

CHARLOTTE COUNTY



ANIMAL CONTROL

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ORDINANCE 98-70

AN ORDINANCE OF CHARLOTTE COUNTY, FLORIDA, RELATING TO ANIMAL CONTROL; REPEALING ORDINANCE NO. 90-59, AND REPEALING AND DELETING PART II OF CHAPTER 1-4 OF THE CODE OF LAWS AND ORDINANCES, CONSISTING OF SECTIONS 1-4-21 THROUGH 1-4-45; PROVIDING A TITLE; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING DEFINITIONS; PROVIDING FOR RABIES VACCINATION; PROVIDING FOR LICENSE CERTIFICATES AND TAGS; PROVIDING FOR PUBLIC NUISANCE AND VICIOUS ANIMALS; PROVIDING FOR QUARANTINE AND IMPOUNDMENT OF ANIMALS; PROVIDING FOR DOGS RUNNING AT LARGE; PROHIBITING ANIMALS IN PUBLIC PLACES; PROHIBITING CRUELTY, ABANDONMENT, OR CONCEALMENT OF ANIMALS; PROVIDING FOR ANIMALS IN HEAT; PROVIDING PROCEDURES FOR IMPLEMENTATION, ENFORCEMENT AND VIOLATIONS; PROVIDING FOR FINES AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 828.27, Florida Statutes, authorizes the Board of County Commissioners, (hereinafter "Board") to enact an ordinance relating to animal control and cruelty; and

WHEREAS, the Board finds that it is in the interest of the public health, safety and welfare of the citizens of Charlotte County to enact this ordinance; and

WHEREAS, Section 828.27, Florida Statutes, enables the County to adopt this ordinance and to provide for the enforcement of the ordinance by the issuance of citations by Animal Control officers.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Charlotte County, Florida, that:

Section 1. Part II of Chapter 1-4 of the Code of Laws and Ordinances of Charlotte County, Florida (hereinafter "Code"), consisting of Sections 1-4-21 through 1-4-45, is hereby repealed and deleted.

Section 2. Chapter 1-4 of the Code is hereby amended by adding a new section designated as 1-4-21. Title, to read as follows:

Sec. 1-4-21. Title.

The Board of County Commissioners adopts this ordinance which shall be cited as the "Charlotte County Animal Control Ordinance."

Section 3. Chapter 1-4 of the Code is hereby amended by adding a new section designated Section 1-4-25. Definitions, to read as follows:

Sec. 1-4-25. Definitions.

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

a) *Abandon* means to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.

b) *Animal* shall have the meaning as found in Florida Statutes Section 828.27, as amended from time to time.

c) *Animal Control Director* means the director of the county animal control department who is authorized to administer and enforce the provisions of this article.

d) *Animal Control Officer* means any person employed or appointed by the county who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this article. An animal control officer is not authorized to bear arms or make arrests.

e) *At Large* means off the premises of the owner and not under custody, charge or possession of the owner, keeper, or harbinger. A police dog or police horse, as defined in section 843.19, Florida Statutes, while in use by a law enforcement agency, shall not be deemed to be at large.

f) *Board* means the board of county commissioners.

g) *Citation* shall have the meaning as found in Florida Statutes Section 828.27, as amended from time to time, with added language, designated as subsection (12), as follows:

“(12) The citation shall have a designating number starting with AC and having five (5) numerals, i.e., AC-12345.”

h) *County Health Officer* means the county health unit director or his designee.

i) *Cruelty* shall have the meaning as found in Florida Statutes Section 828.27, as amended from time to time.

j) *Designee* means any person designated by the animal control director to act on behalf of such director.

k) *Direct Control* means immediate and continuous physical control of an animal at all times such as by means of a fence, leash, cord or chain of sufficient strength to restrain the same.

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

m) *Keeper, Harborer, or Owner* shall mean any person that owns, possesses, or has custody, or controls, or gives shelter, feeds, confines, boards, keeps houses, or is in charge of, or tends any animal.

n) *License Certificate* means a county license certificate issued pursuant to this article.

o) *License Tag* means a county license tag issued pursuant to this article.

p) *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.

q) *Officer* means any law enforcement officer defined in section 943.10, Florida Statutes, any veterinarian defined in section 474.201, Florida Statutes, or any animal control officer.

r) *Ordinance* means any ordinance relating to the control of or cruelty to animals enacted by the board the violation of which is a civil infraction.

s) *Person* means any person, firm, corporation, partnership,

association, trust, estate, or other legal entity or business unit.

t) *Public Nuisance Animal* means any animal that unreasonably annoys human beings, endangers the life or health of other animals or persons or substantially interferes with the rights of persons other than their owners to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

- 1) Is repeatedly found at large;
- 2) Damages the property of anyone other than its owner;
- 3) Chases vehicles;
- 4) Makes excessive disturbing noises, including but not limited to continued or repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to the neighbors or to others in close proximity to the premises where the animal is kept or harbored;
- 5) Is offensive or dangerous to the public health, safety or welfare by virtue of the number or types of animals kept or harbored; or
- 6) Attacks other animals.

u) *Secure Enclosure* means:

- 1) A building such as the owner's dwelling; or
- 2) 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 and secured to a concrete floor by embedding the wire in the concrete by using galvanized or steel pipe and ties.

v) *Shelter* means a structure with three (3) sides, a roof and a floor which protects the animals from conditions such as rain, sun, and other weather elements.

Section 4. Chapter 1-4 of the Code is hereby amended by adding a new section designated as 1-4-26. Administration and enforcement, to read as follows:

Sec. 1-4-26. Administration and enforcement.

a) The county may employ or appoint an animal control director to administer and enforce the provisions of this article.

b) The animal control director may employ animal control officers to assist in the administration and enforcement of this article.

c) 1) It shall be unlawful and a violation of this article for any person to interfere with, obstruct, resist or oppose any officer while apprehending animals or performing any other duties, as set forth in this article.

2) It shall be unlawful and a violation of this article for any person to take or attempt to take any animal from any officer or from any vehicle used by the officer to transport any animal.

