areas, or the private property of others, must be immediately removed by the person who has custody or control of the animal unless otherwise authorized by the property owner.
 - (b)B. No dog or cat shall materially disturb the peace and quiet or interfere with the enjoyment of life or property by persistent or repetitive barking, yelping, whining, howling, meowing, squealing, screaming, or causing other objectionable noise for a persistent period of time ~~exceeding ten (10) minutes or for a repetitive period of time which cumulatively exceeds ten (10) minutes within a one hundred twenty-minute period of time.~~
- (1) ~~The following illustrations are offered by way of example and not limitation:~~
- a. ~~A dog or cat that causes any objectionable noise exceeding ten (10) minutes at any one time such as the dog that barks and barks because it does not want to be outdoors or it sees the dog or cat next door. This persistent barking may be a violation of this ordinance.~~
 - b. ~~A dog or cat that causes any objectionable noise cumulatively exceeding ten (10) minutes within a one hundred twenty-minute period of time such as the dog that barks for five (5) minutes at~~

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~~someone walking nearby, four (4) minutes at someone riding their bicycle, three (3) minutes at the mailman delivering mail, and two (2) minutes at the birds flying by, all within a two-hour time period. This repetitive barking may be a violation of this ordinance.~~

~~(2) Procedures are hereby set forth for the proper enforcement of this part:~~

~~a1.~~ The division must receive a formal complaint, including the ~~name and address of the violation, complainant in order that verification can be made by the responding~~ for investigation by the animal services officer.

~~b.~~ The responding animal services officer, upon his or her initial response to the location of a reported violation must first issue, or post in a conspicuous place, a courtesy notice of complaint that such a violation of this section has been reported. By issuance or posting of the notice, it will ensure the owner or custodian of the dog or cat is aware of the reported violation and has ~~seventy two (72) hours~~ from the time of issuance or posting to correct the violation.

~~G2.~~ If after ~~seventy two (72) hours~~ a subsequent complaint is received, a A civil citation may be issued as authorized by this article for a violation of this section ordinance. Prior to a citation being issued, the division must be in receipt of affidavits alleging a violation of this section from the owners or occupants of no less than two (2) different lots or nearby residences or, if the investigating officer has probable cause ~~reason~~ to believe a violation exists, based on eye witness testimony, ~~that officer's assessment may replace one of the required affidavits~~. Each affidavit must be made under oath before an individual authorized by law to take acknowledgements, and must set forth the nature and date of the violation, the owner or custodian of the dog or cat, the address of the violation, and a description of the dog or cat.

~~d.~~ If the reported violation is repetitive, or ~~pre-existing complaints are on file regarding a particular address, and it is evident the same animal owner resides at the reported address, the seventy two-hour time period may be waived. The animal owner will not receive another notice, and the investigative process may commence.~~

~~(e)C.~~ The owner shall not be found in violation of subsection ~~(b)~~ B of this section, if at the time of the objectionable noise described herein, a person commits a crime, tort or trespass upon premises occupied by the owner of the dog or cat or was teasing, tormenting, abusing, or assaulting the dog or cat.

~~(d)D.~~ No owner of an animal boarding facility or humane organization shall be subject to the provision of this section as it relates to dogs or cats which bark, yelp, whine, howl, meow, squeal, scream, or cause other objectionable noise.

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Sec. 2-4-~~1413~~. - Publicly funded sterilization programs.

The use of public funds to pay all or a portion of the cost of sterilizing dogs and cats is hereby authorized to the extent the board has specifically designated funds for such programs and by resolution provided policies to govern such programs.

Sec. 2-4-~~1514~~. - Animals in vehicles.

- (~~a~~)A. An animal shall not be placed or confined, or allowed to be placed or confined, or allowed to remain in an unattended vehicle, without sufficient ventilation or other conditions, or for such a period of time as may be expected to endanger the health or well-being of such animal due to heat, lack of water, or such other circumstances which may cause suffering, debility, or death.
- (~~b~~)B. Any law enforcement officer who finds an animal in a vehicle in violation of this section is authorized to enter the vehicle by using the amount of force reasonably necessary to remove the animal.
- (~~c~~)C. Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry, or other agricultural livestock in trailers or other vehicle designed and constructed for such purposes.
- (~~d~~)D. Any animal in the open bed of a pickup truck or other vehicle from which the animal can easily escape, shall be confined inside a secured animal carrier or restrained by a minimum of two (2) tethers, each affixed to opposite sides of the truck or other vehicle and both attached to the collar or harness of the animal. It is a violation of this article ordinance for the owner or custodian of an animal or the driver of a pickup truck or other vehicle to refuse or fail to confine or restrain the animal as required by this section.

