

ORDINANCE SUMMARY

This ordinance amends Lake County Code Chapter 4 (“Animals”), Article II (“Animal Control”), Section 4-35 (“Rabies vaccination required”), in order to more closely follow the wording of Section 828.30, Florida Statutes (“Rabies vaccination of dogs, cats and ferrets”), which requires vaccines only for dogs, cats and ferrets four (4) months of age or older, while the current Lake County Code requires a rabies vaccine for “any rabies-susceptible animal”.

In addition, this ordinance proposes to amend Lake County Code Chapter 4 (“Animals”), Article II (“Animal Control”), Section 4-36 (“Rabies certificate and county tag”), in order to clarify what a County license consists of and when the dog, cat or ferret owner must obtain one, and to provide for County noticing of pet owners pursuant to Section 828.28, Florida Statutes. Although Section 828.28, Florida Statutes, applies only to dogs, the proposed ordinance would provide licensure renewal notices to all owners of dogs, cats and ferrets over four (4) months of age, since those are the animals required to undergo vaccination pursuant to Section 828.30, Florida Statutes, and County Code if amended as proposed by this ordinance.

Fines for failure to have an animal properly licensed will be reduced to \$50 for a first offense, and \$150 for repeat offenses; provided, however, that the penalties shall be suspended until June 5, 2014.

The ordinance also adopts the provisions of Section 823.15, Florida Statutes, which requires a written agreement and refundable deposit with any person who takes ownership or custody of an animal from an animal control shelter prior to the animal being sterilized. Such groups are required to provide proof of sterilization within certain prescribe time periods.

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ORDINANCE 2013-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA AMENDING THE LAKE COUNTY CODE, CHAPTER 4, ARTICLE I, ADMINISTRATION; CREATING SECTION 4-12, ENTITLED ADOPTION OF UNSTERILIZED ANIMALS; PROVIDING FOR REFUNDABLE DEPOSITS AND WRITTEN AGREEMENTS; AMENDING THE LAKE COUNTY CODE, CHAPTER 4, ARTICLE II, ENTITLED ANIMAL CONTROL; AMENDING SECTION 4-35, ENTITLED RABIES VACCINATION REQUIRED; REQUIRING RABIES VACCINATIONS FOR DOGS, CATS AND FERRETS FOUR (4) MONTHS OF AGE OR OLDER IN ACCORDANCE WITH THE FLORIDA STATUTES; AMENDING SECTION 4-36, ENTITLED RABIES CERTIFICATE AND COUNTY TAG; PROVIDING THAT CERTAIN PET OWNERS MUST OBTAIN A COUNTY LICENSE; PROVIDING FOR RENEWAL NOTICES TO ANIMAL OWNERS PRIOR TO THE LICENSURE RENEWAL DEADLINE; PROVIDING FOR

1 **SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAKE**
2 **COUNTY CODE; PROVIDING FOR FILING WITH THE DEPARTMENT**
3 **OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

4
5 **WHEREAS**, Chapter 4, Lake County Code, entitled Animals, regulates the ownership,
6 possession, care, and custody of animals in the interest of the health, safety and welfare of the
7 citizens and animals of Lake County, Florida; and

8
9 **WHEREAS**, Section 828.28, Florida Statutes, requires local governments with licensing
10 requirements for dogs to provide forty five (45) days’ notice to dog owners prior to any licensure
11 renewal deadline; and

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13 **WHEREAS**, Section 828.30, Florida Statutes, requires rabies vaccines for dogs, cats and
14 ferrets four (4) months of age or older; and

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16 **WHEREAS**, Section 823.15, Florida Statutes, requires that any dog or cat released from
17 an animal shelter be either sterilized prior to release, or requires the person taking custody of the
18 animal to sign a written agreement and pay a refundable deposit to guarantee the animal is
19 sterilized within thirty (30) days; and

20
21 **WHEREAS**, Section 4-36, Lake County Code, governs the issuance of rabies tags and
22 County tags; and

23
24 **WHEREAS**, the County now desires to amend the Animal Control Code to make the
25 Code more consistent with the provisions of the Florida Statutes and to clarify when a dog, cat or
26 ferret owner must obtain County tags; and

27
28 **WHEREAS**, the Board of County Commissioners finds that this amendment is in the
29 best interests of the citizens of Lake County, Florida;

30
31 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
32 Lake County, Florida, that:

33
34 **SECTION ONE. Recitals.** The foregoing recitals are true and correct and
35 incorporated herein by reference.

36
37 **SECTION TWO. Creation.** Section 4-12, Lake County Code, to be entitled
38 Adoption by Rescue Groups, shall be created to read as follows:

39
40 **Sec. 4-12 Adoption of Unsterilized Animals.**

41
42 **(a) The County shall allow persons or animal rescue groups to adopt unsterilized**
43 **animals from the County’s animal shelter upon execution of a written agreement and**
44 **payment of a refundable deposit pursuant to Section 823.15, Florida Statutes. The**

1 deposit amount shall be established through a resolution enacted by the Board of County
2 Commissioners.