3) It shall be unlawful and a violation of this article to take or attempt to take any animal from a county animal shelter without proper authority.

d) For the purposes of discharging the duties imposed by this article, including investigation of possible violation and for enforcing its provisions, an animal control officer or the county health office is empowered to enter without authority of any court of competent jurisdiction upon any private property, not including any dwelling house or structure or fenced enclosure, and, but not by way of limitation, to demand that the animal, or if applicable, the license tag of such animal be exhibited to the officer, provided the officer shall be empowered to enter into any such fenced enclosure to investigate or impound any animal known or suspected of biting or scratching any person or any animal known or suspected of biting or scratching any person or any animal infected with or showing suspicious symptoms of rabies. The animal control director and officers shall be immune from prosecution for reasonable, good-faith, trespass upon private property, as provided in section 810.12, Florida Statutes.

e) The animal control director and animal control officers shall investigate complaints of alleged violations of this article.

f) The animal control director and animal control officers may catch, seize or pick up:

- 1) Any animal at large;
- 2) Any sick or injured animal, including any animal subject to cruelty, in need of immediate medical attention;
- 3) Any animal infected with or suspected of carrying rabies or any other infectious disease;
- 4) Any threatening animal, dangerous animal or vicious animal as defined in Section 1-4-30
- 5) Any animal not properly quarantined;
- 6) Any animal creating a nuisance;
- 7) Any female dog or cat in heat not properly confined;
- 8) Any dog or cat not vaccinated against rabies;
- 9) Any dog or cat not wearing a license tag; and
- 10) Any animal otherwise in violation of this article.

g) The animal control director and animal control officers shall impound any animal caught, seized or picked up pursuant to this article.

h) It is a violation of this article for any person to refuse or fail to surrender and animal or the carcass of a dead animal upon lawful demand by the animal control director or an animal control officer.

i) The animal control director and animal control officers shall keep, or cause to be kept, accurate and detailed records of funds relating to the administration of this article.

j) The animal control director or his or her designee may declare an animal to be a threatening animal, a dangerous animal or a vicious animal and shall order the owner or keeper to confirm or restrain such animal as required by this article. Animal control officers may inspect the premises of the owner or keeper of such animal for

compliance with the order of the animal control director and the provisions of this article.

Section 4. Chapter 1-4 of the Code is hereby amended by adding a new section designated as 1-4-27. Rabies vaccination of dogs and cats, to read as follows:

Sec. 1-4-27. Rabies vaccination of dogs, cats and ferrets.

a) The owner or keeper of a dog, cat or ferret four (4) months of age or older shall cause such dog, cat or ferret to be vaccinated against rabies. The animal shall be revaccinated 12 months after the initial vaccination, and, thereafter, the interval between vaccinations shall conform to the vaccine manufacturers' directions. A veterinarian in his or her discretion may use a rabies vaccine of either 1 or 3 years duration of immunity. Evidence of circulating rabies virus neutralizing antibodies shall not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations. It is a violation of this article for the owner or keeper of a dog, cat or ferret to refuse or fail to have the dog, cat or ferret vaccinated against rabies as required by this section. Regardless of the duration of the vaccine used, the license tag and certificate shall be renewed each year on the anniversary of the initial vaccination.

1) Only veterinarians actively engaged in the practice of veterinary medicine, who are duly registered and licensed by the State of Florida, are hereby authorized to vaccinate dogs, cats and ferrets against rabies.

2) Evidence of such vaccinations for a dog, cat or ferret shall consist of a current county license tag and a certificate of vaccination executed in the triplicate, issued and signed by the veterinarian administering the vaccine.

3) The certificate of vaccination shall be in conformity with National Association of State Public Health Veterinarians (NASPHV) Form 51 (attached hereto). One (1) copy of the certificate shall be given to the owner and one (1) retained by the person administering the inoculation and one (1) returned to the animal control department.

4) All vaccines used shall be a type licensed by the US Department of Agriculture for use with those species.

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

6) Proof of current rabies vaccination and purchase of rabies vaccination tag must be forwarded or shown when paying the civil penalty for those violations or the charges will not be satisfied.

b) No dog or cat shall require vaccination if:

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

2) A certificate evidencing such exception is presented to the animal control director within five (5) days of such examination.

Such exempt animal shall be vaccinated against rabies as soon as its health permits, and then shall be licensed as required by this article.

Section 6. Chapter 1-4 of the Code is hereby amended by adding a new section designated as 1-4-28. License certificates and license tags, to read as follows:

Sec. 1-4-28. License certificates and license tags.

a) The owner or keeper of a dog, cat or ferret in the county shall obtain a license certificate and license tag for such dog, cat or ferret each year on the anniversary of the initial vaccination. It is a violation of this article for the owner or keeper of a dog, cat or ferret to refuse or fail to obtain a current license certificate or license tag for the dog, cat or ferret as required by this section. The lack of a license tag on the collar or harness of dogs, cats or ferret or the lack of approved license marking shall be deemed prima facie evidence that the animal has not been licensed or vaccinated and of evidence of the violation of this article.

1) Every person who owns, keeps, or harbors within the county any dog, cat or ferret four (4) months of age or older shall obtain a county animal license for such dog, cat or ferret except that no license shall be issued unless such dog, cat or ferret shall have been inoculated against rabies as herein provided. Such license shall be valid for one (1) year from the anniversary date of the first vaccination. The license certificate shall have printed thereon a number which corresponds to the license tag number required therein.

2) Each dog, cat or ferret shall be issued a license tag or shall be marked or tagged by a method approved by the animal control director. Such tag or mark shall have a license identification number which corresponds to the number on the license certificate. The color and shape of the license tag shall be changed each calendar year. No other license identification tag or marks shall be valid under the provisions of this article. It shall be a violation of this article for a dog, cat or ferret to wear an expired license tag.

3) It is a violation of this article for any license identification tags or marks issued for one animal to be utilized for another animal.

4) It is a violation of this article for any person to possess or use a stolen, counterfeit or forged certificate, tag, or other document required by or issued pursuant to this article.

5) The license tag shall be attached to the collar or harness of the dog, cat or ferret and shall be worn at all times, and it is a violation of this article for a dog, cat or ferret not to wear such tags. This requirement shall not apply to any dog actually engaged in the sport of hunting in authorized areas, at authorized times, and supervised by a competent person; dogs used by state, county or municipal law enforcement forces in the exercise of their duties; or dogs used to work livestock in areas of the county designated as Green Belt areas.

6) The county license certificate and license tag or mark shall be issued by the department, or any licensed veterinarian who agrees to collect the fee for the license certificate and license tags. Such certificates shall be executed in triplicate. A copy of the license certificate shall be given to the owner of the

animal, to the impounding officer and to the person administering the inoculation. The copy retained by the veterinarian shall be deemed to be the certificate of vaccination.

7) Proof of current rabies vaccination and purchase of rabies vaccination tag must be forwarded or shown when paying the civil penalties for those violations or the charges will not be satisfied.

