

Section One: Construction and purpose.

This article is, and shall be deemed to be, cumulative and supplemental, and in addition to any other act, law or ordinance of the county or any municipality therein. This article is enacted with the primary purpose of insuring the health of the human residents and visitors of the county and with the secondary purpose of insuring the health of the animals in the county. This article is to be liberally construed to affect those objectives.

The article is established to support the mission of animal services, as established by the Board of County Commissioners: To ensure compliance with local and State animal-related laws; to return strays to their owners and promote the adoption of homeless animals to new families; and to work toward ending the community problem of pet overpopulation.

Section Two: Definitions.

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

Abuse means any willful act that threatens the health of an animal or causes suffering or injury to the animal.

Aggressive animal means any animal of fierce or dangerous propensities likely to cause physical injury or property damage or that exhibits traits of ungovernableness.

Animal means every living dumb creature.

Animal cruelty means any act of animal neglect of animal abuse.

Animal-related business means any person or business required to hold a business tax receipt that renders services to or for any animal, excepting the offices or practices of State-certified and licensed veterinarians. Examples of animal-related businesses include, but are not limited to, boarding facilities, doggie day cares, groomers, pet shops, and training facilities.

Animal-related event means any person or business that on occasion congregates more than ten (10) domestic animals of the same species on one (1) premises or property, excepting private gatherings in residences and areas in public parks designated for routine exercise of pets. Examples of animal-related events include, but are not limited to, special events, exhibitions, or competitions.

Animal-related organization means any not-for-profit entity that maintains premises for the purpose of rendering services to or for any domestic animal. Examples of animal-related organizations include, but are not limited to, rescues that maintain specific premises as a central location for their activities, sanctuaries, and animal shelters.

Animal services means the Collier County Domestic Animal Services Department.

Animal services center means any place approved as such by the Board of County Commissioners for the detention, care and/or treatment of animals in custody.

At-large means off the premises of the owner and not under the direct control of the owner or other competent person, on a suitable leash of dependable strength sufficient to restrain the animal.

Breeder means any person or business required to hold a business tax receipt that breeds one (1) or more domestic cat(s) or dog(s) or offers one (1) or more domestic cat(s) or dog(s) for breeding or stud purposes, or offers the kittens and puppies that are the result of such breeding for sale.

~~*Business* means holding oneself out, either expressly or impliedly, to the public or any portion of the public to buy or sell any animal, as a principal or an agent.~~

County veterinarian means a veterinarian, duly licensed by the state, appointed by the director of animal services to be a consultant to the County Health Department and to the director of animal services.

Dangerous or vicious dog means any dog that according to the records of the appropriate authority:

(A) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;

(B) Has more than once severely injured or killed a domestic animal while off the owner's property; or

(C) Has, when unprovoked, chased or approached a person 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 (1) or more persons and dutifully investigated by the appropriate authority.

~~(A) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;~~

~~(B) Has severely injured or killed a domestic animal while off the owner's property;~~

~~(C) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or~~

~~(D) Has, when unprovoked, chased or approached a person 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 and dutifully investigated by the appropriate authority.~~

Direct control means the immediate, continuous physical control of an animal at all times by such means as a fence, tether, or suitable leash of dependable strength sufficient to restrain the animal; or specially trained hunting animals engaged in legal hunting, or animals engaged in shows or organized obedience training programs where the animals respond to commands.

Director of animal services means the director of the Collier County Domestic Animal Services Department, or his or her designee.

Earnotched means a "v" has been cut from the tip of the left ear of a cat.

Eartipped means the tip of the left ear of a cat has been cut in a straight line.

Feral cat means a cat that is free roaming and exists in a wild or untamed state.

Feral cat caregiver means any person who provides food, water, or shelter, or otherwise cares for (a) feral cat(s).

Feral cat colony means a group of cats that congregates, more or less, as a unit. Nonferal cats that congregate with a feral cat colony shall be deemed a part of it.

Health officer means the director of the County Health Department, or his designee.

~~*Kennel* means any place of business where dogs and/or cats are maintained for purchase, sale, breeding, boarding, training for a fee, treatment and/or grooming purposes. Kennel shall not include any animal services center or any veterinary hospital, or any animal facility operated by any subdivision of local, state or federal government. Kennel shall not include any research facility subject to inspections under any provision of any state and/or federal law.~~

Livestock means all animals of equine, bovine, or swine class, including sheep, goats and other grazing animals.

Microchip means an animal microchip implant that is an identifying circuit placed under the skin of a dog, cat, or other animal. The chips are about the size of a large grain of rice.

~~*Neglect* means any act of omission, or any failure to act, including failure to meet established standards or care, that results in suffering or preventable disease in an animal.~~

Owner means any person having a right of property in an animal, or any person with the right or duty to control an animal, or any person then physically controlling, possessing, harboring or keeping an animal.

~~*Pet shop* means any place or premises used as a business to maintain animals for the purpose of purchase, sale, exhibition, adoption, or donation, including a breeding kennel; except an individual owning dogs and/or cats for less than 120 days that have been borne by one or two females owned by such person during a 12-month period shall not be considered as operating a pet shop.~~

Psittacine birds means all birds commonly known as parrots, Amazons, Mexican doubleheads, parakeets, African grays, cockatoos, macaws, lovebirds, loris, lorikeets, and other birds of the Psittacine family.

Research or testing means any use of any animal in any vivisection, including demonstration or practice surgery, medical or biomedical research, medical experimentation, medical or nonmedical education, or to test any medication, radiation, toxicity, element, chemical or chemical compound, or to study the effects of any consumer product on humans or animals, or for use in biological production or other substantially similar research or testing for scientific, medical, biomedical, educational, or veterinary purpose, by any individual, school, college, university, hospital, laboratory, or any other institution or entity of any description, public or private. Such uses of an animal that does not expose any animal to any incision or

puncture, to torture, torment, or cruelty, to any immediate or future damage or impairment, or to unusual stress, is not research or testing as defined herein.