Sec. 2-4-~~1615~~. - Female in heat.

The owner of a female dog or cat in heat (*estrus*) shall humanely confine such dog or cat in a building or proper enclosure so as to make her inaccessible to any male dog or cat, except for controlled, intentional, permitted breeding purposes. When not in a proper enclosure, such dogs or cats shall be under the direct supervision of a responsible individual so that the dog or cat is not allowed to unintentionally come into contact with a male dog or cat and breed.

Sec. 2-4-~~1716~~. - Interference with an animal services officer.

No individual shall interfere with an animal services officer in the legal performance of his or her duties. This includes, but is not limited to, striking or attempting to strike the animal services officer, providing the officer with false information; taking or attempting to take any animal from any officer in the legal performance of his or her duties, from any official vehicle used by the division to transport animals, or from the division without proper authority; or taking or damaging any county property used in conjunction with the legal

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performance of the animal services officer's duties. In addition to constituting a violation of this ~~article ordinance~~, such action may be punishable pursuant to Section 838.021, Florida Statutes (2005), as amended.

Sec. 2-4-~~1817~~. - Providing information and license certificates and sale of license tags by veterinarians; providing license certificates and sale of license tags by department or other authorized organizations.

~~(a)~~A. All veterinarians practicing in Manatee County must make available approved license tags and license certificates.

~~(b)~~B. All veterinarians practicing in Manatee County, and any other person who owns or operates a veterinarian's office or an animal clinic within the county, must post in a conspicuous place within the waiting area and/or in each examination room and/or area, a division-issued or approved information poster describing the legal obligations for dog, cat, and ferret ownership.

~~(c)~~C. All veterinarians practicing in Manatee County must, upon administering a rabies vaccination, inform the owner that they must purchase a county license tag, as required by section 2-4-5 of this ~~article ordinance~~.

~~(1.)~~ A veterinarian shall not charge more for the license tag than is provided for by the fee resolution and is responsible to the division for all fees collected less any administrative fee established by board resolution.

~~(2.)~~ A veterinarian shall not be held responsible if their client refuses to purchase the license tag for their dog or cat.

~~(d)~~D. All veterinarians must keep records of the information required for the license certificate for each dog, cat, or ferret vaccinated for rabies and must submit to the division, on a monthly basis, the appropriate copy of the license certificate for each animal they vaccinated for rabies during the prior month. The animal owner is also to be provided with their copy of the license certificate.

~~(e)~~E. The division is authorized to provide license certificates and license tags.

Sec. 2-4-~~1918~~. - Impoundment by the division.

~~(a)~~A. The division has the authority to pick up, catch, or procure and impound any animal in the county in a manner reasonably necessary to effectuate its capture when it appears abandoned or one or more of the following sections of this ~~article ordinance~~ appear to have been violated: 2-4-4, 2-4-7, 2-4-8, 2-4-9, 2-4-10, 2-4-11, 2-4-14, 2-4-15, or 2-4-~~2223~~.

~~(b)~~B. Every animal, including feral cats, which has been impounded shall be held for redemption for the period of time and/or disposition as established by section 2-

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4-~~2019~~ of this article ordinance and/or the provisions of Chapters 767 and 828, Florida Statutes (~~2005~~), as amended.

~~(c)~~C. The division has the authority to pick up, catch or procure and impound any animal in the county in a manner reasonably necessary to effectuate its capture that has bitten a human and/or is infected or believed to be infected with rabies or other disease which may be contagious or infectious to humans or animals.

Sec. 2-4-~~2019~~. - Disposition of animals.

~~(a)~~A. Dogs impounded by the division shall be held for redemption for a minimum of five (5) calendar days. Cats impounded by the division shall be held for redemption for a minimum of three (3) calendar days. A cat which is reasonably believed to be either feral or a community cat may be transferred at any time to the County's shelter for trap-neuter-return for the purpose of immediate identification, sterilization and release. In calculating the time period, the day of impoundment shall be counted as day one. However, wildlife, certain domestic animals such as various avian species, rabbits, reptiles, rodents, and the like, small farm animals and livestock, will be transferred to the appropriate agency, or held for a period of time determined by the division, on a case-by-case basis.