8) The costs of each county animal license certificate and license tag and duplicate shall be set by resolution of the board.

9) In the event of loss or destruction of the license tag issued pursuant to this section, the owner shall obtain a duplicate tag and shall pay one-half the fees.. Issuance of a duplicate tag shall be subject to the following:

a) No duplicate tag shall be issued without a current license certificate being presented to the veterinarian or impounding officer issuing the duplicate tag.

b) The officer issuing the duplicate tag on behalf of the department shall be notified of all duplicate tags and the license number it is replacing.

10) The licensing requirements of this article shall not apply to dogs trained to assist or aid disabled or handicapped persons, provided such dogs are vaccinated against rabies as provided herein and are actually being used for the purpose of assisting or aiding such person.

11) The licensing requirements of this article shall not apply to animals whose owners are not residents of the county. For purposes of this article, any person who lives in the county for more than twenty-eight (28) consecutive days shall be deemed to be a resident of the county.

12) It is a violation of this article for the owner or keeper of a dog, cat or ferret to refuse or fail to show the certificate, tag or other document required by or issued pursuant to this article, upon lawful demand by an officer, provided that the officer may allow the owner or keeper seventy-two (72) hours to produce the requested certificate, tag, or other document.

Section 7. Chapter 1-4 of the Code is hereby amended by adding a new section designated as 1-4-29. Public nuisance animals to read as follows:

Sec. 1-4-29. Public nuisance animals.

It is a violation of this article to own, keep or harbor a public nuisance animal, as defined herein. The owner of any public nuisance animal shall be in violation of this article, regardless of the knowledge, intent or culpability of the owner.

ORDINANCE NUMBER 2006-062 & 084

AN ORDINANCE OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 1-4, ARTICLE II, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, GOVERNING ANIMAL CONTROL; PROVIDING FOR CHANGES TO THE ACT, INCLUDING A THREE LEVEL CLASSIFICATION OF POTENTIALLY DANGEROUS ANIMALS; CHANGING THE PENALTIES; CHANGING RABIES VACCINATION PROCESSES; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, The Board or County Commissioners ("Board") has in place an ordinance regarding animal control and cruelty to animal at Chapter 1-4, Article II, of the Code of Laws and Ordinances of Charlotte County Florida, as authorized by Section 828.27, Florida Statutes, and

WHEREAS, the Board finds that it is in the best interests of the County, and in the protection of the public health, safety and welfare, to amend Chapter 1-4, Article II, of the Code in order to update this Ordinance and make it more effective for County's growing population of both residents and pets.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Charlotte County, Florida, that:

Section 1. Section 1-4-25(w) of the Code (definition of "vicious animals") is eliminated as follows, and the definition of "vicious animals" is set forth in the new Section 1-4-30(c) as added in this revision:

Section 1-4-30. There shall be in this County a three level classification of dogs and other potentially dangerous animals: 1) “Threatening Animals”, 2) “Dangerous Animals” and 3) “Vicious Animals”.

(a) Threatening Animal

(1) Definition:

a. A Threatening Animal is one that has done any of the following:

(i) Attacked (i.e., made a violent physical contact with) and injured in any manner a domestic animal;

(ii) When unprovoked, has chased or approached a person, on or off the owner’s or keeper’s property, upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons, or observed by an Animal Control Officer;

(iii) Was found at large (off the owner’s or keeper’s property) three times in an eighteen (18) month period or received three (3) citations within such period;

(iv) Was impounded by Animal Control three (3) times (regardless of the time period involved);

(v) Was found to constitute, in the opinion of the Animal Control Department, a threat to public health or safety; or

(vi) Was recommended by an Animal Control Officer to be declared a “Threatening Animal”.

(2) Penalties:

a. After the animal has been determined to be a Threatening Animal after a hearing or waiver or hearing by the owner or keeper under Section 1-4-30(d).

(i) The owner or keeper shall register the animal with Animal Control as a Threatening Animal;

(ii) Such animal shall be listed on the Animal Control “Dangerous Animal” website;

(iii) Such animal may not be permitted outside a proper enclosure unless it is muzzled and restrained by a substantial chain or leash no more than three (3) feet in length under control of a competent person at least 16 years of age;

(iv) The owner or keeper may exercise the ani-

mal in a securely fenced or enclosed area without a muzzle or leash, if the animal remains within sight and only member of the immediate household or persons 16 years of age or older are allowed in the enclosure with the animal; and

(v) When being transported, such animal must be safely and securely restrained within a vehicle.

(b) Dangerous Animal

(1) Definition:

a An animal that has done any of the following:

(i) Attacked a person;

(ii) Killed or severely injured a domestic animal (i.e., caused a physical injury that resulted in broken bones, multiple bites, or was kept for purposes of animal baiting or fighting);

(iii) Been a repeat offender under the “Threatening Animal” prohibitions.

(2) Penalties:

a. After the animal has been determined to be a “Dangerous Animal”, after a hearing or waiver of hearing by the owner or keeper under Section 1-4-30(d),

(i) The owner shall register the animal with Animal Control as a Dangerous animal;

(ii) Such animal shall be listed on the Animal Control website as a Dangerous Animal;

(iii) The owner or keeper shall put a “Dangerous Animal” tag on the animal’s collar, to be worn at all times;

(iv) The owner or keeper shall have the animal implanted with a microchip and tattooed upon the animal and printed upon its collar an assigned number;

(v) The owner or keeper shall immediately notify Animal Control if the animal gets loose or has bitten a person or attacked an animal, has been sold or given away, died or moved;

(vi) The owner or keeper shall provide to any new owner the information that the animal has been classified as a “Dangerous Animal”;

(vii) The owner or keeper shall place a “Dangerous Animal on Property” sign at all entry points to the owner’s property, along with a photograph or drawing, approved or supplied by Animal Control, mak-

ing it clear to children that a dangerous animal is on the property;

(viii) The animal shall be securely confined indoors or in locked pen (4x10 feet with concrete floor and top), and Animal Control shall have the right to inspect said enclosure at any reasonable time;

(ix) The owner or keeper or a competent person at least 16 years of age may take the animal off the property only with a muzzle and a substantial leash or chain measuring no more than 3 feet;

(x) The animal shall never be used as a guard or security animal;

(xi) The owner or keeper shall have taken a color front and side photo of the animal for identification, and such photo shall be kept on file by Animal Control.

