ORDINANCE SUMMARY

The purpose of this Ordinance is to amend Chapter 4 of the Lake County Code, entitled "Animals", to create a 'Trap-Neuter-Return' (TNR) Program for Lake County, which will permit the capture and release of stray or feral cats upon sterilization, rabies vaccination and eartipping; and to amend Sections 4-3 ("Definitions"), 4-9 ("Impoundment of animals") 4-11 ("Surrender of animals") and 4-36 ("Rabies certificate and county tag") of Chapter 4 to make them consistent with the TNR Program.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation "* * *" indicates that all preceding or subsequent text remains unchanged. Renumbering and/or relettering were added as needed.

ORDINANCE 2015 – 20

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING CHAPTER 4 OF THE LAKE COUNTY CODE, ENTITLED "ANIMALS", SECTIONS 4-3, 4-9, 4-11 AND 4-36 TO PROVIDE DEFINITIONS RELATING TO A TRAP-NEUTER-RETURN PROGRAM FOR LAKE COUNTY, AND TO AMEND REGULATIONS REGARDING IMPOUNDMENT, SURRENDER OF ANIMALS AND RABIES CERTIFICATES AND COUNTY TAGS FOR COMMUNITY CATS IN A TRAP-NEUTER-RETURN PROGRAM; AMENDING CHAPTER 4 OF THE LAKE COUNTY CODE, ENTITLED "ANIMALS", TO CREATE A NEW ARTICLE IV, TO BE ENTITLED "TRAP-NEUTER-RETURN PROGRAM"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proliferation of stray and feral cats and feral cat colonies in Lake County results in recurring expenditures of public funds and resources to trap as many cats as possible, adopt out those that are capable of being socialized, and euthanize those that are not socialized or that are not adopted within a twenty four (24) hour period; and

WHEREAS, the aforementioned, recurring expenditures of public funds and resources are generally not offset by the permanent removal of some stray or feral cats from a colony, as the remaining cats continue to reproduce and create the need for further action and expenditures on the part of Lake County Animal Services; and

WHEREAS, the Board of County Commissioners of Lake County finds that programs known as 'Trap-Neuter-Return' (TNR) have the potential to control stray and feral cat population growth while preventing the euthanasia of the cats, and reducing, on a long-term

basis, the expenditure of public funds toward the removal, sheltering and disposition of such cats; and

WHEREAS, as currently written, Lake County Code would not permit the maintenance of stray and/or feral cat colonies by a caregiver, or would treat the caregiver as operating a kennel, and must be amended in order to implement a TNR program; and

WHEREAS, the Board of County Commissioners hereby deems it in the best interest of the citizens of Lake County to amend Lake County Code, Chapter 4, entitled "Animals", in order to create a TNR program in Lake County;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, as follows:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Amendment. Chapter 4, Lake County Code, entitled "Animals", is amended to read as follows. Changes are shown utilizing ~~strikethrough~~ for deletions and underline for additions to existing Code sections. The notation "* * *" shall mean that all preceding or subsequent text remains unchanged.

ARTICLE I. - ADMINISTRATION

* * *

Sec. 4-3. - Definitions.

[The following words, terms and phrases, when used in this chapter, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

* * *

Community Cat shall mean a feral cat which has been spayed/neutered, vaccinated, and ear-tipped. A Community Cat shall not be subject to the definition of "kennel" in Chapter II of the Lake County Land Development Regulations.

Community Cat Caregiver means a person who, in accordance with a 'Trap-Neuter-Return' (TNR) Program, provides care, including food, water, shelter or veterinary care to a Community Cat. A Community Cat Caregiver shall not be considered the owner of a Community Cat and shall not be subject to the definition of "kennel" in Chapter II of the Lake County Land Development Regulations.

* * *

Eartipping means the removal of the ¼ inch tip of a Community Cat's left ear, performed while the cat is under anesthesia, to identify the Community Cat as being sterilized and lawfully vaccinated for rabies.

* * *

Nuisance animal means any animal that unreasonably annoys or disturbs other persons, threatens the safety of other animals or persons, or substantially interferes with the ordinary use and enjoyment of life or property.

* * *

Trap-Neuter-Return means, generally, the process of humanely trapping, sterilizing, vaccinating for rabies, Eartipping, and returning Community Cats to their original location.

* * *

Sec. 4-9. - Impoundment of animals.

(a) The Board of County Commissioners may construct, operate and maintain a county animal shelter or subshelter for the purpose of impounding animals. The division is authorized to impound any animal found in violation of any provision of this chapter.

(b) When an animal is impounded, it shall be held for a period of at least one hundred twenty (120) hours, during which period the division shall make a reasonable effort to ascertain or notify the owner, except as provided in subsection (c) below. If the principles of humane treatment would be violated by the continued existence of an injured or sick animal, it may be humanely destroyed by a licensed veterinarian or an authorized division employee after an attempt has been made to notify the owner. This section shall not apply to Community Cats diverted to a Trap-Neuter-Return program.

(c) When an animal appearing to be feral is impounded, it shall be held for a period of at least twenty-four (24) hours, after which period the division shall make a determination of whether the animal is a feral animal. If the division determines the animal is feral, the animal may be diverted to a Trap-Neuter-Return program, or shall be humanely destroyed unless the owner requests a hearing pursuant to section 4-60, below.

(d) The director or designee may transfer ownership or custody to a humane agency, place for adoption, divert to a Trap-Neuter-Return program, or destroy in a humane manner, any animal impounded pursuant to this chapter where:

(1) No owner exists;

(2) An owner cannot be identified;

(3) An owner is identified but cannot be notified;

(4) An owner is notified but, by his or her statements, actions, or failure to act, indicates an intent to abandon the animal;

(5) An owner does not claim the animal within the applicable period of time specified by the division; or

(6) The animal is determined by the division to be a feral animal or Community Cat.

