

As used in this chapter, the following words and phrases will have the following meanings, unless the context clearly indicates otherwise:

Abandonment means the forsaking or neglecting or refusal to provide or perform the legal obligations for care and support of a domestic animal by its owner, harbinger or agent.

Affidavit means a voluntary sworn declaration, in writing, made before competent authority.

Animal means any living, dumb creature.

Animal control authority means the Sheriff of Hernando County and his/her designated agents.

Animal control officer means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals. An animal control officer is only authorized to bear arms or make arrests upon being certified as a law enforcement officer by the state pursuant to chapter 943, Florida Statutes.

Animal services shall mean the Hernando County Animal Services Department.

Animal shelter means a public or private facility designated or recognized by the animal control authority for the purpose of impounding and caring for animals.

At large means off the premises of the owner or harbinger and not under custody, charge or possession of the owner or harbinger by means of physical restraint. A dog or horse used in the aid of an law enforcement officer, as defined in section 843.19(1), Florida Statutes while in use by a law enforcement agency, shall not be deemed to be at large. Domestic animals performing at sanctioned events, engaged in training, performance events, or hunting activities by their respective organizations or affiliates thereof, shall not be deemed to be at large.

Board means the Board of County Commissioners of Hernando County, Florida.

Breeder means any person that owns, harbors, or keeps dogs or cats that reproduce more than twenty (20) animals in any rolling (consecutive) 12-month period for any purpose.

Business kennel means any establishment which offers or provides services for remuneration, including, but not limited to, hoarding, care, grooming, breeding, stud services, or sale of offspring of adult dogs and cats. Business kennel does not include any property or structure where a Florida state licensed veterinarian practices and has a premises permit, as required by F.S. ch. 474, or any property or structure used as a veterinary hospital, medical research laboratory, pari-mutuel dog racing establishment, or any governmental agency, or to any hoarding kennel operated in conjunction with any of the foregoing.

Caretaker means a person who cares for, looks after, and is responsible for property and animals in the absence of their owner. Such person may be found to have taken on the responsibility pursuant to direct agreement with the owner, or by imputation through their actions in providing adequate food, water, shelter, and otherwise caring for the subject animals.

Cat means the domestic house cat, *Felis catus*.

Chemical capture means the impoundment of an animal using a tranquilizing drug rendering the animal immobile.

Chronically at large means an animal that has been found at large more than two (2) times in any twelve-month period.

Citation means a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance and that the county court will hear the charge pursuant to section 828.27, Florida Statutes.

Community cat shall mean a stray cat which has been spayed/neutered, vaccinated, and ear-tipped.

Community cat caregiver means a person who, in accordance with a trap-neuter-return ("TNR") program, provides care to a community cat. A community cat caregiver shall not be considered the owner or harbinger of a community cat. The provision of care to a community cat by a community cat caregiver shall not be considered a "use" of real property that is regulated by Hernando County's land development

regulations.

County means Hernando County, Florida.

County health officer means the Hernando County Public Health Unit Director or his or her designee.

Cruelty means any act of cruelty prohibited by section 828.12, Florida Statutes, as that statute may be amended from time to time.

Department means the Hernando County Animal Services Department, or its designee.

Direct control means immediate and continuous physical control of animal at all times such as by means of a fence, leash, cord or chain of sufficient strength to restrain the animal; or in the case of specifically trained working, agricultural or hunting animals which immediately respond to such commands while working; direct control shall also include aural or oral control, if the controlling person is at all times clearly and fully within the unobstructed sight and hearing of the animal.

Dog means the domestic dog, *Canis lupus familiaris*.

Domestic animal means any equine or bovine animal, goat, sheep, swine, dog, cat, poultry, or other domesticated beast or bird.

Eartipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Enclosure means any place where any dog or cat is maintained outdoors including, but is not limited to, a fenced yard, kennel, or run and the dog or cat shall be provided proper shelter within such enclosed area. The enclosure shall be suitable to prevent the escape of the dog or cat or the entry of young children. The enclosed area shall be large enough for the dog's or cat's size and temperament, considering the number of dogs or cats that may be using the enclosure at any given time. For dogs, the enclosure shall be large enough for each dog to achieve a running stride. It shall include a shaded area, either by natural or artificial means that is large enough during all hours to shade all dogs or cats in the enclosure without crowding. The enclosure and surrounding area shall be free from trash, standing water, and cleaned regularly to remove accumulated waste and debris, parasites, including fleas, ticks and rodents so as not to threaten the physical wellbeing of the dog or cat. Each dog or cat housed in the primary enclosure, shall be provided wholesome food and a continuous supply of visibly clean, fresh water provided in a sanitary manner and in a container sized appropriately for the dog's or cat's species and size.