(c) “Vicious Animal”

(1) Definition

a. An animal that has done any of the following:

(i) Attacked and killed a person or caused severe injury (i.e., caused a physical injury that resulted in broken bones, multiple bites, or lacerations) to a person;

(ii) Been a repeat offender under parts I, ii or iii of the level II (“Dangerous Animal”) prohibitions at (b) (1) (a).

(2) Penalties:

a. After the animal has been determined to be a Vicious Animal, after a hearing or waiver of hearing by the owner or keeper under Section 1-4-30(d),

b. The animal shall be humanely euthanized

(d) Appeal Process (Owners’ or Keepers’ Rights)

(1) An animal control authority shall investigate reported incidents involving any animal that may be a Threatening, Dangerous or Vicious Animal and shall, if possible, interview the owner and require a sworn affidavit from any person, including any animal control officer or enforcement officer, desiring to have an animal classified as either a Threatening, Dangerous or Vicious Animal.

Any animal that is the subject of such investigation, that is not impounded with the animal control authority, shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the dangerous animal classification. The address of where the animal resides shall be provided to the animal control authority. No animal that is the subject of investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a Threatening, Dangerous or Vicious Animal classification. In the event that such animal is to be destroyed, the animal shall not be relocated or ownership transferred.

- (2) An animal shall not be declared a Threatening, Dangerous or Vicious Animal if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the animal or its owner, keeper or a family member. No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

- (3) After the investigation, the animal control authority shall make an initial determination as to whether there is sufficient cause to classify the animal as a Threatening, Dangerous or Vicious Animal and shall afford the owner an opportunity for a hearing prior to making a final determination. The animal control authority shall provide written notification of the sufficient cause finding, to the owner or keeper, by registered mail, certified hand delivery, or service in conformance with the provisions of chapter 48, Florida Statutes, relating to service or process. The owner or keeper may file a written request for a hearing within seven calendar days from the date of receipt of the notification of the sufficient cause finding and, if requested, the hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than 5 days after receipt of the request from the owner or keeper. Such hearing shall be before a three person panel as established by Animal Control.

- (4) Once an animal is classified as a Threatening, Dangerous or Vicious Animal, the animal control authority shall provide written notification to the owner or keeper by registered mail, certified hand delivery or service, and the owner may file a written request for a hearing in the Circuit Court for the Twentieth Judicial Circuit for Charlotte County to appeal the classification within 10 business days after receipt of a written determination of Threatening, Dangerous or Vicious Animal classification and must confine the animal in a securely fenced or enclosed area pending a resolution of the appeal.
- (5) Within 14 days after an animal has been classified as a Threatening, Dangerous, or Vicious Animal by the animal control authority or such classification is upheld by the county court on appeal, the owner or keeper of the animal must obtain a certificate of registration for the animal in the form attached at the end of this Section from the animal control authority serving the area in which he or she resides, and the certificate shall be renewed annually. Animal control authorities are authorized to issued such certificates of registration, and renewals thereof, only to persons who area at least 18 years of age and who present to the animal control authority sufficient evidence of;
 - a. A current certificate of rabies vaccination for the animal.
 - b. A proper enclosure to confine the animal and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a Threatening, Dangerous or Vicious Animal on the property.
 - c. Permanent identification of the animal, such as a tattoo on the inside thigh as well as electronic implantation.
- (6) The owner or keeper shall immediately notify the appropriate animal control authority when a animal that has been classified as dangerous;
 - a. Is loose or unconfined.
 - b. Has bitten a human being or attacked another animal.

- c. Is sold, given away, or dies.
- d. Is moved to another address.

- (7) Prior to a Threatening, Dangerous or Vicious Animal being sold or given away, the owner or keeper shall provide the name, address, and telephone number of the new owner or keeper to the animal control authority. The new owner or keeper must comply with all of the requirements of this Ordinance even if the animal is moved from one local jurisdiction to another within the state. The animal control officer must be notified by the owner or keeper of a such animal that the animal is in his or her jurisdiction.
- (8) Hunting dogs are exempt from the provisions of this Ordinance when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trails, conformation shows, field trails, hunting/ retrieving trails, and herding trails are exempt from the provisions of this Ordinance when engaged in any legal procedures. However, such dogs at all other times in all other respects shall be subject to this Ordinance. Dogs or other animals that have been classified as Threatening, Dangerous or Vicious Animals shall not be used for hunting purposes.
- (9) This section does not apply to dogs used by law enforcement officials or law enforcement work.

CHARLOTTE COUNTY ANIMAL CONTROL

STATE OF FLORIDA
CERTIFICATE OF REGISTRATION FOR DANGEROUS DOG
In compliance with F.S.S. 767.10-15

Case No. _____ Registration Fee \$_____ Date _____
Owners Name _____ Owners Address _____
City _____ State _____ Zip _____
Res. Phone _____ Bus. Phone _____ Bus. Address _____

Animal Information

Breed _____ Color _____ Sex _____ Name _____
Rabies Tag _____ Date of Vaccination _____ County of Origin _____
Veterinarian Clinic _____

CERTIFICATE OF COMPLIANCE
Requirements

<u>Yes</u>	<u>No</u>	
_____	_____	Current certificate of rabies vaccination and Charlotte County rabies tag.
_____	_____	Proper enclosure to confine dangerous dog.
_____	_____	Posting of premises with clearly visible warning signs at all entry points that informs both children and adults of the presence of a dangerous dog.
_____	_____	Permanent identification – Tattoo # _____ Other _____

Inspecting Officer _____ Inspection Date _____

By my signature, I acknowledge I have read, understand, and will comply with the provisions of Florida Statute 767.10-15 pertaining to dangerous dogs. Furthermore, by affixing my signature below, I agree that I shall immediately notify the appropriate Animal Control Authority if the above described dog:

1. Is loose or unconfined.
2. Has bitten a human being or attacked another animal.
3. Is sold, given away, or dies.
4. Is moved or relocated to another address.

The certificate shall be renewed annually. With the fees, the owner shall submit the information listed on the above form under "Requirements", or the owner will be denied a certificate.