~~(b)~~ — ~~The division chief of animal services or his designee has the authority to make a determination as to whether a particular cat is feral. Cats identified as being feral shall be held by the division for a minimum of one calendar day and they are processed in accordance with all applicable laws and procedures.~~

~~(e)~~B. Animals which have not been redeemed, or for which an owner has unsuccessfully been identified or located within the time periods provided by this article ordinance, shall become the property of the county. Thereafter, the division may, in its discretion, place such animals for adoption, transfer the animals, or make disposition pursuant to law.

~~(d)~~C. If an impounded animal is suffering from or suspected to have an infectious or contagious disease, or is injured or debilitated to such an extent that it is experiencing unjustifiable pain or suffering as determined by a veterinarian or the division chief or his or her designee, the animal may be euthanized prior to the expiration of the times set forth in this section.

~~(e)~~D. The impound times set forth in this section shall not apply to owners whose animals were impounded for investigative or litigation-related reasons, or to those animals surrendered by their owner.

~~(f)~~E. No animal will be disposed of to any medical school, college, university, or person for experimentation or vivisection purposes, or to any person providing, selling, or supplying animals to any medical school, college, university, or person for experimentation or vivisection purposes.

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Sec. 2-4-~~2120~~. - Redemption of animals.

~~(a)~~A. The owner of an animal licensed and vaccinated pursuant to the requirements of this article ordinance shall have the right to redeem their animal unless it has been impounded for any of the following reasons: (i) further investigation, (ii) quarantine, or (iii) the division is seeking custody, ~~an~~ in order to provide care, or a dangerous dog determination. In the event one of these situations applies, the animal may be redeemed only when the division, the public health unit, or a court of competent jurisdiction has determined that all applicable state laws, statutes, ordinances, and/or administrative policies have been fulfilled.

~~(b)~~B. An owner shall redeem his or her animal after being notified by the division that the animal is ready for release within the time lines established in this article ordinance. If not redeemed within this time, the owner will have been deemed to have waived his or her rights to the animal, and the division may, in its discretion, make appropriate disposition of the animal as allowable under section 2-4-~~2049~~ of this article ordinance and other applicable law.

C. A community cat caregiver may redeem impounded community cats that have been ear-tipped without proof of ownership at no charge.

~~(c)~~D. The division shall have the sole discretion to determine whether unlicensed animals may be redeemed by the person claiming ownership in accordance with division policy and completion of the following:

~~(1.)~~ *Proof of ownership.* Proof of ownership must be provided and may be established by any or all of the following:

- a. The license certificate;
- b. A bill of sale;
- c. Photographs of the animal in question;
- d. Microchip or tattoo information;
- e. Affidavits from neighbors;
- f. Veterinary records; or
- g. Other reliable documented evidence considered reliable by the division; along with a sworn or affirmed statement of ownership.

~~(2.)~~ *Fees and costs.* The owner of the impounded animal must pay all assessed impound, service and per diem fees, and applicable costs, which may include, but not be limited to, daily costs, medical expenses, investigative costs, and any other related costs as applicable, in order to redeem the

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animal. The impound fees and per diem fees shall be established by board resolution. ~~All fees and costs shall be paid in full prior to release of the animal.~~

~~(3.)~~ Vaccinations and microchipping.

- a. Unless exempted by this article ordinance, proof of rabies vaccinations must be provided to the division prior to redemption, or the owner must arrange for administration of the vaccinations prior to or contemporaneously with the release of the animal.
- b. Any animal may be microchipped by the division at the time of redemption at the discretion of the division unless a veterinarian recommends against microchipping.
- c. ~~The owner may have his or her veterinarian implant the microchip and/or administer the rabies vaccination. In such cases, a refundable deposit as established by resolution may be required prior to the animal being redeemed.~~

~~(d)~~E. The division may allow redemption of an animal to a designated authorized agent of the owner who provides proof of ownership and of authorization for release of the animal to the agent.

~~(e)~~F. Animals which have not been redeemed or for which an owner has not been identified or located within the time period provided in this article ordinance, shall become the property of the county. Thereafter, the division may, in its discretion, place such animals for adoption, transfer by agreement, or make any other disposition pursuant to law.

Sec. 2-4-~~222~~4. - Surrender of animal by owner.

~~(a)~~A. An animal may be signed over to the division by its owner, or his or her designee, by executing an unconditional release and surrender statement.

~~(b)~~B. An animal that has been surrendered to the division, except as noted in subsection ~~(c)~~C below, immediately becomes the property of the county, and the division may place the animal for adoption or otherwise make disposition in accordance with the law.