~~Rodeo means any event or show involving the use of equines, and/or bovines for the exhibition of skills in riding, bronco or bull riding, calf roping, and/or bulldogging, where a fee is charged to witness the event. Stable means any place of business or premises used to maintain four-legged grazing animals for the purpose of either a riding stable, pony rides, livery stable, animal rental and/or animal boarding facilities, for a fee.~~

Tether means to restrain a dog by tying the dog to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include using a leash to walk a dog.

~~Torture, torment or cruelty means any act, omission or negligence causing or allowing to continue unnecessary or unjustifiable pain or suffering when there is remedy or relief reasonably available.~~

Trap-neuter-return means the practice of humanely trapping feral cats; ensuring they are spayed or neutered, vaccinated, and eartipped or eartipped; and returning them to their feral cat colonies.

Trap-neuter-return program means the practice of trap-neuter-return and other best management practices intended to diminish the population of feral cats within the community.

Vaccination means administering to any animal, pursuant to a certificate of vaccination issued by a licensed state veterinarian, an anti-rabies vaccine approved by the State Department of Health and Rehabilitative Services.

Wild animal means any living non-domesticated species defined as wildlife by the wildlife code of the state fish and wildlife conservation commission, and any free-roaming cat or dog.

Section Three: Authority of director; interference with officer in performance of duty.

1. The director of animal services (hereinafter "director") shall have all necessary authority to enforce this article and pick up, catch or procure any animal in violation of this article, and have such animal impounded within the animal services center or other designated place.
2. The director shall have authority to enter upon any public or private property, except a building designated for and actually used for residential purposes and other buildings within the curtilage of the principal residential building, for the purpose of enforcing this article.
3. It shall be unlawful for a person to interfere with, hinder, molest or abuse the director, the health officer, or any of their subordinates in the performance of their lawful duties under this article or under Florida law.
4. It shall be unlawful for any owner of any animal to refuse to surrender such animal for impoundment or quarantine as provided by this article when demand for surrender of the animal is made by the health

officer, director of animal services, or other enforcement officer.

5. The director is hereby granted authority to establish reasonable rules and regulations to govern the care and feeding of animals maintained in or by ~~pet shops, kennels, stables, animal acts, rides, used in rodeos and/or other commercial public displays of such animals~~ animal-related businesses, organizations, and events, and breeders upon resolution by the Board of County Commissioners.

6. The director or the Sheriff of Collier County, or their respective designees, shall have the authority to destroy any free roaming untagged dog or cat when other reasonable means and methods to capture are tried but failed, or when a diligent search has been made to establish ownership has failed, and it has been ascertained by citizen complaint or investigation that the animal has aggressive tendencies and poses a threat of injury to persons or other animals, or has caused bodily injury to a person or has physically injured or killed livestock.

Section Four: Enforcement.

1. *By animal control enforcement officer and Sheriff.* The director of animal services, any animal control enforcement officer, or officer of the Sheriff's Office, is empowered to enforce this article.

2. *By municipal police.* Upon resolution approved by the governing board of any incorporated municipality within the confines of the county, the police force of any such municipality is empowered to enforce the provisions of this article within that municipal corporation.

3. *By agents, employees of animal services.*

A. *Designation.* The director of animal services is hereby authorized to designate agents or employees of animal services as animal control enforcement officers. It shall be the responsibility of the director to determine the training and qualifications of any employee or agent so designated, subject to minimum requirements specified in Section 828.27, Florida Statutes.

B. *Authorization.* It shall be the duty of any person designated as an animal control enforcement officer to enforce this article and subsequent amendments hereto relating to animal control.

C. *Authorized to issue penalties.* Any person designated as an animal control enforcement officer is hereby authorized to issue penalties as outlined in Section Eleven for violations of this article and subsequent amendments hereto. ~~The form of penalty issued may be determined at the discretion of the animal control officer or officer of the sheriff's office, but shall be commensurate with the severity of the infraction and any history of violation of the recipient~~ shall be established by resolutions of the Board of County Commissioners.

D. *Limitation of powers.* Nothing herein contained shall be construed to authorize or permit any person designated as an animal control enforcement officer pursuant to this section, to perform any function or duties of a law enforcement officer other than specified herein. No such officer shall make physical arrests or take any person into custody. All such officers shall be exempt from the requirements relating to the state high-hazard retirement program and police standards and training commission as defined or referred to by Section 122.34, F.S. and Chapter 943, F.S.

Section Five: Complaints.

1. Complaints for alleged violation of this article shall be communicated to the director of animal services, Sheriff's Office or police department. Upon receipt of a complaint, an investigation shall be

conducted to determine if there is any violation of this article. If it is ascertained that any provision of this article is being violated, proper and lawful action will be taken to enforce this article.

2. Upon receipt of more than one (1) "affidavit of complaint" for any violation of this article, each prepared and signed independently by a resident of a separate dwelling in the vicinity of the violation, and acknowledged under oath before an individual authorized by law to take acknowledgements, setting forth the complained of acts, an enforcement officer shall investigate the facts to determine if the acts complained of are a violation, and, if satisfied that a violation has occurred, may issue a penalty for the violation, including, subject to Section 828.27, F.S., and conditions of this article, a mandatory court appearance or appearance before the special magistrate.

3. Intentional falsification of information on an "affidavit of complaint" shall be a violation of this article, and punishable as provided in Section Eleven.

Section Six: Rabies control.

1. The director of animal services shall give first priority to requests of the health officer to investigate cases involving rabies or the suspicion of rabies.

2. Any person having knowledge of an animal biting, scratching or otherwise wounding a person by contact shall immediately report the facts to the County Health Department or to animal services, including:

- A. The victim's name, approximate age and address;
- B. The animal owner's name and address;
- C. The animal's description and location; and
- D. Names and description of other persons and animals involved.

3. An animal known to have bitten or scratched a human or an animal suspected of having rabies shall, if possible, be captured or taken into custody by the director of animal services, police, Sheriff's Office, or health officer.

A. Unvaccinated dogs and cats will be impounded and quarantined for ten (10) days of clinical observation in the animal services center or at a local veterinarian clinic authorized by the health officer or director of animal services. Impoundment and boarding fees will be paid by the owner of the animal. Other animals will be impounded and quarantined by direction of the health officer or director of animal services.

B. Dogs or cats that have a current vaccination may be confined under quarantine by fence or suitable enclosure on the premises of the owner, or at some other location approved by the health officer or the director of animal services.

