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RESOLUTION NO. 96-M-10

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA PERTAINING TO ANIMAL SERVICES; REPEALING ORANGE COUNTY RESOLUTION NO. 91-M-24 PERTAINING TO ANIMAL CONTROL; ESTABLISHING IMPOUNDMENT FEES; ESTABLISHING A FEE TO BE CHARGED TO OWNERS OF ANIMALS SEIZED BY THE ORANGE COUNTY ANIMAL SERVICES DEPARTMENT FOR VIOLATIONS OF ORDINANCE 95-32 AND RETURNED TO OWNERS WITHOUT IMPOUNDMENT; ESTABLISHING FEES FOR SERVICES PROVIDED BY THE LOW-COST SPAY/NEUTER CLINIC; ESTABLISHING A FEE FOR CERTIFICATES OF REGISTRATION FOR DANGEROUS ANIMALS; ESTABLISHING FEES FOR DISPOSAL OF DEAD ANIMALS; ESTABLISHING FEES AND PROCEDURES FOR ADOPTIONS; ESTABLISHING A SCHEDULE OF CIVIL PENALTIES FOR VIOLATIONS OF ORDINANCE NO. 95-32; PROVIDING FOR A SURCHARGE ON CITATIONS ISSUED PURSUANT TO THE ANIMAL SERVICES ORDINANCE; ESTABLISHING AN ANIMAL SERVICES CLASSIFICATION COMMITTEE; ESTABLISHING AN ANIMAL SERVICES ADVISORY BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners on September 26, 1995, approved Orange County Ordinance No. 95-32, entitled "Orange County Animal Services Ordinance" which amended Chapter 5, Article II, Orange County Code;

WHEREAS, Chapter 5, Article II, Section 5-30, Orange County Code, empowers the Board of County Commissioners to enact rules and regulations to implement and carry out the provisions of the Orange County Animal Services Ordinance.

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

Section 1. Repeal of Resolution No. 91-M-24. Resolution No. 91-M-24 is hereby repealed.

Section 2. Impoundment and Board Fees. Pursuant to Section 5-34, Orange County Code, the Board of County Commissioners hereby establishes the following impoundment and board fees:

- (a) First impoundment \$10.00
- (b) Second impoundment \$20.00
- (c) Third impoundment \$30.00
- (d) Daily board fee \$ 5.00

Impoundment fees may be waived, if owner agrees to have animal sterilized.

Section 3. Spay/Neuter Clinic Fees. Pursuant to Section 5-44, Orange County Code, the Board of County Commissioners hereby establishes the following fees for services provided by the low-cost spay/neuter clinic:

- (a) Sterilization:

CATS

DOGS

Male - \$10.00

Male - \$15.00

Female - \$20.00

Female - \$25.00

- (b) Rabies vaccinations: \$5.00

(c) Orange County residents whose income meets the 100% federal poverty level standards may have their animal spayed or neutered without charge.

Section 4. Dangerous Animal Registration Fees. Pursuant to Section 5-39, Orange County Code, the Board of County Commissioners hereby establishes the following annual fees for obtaining and renewing a certificate of registration for a dangerous animal:

- (a) Sterilized animal \$25.00
- (b) Unsterilized animal \$50.00

Section 5. Disposal Fee. Pursuant to Section 5-36, Orange County Code, the Board of County Commissioners hereby establishes a fee of ten dollars (\$10.00) for the disposal of dead

animals.

Section 6. Adoption Fees. Pursuant to Section 5-45, Orange County Code, the Board of County Commissioners hereby establishes the following fees and procedures for adoption of animals:

(a) Fees:

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| (1) | Cats, spayed/neutered when impounded | \$10.00 |
| (2) | Dogs, spayed/neutered when impounded | \$10.00 |
| (3) | Cats, fertile when impounded | \$30.00 |
| (4) | Dogs, fertile when impounded | \$40.00 |

Fees for multiple adoptions may be reduced upon Animal Services Department Manager's approval, i.e., two adoptions for the fee of one adoption.

(b) Procedures for animals adopted directly from the Orange County Animal Services Department ("Animal Services Department"):

- (1) Each prospective adopter shall be required to complete an Animal Services Department adoption questionnaire.
- (2) No adoption will be made to a person whose residential lease does not allow pets.
- (3) If a prospective adopter's residential lease requires a pet security deposit, the deposit shall be paid before the adoption is made.
- (4) No adoption will be made to any person who has had an animal impounded by the Animal Services Department more than once in any six (6) month period of time. Prospective adopters who have received a citation for an

Animal Services Department ordinance violation will be evaluated on a case-by-case basis.