~~(c)~~C. An animal that has bitten a human may be surrendered to the department for quarantine pursuant to the applicable provisions of Florida law.

Sec. 2-4-~~232~~2. - Adoption.

~~(a)~~A. Any animal that has not been timely redeemed, has been released to the division, or is otherwise the legal property of the County, may be placed for adoption.

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- (b)B. The adoption fee shall be established by board resolution.
- (c)C. The division has the final authority to approve the adoption of any animal. The division may refuse an adoption if it determines that the adoption is not in the best interest of the animal or may be detrimental to the health, safety, or welfare of the general public.
- (d)D. The new owner must execute an adoption agreement with the division and comply with its provisions. Failure to do so will constitute a breach of the agreement subject to penalty provided by this article ordinance and may include forfeiture of the animal to the division.
- (e)E. All dogs and cats that become the property of the county pursuant to this article ordinance that are subsequently adopted shall be sterilized prior to release.
- (f)F. The adopted animal may be microchipped by the division prior to release unless a county veterinarian determines it is not in the best interest of the animal.
- (g)G. The new owner is responsible for payment of all fees and costs pertaining to the animal and undertakes all liability and risk associated with the ownership of the animal. The county will bear no responsibility or liability for the actions of the animal and will in no way represent or warrant the health of the animal.

~~Sec. 2-4-23. - Persons authorized to issue citations.~~

~~Animal services officers or other officers are hereby authorized to issue a citation to any person whom that officer has probable cause to believe has committed a civil infraction in violation of this ordinance.~~

~~Sec. 2-4-24. - Civil citations and penalties.~~

- (a) ~~It shall be a violation of this ordinance to fail to comply with any of the requirements or restrictions contained in this ordinance.~~
- (b) ~~Any violation of this ordinance is a civil infraction punishable by a maximum civil penalty not to exceed five hundred dollars (\$500.00). The amount of each individual infraction will be established by separate resolution.~~
- (c) ~~A citation from an animal services officer may be issued to any person believed to have committed a civil infraction in violation of this ordinance, based upon probable cause.~~
- (d) ~~In lieu of a civil citation, the animal services officer may issue a courtesy notice of complaint. This notice serves to advise that there is reason to believe a civil infraction has been committed and provides a warning to the individual regarding the possible infraction without imposing a civil penalty.~~

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- ~~(e) — The citation must be issued in accordance with the provisions of Section 828.27, Florida Statutes (2005).~~
- ~~(f) — If a person who has been cited for the civil infraction does not contest the citation, a civil penalty of no less than the penalty established by resolution will be imposed; except that mandatory court appearances may be required for certain aggravated violations of this ordinance resulting in the unprovoked biting, attacking, or wounding of a domestic animal; violations resulting in the destruction or loss of personal property; second or subsequent violations of the animal cruelty provisions of this ordinance; or violations resulting in the issuance of a third or subsequent citation to a person in any twenty-four-month period. The citation must clearly inform the person of the mandatory court appearance. The division shall maintain records regarding proof of the number of citations issued to the person. Persons required to appear in court do not have the option of paying the civil penalty instead of appearing in court.~~
- ~~(g) — If a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required for a mandatory court appearance, the court may enter an order to show cause. This order shall require such person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court.~~
- ~~(h) — Pursuant to Section 828.27, Florida Statutes (2005), the county court shall have jurisdiction over all violations of this ordinance.~~
- ~~(i) — Payment of any civil penalties shall be made, either by mail or in person, to the Manatee County Clerk of Court within the time specified on the citation. A late fee may be assessed for any civil penalty paid after the specified time limit on the citation.~~
- ~~(j) — 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 deemed to have waived their right to contest the citation.~~
- ~~(k) — Notwithstanding any other provision of this ordinance, any person cited for a violation pursuant to this ordinance may have the citation dismissed if positive proof of compliance is presented to the division.~~

~~Sec. 2-4-25. — Refusal to sign and accept citation.~~

~~Pursuant to Section 828.27, Florida Statutes (2005), any person who willfully refuses to sign and accept a citation issued by an animal services officer is guilty of a criminal misdemeanor. Such action shall also constitute a violation of this ordinance.~~

~~Sec. 2-4-26. — Additional administrative fees.~~

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- ~~(a) The maximum surcharge allowed by law for each civil penalty imposed for any violation of this ordinance may be imposed in addition to another authorized fine.~~
- ~~(b) The proceeds of the surcharge established pursuant to Section 828.27(4)(b), Florida Statutes (2005), shall be used to pay the cost of training for the animal services officers.~~