C. Eartipped or eartipped feral cats will be impounded and quarantined for ten (10) days of clinical observation in the animal services center if possible. If the cat cannot be trapped for impoundment, it will be observed daily by its feral cat caregiver. Feral cats that are not eartipped or eartipped will be deemed to be unvaccinated.

4. Wild animals that are susceptible of carrying rabies, that are being held in captivity, or possessed as pets by private persons who are properly licensed, but which animals have not been vaccinated with a proven anti-rabies vaccine that has been developed for that specified species of animal and which vaccine

is recognized as an effective vaccine by the health officer, or for which no known rabies incubation period has been established by research recognized by the health officer, which animal has either bitten a human being or which animal is suspected of having rabies, shall be impounded and quarantined by the director of animal services upon the recommendation of the health officer. The animal will be held in quarantine for a specified period of time as directed by the health officer.

A. A wild animal may be euthanized at the discretion of the health officer for the purpose of laboratory analysis to determine if the animal is rabid when the health and/or welfare of the person bitten by that animal is in jeopardy.

B. The decision whether to euthanize the animal will be based upon history of possible exposure of the animal to rabies.

5. Any animal possessed in a licensed attraction, zoo, circus, or educational institution, and that is known to have bitten a human being, shall be isolated and subjected to a quarantine period at a location as directed by the health officer or director of animal services. In determining the quarantine and location, the decision will be made on the history of the animal's possible exposure to rabies.

6. No animal may be removed from the place of quarantine without the prior written authorization of the health officer or director of animal services, or his or her designee. If any animal dies during quarantine, the person holding the animal in quarantine shall immediately notify the health officer or director of animal services, and shall immediately surrender the body of the animal without altering the body in any manner.

7. Any unvaccinated dog, cat, or other animal susceptible of carrying rabies that is bitten by a known rabid animal shall be immediately destroyed. If it is an owned animal, however, the owner may elect to have the animal confined and quarantined at the animal services center, or at another location approved by the health officer or director of animal services, for a period of up to six (6) months. All costs of the detention of the animal will be at the expense of the owner.

8. The director of animal services, deputy sheriff or municipal police officer shall have authority to kill an animal in order to procure an animal that is susceptible of carrying rabies and that is known to have bitten a human being or is suspected of having rabies, provided that all other reasonable means and methods under the circumstances to capture the animal have failed. The head of the animal, intact, shall then be submitted to a designated laboratory to be analyzed for rabies infection.

Section Seven: License certificate; tags, vaccination required.

1. Any owner of a dog or cat shall obtain a County license for each such animal when the animal is four (4) months old or older.

A. The license will be issued for a period of one (1) year and is required to be renewed annually thereafter and must remain current at all times.

B. The record corresponding to the license shall contain the name of the owner, address, breed, sex and color of each animal, or other descriptive data.

C. A tag designating the license number shall be issued.

D. The tag shall be affixed to the animal's collar or harness at all times, except when the animal is confined, securely fenced or participating in an organized match, show, trial, or obedience training.

E. The license issued under this section shall not be transferable from animal to animal or from

owner to owner.

F. Each license and tag must be obtained from persons designated by the director of animal services. License forms provided by the director of animal services for the registration and licensing of dogs and cats shall be completed and be submitted to the director of animal services.

G. Veterinarians are authorized to sell dog licenses and cat licenses and are authorized to charge a surcharge for this service. The amount of the authorized surcharge is established and revised by resolutions adopted by the Board of County Commissioners. Forms and license tags will be furnished by the County to the veterinarian.

2. Any owner of a dog, cat, or ferret shall have such animal vaccinated annually for rabies when the animal is four (4) months old or older. The owner of every dog, cat, and ferret shall have the animal revaccinated twelve (12) months after the initial vaccination. Thereafter, the interval between vaccinations shall conform to the vaccine manufacturer's directions. Every owner shall provide proof of vaccination upon demand of the health officer or his designee or any other person authorized to enforce this article. Animal services may deny issuance of a license to any animal without a current rabies vaccination. No vaccination is required if a licensed veterinarian certifies in writing that the vaccination would endanger the animal's health.

3. Cats belonging to feral cat colonies that are registered with an agency contracted with Collier County to manage a trap-neuter-return program shall be exempt from the requirement to license.

4. Cats and dogs being permanently housed in a sanctuary-type setting as an alternative to humane euthanasia where the housing entity is a permitted animal-related organization in good standing with animal services as contemplated in Sections Thirteen and Fourteen shall be exempt from the requirement to license.

5. Cats and dogs being temporarily housed in a foster-type setting as an alternative to traditional sheltering where the housing entity fosters the animal for a period of less than four (4) months shall be exempt from the requirement to license.

6. License fees are established and revised by resolutions of the Board of County Commissioners. A portion of each non-neutered/non-spayed animal license fee will be deposited in the County neuter/spay trust fund for the purpose of funding the County's neuter/spay program. The amount to be deposited is established and revised by resolutions adopted by the Board of County Commissioners.

Section Eight: General violations.

1. It shall be unlawful for the owner of an animal to allow or permit his or her animal:
 - A. To be upon the beaches of the county, whether fettered or unfettered, unless the area has been designated by the Board of County Commissioners as suitable for use by such animals, except a certified seeing-eye or hearing-ear dog actually in use by handicapped person, or animals used by law enforcement officers or county ordinance enforcement personnel.
 - B. To run at large in or upon any public street, road, sidewalk, other public place, or upon private property without the expressed or implied consent, subject to zoning, of the owner or any lessee of such private property.
 - C. To be within any park or upon public school grounds or public playground in the county,

whether fettered or unfettered, except where the landowning or managing agency has established a clearly designated area for such use.

D. To enter any building where food is stored, prepared, served or sold to the public, or any other public building or hall; provided, however, that this provision shall not apply to any blind or deaf persons using seeing-eye or hearing-ear dogs, to public buildings used for animal shows or exhibitions, or to dogs used for enforcement by any law enforcement officer or code enforcement officer.