Section 9. Chapter 1-4 of the Code is hereby amended by adding a new section designated as 1-4-31. Dogs running at large, to read as follows:

Sec. 1-4-31. Dogs running at large.

a) It is a violation of this article for any person owning or having possession, charge, custody or control of any dog to cause, permit or allow a dog to stray or in any manner to run at large in or upon any public street, sidewalk or other public property or on the property of another; however, such dog may be off the premises of the owner or of the person having possession, charge, custody or control of the dog if the dog is leashed.

b) This section shall not apply to any dog actually engaged in the sport of hunting in authorized areas at authorized times and supervised by a competent person, dogs used by state, county or municipal law enforcement forces in the exercise of their duties, or dogs used to work livestock in areas of the county designated as Green Belt areas.

c) Officers are authorized to impound any dog which is at large and are authorized to enter onto private property for the purpose of capturing such dog for impoundment.

d) It is a violation of this article for the owner or keeper of a threatening, dangerous or vicious animal to refuse or fail to confine or restrain such animal as required by this Article.

e) The owner or keeper of a threatening, dangerous or vicious animal, whether or not is has been declared threatening, dangerous or vicious, who permits, allows or causes such animal to run or stray or be uncontrolled or at large in or upon public or private property, shall be in violation of this Article if such animal bites, attacks or causes injury to any person or domestic animal.

Section 10. Chapter 1-4 of the Code is hereby amended by adding

a new section designated as 1-4-32. Impoundment to read as follows:

Sec. 1-4-32. Impoundment.

a) The board is empowered and authorized to create, institute, construct, operate and maintain animal control shelters or holding facilities at locations selected by the board in order to provide adequate animal control facilities for the entire county or arrange with private parties for the same.

b) The animal control director may engage the services of a licensed veterinarian to treat any sick or injured animal, including any animal subject to cruelty, or any animal infected with or suspected of carrying rabies, impounded pursuant to this article. The owner or keeper of such animal shall be liable for payment of veterinary and impoundment expense or reimbursement of the county's expenses in treating the animal.

c) The board, by resolution shall establish fees to be charged for impounding, boarding and feeding animals.

d) The department may catch, seize, humanely trap, or pick up and impound:

- 1) Any dog or cat at large.
- 2) Any dog or cat not vaccinated or licensed as required herein.
- 3) Any animal which has bitten or scratched a person or any animal carrying or suspected of carrying rabies or other infectious or contagious diseases.
- 4) Any sick, injured, abandoned or cruelly treated animal for which the owner cannot be found after reasonable effort to do so.
- 5) Any public nuisance animal.
- 6) Any Threatening, Dangerous, or Vicious Animal as defined in Section 1-4-30
- 7) Any animal not properly quarantined.

- 8) Any female dog or cat in heat not properly confined.
- 9) Any dog or cat not wearing a license tag.
- 10) Any other animal authorized by this article to be impounded.
- 11) Any animal otherwise in violation of this article.

e) An animal control officer shall attempt to identify and locate the owner or keeper of an animal impounded pursuant to this article. If the owner can be identified and located, the animal control officer shall provide notice either in writing, by telephone, or in person that the animal has been impounded.

f) Any animal impounded pursuant to this article, except for an animal classified as a Vicious Animal, may be redeemed within five (5) days of such notice. The period for redemption shall include the day of impoundment. The last day of such redemption period shall occur on a day the county shelter or other holding facility is open for business.

g) Any animal impounded under the provisions of this article and not redeemed as provided for herein, or any animal turned over to the custody of the department by the owner or owner's agent, shall become the property of the county.

h) No animal impounded pursuant to this article shall be released until:

- 1) The owner or keeper of an impounded dog or cat which is not vaccinated against rabies or which does not have a valid license certificate or license tag arranges for rabies vaccination and obtains a license certificate and license tag;
- 2) The owner or keeper of an impounded animal pays the fees for impoundment, board, feed and any additional fees for rabies vaccination and a license certificate and license tag;
- 3) The owner or keeper of an impounded animal pays any expenses incurred by the county for veterinary treatment;

4) The owner or keeper of an impounded animal provides proof of ownership or custody, such as a license certificate, sales receipt, affidavits of neighbors, photographs, or other documentary evidence;

5) If a Threatening or Dangerous animal is impounded, the owner or keeper of such animal complies with the provisions of this article applicable to vicious animals; and

6) If an animal subject to cruelty is impounded, the county court issues an order as provided by section 828.073, Florida Statutes.

Section 11. Chapter 1-4 of the Code is hereby amended by adding a new section designated as 1-4-33. Quarantine of animals, to read as follows:

Sec. 1-4-33. Quarantine of animals.

a) Any person bitten or having knowledge of any person bitten by any dog, cat or other animal shall report the fact immediately to the county health officer and the animal control department. The county health officer shall notify in writing the owner of the animal alleged to have bitten a person and the person bitten or his guardian concerning the reported bite.

b) The provisions of sections 64D-3.001 through 64D-3.010 and sections 64D-3.012 through 64D-3.014, Florida Administrative Code, as the same may be amended from time to time are hereby adopted by reference in this article.

c) It is a violation of this article for any person to commit an act, or cause an act to be committed, in violation of section 64D-3.014, Florida Administrative Code, as the same may be amended from time to time.

d) If quarantine of a dog or cat cannot be maintained at the owner's home or at another location pursuant to section 64D-3.013 (2), Florida Administrative Code, the dog or cat shall be quarantined at a county shelter or other holding facility. It is a violation of this article for the owner of a dog or cat to refuse or fail to maintain the dog or cat under the rabies quarantine as required by section 64D-

3.013(2), Florida Administrative Code, as the same may be amended from time to time.

e) The fees established by the board for impoundment and maintenance of animals shall be applied to quarantined animals. No animal quarantined pursuant to this article shall be released until all such fees have been paid.

f) Notwithstanding any other provision of this article to the contrary, a vicious animal which has bitten, attacked, or caused injury to any person or domestic animal without provocation shall not be released but shall be humanely destroyed. Prior to the destruction of any such vicious animal, the owner shall be notified of the imminent destruction of the animal and the basis thereof, by hand delivery or regular mail, to the owner's last-known address. The date of destruction shall be included in the notice, and such destruction shall not be earlier than the eighth day following the mailing or hand delivery of such notice. Notice is prescribed by this article in order to give the owner of such animal time to apply to court of competent jurisdiction for any remedies which may be available.

g) The county health unit director or health authority, as defined in section 64D-3.001, Florida Administrative Code, shall keep or cause to be kept accurate and detailed records relating to reports and investigations of animal bites.

Section 12. Chapter 1-4 of the Code is hereby amended by adding a new section designated as 1-4-34. Cruelty to animals prohibited, to read as follows:

Sec. 1-4-34. Cruelty to animals prohibited.

a) It is a violation of this article to commit an act or omission of cruelty on any animal, or cause any act of cruelty to be committed to any animal. It is a violation of this article for a person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily or cruelly beats, mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner.

