

JUN 06 1995

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1 RESOLUTION NO. 95-M-42

3 A RESOLUTION PROVIDING FOR HEARINGS BEFORE
5 THE ANIMAL SERVICES CLASSIFICATION COMMITTEE.

7 WHEREAS, Section 5-32 of Orange County Ordinance No.
9 91-08, entitled "Orange County Animal Services Ordinance"
11 provides, among other things, for classification of dogs as
13 dangerous by the Animal Services Classification Committee; and

15 WHEREAS, the duties and responsibilities of the Animal
17 Services Classification Committee are delineated in
19 Resolution No. 91-M-24; and

21 WHEREAS, Section 8(f) of Resolution 91-M-24 establishes
23 the procedure by which the Animal Services Classification
25 Committee shall determine whether a dog is dangerous pursuant
27 to Chapter 767, Florida Statutes; and

29 WHEREAS, Chapter 767, Florida Statutes, has been amended
31 by the Florida Legislature to provide a dog owner with an
33 opportunity for a hearing prior to classification of a dog as
35 dangerous; and

37 WHEREAS, the Board of County Commissioners desires to
39 enact rules and regulations to implement and to carry out the
41 provisions of the Orange County Animal Services Ordinance in
43 accordance with current law.

45 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
47 COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

49 Section 1. The procedure by which the Animal Services
51 Classification Committee determines whether a dog is
53 dangerous shall include an opportunity for a dog owner to
55 appear in a hearing before the Animal Services
57 Classifications Committee.

59 Section 2. The hearing procedure shall be administered
61 as follows:

63 The Animal Services Classification Committee shall,
65 within five (5) working days of referral of a completed

41 dangerous dog investigation by the Animal Services Department
Manager, review each completed investigation pursuant to the
43 Orange County Animal Services Ordinance. The Animal Services
Classification Committee shall also, upon receipt of a timely
45 written request for a hearing, schedule a hearing for the
owner and any person who was involved in the incident which
47 initiated the investigation and who desires classification of
the dog as dangerous, including any animal control officer or
49 enforcement officer, to appear before the Committee. The
Animal Services Classification Committee shall schedule
51 hearings to be held as soon as possible, but not more than
twenty-one (21) calendar days and no sooner than five (5)
53 days after receipt of the request for hearing from the
owner. The owner and any other persons scheduled to appear
55 before the Committee shall immediately be notified of the
hearing date by registered mail, certified hand delivery, or
57 service in conformance with the provisions of Chapter 48,
Florida Statutes, pertaining to service of process. The
59 Animal Services Classification Committee shall, after review
of the completed investigation and hearing, determine whether
61 the animal should be classified as a dangerous animal
pursuant to the Orange County Animal Services Ordinance, as a
63 dangerous dog pursuant to Chapter 767, Florida Statutes, or
whether the complaint fails to meet the applicable criteria.
65 A timely written request for a hearing is a request submitted
within seven (7) days of the owner's receipt of written
67 notification from the Animal Services Department Manager, or

his or her designee, of a determination of sufficient cause
69 to classify the owner's dog as dangerous.

Section 3. This Resolution shall take effect upon
71 adoption.

ADOPTED THIS 6th DAY OF June, 1995.

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ORANGE COUNTY, FLORIDA

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BY: [Signature]
for the County Chairman Bob Freeman

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DATE: 6/12/95

83 ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

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BY: [Signature]
Deputy Clerk

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