E. To trespass upon private or public property so as to damage or destroy any property or thing of value, or to defecate and create a sanitary nuisance thereon, including defecating upon roadways, road rights-of-way, sidewalks, or other property so as to create a sanitary nuisance thereon. A sanitary nuisance exists whenever the feces are not immediately removed and properly disposed.

F. To chase, run after, or jump at vehicles or bicycles using any road or road right-of-way.

G. To snap, growl, snarl, jump upon, or otherwise threaten persons lawfully using any road right-of-way.

H. To bark, whine, howl, or cause other objectionable noise, which is offensive and of such a continuous duration of time so as to create a nuisance.

~~(9) To be abandoned and thereby relinquish control of an animal with the intent or purpose of setting the animal at large.~~

~~(10) To be confined in an unattended motor vehicle without sufficient ventilation or under other conditions for such periods of time as may endanger the health and/or physical well-being of the animal due to heat, lack of potable water, or such other circumstances as may reasonably cause suffering, disability, or death to the animal.~~

2. It shall be unlawful for an owner to keep, harbor or maintain any aggressive dog or any dog with aggressive propensities in a manner which may or does endanger the safety of persons lawfully upon his premises or away from his premises or to ~~(4) Own or possess a dog that is known to habitually attack, injure, or kill other animals.~~

3. It shall be unlawful for any owner to permit, allow or suffer any livestock to run at large or stray upon any roads and highways, or upon the property of another without permission of the property owners or their authorized agent or lessee, subject to zoning.

4. It shall be unlawful to keep any female dog or cat in heat (estrus) which is not confined to a building or secure enclosure, veterinary hospital, or boarding kennel and in such a manner that the female dog or cat can come in contact with any male dog or cat except for intentional breeding with a specific male dog or cat.

5. It shall be unlawful for any person, business, or corporations to sell, rent, or lease a dog, or train a dog for the purpose of selling, renting, or leasing the dog, for the purpose of defending, patrolling, or protecting property or life at any nonresidential establishment.

Section Nine: ~~-- Animal cruelty or Inhumane~~ inhumane treatment of animals.

1. Neglect.

A. Neglect means any act of omission, or any failure to act, including failure to meet established standards or care, that results in suffering or preventable disease in an animal.

B. Minimum standards of care are established by resolutions of the Board of County Commissioners.

C. It shall be unlawful to neglect any animal, such as to:

(1) Torment any animal or deprive any animal of shelter or sufficient quantity of good and wholesome food and water.

(2) Keep any animal in an enclosure without wholesome exercise and change of air.

2. Abuse.

A. Abuse means any willful act that threatens the health of an animal or causes suffering or injury to the animal.

B. It shall be unlawful for any person to abuse any animal, such as to:

(1) Cause, encourage, allow, permit or suffer any dog, cock, or other animal to participate in, or be trained to fight other dogs or cocks, or to maim, mutilate or disfigure an animal of the same or another species, including as an object (lure) to tempt or entice another animal to race, usually on a track.

(2) Maim or disfigure any dog, cat, or other animal.

(3) Administer poison or expose any poisonous substance with reason to know that the same may kill an animal other than the common rat or mouse.

~~(4) Own or possess a dog that is known to habitually attack, injure, or kill other animals.~~

~~(5) Torment any animal or deprive any animal of shelter or sufficient quantity of good and wholesome food and water.~~

~~(6) Keep any animal in an enclosure without wholesome exercise and change of air.~~

~~(4) To be abandoned and thereby relinquish control of an animal with the intent or purpose of setting the animal at large.~~

(5) Abandon to die any animal that is maimed, sick, deformed or diseased.

(6) Beat and cause unnecessary injury and suffering to any animal.

(7) Dye or artificially color any animal with any substance that can be harmful to the animal.

(8) To be confined in an unattended motor vehicle without sufficient ventilation or under other conditions for such periods of time as may endanger the health and/or physical well-being of the animal due to heat, lack of potable water, or such other circumstances as may reasonably cause suffering, disability, or death to the animal.

~~(9) Carry any animal upon or leave any animal in any vehicle in a cruel or inhumane manner or in any manner that threatens the health of the animal, such as by overheating, lack of sufficient fresh air, wholesome food, and/or potable water.~~

23. Any enclosure used as a primary means of confinement for a dog must meet the definition of proper enclosure as stated in Section Ten of this Article. It shall be unlawful for a responsible party to tether a dog while outdoors, except when all of the following conditions are met. This section shall not apply to the transportation of dogs:

A. The dog is in visual range of the responsible party, and the responsible party is located outside with the dog.

B. The tether is connected to the dog by a buckle-type collar or a body harness made of nylon or leather, not less than one (1) inch in width.

C. The tether has the following properties: It is at least five (5) times the length of the dog's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it

does not weigh more than one-eighth (1/8) of the dog's weight; and it is free of tangles.

D. The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement.

E. The dog is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes.

F. The dog has access to water, shelter, and dry ground.

G. The dog is at least six (6) months of age. ~~Puppies~~ Dogs under six (6) month of age shall not be tethered.

H. The dog is not sick or injured.

I. Pulley, running line, or trolley systems are at least fifteen (15) feet in length and are less than seven (7) feet above the ground.

J. If there are multiple dogs, each dog is tethered separately.

~~34.~~ The director of animal services shall impound any animal found to be ~~abused~~ ~~eruelly treated~~—as defined in this article. The director of animal services may impound any animal found to be neglected as defined in this article.

~~45.~~ Whoever violates any provision of this section shall forfeit his right to license an animal in the County for one (1) year in addition to any other penalty provided by this article or otherwise by law. Any ownership of such animal without benefit of a license shall be deemed an additional violation of this article.

Section Ten: Dangerous or vicious dogs; definitions and procedures.

1. Definitions.

A. *Dangerous or vicious dog* means any dog that according to the records of the appropriate authority:

~~(1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;~~

~~(2) Has more than once severely injured or killed a domestic animal while off the owner's property; or~~

~~(3) Has, when unprovoked, chased or approached a person 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 (1) or more persons and dutifully investigated by the appropriate authority.~~

~~(1)Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;~~

~~(2)Has severely injured or killed a domestic animal while off the owner's property;~~

~~(3)Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or~~

~~(4)Has, when unprovoked, chased or approached a person 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 and dutifully investigated by the appropriate authority.—~~

B. *Unprovoked* means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.

C. *Severe injury* means any physical injury that results in broken bones, multiple bites, or

disfiguring lacerations requiring sutures or reconstructive surgery.