- (5) Any person who adopts an animal from the Animal Services Department will be required to sign a release form.
- (6) All dogs and cats will be spayed or neutered prior to release for adoption unless an exception is granted at the discretion of the Animal Services Department Manager based on a recommendation from the Animal Services Department's contract or staff veterinarian.
- (7) Breed rescue organizations which have paid their annual registration fee of twenty-five dollars (\$25.00) shall pay five dollars (\$5.00) per animal for each rabies inoculation.

(c) Custody of any dog or cat offered for adoption may be transferred without deposit to a licensed veterinarian or other humane organization upon agreement that such entity shall surgically sterilize the transferred animal prior to placement. If a licensed veterinarian or other humane organization adopts a dog or cat, then administration of the requirements set forth in paragraph (b) shall be the responsibility of such veterinarian or organization accepting the animal. An adoption fee shall be as determined by the adopting veterinarian or organization and may be retained by them.

(d) Breed rescue groups and other animal rescue organizations and individuals must register with the Animal Services Department annually. A registration application shall be completed by a rescuer and researched by the Animal Services Department to ensure the rescuer is sufficiently established to receive animals from the Animal Services Department. Upon approval

of the application, and payment of the twenty-five dollars (\$25.00) annual fee, the rescuer may receive dogs and/or cats. The rescuer must still pay the rabies vaccination fee and have the animal licensed. The Breed Rescue Program will be evaluated every six (6) months for effectiveness.

- (e) An animal may not be adopted from the Animal Services Department shelter if:
 - (1) the animal shows any signs of aggression while in the shelter's possession,
 - (2) the personnel of the department has knowledge of previous aggression by the animal, or
 - (3) an animal is suffering from an illness or an injury and, because of such, the Animal Services Department determines that the adoption would not be in the best interests of the animal and/or of the public.

Section 7. Rabies License Tag Fees.

(a) Pursuant to Section 5-39, Orange County Code, the Board of County Commissioners hereby establishes the following Orange County Rabies License Tag fees:

(1)	Fertile dog tag	\$25.00
(2)	Sterilized dog tag	FREE
(3)	Fertile cat tag	\$25.00
(4)	Sterilized cat tag	FREE
(5)	Replacement tag	\$ 1.00
(6)	Transfer of owner	\$ 1.00

(b) Retention of twenty (20) percent of the rabies license tag fees sold by veterinarians or other persons designated to sell rabies license tags will serve as reimbursement to such individuals for the cost of issuing the license tags.

(c) Any County resident sixty-two (62) years of age or older may obtain rabies license tags for fertile dogs and cats each year at fifty (50) percent of the regular fee.

(d) Any County resident who owns a Seeing Eye dog, a hearing dog, or working companion dog properly trained and actually being used to assist a blind, deaf or physically challenged person, or any dog utilized in a working fashion, may obtain from the Animal Services Department Manager one (1) rabies license tag each year at no charge upon presentation of proof of such utilization, proof that the dog is sterile and presentation of a rabies vaccination certificate for the dog.

(e) A maximum of five dollars (\$5.00) shall be charged per vaccination, for rabies vaccinations offered through County-sponsored low-cost rabies vaccination clinics.

Section 8. County Trap Fee. Pursuant to Section 5-41, Orange County Code, the Board of County Commissioners hereby establishes a four dollar (\$4.00) per day fee for the use of a County trap for more than five (5) days. Use of a County trap for five (5) days or less shall be free. Use of an Animal Services Department trap shall also be subject to a deposit for the trap in an amount equivalent to the cost of the trap. Such deposit will be returned to the citizen upon return of the trap in the same condition as when it was borrowed. In the event, a trap is either stolen or damaged, the Animal Services Department will retain the entire deposit. Traps shall not be set for more than ten (10) consecutive days at one location.

Section 9. Wildlife Hybrid Registration Guidelines and Fee. Pursuant to Section 5-46, Orange County Code, the Board of County Commissioners hereby establishes the following guidelines and fee for registration of wildlife hybrids:

(a) Initial registration fee \$50.00

The initial registration fee will be charged to any citizen having the proper state permit, for a wildlife hybrid, after October 5, 1995.

(b) Guidelines:

(1) All wildlife hybrids within Orange County must be registered on a yearly basis with the Animal Services Department.

(2) All locations where wildlife hybrids are housed will be inspected for proper security and confinement of such animals.