3
4 (b) Each person or rescue group adopting unsterilized animals pursuant to this
5 Section shall have such animal(s) sterilized by a licensed veterinarian within thirty (30)
6 days of the date the animal is released from the County’s animal shelter. If the animal is
7 too young to be sterilized within thirty (30) days, the animal shall be sterilized no later
8 than six (6) months of age.

9
10 (c) The person or rescue group shall provide to the County written evidence from a
11 licensed veterinarian that the animal has been sterilized within the time frames stated in
12 subsection (b) above. Upon provision of written evidence of sterilization, the County
13 shall return the refundable deposit. If written evidence of sterilization is not provided
14 within the time frames stated in subsection (c) above, the person or rescue group shall
15 forfeit its deposit to the County.

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17 (d) In addition to the forfeit of the deposit, the County Manager or designee may
18 prohibit any person or rescue group failing to provide the proper proof of sterilization
19 from adopting any other unsterilized animal until such proof is provided.

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22 **SECTION THREE. Amendment.** Section 4-35, Lake County Code, entitled Rabies
23 Vaccination Required, is hereby amended to read as follows (deletions are indicated by
24 ~~strikethrough~~ and additions are indicated by underline):

25
26 **Sec. 4-35. Rabies vaccination required.**

27
28 ~~(a) It is a violation of this section for the owner of any rabies-susceptible animal for~~
29 ~~which a licensed vaccine is available to fail to have the rabies-susceptible animal~~
30 ~~vaccinated against rabies.~~ Pursuant to Section 828.30, Florida Statutes, the owner of a
31 dog, cat or ferret that is four (4) months of age or older shall have the animal vaccinated
32 against rabies at all times.

33
34 (b) Evidence of vaccination shall consist of ~~a rabies certificate~~ a Rabies Vaccination
35 Certificate of the National Association of State Public Health Veterinarians (NASPHV),
36 or an equivalent form that contains all of the same information, signed by the licensed
37 veterinarian administering the vaccine. ~~The certificate in triplicate shall show the date~~
38 ~~and type of vaccination, the name and address of the owner, the year and serial number of~~
39 ~~the animal's required tag, the breed, age, color and sex of the animal, and any other~~
40 ~~pertinent data for proper identification of the animal.~~ The veterinarian administering the
41 vaccine shall retain one (1) copy of the certificate and shall provide One (1) copy of the
42 certificate shall be given to the owner, and one (1) copy filed with to the division, and one

1 | ~~(1) copy retained by the veterinarian administering the vaccine.~~ For their services
2 | provided in the handling of the certificates, veterinarians may be allowed to retain a
3 | portion of the certificate fee as shall be established by the Board of County
4 | Commissioners by duly adopted resolution.

5 |
6 | (c) ~~No rabies susceptible animal need be vaccinated for rabies~~A dog, cat, or ferret is
7 | exempt from vaccination against rabies where if a licensed veterinarian has examined the
8 | ~~rabies susceptible~~ animal and certified in writing that vaccination would endanger the
9 | animal's health at that time because of its age, infirmity, ~~debility~~disability, illness or other
10 | ~~physiological medical~~ consideration, and the certificate is presented to the ~~enforcing~~
11 | ~~agency~~division within five (5) days of the examination; provided that the certificate shall
12 | not be valid for more than twelve (12) months from the date of issuance, or as soon as the
13 | animal loses its exempt status, whichever occurs first. An exempt animal must be
14 | vaccinated against rabies as soon as its health permits.

15 |
16 | (d) All ~~rabies susceptible~~ animals subject to this section shall be vaccinated with a
17 | ~~modified live virus, rabies vaccine, inactivated rabies vaccine or other~~ vaccine that ~~may~~
18 | ~~be developed and is~~ licensed by the U.S. Department of Agriculture, and each ferret
19 | vaccinated according to this section must be quarantined, when necessary, according to
20 | rules of the Department of Health.

21 |
22 | (e) The recommended penalty for a violation of this section is a fine of one hundred
23 | and fifty dollars (\$150.00) for the first offense and five hundred dollars (\$500.00) for any
24 | repeat violation within five (5) years of a previous offense.

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26 |
27 | **SECTION FOUR. Amendment.** Section 4-36, Lake County Code, entitled Rabies
28 | Certificate and County Tag, is hereby amended to read as follows (deletions are indicated by
29 | ~~strikethrough~~ and additions are indicated by underline):

30 |
31 | **Sec. 4-36. Rabies certificate and county tag.**

32 |
33 | (a) The owner of a dog, cat or ferret that is four (4) months of age or older shall
34 | obtain a County license for the animal within thirty (30) days of the initial rabies
35 | vaccination and within thirty (30) days of each subsequent vaccination. It is a violation
36 | of this section for any owner of a dog, cat, or ferret four (4) months of age or older ~~any~~
37 | ~~rabies susceptible animal~~ to fail to have and/or display in an appropriate manner the
38 | animal's rabies certificate and ~~county~~County tag.
39 |

1 (b) A County license shall consist of a rabies vaccination, a license certificate, and a
2 tag for the animal's collar. The division shall design and issue license certificates and
3 tags. Only license certificates and tags approved by the director shall be valid in the
4 county.