D. *Investigation* is conducted by animal services. Animal services must interview the dog's owner when possible and may require a sworn affidavit from any person desiring to have a dog classified as dangerous.

E. *Proper enclosure* means that, while on the owner's property, the dog can be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such a pen or structure shall be structurally sound, made of materials impervious to moisture, have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure, and shall also provide protection from injury and the elements. The square footage of a proper enclosure used as a primary means of confinement for a dog must be equal to or greater than the length of the animal from the tip of the nose to the base of the tail, doubled, then squared, and divided by 144. For example, a dog measuring 30 inches from the tip of the nose to the base of the tail will require a 25-square-foot enclosure ($30 \times 2 = 60$; $60 \times 60 = 3,600$; $3,600/144 = 25$). The height of the enclosure shall be equal to or greater than the length of the animal from the tip of the nose to the base of the tail multiplied by 1.5.

2. *Procedure.*

A. The director of animal services shall investigate reported incidents involving any dog that may be dangerous 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 a dog classified as dangerous. Any animal that is the subject of a dangerous dog investigation, and is not impounded with animal services, 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 dog classification. The address of where the animal resides shall be provided to animal services. No dog that is the subject of a dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog classification. In the event that a dog is to be destroyed, the dog shall not be relocated or ownership transferred.

~~B. Animal services may impound any dog under investigation if the owner is unable or unwilling to securely confine the dog during the investigation. Upon written notice from animal services, the owner must allow access to the dog for the purposes of impoundment. If the dog is impounded during this time, the owner is responsible for all costs related to impoundment unless the owner ultimately prevails and the dog is not declared dangerous.~~

C. A dog shall not be declared dangerous 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 dog or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

AD. If the director of animal services, or his or her designee, makes an initial determination that a dog is dangerous, based on the initial investigation, the County shall provide written notification of that determination to the owner of the dog. Notice shall be by certified mail, by certified hand delivery, by service pursuant to Chapter 48, F.S., or as otherwise authorized by Florida Statute. The director's initial determination shall automatically become final unless the dog's owner, within seven (7) calendar days after receipt of the notice, files a written request for a hearing to challenge the director's initial determination. The written request must be submitted to animal

services. If the dog's owner files a timely written request for a challenge hearing, the effective date of the determination shall be the date of the final decision of the Special Magistrate.

BE. Any owner of a dog that is initially declared dangerous by the director of animal services may appeal that decision to the Code Enforcement Special Magistrate. This hearing shall be held as soon as possible, but not more than twenty-one (21) calendar days and no sooner than five (5) days after receipt of request from the owner. The hearing may only be continued by agreement of both parties.

CE. If the Special Magistrate's determination is to uphold the dangerous dog classification, animal services shall provide written notification to the owner as required ~~in subsection (b)(1) above~~. The dog owner may file a written request for a hearing in county court to appeal the classification within ten (10) business days after receiving notice. This request for hearing must be filed with the county court, and a copy provided to animal services within the time provided. Any such appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Magistrate.

~~**D.** If the dog is not impounded during this time, the dog must 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 dog classification. No dog that is the subject of an investigation shall be relocated or ownership transferred during this time.~~

~~**E.** Animal services may impound any dog under investigation if the owner is unable or unwilling to securely confine the dog during the investigation. Upon written notice from animal services, the owner must allow access to the dog for the purposes of impoundment. If the dog is impounded during this time, the owner is responsible for all costs related to impoundment unless the owner ultimately prevails and the dog is not declared dangerous.~~

3. *Registration of dangerous dog and fees.*

A. Registration of dangerous dog. Not later than fourteen (14) calendar days after the final effective date, as specified above, that the dog is determined to be a dangerous dog, the dog's owner must file a complete written standard form application with animal services to be issued a certificate of registration for the dangerous dog. The application/administration fee for each certificate shall be \$300.00 annually. A complete application for the initial certificate of registration shall include: (i) the filing fee and late fees, if any; (ii) a color photograph of dog and a signed acknowledgement form that the dog will be identified by name and address on the Collier County Animal Services website; (iii) a receipt or other written proof that the dog has been permanently identified (via tattoo or microchip); (iv) a current certificate of vaccination for the dog; and (v) a receipt or other written proof that the dog has been spayed or neutered by a licensed veterinarian. If there is a medical or other reason that the dog cannot be spayed or neutered, the owner will provide the reason in writing signed by a Collier County licensed veterinarian.

B. Within ten (10) days of receipt of a complete application, animal services will make a site visit to ensure provision of a proper enclosure, and 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 dangerous dog on the property. Animal services will provide the required signs. Upon completion of a successful site visit, animal services will issue the requested initial certificate. The duration of each certificate is 365 days. There shall be a late fee of \$10.00 per day, for each day that the certificate is not issued.

C. Annual renewal of certificate of registration. A standard renewal application must be filed annually at least ten (10) calendar days prior to the date that the respective certificate is to expire. A complete application for a renewal certificate shall include the \$300.00 renewal/administrative fee, a

then current color photograph of each dangerous dog sign posted at the premises where the dangerous dog resides, and a current certificate of vaccination.

D. Failure to re-register. There shall be a late fee of \$10.00 for each day that a complete renewal application is not filed. Animal services may impound any dog whose owner has: (i) failed to re-apply for registration thirty (30) days past the expiration of the certification; or (ii) failed to successfully complete re-registration forty-five (45) days past the expiration of the certification. Upon written notice from animal services, the owner must allow access to the dog for the purposes of impoundment. The owner is responsible for all costs related to impoundment. Failure to successfully re-register the dog after thirty (30) days of impoundment will result in forfeiture of ownership of the dog. Animal services may dispose of such an impounded dog, in a humane manner, at the expense of the owner.

4. *Subsequent handling of dangerous dogs.*

A. The owner shall immediately notify animal services when a dog that has been classified as dangerous:

- (1) Is loose or unconfined;
- (2) Has bitten a human being or attacked another animal; and/or
- (3) Is sold, given away, or dies.

Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to animal services. The new owner must comply with all the requirements of this Article. The owner is required to notify the appropriate animal services authority if the dog is moved out of jurisdiction.

B. It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a suitable leash of dependable strength and under the control of a competent person. Unless prohibited by the dog's physical make-up, as in brachycephalic breeds, the muzzle must be of a cage-style that will not interfere with the dog's vision, will allow the dog to pant and drink, but will prevent it from biting a person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or a leash, if the dog remains within his or her sight and only competent members of the immediate household or person eighteen (18) years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.

C. Hunting dogs are exempt from the provisions of this act when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from the provisions of this act when engaged in any legal procedures. However, such dogs at all other times in all other respects shall be subject to this and local laws. Dogs that have been classified as dangerous shall not be used for hunting purposes.

D. This section does not apply to dogs used by law enforcement officials for law enforcement work.

5. *Attack or bite by dangerous dog.*

A. If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the owner is guilty of a misdemeanor of the first degree, punishable as provided in Chapter 775, F.S., and subject to imposition of a fine not to exceed \$500.00. In addition,

the dangerous dog shall be immediately confiscated by animal services, placed in quarantine, if necessary, for the proper length of time, or impounded and held for ten (10) business days after the owner is given proper written notification, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing as outlined above in this section. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

B. If a dog that has not been declared dangerous attacks and causes severe injury to or death of any human, the dog shall be immediately confiscated by animal services, placed in quarantine, if necessary, for the proper length of time or held for ten (10) business days after the owner is given proper written notification, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing under this article, above. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure. In addition, if the owner of the dog had prior knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog is guilty of a misdemeanor of the second degree, punishable as provided in Chapter 775, F.S., and subject to imposition of a fine not to exceed \$500.00.

C. If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner is guilty of a felony of the third degree, punishable as provided in Chapter 775, F.S. In addition, the dog shall be immediately confiscated by animal services, placed in quarantine, if necessary, for the proper length of time or held for ten (10) business days after the owner is given proper written notification, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing under this section. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

D. If the owner files a written appeal under this section, the dog must be held and may not be destroyed while the appeal is pending.

E. If a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner is not guilty of any crime specified under this section.

6. *Violations.*

A. Failure to comply with any provision of this section may result in a fine not to exceed \$500.00 and impoundment of the subject dog. Upon written notice from animal services, the owner must allow access to the dog for the purposes of impoundment. The owner is responsible for all costs related to impoundment.

B. Failure to cure any violation of this section within thirty (30) days of impoundment of the subject dog will result in forfeiture of ownership of the dog. Animal services may dispose of such an impounded dog, in a humane manner at the expense of the owner.

C. Upon second occurrence of a violation of this section, failure to cure within ten (10) days of impoundment of the subject dog will result in forfeiture of ownership of the dog. Animal services may dispose of such an impounded dog, in a humane manner at the expense of the owner.

Section Eleven: Penalties.

1. For any violation or alleged violation of this article, the director of animal services, deputy sheriff, municipal police officer, or other enforcement officer empowered to enforce this article, may issue to the

owner of (or to the person in custody of) the animal a written warning statement.

2. For a violation of Section Seven; Subsection Nine, paragraph 3; or Section Fourteen of this article, the director of animal services, deputy sheriff, municipal police officer, or other enforcement officer empowered to enforce this article, may issue to the owner of (or to the person in custody of) the animal a ~~written warning statement~~Notice to Comply under which the recipient must come into compliance within ~~seven-fifteen (15)~~ days of receipt. For violations of Section Fourteen, animal services may specify a shorter time period within which the recipient must come into compliance. Failure to comply may result in issuance of a citation.

3. For any violation of Section Eight of this article, the director of animal services, deputy sheriff, municipal police officer, or other enforcement officer empowered to enforce this article, may issue to the owner of (or to the person in custody of) such animal a Notice of Violation, a fine of \$25.00 is to be paid to animal services within seventy-two (72) hours, excluding Saturdays, Sundays and legal holidays. If the notice of violation fine is not paid within the prescribed time, a citation may be issued.

4. A violation of this article is a civil infraction as provided in Section 828.27, F.S. For any violation of this article, the director of animal services, deputy sheriff, municipal police officer, or other enforcement officer empowered to enforce this article, may issue to the owner of (or to the person in custody of) such animal a citation.

A. A citation issued by an animal control enforcement officer under the provisions of this section shall be in a form prescribed by the Board of County Commissioners. Such citation shall contain all known information required by Section 828.27, F.S., including the date and time of issuance of the citation; name and address of the person in violation; the date of the violation; description of the animal involved; the section or sections of this article, or subsequent amendments, violated; the facts constituting probable cause; name and authority of the citing enforcement officer; also the procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear before the special magistrate when a mandatory appearance is required as specified in the citation or when scheduled by the Code Enforcement Department, in which case there is no option but to appear before the special magistrate; the applicable civil penalty if the person elects not to contest the citation and the applicable civil penalty if the person elects to contest the citation; also a conspicuous statement of the effect of failure to promptly pay the fine or appear before the special magistrate or in court. Subject to the limitations now or hereafter specified in Section 828.27, F.S., a mandatory special magistrate or court appearance may be required by the issuing officer. Mandatory appearances before a special magistrate may also be ordered by the special magistrate as specified in this section, or as otherwise within the special magistrate's authority.

B. Upon conviction of any civil infraction, the violator shall be punished by a fine not to exceed \$500.00 in the discretion of the court or special magistrate, as applicable. Each day of the violation or noncompliance as to each animal shall be considered as a separate and distinct offense. In addition, any person convicted under any provisions of this article shall pay all costs and expenses involved in the case.

C. Each violator shall be required to pay an administrative surcharge of \$5.00, plus a \$2.00 surcharge to pay the costs of the 40-hour minimum standards training course for animal control enforcement officers for each cited violation.

D. Each person or entity that commits one (1) or more civil infraction(s) under this article, but does

not contest the citation, shall pay a fine for each such separate offense as follows:

(1) *Nonaggravated violations.* Fines for an uncontested citation of violation of any provision of this article, except any aggravated violation described in subsection b., below and as defined above, are as follows:

(a) *First citation:* \$100.00 for each first offense.