The following shall be considered acts of cruelty:

- 1) To impound or confine any animal in any place without

a sufficient quantity of good, wholesome food and water; to keep any animal in any enclosure without wholesome exercise and change of air; to abandon to die any animal that is maimed, sick, infirm or diseased.

2) Any person who is the owner or possessor, or has charge or custody of any animal who commits the above acts upon any animal or who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road or public place without providing for the care, sustenance, protection, and shelter of such animal shall be in violation of this article.

b) It is a violation of this article for any vehicle owner, passenger or operator to place or confine an animal or allow it to be placed or confined or to remain in an unattended vehicle without sufficient ventilation or under conditions or for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to heat, lack of water or such other circumstances as may be expected to cause suffering, disability or death.

1) Any officer who finds an animal in a vehicle in violation of this article may enter the vehicle by using the amount of force which is reasonable necessary to remove the animal. Neither the officer nor the county shall be liable for any damage reasonably related to the removal of the animal under this section. The officer is authorized to impound and dispose of such animal in the manner provided for in this article.

2) Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes.

c) It shall be unlawful for any person to encourage or permit any animal to engage in animal fighting or baiting for amusement or gain, including:

(i) Knowingly owning, managing or operating a property or facility kept or used for animal fighting or baiting or equipment used in such fights;

(ii) Breeding, owning, possessing, keeping, training, transporting, purchasing or knowingly selling any animal for animal fighting or baiting.

(iii) Promoting, staging, advertising, wagering on or

charging an admission fee to attend animal fighting or baiting between two or more animals;

(iv) Performing any service or act to facilitate animal fighting or baiting, including, but not limited to, providing security, refereeing, handling or transporting animals or being a stakeholder of any money wagered on animal fighting or baiting;

(v) Attending such fighting or baiting as a spectator, whether or not one has paid an admission fee to do so.

Section 13. Chapter 1-4 of the Code is hereby amended by adding a new section designated as 1-4-35. Female dogs and cats in heat; to read as follows:

Sec. 1-4-35. Female dogs and cats in heat.

The owner of any female dog or cat in heat (estrus) which is not kept in a secure enclosure, such as a building, veterinary hospital, boarding kennel or closed kennel in such a manner that such female dog or cat cannot come in contact with a male dog or cat, except for intentional breeding purposes, shall be in violation of this article. For the purpose of this section a fenced area is not sufficient enclosure.

Section 14. Chapter 1-4 of the Code is hereby amended by adding a new section designated as 1-4-36. Animals prohibited in public parks, public playgrounds, public school premises, public buildings and on public beaches, to read as follows:

Sec. 1-4-36. Animals prohibited in public parks, public playgrounds, public school premises, public buildings and on public beaches.

It shall be unlawful and a violation of this article for any person owning or having charge, care, custody or control of any animal to take or allow such animal into or on any public beach, public park, public playground, public school premises or public building in the county unless such animal is a dog trained to assist or aid disabled persons and is actually being used for the purpose of assisting or aiding such person.

Section 15. Chapter 1-4 of the Code is hereby amended by adding a new section designated as 1-4-37. Unlawful to abandon animals, to

read as follows:

Sec. 1-4-37. Unlawful to abandon animals.

It shall be unlawful and a violation of this article for a person to abandon or dispose of an animal on the property of another or public property or to abandon an animal in his former residence when relocating to a new residence.

Section 16. Chapter 1-4 of the Code is hereby amended by adding a new section designated as 1-4-38. Disposition of dead animals, to read as follows:

Sec. 1-4-38. Disposition of dead animals.

a) Any dead animal, upon request of the owner of such animal or the owner of the property where such animal is found, shall be disposed of by the animal control department.

b) The board may establish, by resolution, fees to be charged for the disposal of dead animals.

Section 17. Chapter 1-4 of the Code is hereby amended by adding a new section designated as 1-4-39. Proceedings for violations, to read as follows:

Sec. 1-4-39. Proceedings for violations.

a) An officer who has probable cause to believe that a person has committed an act in violation of this article may issue a citation to the person.

b) The animal control officer shall personally deliver the citation for violation to the alleged violator of this article.

c) In issuing a citation for code violations, an animal control officer shall:

1) Make a personal investigation to determine whether the officer has reasonable cause to believe that the suspect has committed a civil infraction in violation of this Code or a county ordi-

nance.

2) The animal control officer, upon making the determination that a violation exists, shall issue a notice to the person that has committed a violation of this Code or an Ordinance and shall establish a reasonable time period within which that person must correct the violation. Such time period shall not exceed thirty (30) days.

3) An animal control officer does not have to provide a person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if the animal control officer has reason to believe that the violation represents a serious threat to the public health, safety or welfare, or if the violation is irreparable or reversible.

4) If, upon personal investigation, an animal control officer finds that the person has not corrected the violation within the notices time period, an animal control officer may issue a citation to the person who has committed the violation.

d) After issuing a citation to an alleged violator, the original white citation shall be deposited with the clerk of the court. The clerk of the court shall also receive the yellow copy of the citation. The violator shall be given the goldenrod copy of the citation, and the animal control department shall keep the pink copy of the citation.

e) If the person elects not to contest the citation, he shall pay the applicable civil penalty to the clerk of the county court within thirty (30) days after issuance of the citation,

f) If the person elects to contest the citation, he shall request a hearing through the clerk of the county court within thirty (30) days after issuance of the citation. The clerk shall schedule a hearing in the county court and shall provide written notice of the hearing to the person and the officer.

g) If the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation, and, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

h) Any person who willfully refuses to sign and accept a citation issued by an officer shall be guilty of a misdemeanor of the second degree, punishable as provided by section 775.082, section 775.083, or section 775.084. Florida Statutes.

i) Proceedings before the county court shall be nonjury proceedings.

j) All animal control proceedings shall be heard at the Charlotte County Courthouse in Punta Gorda, Florida, unless otherwise provided by law.

k) Each animal control officer shall be issued a number, and a numerical roster of the animal control officers shall be kept up-to-date with the clerk's office.

l) A failure to pay a fine, penalty, or fee assessed by the county court or elected by the violator shall be a violation of this article and shall be punished pursuant to section 125.69, Florida Statutes. A bench warrant for arrest or a summons to appear in court may be issued for a failure to appear or to schedule a hearing by the county court judge.

m) These enforcement provisions in addition to any other remedies available at law or otherwise.

n) Mandatory court appearances are required for violations after issuance of a third or subsequent citation to a person in any 18 month period. The citation must clearly inform the person of the mandatory nature of the court appearance. The department must maintain records regarding the number of previous citations to the person in the 18 month period. Such persons do not have the option of paying a civil fine in lieu of the appearance at court, and will be in contempt of court if they do not appear.

o) An Animal control Notice left upon a property in an attempt to notify an owner or owner's agent of an existing violation of the Animal Control laws of Charlotte County shall be responded to by telephone or in person to the Animal Control Department within twenty-four (24) hours from the time registered on the Notice. Failure to do so will result in the impoundment of the animal or animals involved in the violation. If the animal or animals involved in the violation are in a structure or a fenced-in area, such animal or animals

shell be impounded upon issuance or a warrant if there is no response to the Notice within twenty-four hours.