~~Sec. 2-4-27. Enforcement.~~

~~All law enforcement officers, including Manatee County Sheriff's Office and the applicable municipal police departments and their respective officers and agents, shall be responsible for enforcing and implementing this ordinance consistent with its provisions. All animal services division employees as designated by the chief, animal services division, may issue citations as authorized by section 2-4-24 of this ordinance and by federal legislation, codes and rules. Pursuant to law, law enforcement officers and animal services officers may enter upon public property and private property, except residential buildings, to administer and enforce the provisions of this ordinance.~~

~~Sec. 2-4-2428. - Chickens on residential property.~~

~~(a) Definitions.~~

- ~~(1) As used in this section, the following words and terms shall have the following meanings, unless otherwise specifically provided:~~
 - ~~a. Chicken shall mean a female member of Gallus domesticus or a hen. Chicken shall not include the following:
 - ~~1. Any male chicken or rooster; or~~
 - ~~2. Any duck, goose, turkey, peafowl, or other poultry or fowl.~~~~
 - ~~b. Enclosure shall mean a movable structure with a covered roof and sides, also known as a chicken coop or poultry house.~~
 - ~~c. Fenced area shall mean an area on the ground surrounded on all sides by a secure fence and covered on the top by a secure fence or roof.~~
 - ~~d. Front yard shall have the same meaning as set forth in Section 201 of the Manatee County Land Development Code for the term "yard, front".~~
 - ~~e. Nuisance shall mean any condition consisting of odor or noise.~~
 - ~~f. Occupied shall mean residential occupancy by the owner of the real property or by a tenant or lessee.~~

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- ~~g.~~ Pest shall include but shall not be limited to any rodent, snake, or other vermin.
- ~~h.~~ Rear yard shall have the same meaning as set forth in Section 201 of the Manatee County Land Development Code for the term "yard, rear".
- ~~i.~~ Residential property shall mean a parcel of real property that contains an occupied single-family detached dwelling located in a zoning district designated as Residential Single Family (RSF) or Planned Development Residential (PDR) under the Manatee County Land Development Code.
- ~~j.~~ Side yard shall have the same meaning as set forth in Section 201 of the Manatee County Land Development Code for the term "yard, side".
- ~~k.~~ Yard shall have the same meaning as set forth in Section 201 of the Manatee County Land Development Code.

~~(2)~~ In addition to the definitions in paragraph (a)(1) above, all applicable definitions set forth in section 2-4-2 of the Manatee County Code of Ordinances shall apply to this section.

~~(b)~~ Applicability. The requirements established in this section shall apply in the unincorporated area of Manatee County.

~~(c)~~A. General requirements.

- ~~(1)~~1. Roosters or male chickens shall be prohibited on residential property.
- 2. A maximum of four (4) chickens may be kept or maintained on residential property.
- ~~(2)~~3. Chickens shall be kept or maintained for personal use only. No person who owns, possesses, keeps, or maintains chickens on residential property shall sell any eggs or manure from such chickens.
- ~~(3)~~4. Chickens shall be confined securely inside an enclosure on the residential property ~~between the hours~~ from dusk until ~~to~~ dawn.
- ~~(4)~~5. Chickens shall be confined inside an enclosure or within a fenced area on the residential property ~~between the hours~~ from dawn until ~~to~~ dusk.
- ~~(5)~~6. No person shall intentionally release any chicken from or allow any chicken to remain outside of an enclosure or fenced area on the residential property.

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~~(6)~~7. Except as otherwise provided in subsection D ~~(f)~~ of this section, no chicken shall be slaughtered on residential property.

~~(7)~~ No dog or other animal that bites, attacks, endangers, injures, or kills a chicken shall be considered a dangerous dog as defined in section 2-4-2 or a vicious animal as described in section 2-4-10 of the Manatee County Code of Ordinances.

~~(8)~~ All applicable provisions set forth in article I of chapter 2-4 of the Manatee County Code of Ordinances shall apply to this section. In the event of a conflict between any provision of article I of chapter 2-4 and this section, the requirements of this section shall prevail.

~~(d)~~B. Requirements for enclosures and fenced areas.

~~(1.)~~ The enclosure and fenced area shall be located in the rear yard on the residential property. No enclosure or fenced area shall be located in the front yard or side yard on the residential property.

~~(2.)~~ The enclosure and fenced area shall be located at least ten (10) feet from the property line of any adjacent residential property and at least twenty-five (25) feet from any adjacent residential dwelling.