5
6 (c) Each license certificate and tag shall be valid for the period of time corresponding
7 to the type of rabies vaccination administered, and shall only be valid for the animal for
8 which it was issued. No license certificate or tag shall be valid for a period in excess of
9 three (3) years, and ~~A certificate or tag issued for one (1) rabies-susceptible animal is~~
10 ~~not valid for any other animal.~~ No license certificate or tag shall be valid after the
11 expiration of the rabies vaccination regardless of the date of issuance. The County shall
12 provide notice to owners of animals licensed under this section at least forty five (45)
13 days prior to the licensure renewal deadline. The County-issued notice shall describe the
14 licensing requirements and any associated penalties.

15
16 (d) The owner of ~~a rabies-susceptible~~ an animal ~~which~~ that is vaccinated against
17 rabies shall obtain a tag for the animal upon each vaccination. The tag shall be attached to
18 the collar of the animal and shall be worn at all times except:

19
20 (1) When the animal is participating in a sanctioned animal show;

21
22 (2) When the animal is confined inside the owner's home, an animal
23 establishment, or is being bathed or groomed, in which case the tag
24 number shall be recorded and readily identifiable with the animal to which
25 it belongs, or, if the animal does not have a tag, the absence of a tag shall
26 be clearly indicated on the records of the animal establishment; or

27
28 (3) When a licensed veterinarian orders in writing that the collar and tag be
29 removed from the animal for health reasons, in which case the animal
30 shall be confined in an enclosed building or a kennel at all times until a
31 licensed veterinarian permits the collar and tag to be placed on the animal.

32
33 (e) The Board of County Commissioners shall establish by resolution the fees to be
34 charged for licenses tags to be issued.

35
36 (f) Any owner who brings a dog, cat or ferret four (4) months of age or older ~~rabies-~~
37 ~~susceptible animal~~ into the county with the intent to reside in the county permanently, or
38 to reside in the county temporarily for more than six (6) months, shall comply with this
39 section no later than thirty (30) days after arrival. A person who has had their animal
40 vaccinated in another county or state and then relocates the animal to Lake County may

1 | obtain a Lake County license and tag upon paying appropriate licensing fees and
2 | presenting written proof of rabies vaccination meeting the criteria of Section 4-35 above.

3 |
4 | (g) If a tag is lost or destroyed, a replacement tag shall be issued upon presentation of
5 | the corresponding certificate.

6 |
7 | (h) A police dog, as defined in F.S. § 843.19, shall be exempt from wearing a license
8 | tag while being used by a law enforcement agency.

9 |
10 | (i) Fees, late fees and penalties for violation of this section shall be established by
11 | resolution of the Board of County Commissioners. The recommended penalty for a
12 | violation of this section is a fine of ~~one hundred and~~ fifty dollars (\$~~1~~50.00) for the first
13 | offense and ~~five~~one hundred ~~fifty~~ dollars (\$~~50~~150.00) for any repeat violation within five
14 | (5) years of a previous offense; provided, however, that the penalty for violation of this
15 | Section shall be suspended until June 5, 2014.-

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18 | **SECTION FIVE. Severability.** If any section, subsection, sentence, clause, phrase,
19 | word or provision of this ordinance is for any reason held invalid or unconstitutional by any
20 | court of competent jurisdiction, whether for substantive, procedural, or any other reason, such
21 | portion shall be deemed a separate, distinct and independent provision, and such holding shall
22 | not affect the validity of the remaining portions of this ordinance.

23 |
24 | **SECTION SIX. Inclusion in the Code.** It is the intention of the Board and it is
25 | hereby provided that the provisions of this ordinance shall be made a part of the Lake County
26 | Code; that the sections of this ordinance may be renumbered or relettered to accomplish such
27 | intention; and that the word "ordinance" may be changed to "section", "article", or other
28 | appropriate designation.

29 |
30 | **SECTION SEVEN. Filing with the Department of State.** The clerk shall be and is
31 | hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for
32 | the State of Florida.

33 | **SECTION EIGHT. Effective Date.** This Ordinance shall become effective upon filing
34 | with the Secretary of State.

35 |
36 | Enacted this _____ day of _____, 2013.

37 | Filed with the Secretary of State _____, 2013.

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ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Neil Kelly, County Clerk of
of Lake County, Florida

Leslie Campione, Chairman

This _____ day of _____, 2013.

Approved as to form and legality:

Sanford Minkoff
County Attorney