Excreta means any waste product such as sweat, urine, or feces, discharged from the body of the animal.

Exotic animals means an animal of a non-domesticated species not commonly kept as a household pet or for food and fiber production. Exotic animals may or may not be native to the area and may or may not be governed by existing wildlife regulations.

Fee means charges for services and/or licenses as set from time to time by resolution of the board of county commissioners.

Feral means undomesticated or wild.

Feral cat means a cat that is born in the wild or is the offspring of an owned or feral cat and is not socialized or is a formerly owned cat that has been abandoned and is no longer socialized.

Fowl means poultry of any kind, including, but not limited to, chickens, pheasants, guineas, turkeys and geese.

Harboring means any person that possesses, or has custody, or controls, or gives shelter, feeds, confines, boards, keeps, houses, or is in charge of, or tends, any animal, or who permits an animal to remain on or about any premises occupied or controlled by such person, for five (5) consecutive days or more.

Hybrid means any offspring resulting from the mating of two (2) distinctly homozygous animals and is synonymous with "heterozygous." Offspring resulting from the mating of two (2) animals of the same species (e.g., mongrel dogs, mixed-breed cats, etc.) are excluded from this definition.

***Large kennel* means any person or entity who owns, harbors or keeps more than fifteen (15) dogs or cats, in aggregate, at a property or structure, for any purpose, including, but not limited to, housing, boarding, breeding, training, show or exhibition, hunting, sale, rescue, adoption or personal pet or use. Large kennel does not include any property or structure where a Florida state licensed veterinarian**

practices and has a premises permit, as required by F.S. ch. 474, or any property or structure used as a veterinary hospital, medical research laboratory, pari-mutuel dog racing establishment, or any governmental agency, or to any hoarding kennel operated in conjunction with any of the foregoing.

License tag means a county animal license tag issued pursuant to this chapter.

Licensed veterinarian means any person who is licensed to engage in the practice of veterinary medicine in Florida under the authority of chapter 474, Florida Statutes.

Livestock means grazing animals for farm purposes, including, but not limited to, fowl, cattle, sheep, swine, horses, mules, goats and offspring thereof which are used for private use or commercial purposes.

Microchip means an electronic animal identification device.

Neglect means a failure to act to provide an animal for which the person has a duty of care for appropriate health and safety, including, but not limited to, the failure to provide adequate food, water, shelter, necessary veterinary care or confinement appropriate for its species, breed, age, and condition.

Nuisance means, for purposes of a TNR program, conduct by a community cat that includes, but is not limited to habitually or continually howling, crying or screaming or habitually and significantly destroying, desecrating or soiling property against the wishes of the owner of the property.

Officer means any law enforcement officer defined in section 943.10, Florida Statutes, or any animal control officer.

Ordinance means any ordinance relating to the care or control of animals enacted by the board, the violation of which is a civil infraction.

Owner means any person, firm, corporation, or organization possessing, harboring, keeping or having control or custody of an animal, or, if the animal is owned by a person under the age of eighteen (18), that person's parent or guardian. For the purposes of this chapter, a person is presumed to be the owner of an animal if the animal was purchased by, gifted to, adopted by, or fed by the person for a period of fourteen (14) days or longer.

Owner-surrender animals means domestic dogs or cats that surrendered to animal services by their owner.

Pet means any animal kept for pleasure rather than utility.

Pet dealer means any person that offers for sale, has sold, or intends to sell, either concurrently or in aggregate, more than twenty (20) dogs or cats in any rolling (consecutive) 12-month period. This shall include, by way of illustration and not limitation, pet shops and persons.

Pound seizure means claiming of excess animals for research or experimentation.

Provocation means any act that causes an animal to bite or scratch, or attack in protection of self, offspring, owner or owner's premises.

Quarantine shall have the same definition as provided for in section 585.01(16), Florida Statutes, as that statute may be amended from time to time.