~~(3.)~~ The enclosure shall provide at least four (4) square feet of space per chicken.

~~(4.)~~ The enclosure shall be constructed and maintained to prevent pests from being harbored within or underneath such enclosure. The enclosure shall be impermeable to pests, wild birds and predators, including dogs and cats.

~~(5.)~~ No permit shall be required for the construction, erection, alteration, modification, repair, or demolition of any enclosure, provided that such enclosure does not exceed the size limitations for permits under the Florida Building Code.

~~(e)~~C. Health and sanitation requirements.

~~(1.)~~ The enclosure and fenced area shall be maintained in a clean and sanitary condition and free from pests at all times.

~~(2.)~~ No person who owns, possesses, keeps, or maintains chickens on residential property shall allow any such chicken to create or contribute to any nuisance condition which is detectable at the property line.

~~(f)~~D. Exceptions.

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- {1.} This section shall not apply to any real property zoned for agricultural purposes, including, but not limited to, property located in a zoning district designated as General Agriculture (A) and Agricultural Suburban (A-1) under the Manatee County Land Development Code.
- {2.} This section shall not apply to any real property subject to a development order approved by Manatee County which prohibits or regulates chickens on residential property within such development.
- {3.} This section shall not apply to any activity of a bona fide farm operation as provided in Section 823.14, Florida Statutes, as amended.
- {4.} This section shall not prohibit, restrict, infringe on, or interfere with any religious belief or practice under the Free Exercise Clause of the First Amendment to the United States Constitution which may involve the slaughter or sacrifice of animals.
- {5.} This section shall not prohibit any property owner or association from establishing or enforcing private restrictions, including, but not limited to, deed restrictions, restrictive covenants, or declarations of covenants and restrictions, on private property within subdivisions, condominiums, or cooperatives relating to chickens on residential property.
- ~~{g} Enforcement. This section shall be enforced in the same manner as provided in sections 2-4-18 through 2-4-27 of the Manatee County Code of Ordinances.~~

Sec. 2-4-25. – Enforcement and penalties.

- A. All law enforcement officers, including the Manatee County Sheriff's Office and the applicable municipal police departments and their respective officers and agents, shall be authorized to enforce and implement this article. All animal services division employees as designated by the chief of the animal services division (or his/her designee), may issue citations as authorized herein and by federal and state law. Law enforcement officers, including animal services officers, may enter upon public property and private property, except residential properties, to administer and enforce the provisions of this article.
- B. It shall be a violation of this article to fail to comply with any of the requirements or restrictions contained in this article.
- C. A person that violates any provision of this article commits a noncriminal infraction, punishable by a civil penalty not to exceed \$500. Each violation may be punished with a separate civil penalty. The amount of each individual violation will be established by separate resolution.
- D. Citations.

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1. A citation from an animal services officer issued in accordance with the provisions of Section 828.27, Florida Statutes, as amended, may be issued to any person believed to have committed a civil infraction in violation of this article, based upon probable cause.
2. If a person who has issued a citation does not contest the citation, a civil penalty of no less than the penalty established by resolution will be imposed. 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 deemed to have waived their right to contest the citation.
3. Notwithstanding any other provision of this article, any person cited for a violation pursuant to this article may have the citation dismissed if proof of compliance is presented to the division.
4. Pursuant to Section 828.27, Florida Statutes, as amended, any person who willfully refuses to sign and accept a citation issued by an animal services officer is guilty of a criminal misdemeanor. Such action shall also constitute a violation of this article.

C. Penalties and administrative fees.

1. Payment of any civil penalties shall be made, either by mail or in person, to the Manatee County Clerk of Court within the time specified on the citation. A late fee may be assessed for any civil penalty paid after the specified time limit on the citation.
2. If a person fails to pay the civil penalty or fails to appear in court to contest the citation, the court may enter an order to show cause. This order shall require such person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court.
3. The maximum surcharge allowed by law for each civil penalty imposed for any violation of this article may be imposed in addition to another authorized fine. The proceeds of the surcharge established pursuant to Section 828.27(4)(b), Florida Statutes, as amended, shall be used to pay the cost of training animal services officers.

D. Pursuant to Section 828.27, Florida Statutes, as amended, the county court shall have jurisdiction over all violations of this article.

E. In lieu of a citation, an animal services officer may issue a courtesy notice of complaint. This notice serves to advise that there is reason to believe a civil infraction has been committed and to provide a warning to the individual regarding

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the possible infraction and an opportunity to correct the violation without imposing a civil penalty.