(e) Upon compliance with the provisions herein, the division shall be deemed to have complied fully with due process of law and the owner shall not be entitled to compensation for loss of the animal.

* * *

Sec. 4-11. Surrender of animals.

(a) Any owner or owner's agent surrendering an animal to the division or animal control officer shall sign an ownership release statement. The division may permit the adoption of the animal to a new owner, or may destroy the animal in a humane manner and dispose of its remains. In either event, the owner shall not be entitled to compensation.

(b) Any person, other than an animal control officer, surrendering an animal not his or her own, shall disclose the identity of the owner, if known, or must sign a statement that he or she does not know the identity of the owner of the animal. The animal ~~shall~~ may be diverted to a Trap-Neuter-Return program if determined to be a feral cat, or confined by the division for one hundred twenty (120) hours. At the expiration of the one hundred twenty (120) hours, the animal shall be deemed abandoned and the division may permit the adoption of the animal to a new owner, or may destroy the animal in a humane manner and dispose of its remains. In either event, the owner shall not be entitled to compensation. If a Community Cat is surrendered to Animal Services, after a period of twenty four (24) hours, the Animal Services Manager shall determine whether the cat shall be returned to the Trap-Neuter-Return program or destroyed in a humane manner.

(c) It is a violation of this section for any person to falsely identify himself or herself as an owner or owner's agent. The recommended penalty for a violation of this section is a fine of seven hundred and fifty dollars ($750.00) for the first offense and a fine of one thousand five hundred dollars ($1,500.00) for any repeat violation within five (5) years of any previous violation.

* * *

Sec. 4-36. Rabies certificate and county tag.

(a) The owner of a dog, cat or ferret that is four (4) months of age or older shall obtain a county license for the animal within thirty (30) days of the initial rabies vaccination and within

thirty (30) days of each subsequent vaccination. Community Cat Caregivers are not subject to this section. It is a violation of this section for any owner of a dog, cat that is not a Community Cat, or ferret four (4) months of age or older to fail to have and/or display in an appropriate manner the animal's rabies certificate and county tag.

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

(c) Each license certificate and tag shall be valid for the period of time corresponding to the type of rabies vaccination administered, and shall only be valid for the animal for which it was issued. No license certificate or tag shall be valid for a period in excess of three (3) years, and no license certificate or tag shall be valid after the expiration of the rabies vaccination regardless of the date of issuance. The county shall provide notice to owners of animals licensed under this section at least forty five (45) days prior to the licensure renewal deadline. The county-issued notice shall describe the licensing requirements and any associated penalties.

(d) The owner of an animal that is vaccinated against rabies shall obtain a tag for the animal upon each vaccination, unless the animal that has been vaccinated is a Community Cat. The tag shall be attached to the collar of the animal and shall be worn at all times except:

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

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

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

(e) The board of county commissioners shall establish by resolution the fees to be charged for licenses to be issued.

* * *

Secs. 4-62—4-80. - Reserved.

ARTICLE IV. TRAP-NEUTER-RETURN (TNR) PROGRAM

Sec. 4-81. – Purpose.

The purpose of this Article is to permit a TNR program, in order to reduce the population of feral or stray cats as a means to reduce the euthanasia of such cats. Such programs may be administered by any animal welfare organization authorized by Animal Services.

Sec. 4-82. – TNR Program.

(a) A feral or stray cat impounded by Animal Services shall be evaluated for disease, health condition, and temperament and behavior for adoptability purposes.

(b) A feral or stray cat may be diverted to the TNR program, adopted, or humanely destroyed.

(c) If a healthy feral or stray cat is diverted to the TNR program, it shall be sterilized so that it can no longer reproduce, eartipped, vaccinated against rabies and returned to the location where it was found or trapped, unless an alternative location is approved through the Animal Services Manager in writing.

(d) Community Cat Colony location. Properties with Community cats shall maintain the following minimum buffers:

Use	Buffer distance required
Schools	250 feet
Public playgrounds	250 feet
Public parks	250 feet
Conservation Land	750 feet

This requirement may be waived, if specific written authorization is provided by the property owner containing the use.

(e) Animal Services may formulate procedures to implement the provisions of this Section.

Sec. 4-83. – Community Cats and Public Health and Safety.

Animal Services has the right to immediately seize and humanely destroy any Community Cat that poses a public health or safety concern by virtue of disease (rabies or other epizootic events), aggressive temperament resulting in unprovoked attacks on humans, or any other reason concerning public health and safety.

Secs. 4-84—4-95. - Reserved.

Section 3. Severability. If any section, sentence, clause or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 4. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Filing with the Department of State. The clerk shall be and is hereby directed forthwith to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

Section 6. Effective Date. This Ordinance shall become effective as provided for by law.

Enacted this 9th day of June, 2015.

Filed with the Secretary of State 17th June, 2015.

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Jimmy Conner, Chairman

This 16th day of June, 2015.

ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

Approved as to form and legality:

Sanford A. Minkoff
County Attorney

FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 17, 2015

Honorable Neil Kelly
Clerk of the Circuit Court
Lake County
550 West Main Street
P. O. Box 7800
Tavares, Florida 32778-7800

Attention: Ms. Victoria Bartley, Board Support

Dear Mr. Kelly:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your electronic copy of Lake County Ordinance No. 2015-20, which was filed in this office on June 17, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

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