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

Shelter shall include, but is not limited to, a permanent structure with four (4) sides, a solid roof, and a solid bottom. Any structure in which a dog or cat is housed must be well ventilated with fresh air by means of windows, doors, vents, or fans. The structure shall protect the dog or cat from injury. The shelter shall have an entryway that the dog or cat can easily enter and exit in a natural manner and protects the dog or cat from exposure to the elements. The structure shall be weather proof and structurally sound, with insulation appropriate to local climatic conditions and sufficient to protect each dog or cat from inclement weather; the direct rays of the sun, wind, and rain; be constructed to allow each sheltered dog or cat freedom of movement to make normal postural adjustments, including the ability to stand up, turn around and lie down with its limbs outstretched in a normal posture. The dog or cat shall be provided clean, dry bedding, or shall have a clean, solid resting place that is appropriate for the dog's or the cat's size, age, health, and physical condition. The shelter shall be

properly lighted to provide a regular lighting cycle of either natural or artificial light corresponding to the natural periods of daylight unless otherwise directed by a licensed veterinarian. Structures with wire, grid, or slat floors which permit the dog's or the cat's feet to pass through openings, sag under the dog's or cat's weight or which otherwise do not protect the dog's or cat's feet or toes from injury are prohibited. Examples of inadequate shelter include, but are not limited to, lean-tos, metal drums, wire or airline carrier crates, cardboard boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

Small fur bearers means rabbits, ferrets, hamsters, gerbils, guinea pigs and mice which are kept as domesticated animals or pets.

Stray animal means any animal that has wandered from its owner's property or whose ownership is unknown by the animal services division.

Tether means to restrain a dog or cat by tying the dog or cat to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include using a leash or lead to walk a dog or cat. Notwithstanding the foregoing, a dog or cat may be tethered while actively participating in or attending an organized show, field trial, agility event, herding contest or other similar exposition or event, of a limited duration, that involves the judging or evaluation of a dog or cat. Tethering regulations only apply to dogs or cats.

TNR means trap, neuter and return.

TNR program means a protocol pursuant to which stray cats are trapped, neutered or spayed, eartipped, vaccinated against rabies, and returned to the location where they congregate, in accordance with this article.

Trap means a humane, mechanical device for the purpose of impounding unrestrained animals.

Veterinarian means a veterinarian duly licensed and registered by the state or licensing area in which the veterinarian is practicing.

Voucher means a written statement showing receipt for money that can be redeemed for services at a later date.

Wildlife means any mammal, bird or reptile traditionally considered wild which is the responsibility of the state fish and wildlife conservation commission pursuant to sections 372.001 and 372.072(d)(a), Florida Statutes, as those statutes may be amended from time to time.

Working dog means a dog kept for the primary purpose of hunting, herding, search and rescue, livestock protection or similar vocations.

(Ord. No. 2012-12, § 2, 11-13-12; Ord. No. 2016-6, §§ 1a—c., 5-10-16; Ord. No. 2016-13, §§ 1.a—c., 7-26-16; Ord. No. 2018-6, § 1, 3-27-18; Ord. No. 2018-19, §§ 2, 7, 10-9-18)

Editor's note— Ord. No. 2018-19, §§ 2, 7, adopted October 9, 2018 provided that the amendment to section 6-2 contained in § 2 of said ordinance shall sunset on November 1, 2023 as it existed prior to adoption of said ordinance shall remain in full force and effect.

Sec. 6-22. - License certificates and license tags.

- (a) Every person who owns or harbors within the county any dog, cat, wolf-hybrid, or ferret four (4) months of age or older shall obtain a county animal license for such animal, except that no license shall be issued unless such animal has been inoculated against rabies as herein provided or unless such animal is exempted from vaccination as provided for in this chapter. Any owner whose dog, cat, wolf-hybrid or ferret is not licensed shall be in violation of this chapter. Fees and procedures for licensing will be established by separate resolution of the board of county commissioners.
- (b) Licenses shall be valid for twelve (12) months from the date of rabies vaccination and must be renewed annually.
- (c) If any dog or cat four (4) months of age or older, within the county is exempted from a rabies vaccination as provided for in this chapter, the owner or harborer shall obtain a county animal license annually for such animal by showing proof of exemption. The licenses for exempt animals shall be effective for a twelve-month period commencing on January 1 and expiring on December 31.
- (d) Every person who owns, keeps, or harbors within the county any wolf hybrid four (4) months of age or older shall obtain a county animal license for such animal. An owner of a wolf hybrid will not be required to show proof of a current rabies vaccination to obtain a county license. Licenses shall be effective for a twelve-month period commencing on January 1 and expiring on December 31.