(3) The owner of a wildlife hybrid shall immediately report to the Animal Services Department if such animal should escape from the owner's property.

(4) The owner of a wildlife hybrid shall immediately report to the Animal Services Department any bite or scratch of a human being by such animal.

(5) Wildlife hybrids shall not be sold or transferred to any new owner without prior notification to the Animal Services Department of the pending transfer.

(6) Once the registered wildlife hybrid has been sold, relocated, euthanized or dies of natural causes, such animal shall not be replaced unless the owner meets the guidelines established by Florida law.

Section 10. Citations. Pursuant to Section 5-31, Orange County Code, the Board of County Commissioners hereby establishes the following guidelines pertaining to issuance of citations:

(a) Citations may be issued to an owner or keeper of an animal for first, second or subsequent offenses of the same violation of the Ordinance. Depending upon the circumstances or seriousness of the offense, a warning rather than a citation may be issued.

(b) Citations may be waived by the Animal Services Department Manager or his or her designee on first offenses pending completion of four (4) hours at responsible pet education classes offered at the Animal Services Department or another approved site. Failure to complete the required hours of responsible pet education classes shall constitute a violation of Chapter 5, Article II, Orange County Code, and shall cause a citation to be issued. Such violation will require either payment of the fine stated upon the citation or appearance in court.

(c) An administrative fee of two dollars (\$2.00) will be added to each civil penalty for each violation, to be retained by the Clerk of the Court as a processing fee.

Section 11. Violations and Penalties. Pursuant to Section 828.27, Florida Statutes, and Section 5-52, Orange County Code, the Board of County Commissioners hereby establishes the following schedule of civil penalties for a violation of Chapter 5, Article II, Orange County Code, by any person who does not contest a citation and is not mandated to appear in court:

CATEGORY I:

Violations:

- (1) Refuse to surrender an animal upon lawful demand
- (2) Fail to comply with the provisions of the dangerous animal classification
- (3) Fail to notify the Animal Services Department that a dangerous animal has been brought into Orange County
- (4) Allow a previously declared dangerous animal to attack or bite, unprovoked
- (5) Allow an animal, not declared as dangerous, to severely injury a human being
- (6) Fail to quarantine an animal which has bitten, or believed to have bitten, or is suspected of carrying rabies
- (7) Entice, lure, seize, molest or tease an animal from the owner's property

- (8) Sell, purchase or obtain a dog or cat for the purpose of consumption or to consume a dog or cat
- (9) Fail to trap by humane standards or allow an animal to remain within a trap for a period of time which is detrimental to the animal

Penalties:

First offense	\$250.00
Second and/or subsequent offense	Mandatory court appearance

CATEGORY II:

Violations:

- (1) Interfere with the Animal Services Department
- (2) Treat any animal in a neglectful manner
- (3) Abandon any animal
- (4) Own, keep, or harbor any wildlife hybrid, as defined by Section 5-46
- (5) Breed any wildlife or wildlife hybrid with a domestic animal or hybrid, as defined by Section 5-46
- (6) Allow an animal to bite, unless reacting to a person unlawfully on the property
- (7) Refuse or fail to have a dog or cat currently vaccinated against rabies
- (8) Fail to confine a female dog or cat in heat (estrus)
- (9) Permit an animal to constitute a nuisance
- (10) Fail to complete pet education hours
- (11) Allow a dog or cat to breed without a breeder license tag
- (12) Violate any provision pertaining to breeder license tags
- (13) Transport an animal in any open vehicle without proper restraint or confinement

Penalties:

First offense	\$ 50.00
Second offense	\$175.00
Third or subsequent offense	Mandatory court appearance

CATEGORY III:

Violations:

- (1) Possess or use a stolen, invalid, counterfeit or forged certificate, tag, or other document
- (2) Refuse or fail to obtain a rabies license tag for a dog or cat
- (3) Fail to attach a rabies license tag to a dog's or cat's collar and require the collar worn by the animal
- (4) Permit a dog or cat to be *at large*
- (5) Deposit or leave a dead animal on public property or private property of another person
- (6) Fail to obtain permission from the Animal Services Department to trap
- (7) Any additional violations of Chapter 5, Article II, Orange County Code, which are not categorized herein

Penalties:

First offense	\$ 25.00
Second offense	\$ 75.00
Third offense	\$200.00
Fourth or subsequent offense	Mandatory court appearance

- (d) Any subsequent offense committed by an owner, co-owner or keeper within the same

household, within twelve (12) months of a previous offense of the same violation shall incur a civil

penalty of the next offense.