(b) *Second citation:* \$200.00 for each second offense.

(c) *Third (or more) citation:* \$300.00 for each such offense if a mandatory appearance is not required by the animal control enforcement officer named on the citation. If a mandatory appearance is required by the animal control enforcement officer named on the citation, the recommended fine should be more than \$350.00, but not more than \$500.00. The amount of the fine(s) shall be as determined by the special magistrate or other trier of fact. A mandatory appearance shall be required for each third and each subsequent citation if the violator has not at the time of issuance of the citation paid all fines and all surcharges for all prior citations.

(2) *Aggravated violations.* A violation of ~~Section Twelve, paragraph 4; Section Eight, paragraph 1, subsection I or J; or Section Nine, paragraph 1-Subsection Nine, paragraph 2; or a second offense violation of Subsection Nine, paragraph 1; or a violation of Section Ten,~~ shall be considered an aggravated violation. For each uncontested aggravated violation, the fines and appearance obligations are as follows:

(a) *First citation:* \$250.00 for each first aggravated violation.

(b) *Second citation:* \$350.00 for each second aggravated violation and a mandatory appearance before the Special Magistrate.

(c) *Third (or more) citation(s):* A mandatory appearance and a recommended fine of more than \$400.00 but not more than \$500.00 for each such aggravated violation. The amount of such fines shall be determined by the Special Magistrate or other trier of fact.

E. Animal services may authorize and establish an educational program aimed at teaching responsible pet ownership. When such a program becomes available any person who receives a citation may elect to attend in lieu of payment. The person cited shall be responsible for any cost associated with attending the course. The person cited must register and pay for the course within twenty (20) days of receipt of the citation. Registration and payment for the course constitutes admission of the violation and in so doing the person waives his or her right to contest the violation to the Special Magistrate. The course must be successfully completed within ninety (90) days of receipt of the citation. Upon completion of the course, the civil penalty will be waived; however, a person may not make an election under this subsection if the person has successfully completed this course within the preceding twelve (12) months or if the citation requires a mandatory appearance before the special magistrate. A person may make no more than two (2) elections under this subsection. Successful completion of the course does not constitute dismissal of the violation as a first (or subsequent) offense.

EF. A person who is required to appear does not have the option of paying the fine instead of appearing before the Special Magistrate.

FG. A citation that is dismissed by the county, or by the Special Magistrate or by other trier of fact, shall not count as a prior citation for the purpose of determining the number of prior citations issued to that violator.

GH. The violator's failure to pay the fine, and/or to timely request a hearing before the Special Magistrate may result in an admission of guilt. The Code Enforcement Department shall give notice

to the violator that a hearing will be conducted concerning the alleged violation(s) and/or unpaid fines. The notice shall be in similar form to that described in the Collier County Code Enforcement Special Magistrate Ordinance and state the time and place of the hearing, as well as the violation(s) which are alleged to exist and/or the accruing fine amount, if applicable. The Special Magistrate's findings shall be reduced to writing and recorded in the official records.

HI. Notwithstanding anything in this article, the individual who issues the citation or other pleading may require a mandatory appearance if a mandatory appearance is in that instance authorized by law.

IJ. If the named violator is properly noticed of the hearing and fails to appear, the Special Magistrate may hear the citation and impose any penalties allowed by this article.

JK. The named violator or the county may seek to overturn a final order of the Special Magistrate by making application to the county court for a trial de novo on the merits. Such application must be filed within thirty (30) calendar days from the rendition of the order sought to be overturned. A violator will have the right to a de novo proceeding provided that all administrative remedies have been exhausted. Failure to make such application within the required time period will render the findings and order of the Special Magistrate conclusive, binding, and final. All findings of the Special Magistrate will be evidence at any de novo proceeding held pursuant to this subsection.

KL. If the named violator or the animal control enforcement officer fails to appear in court the court may issue an order to show cause. Such order shall require such persons to appear before the court to explain why action on the citation has not been taken or the court may render a civil judgment up to \$500.00. If any person who is issued an order to show cause fails to appear in response to the court's directive, that person may be held in contempt of court.

LM. If any penalty provision specified by Section 828.86, F.S. is amended, such amended penalty provisions shall apply to this article without further action by the Board of County Commissioners.

N. The County may institute proceedings in a court of competent jurisdiction to compel payment of any civil penalty. If a person fails to pay the civil penalty, or fails to appear in court as may be required, then the court may issue an order to show cause upon the request of animal services. The person shall be required by the court to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, the person may be held in contempt of court.

MO. Nothing herein contained shall prevent or restrict the county from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief and an action at law for damages.

Section Twelve: Disposition of impounded animals.

1. Impounded animals not suspected of having an infectious or contagious disease shall be held for a minimum of five (5) full days (120 hours) to provide time for the animal's owner to notify staff of intent to recover the animal. The director of animal services or designee shall make at least three (3) attempts to contact the owner of an impounded animal, if the owner's identity is known or easily ascertained, before the animal's humane disposition. Dogs, cats, and other animals not claimed within the five-day period, may be adopted, or may be euthanized by any method specified in Section 828.058, F.S.

2. Animals shall be released to owners on presentation of proof of ownership and payment of costs and fees.

A. *Fees.*

(1) Fees related to impoundments may include, but are not limited to; impoundment fees, advertising fees for impounded livestock, laboratory and veterinarian fees, transportation fees, and daily board.

(2) Fees are established and revised by resolutions adopted by the Board of County Commissioners.

B. *Microchipping.*

(1) ~~Animals~~ Cats and dogs that have been impounded shall be microchipped by animal services' staff at the owner's expense prior to being released to the owner. Microchipping shall be required based on the first impoundment.

(2) Animals that are already microchipped when impounded must have the information on the microchip recorded by animal services. The information must be accurate and current. If the information is not current, the owner must come into compliance with this section prior to having the animal released.

(3) At the discretion of the director of animal services, ~~or his or her designee,~~ the animal may be released to the owner if the owner signs a sworn statement representing that the animal will be implanted with a microchip by a licensed veterinarian. The owner will be required to submit a statement within ten (10) days, signed by a licensed veterinarian, confirming that the animal has been so implanted and provide the microchip number to animal services. No microchipping is required if a licensed veterinarian certifies in writing that microchipping would endanger the animal's health.