Section 18. Chapter 1-4 of the Code is hereby amended by adding a new section designated as 1-4-40. Penalties, to read as follows:

Sec. 1-4-40. Penalties.

- a) A violation of this article is a civil infraction.
- b) The maximum civil penalty for a civil infraction shall not exceed five hundred dollars (\$500.00).
- c) The civil penalty for a civil infraction shall be less than the maximum civil penalty, if the person who has committed the civil infraction does not contest the citation.
- d) Civil penalties for civil infractions shall be as follows:

CODE SECTION	DESCRIPTION OF VIOLATION	OFFENSES		
		FIRST	SECOND	THIRD OR MORE
		<i>{3rd or more within 18 months from date of 1st offense}</i>		
1-4-26 {c}{1}	Interference with animal control director or officer	\$100.00	\$200.00	\$300.00
1-4-26 {c}{2}	Removal of animal from custody of animal control director or officer	\$50.00	\$100.00	\$200.00
1-4-26 {c}{3}	Unlawful or unauthorized removal of animal from shelter	\$100.00	\$200.00	\$300.00
1-4-26 {h}	Failure to surrender animal or carcass of dead animal	\$50.00	\$100.00	\$200.00
1-4-27 {a}	Failure to vaccinate dog or cat	\$100.00	\$200.00	\$300.00
1-4-28 {a}	Failure to obtain license certificate or license tag for dog or cat	\$75.00	\$100.00	\$200.00
1-4-28 {a}{2}	Dog or cat wearing expired license tag	\$35.00	\$100.00	\$200.00
1-4-28 {a}{3}	Dog or cat wearing license tag issued for another dog or cat	\$50.00	\$100.00	\$100.00

CODE SECTION	DESCRIPTION OF VIOLATION	OFFENSES		
		FIRST	SECOND	THIRD OR MORE
1-4-28 {a}{4}	Possession of stolen, counterfeit, or forged certificate, tax, or document	\$100.00	\$200.00	\$300.00
1-4-28 {a}{5}	Dog or cat without license tag	\$35.00	\$50.00	\$50.00
1-4-28 {a}{12}	Failure or refusal to show license certificate, tag, or other document upon demand	\$100.00	\$200.00	\$300.00
1-4-29	Public nuisance animal	\$100.00	\$200.00	\$500.00
1-4-30{d}{6}	Failure to report new owner or death of threatening, Dangerous or vicious animal	\$50.00	\$100.00	\$100.00
1-4-31 {a}	Dog running at large	\$100.00	\$250.00	\$500.00
1-4-31{d}	Failure to confine or restrain Threatening, Dangerous or Vicious animal.	\$500.00	\$500.00	\$500.00
1-4-31{e}	Uncontrolled threatening, Dangerous or vicious animal which causes injury	\$500.00	\$500.00	\$500.00
1-4-32 {c}	Violation of Section 64D-3.001-3.010, 64D-3.012-3.014, Florida Administrative Code (Rabies Report & Quarantine)	\$100.00	\$200.00	\$200.00
1-4-33 {d}	Failure to maintain dog or cat under Rabies Quarantine (Section 10D-3.091(2), Florida Administrative Code)	\$100.00	\$200.00	\$300.00
1-4-34 {a}	Cruelty to animal	\$200.00	\$300.00	\$500.00
1-4-34 {b}	Confinement of animal in vehicle	\$100.00	\$300.00	\$500.00
1-4-34(c)	Animal Baiting or Fighting	\$400.00	\$450.00	\$500.00
1-4-35	Failure to confine female dog or cat in heat	\$35.00	\$100.00	\$200.00
1-4-36	Animal on public beach, public park, public playground, public school, or public building	\$100.00	\$200.00	\$300.00
1-4-37 e)	Abandonment of animal Pursuant to Fla. Stat. 828.27, in addition to any civil penal-	\$200.00	\$300.00	\$500.00

ties imposed under this chapter, a \$5.00 surcharge shall also be imposed with each civil penalty. The proceeds of such surcharge shall be used to pay the costs of training for animal control officers.

f) The clerk shall collect an administrative filing fee of ten dollars (\$10.00) for each citation from the board of county commissioners. This administrative fee shall be included in addition to civil fine.

Section 19. Chapter 1-4 of the Code is hereby amended by adding a new section designated Section 1-4-41. Procedures for implementation, to read as follows:

Sec. 1-4-41. Procedures for implementation.

The Board may, by resolution, establish such procedures and provisions as are necessary to implement this article.

Section 20. Chapter 1-4 of the Code is hereby amended by adding a new section designated Section 1-4-43. Separate violations, to read as follows:

Sec. 1-4-43. Separate violations.

Where an owner has more than one (1) animal in violation of this article, each animal shall be considered a separate violation. Each day or fraction thereof the violation continues shall be considered a separate violation.

Section 21. Chapter 1-4 of the Code is hereby amended by adding a new section designated Section 1-4-44. Court costs, to read as follows:

Sec. 1-4-44. Court costs.

Court costs may be imposed as provided by law.

Section 22. Chapter 1-4 of the Code is hereby amended by adding a new section designated Section 1-4-45. Deposits of fines and penalties, to read as follows:

Sec. 1-4-45. Deposits of fines and penalties.

All civil fines and penalties shall be deposited into the County general fund, except as otherwise provided herein.

Section 23. Severability. If any subsection, sentence, clause, phrase, or portion of these sections is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remainder of the chapter.

Section 24. Effective Date. This ordinance shall take effect upon its filing in the Office of the Secretary of State, State of Florida.

RESOLUTION 90-237

A resolution setting fees for the disposition of dead animals by the Charlotte County Animal Control Department.