(e) Pursuant to Section 5-52, Orange County Code, a five dollar (\$5.00) surcharge will be added to each civil penalty for a violation of Chapter 5, Article II, Orange County Code, in accordance with Section 828.27, Florida Statutes.

(f) Prior to any fine being accepted by the Orange County courts, the violation causing the fine must be resolved, and proof provided, if possible.

Section 12. Animal Services Classification Committee. Pursuant to Section 5-32, Orange County Code, the Board of County Commissioners hereby retains an Animal Services Classification Committee.

(a) (1) The Animal Services Classification Committee shall consist of seven (7) members appointed by the Board of County Commissioners. All members shall be registered voters and residents of Orange County, Florida, unless such requirements are waived by a two-thirds vote of the members of the Board of County Commissioners. An application form must be completed and submitted to the Intergovernmental Affairs Department before a person can be considered for appointment. The following areas of expertise or experience are desirable for members of the Animal Services Classification Committee:

K-9 handler (may be member of law enforcement)

Veterinarian

Orlando Humane Society, Inc.

Obedience trainer or handler

Member of American Kennel Club

Two (2) members of the public

(2) All appointments of members to the Animal Services Classification Committee shall be for a term of two (2) years.

(3) The members of the Animal Services Classification Committee serve at the pleasure of the Board of County Commissioners and may be removed without cause. If any member of the Animal Services Classification Committee resigns, dies or is removed for cause, the Board of County Commissioners shall fill the vacancy by appointment within thirty (30) days after the County Chairman is notified of the need to appoint a successor. Any such appointment shall be for the unexpired term of the vacated office.

(b) The Animal Services Classification Committee annually shall elect one of its members to serve as Chairman and one member to serve as Vice-Chairman. The Chairman shall preside over and conduct meetings of the Animal Services Classification Committee. The Vice-Chairman shall act in the absence of the Chairman. The secretary to the Animal Services Department Manager or designee shall function as secretary to the Animal Services Classification Committee, but shall not be considered a member of the Animal Services Classification Committee. The secretary or designee shall keep minutes of each meeting of the Animal Services Classification Committee that reflect the identification of topics discussed, motions made and votes taken. Minutes shall be submitted to the County Chairman or his or her designee within three (3) weeks after the meeting at which the minutes are approved.

(c) (1) The Animal Services Classification Committee shall meet as often as necessary. All meetings shall be open to the public. Special meetings may be called by the Chairman or Vice-Chairman or by any three members of the Committee upon forty-eight (48) hours notice to all members and to the Animal Services Department Manager.

(2) Any member who is absent from three (3) consecutive meetings or twenty-five percent (25%) of the regular scheduled meetings in a year shall be replaced. A vacancy shall occur thirty (30) days after the County Chairman is notified of the need to appoint a successor member due to absenteeism. Members shall serve until their successors have been appointed. A member shall be considered absent if not present during fifty percent (50%) of the duration of a meeting.

(3) Four (4) members of the Animal Services Classification Committee shall constitute a quorum. Recommendations and decisions of the Animal Services Classification Committee must be made by a majority vote of those present and voting.

(d) Members of the Animal Services Classification Committee shall receive no compensation for the performance of their duties hereunder, but each member shall be reimbursed for necessary expenses incurred while engaged in the performance of such duties, pursuant to Section 112.061, Florida Statutes.

(e) The Animal Services Department Manager or his or her designee will act as an advisor to the Animal Services Classification Committee.

(f) The Animal Services Classification Committee shall, within five (5) working days of the referral, review each completed investigation that is referred to the Committee by the Animal Services Department Manager or his or her designee pursuant to Section 5-32, Orange County Code, regarding an incident involving an animal that may be dangerous. The Animal Services Classification Committee shall, after review of the completed investigation, determine whether the animal should be classified as a dangerous or potentially dangerous animal pursuant to Section 5-32, Orange County Code, as a dangerous animal pursuant to Chapter 767, Florida Statutes, or whether the complaint fails to meet the applicable criteria.

(g) The Animal Services Classification Committee shall provide the Animal Services Department Manager or his or her designee with its written determination as to classification immediately. The Animal Services Department Manager or his or her designee shall send a written notice of classification to the owner of an animal classified as dangerous in accordance with the requirements of Section 5-32, Orange County Code.

Section 13. Animal Services Advisory Board. Pursuant to Section 5-48, Orange County Code, the Board of County Commissioners hereby establishes an Animal Services Advisory Board to assist and advise it in carrying out an effective and comprehensive Animal Services program.