- (e) A county animal license shall consist of a license certificate and a license tag. Each license certificate shall have printed thereon a number which will correspond to the license identification number printed on the license tag. The color of the license tag shall be changed each calendar year. No other license identification tag or certificate shall be valid under the provisions of this chapter. It shall be a violation of this chapter for any animal to wear an expired license tag.
- (f) All dogs must wear a current license tag while off of the owner's property. It shall be a violation of this chapter for any dog to be off of the owner's property without wearing a current license tag.
- (g) The lack of a current license tag on the collar or harness of a dog, cat, or ferret shall be deemed evidence that the animal has not been licensed or vaccinated against rabies, if required.
- (h) The owner or harbinger shall obtain a license within fifteen (15) days of obtaining an animal required to be licensed. The animal services division may require the owner of an animal to provide proof of the acquisition date of the animal.
- (i) Application for renewal of a license may be made up to fifteen (15) days after the expiration date without a penalty.
- (j) It is a violation of this chapter for any license identification tag issued for one (1) animal to be utilized for or transferred to another animal.
- (k) It is unlawful to transfer any license tag, issued under this chapter, from the owner of the animal for which the tag was issued to a new owner of the animal.
- (l) It is a violation of this chapter for any person to possess or use a stolen, counterfeit or forged certificate, tag or other document required by or issued pursuant to this chapter.
- (m) The county license certificate and license tag shall be issued by the animal services division, or any agency authorized by the animal services division who agrees to collect the fee for the license certificates and license tags. License certificates shall be executed in triplicate. A copy of the license certificate shall be given to the owner of the animal, to the animal services division and to the agency issuing the license.
- (n) In the event of loss or destruction of the license tag issued pursuant to this section, the owner shall obtain a duplicate tag.
 - (1) No duplicate tag shall be issued without a current license certificate being presented to the animal services division or an authorized vendor.
 - (2) The animal services division shall be notified of all duplicate tags and the license number it is replacing.
- (o) Licenses for dogs trained to assist or aid disabled persons shall be issued free of charge provided the dog has a current certificate of rabies vaccination as provided for in this chapter and the dog is actually being used for the purpose of assisting or aiding such person.
- (p) Licenses for dogs used in the aid of an officer of the law shall be issued free of charge provided the dog has a current certificate of rabies vaccination as provided for in this chapter.
- (q) The licensing requirements of this chapter shall not apply to animals whose owners are not residents of the county unless the animal is being harbored in the county for a period exceeding thirty (30) days. For the purposes of this chapter, any person who lives in the county for more than thirty (30) consecutive days shall be deemed to be a resident of the county.
- (r) Temporary or seasonal residents who reside in the county for more than thirty (30) consecutive days, but for less than six (6) months, may qualify for a license at a reduced rate. In order to qualify for the reduced rate, the resident must provide proof of dual residency and meet all other requirements for licenses.
- (s) It is a violation of this chapter for the owner or harbinger of a dog, cat, wolf-hybrid, or ferret to refuse or fail to show the certificate, tag, or other document required by or issued pursuant to this chapter, upon lawful demand by an officer. The officer may issue a written warning allowing the owner or harbinger a specified time period to produce the requested information, or issue a citation for failure to provide this information.
- (t) All written warnings issued to owners or harborers of animals to show proof of a current county animal license will, after, the specified time period be submitted to the clerk of court of the county as a citation and will contain all of the required information of a citation. The owner, upon failure to produce the required information within the specified time period, will be required to either pay the appropriate citation within an additional fifteen (15) days or to appear in county court on the given time and date.

- (u) The county animal services division shall cause to be kept a record of all current animal licenses issued.
- (v) No person shall act as, perform duties of, or otherwise maintain a large kennel, business kennel, pet dealer, or breeder without first obtaining a "kennel license" from county animal services. No license shall be issued without written confirmation from the Hernando County Zoning Division that the proposed location complies with the applicable zoning requirements. To obtain a kennel license a person must show proof of vaccination against rabies by a licensed veterinarian for animals four (4) months or older owned by the kennel owner, and maintain a "certificate of inspection" issued by animal services. Inspection by animal services will be concerned with the cleanliness and comfort provided by the facility. All animals kept or maintained in such a kennel shall be provided with a clean, fresh water supply, proper shelter from the elements and adequate food to maintain a normal condition of health. Compliance with these requirements will be determined by inspections at least once every six (6) months. Upon obtaining a "kennel license," the owner will be issued the number of metal tags equal to the number of animals authorized to be kept in the kennel. All such tags shall bear the county's name, the "kennel license" number, be readily distinguishable from the individual license tags for that same year, and attached to the collar of each animal at all times. Such tags would replace the individual licenses required under this chapter. "Kennel licenses" shall be renewed annually during the month of January. Previously licensed kennels that apply after January for a renewal will be charged double the "kennel license" fee. Not obtaining a kennel license or violation of any kennel licensing procedure shall be a violation of this chapter and at the discretion of the animal services supervisor the kennel license may be temporarily or permanently revoked.
- (w) The board of county commissioners shall establish, by resolution, the fees to be charged for licensing.

(Ord. No. 2012-12, § 3, 11-13-12; Ord. No. 2018-6, § 3, 3-27-18)