RECITALS

1. Charlotte County is currently charging fees for the disposal of dead animals by the Animal Control Division.
2. The Charlotte County Board of County Commissioners recognizes the need to implement fees for its animal disposal services.
3. Any dead animal, upon request of the owner of such animal or of the owner of the property where such animal is found shall be disposed of by the Animal Control Division for \$25.00. In the event that the owner of the deceased animal does not contact the Animal Control Division within 48 hours, the fee will double to \$50.00.
4. The Charlotte County Board of County Commissioners finds it to be in best interest of the health, safety, and welfare of the citizens of Charlotte County to implement fees for the disposal of dead animals by the Animal Control Division.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Charlotte County, Florida, authorizes the setting of a fee of \$25.00 for the disposal of dead animals.

In the event the owner of the deceased animal does not contact Animal Control Division within 48 hours, the fee will double to \$50.00.

PASSED AND DULY ADOPTED this 18th day of September, 1990.

RESOLUTION 90-238

A resolution setting fees for the trapping of nuisance wildlife by the Charlotte County Animal Control Department.

RECITALS

1. According to the study done by David M. Griffith and Associates, Ltd., for the fiscal year 1990, Charlotte County is currently not charging fees for its animal trapping services.
2. The Charlotte County Board of County Commissioners recognizes the need to implement fees for its animal trapping services.
3. For \$45.00, Animal Control Personnel will deliver the trap and retrieve and dispose of all nuisance wildlife removed from the trap in accordance with standard operating procedures. The first day of service is the day the trap is delivered and set. The service will continue for a maximum of ten (10) working days.
4. The Charlotte County Board of County Commissioners find it to be in the best interest of the health, safety, and welfare of the citizens of Charlotte County to implement fees for the trapping of nuisance wildlife.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Charlotte County, Florida, authorizes the setting of a fee of \$45.00 for the trapping of nuisance wildlife.

The trapping service beginning on the day the trap is delivered and set is to continue for a maximum of ten (10) working days; once the fee is paid, Animal Control Personnel is authorized to deliver the trap, retrieve and dispose of all nuisance wildlife removed from the trap in accordance with Animal Control standard operating procedures.

PASSED AND DULY ADOPTED this 18th day of September, 1990.

RESOLUTION 90-239

A resolution authorizing setting fees for the retrieval of trapped nuisance wildlife by the Charlotte County Animal Control Department.

RECITALS

1. According to the study done by David M. Griffith and Associates, Ltd., for the fiscal year 1990, Charlotte County is currently not charging fees for its animal retrieval services.
2. The Charlotte County Board of County Commissioners recognizes the need to implement fees for its animal retrieval services.
3. For \$10.00 per animal, Animal Control Personnel will retrieve and dispose of all nuisance wildlife in accordance with standard operating procedure.
4. The Charlotte County Board of County Commissioners find it to be in the best interest of the health, safety, and welfare of the citizens of Charlotte County to implement fees for the animal retrieval services.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Charlotte County, Florida, authorizes the setting of a fee of \$10.00 for the retrieval of trapped nuisance wildlife.

PASSED AND DULY ADOPTED this 18th day of September, 1990.

RESOLUTION 90-240

A resolution authorizing setting fees for the impoundment of animals owned by private individuals at the request of the owner to cover cost of removal, transportation, and the proper disposal of the animal by the Charlotte County Animal Control Department.

RECITALS

1. Charlotte County is currently not charging fees for its animal impoundment services.
2. The Charlotte County Board of County Commissioners recognizes the need to implement fees for the impoundment of animals at the request of the owner.
3. For \$15.00 per animal, Animal Control Personnel will remove, transport, and properly dispose of the animal in accordance with standard operating procedures.
4. The Charlotte County Board of County Commissioners find it to be in the best interest of the health, safety, and welfare of the citizens of Charlotte County to implement fees for its animal impoundment services.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Charlotte County, Florida, authorizes the setting of a fee of \$15.00 for the impoundment of animals at the request of the owner.

PASSED AND DULY ADOPTED this 18th day of September, 1990.

RESOLUTION 2006-171

A resolution of the Board of County Commissioners of Charlotte County, Florida, to amend Resolution 98-129; providing for revised fees for animal license certificates, license tags and duplicates, and providing for fees for the impoundment of animals, and repealing resolution 2000-150.

RECITALS

WHEREAS, Section 828.27 (2), Florida Statutes, authorizes the Board of County Commissioners of Charlotte County, Florida (the "Board") to enact ordinances relating to animal control and to provide for the enforcement of such ordinances; and

WHEREAS, the Board adopted Section 1-4-28, Code of Laws and Ordinances of Charlotte County, authorizing license fees; and

WHEREAS, the Board adopted Resolution 98-129 to set the amount of fees for licenses and duplicates and to set fees for the impoundment of animals and later adopted Resolution 2000-150 to amend the earlier Resolution; and

WHEREAS, pursuant to a request by the Charlotte County Animal Control Department, the Board now desires to raise the fees for animal license certificates, tags and duplicate or replacement licenses to offset rising administrative costs.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida, that

Section 1. Paragraph 1 of Resolution 98-129 is hereby amended to read as follows, with new language underlined and the language to be eliminated crossed out:

1. Pursuant to Ordinance 98-70, the following fees are hereby established for impounded of animals:

First Occurrence	\$20.00 \$40.00 per occurrence
Second Occurrence	\$40.00 \$80.00 per occurrence
Third Occurrence	\$80.00 \$100.00 per occurrence

Section 2. Paragraph 3 of Resolution 98-129 is hereby amended to read as follows, with new language underlined and the language to be eliminated crossed out:

3. Pursuant to Ordinance 98-70, the following fees are hereby established for issuance of license certificates and tags:

	Unaltered (not spayed or neutered)	\$12.00 \$30.00
	Altered (spayed or neutered)	\$8.00 \$12.00
	Duplicate or Replacement Tag	one-half of the above
fee		
	Unaltered	\$15.00
	Altered	\$6.00

At the time these fees are collected, the veterinary entity issuing the license certificates and tags shall retain \$2.00 from each fee payment and the remainder shall be distributed to the Charlotte County Animal Control Department.

Section 3. The remainder of Resolution 98-129 shall remain in full force and effect.

Section 4. This Resolution repeals Resolution 2000-150.

Section 5. This ordinance shall take effect upon its filing in the Office of the Secretary of State, State of Florida.

Brian Jones, Division Manager 833.5686

Tracie Baird,
Administrative Service Coordinator 833.5684

Dispatch (Main Line) 833.5690

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