(a) The responsibilities of the Animal Services Advisory Board shall be:

- (1) To assist and advise the Board of County Commissioners concerning animal services programs and policies in Orange County.
- (2) To assist the Board of County Commissioners in promoting a community awareness of the purposes and responsibilities of the Orange County Animal Services Department.

(b) (1) The Animal Services Advisory Board shall consist of seven (7) members appointed by the Board of County Commissioners. All members shall be registered voters and residents of Orange County, Florida, unless such requirements are waived by a two-thirds vote of the members of the Board of County Commissioners. An application form must be completed and submitted to the Intergovernmental Affairs Department before a person can be considered for appointment. The membership of the Animal Services Advisory Board may include representatives of the following agencies or professions:

Orange County Sheriff's Department (preferably Agricultural Crimes Section)

Orange County Health Department

Orlando Humane Society, Inc.

Veterinarian

Attorney

Two (2) at large appointments from the public

(2) All appointments of members to the Animal Services Advisory Board shall be for a term of two (2) years.

(3) Members of the Animal Services Advisory Board shall receive no compensation for the performance of their duties here under, but each member shall be reimbursed for necessary expenses incurred while engaged in the performance of such duties, pursuant to Section 112.061, Florida Statutes.

(4) The members of the Animal Services Advisory Board may be removed for cause upon a majority vote of the Board of County Commissioners. If any member of the Animal Services Advisory Board resigns, dies or is removed for cause, the Board of County Commissioners shall fill the vacancy by appointment within thirty (30) days after the County Chairman is notified of the vacancy. Any such appointment shall be for the unexpired term of the vacated office.

(c) The Animal Services Advisory Board annually shall elect one of its members to serve as Chairman and one member to serve as Vice-Chairman. The Chairman shall preside over and conduct meetings of the Animal Services Advisory Board. The Vice-Chairman shall act in the absence of the Chairman. The secretary to the Animal Services Department Manager or designee shall function as secretary to the Animal Services Advisory Board, but shall not be considered a member of the Animal Services Advisory Board. The secretary or designee shall keep minutes of

each meeting of the Animal Services Advisory Board that reflect the identification of topics discussed, motions made and votes taken. Minutes shall be submitted to the County Chairman or his or her designee within three (3) weeks after the meeting at which the minutes are approved.

(d) (1) The Animal Services Advisory Board shall meet at least quarterly. All meetings shall be open to the public. Special meetings may be called by the Chairman or Vice-Chairman or by any three members of the Committee upon forty-eight (48) hours notice to all members and to the Animal Services Department Manager.

(2) Any Advisory Board member who is absent from three (3) consecutive meetings or twenty-five percent (25%) of the regular scheduled meetings in a year shall be replaced. A vacancy shall occur thirty (30) days after the County Chairman is notified of the need to appoint a successor member due to absenteeism. Members shall serve until their successors have been appointed. A member shall be considered absent if not present during fifty percent (50%) of the duration of a meeting.

(3) The Chairman shall be responsible for preparing the meeting agenda. The Animal Services Department Manager shall aid the Chairman in preparing and distributing the agenda, which, except for special meetings, shall be mailed to each member of the Animal Services Advisory Board at least five (5) days before the next meeting date. The Animal Services Department Manager and any member of the Animal Services Advisory Board may place an item on the agenda by notifying the Chairman prior to the preparation of the agenda.

(4) Four (4) members of the Animal Services Advisory Board shall constitute a quorum. Recommendations and decisions of the Animal Services Advisory Board must be made by a majority vote of those present and voting.

(5) The Animal Services Department Manager or his or her designee shall attend all meetings of the Animal Services Advisory Board, but shall not vote on any matter.

(e) Subcommittees may be appointed by the Chairman, when necessary, as determined by the Animal Services Advisory Board or by the Chairman.

(f) All recommendations of the Animal Services Advisory Board will be reduced to writing and will be forwarded to the Animal Services Department Manager and appropriate Division Director for review. The Animal Services Advisory Board, through its Chairman, shall submit an annual report of the activities of the Advisory Board to the Board of County Commissioners by completing a standard form supplied by the appropriate County department. The annual report shall be submitted prior to the annual appointments to the advisory board.

Section 14. Effective Date. This Resolution shall take effect upon adoption.

ADOPTED THIS 30 DAY OF January, 1996

ORANGE COUNTY, FLORIDA

BY: Jean C. Bennett
for County Chairman

DATE: 2/5/96

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

By: [Signature]
Deputy Clerk