C. *Mandatory spay/neuter.*

(1) ~~Animals~~ Cat and dogs that have been impounded shall be spayed/neutered at the owner's expense prior to being released to the owner. Spay/neuter shall be required based on first impoundment.

(2) At the discretion of the director of animal services, ~~or his or her designee,~~ the animal may be released to the owner if the owner signs a sworn statement representing that the animal will be spayed/neutered by a licensed veterinarian. The owner will be required to submit a statement within ten (10) days, signed by a licensed veterinarian, confirming that the animal has been so sterilized. No spay/neuter is required if a licensed veterinarian certifies in writing that the surgery would endanger the animal's health or if a licensed veterinarian with whom the pet owner has a previously established doctor-patient-client relationship certifies in writing that the animal is of appropriate health, conformation, and temperament to be bred. Such certification is to be made on a sworn statement provided by the County. The owner of the animal will also certify on a sworn statement to be provided by the County that he or she will comply with the provisions of this ordinance regulating breeders ~~the animal is a breeding animal in good health and standing or the surgery would endanger the animal's health.~~

3. Animals not claimed within a five-day period may be adopted, subject to the provisions below:

A. Adoption fees are established and revised by resolutions adopted by the Board of County Commissioners.

B. A portion of each adoption fee for a dog or cat will be deposited in the county neuter/spay trust fund for the purpose of funding the county's neuter/spay program. The amount to be deposited is established and revised by resolutions adopted by the Board of County Commissioners.

C. Administration of the neuter/spay program shall remain under the control of the director of

domestic animal services. Accounting for the disbursement of the neuter/spay fees shall be in accordance with procedures of the county's Finance Department.

D. Dogs and cats that are adopted shall be microchipped by animal services' staff at the adopter's expense prior to being released to the adopter.

E. Dogs and cats that are adopted shall be spayed/neutered by animal services' veterinarian or a licensed veterinarian contracted by animal services prior to being released to the adopter.

F. If a dog or cat adopted from animal services is not sterilized prior to placement in the adopter's home, the adopter shall have the animal sterilized by a licensed veterinarian within thirty (30) days of the adoption or prior to the animal's sexual maturity. The adopter shall enter into a written agreement with the county guaranteeing such sterilization. If the subsequent sterilization is not performed by animal services' veterinarian or a licensed veterinarian contracted by animal services, the adopter shall be responsible for the expense. Assumption of financial responsibility does not relieve the adopter of the requirement to provide written proof of sterilization within the specified time limit.

4. No person, or on behalf of any other person or entity whatsoever, shall acquire or attempt to acquire actual or constructive possession of any animal for any use in research, testing, animal fighting, or animal sacrifice, from the actual or constructive possession of any county animal services center, or from any person or entity operating or controlling any animal custody facility, pound, or animal shelter that is then leased from the county by a lease that prohibits such use, or is then under a contract with the county which contract prohibits such use. Such use includes the immediate or eventual sale, transfer, gift, trade, donation, delivery, or any other provision of any animal for use in research, testing, and/or animal sacrifice. No employee, volunteer, worker, agent or other representative of any such entity shall knowingly release from the actual or constructive possession of any such entity, any animal for any such known or suspected use.

5. Failure to comply with the requirements of this section shall be a violation of this article and punishable as provided in Section Eleven.

Section Thirteen: ~~Kennel, pet shop, stable and rodeo~~ Animal-related business, animal-related event, animal-related organization, and breeder permits.

1. Every person who owns or operates ~~a kennel, pet shop, grooming shop, stable, or combination thereof~~ an animal-related business or animal-related organization; shall, ~~on or before October 1 of each year~~ obtain a permit from the director of animal services. A fee will be charged for the permit. Permit fees are established and revised by resolutions of the Board of County Commissioners. ~~The fee to any humane society or not-for-profit animal protection agency is automatically waived.~~ 2. The director of animal services shall issue an animal-related business or organization permit after receipt of this fee and inspection of the business or organization premises if he determines that the premises meet established standards and regulations as established by the Board of County Commissioners. That permit shall be displayed within the licensed premises at a place where it is clearly visible to the public. An animal-related business or organization permit is valid for one (1) calendar year and must be renewed annually. Renewal applications must be made thirty (30) days prior to expiration of the permit. Permits are not transferable or refundable.

32. Every person or organization who sponsors or operates ~~a rodeo~~ an animal-related event shall, at least thirty (30) days prior to the date of the event, make application to the director of animal services for a

permit to operate. The fee for such application and permit shall be established and revised by resolutions of the Board of County Commissioners. The director of animal services shall issue an animal-related event permit after receipt of this fee and inspection of the event premises if he determines that the event will meet established standards and regulations as established by the Board of County Commissioners. That permit shall be displayed at the event at a place where it is clearly visible to the public.

3. Breeders must obtain the applicable breeder permit from the director of animal services. A fee will be charged for the permit. Permit fees are established and revised by resolutions of the Board of County Commissioners. The director of animal services shall issue a breeder permit after receipt of this fee and inspection of the breeder's premises if he determines that the breeder meets established standards and regulations as established by the Board of County Commissioners. A breeder permit is valid for one (1) calendar year and must be renewed annually. Renewal applications must be made thirty (30) days prior to expiration of the permit. Permits are not transferable or refundable. Failure to obtain a permit prior to operating as a breeder shall constitute a violation of this ordinance.

Section Fourteen: Maintenance of Inspections of pet shops, kennels, stables, etc. animal-related businesses and organizations, animal-related events, and breeders; care of animals and inspections.

1. The owner or operator of a pet shop, kennel, stable, or any other place of business of boarding or keeping animals any animal-related business, organization or event and every breeder shall properly feed and care for each animal in his custody or control and meet standards of care and regulations as established by the Board of County Commissioners.

2. The director of animal services shall periodically inspect the premises of each any kennel, pet shop, stable, or other such place of business during the establishment's business hours animal-related business and any animal-related organization on an annual basis. The director of animal services shall inspect the premises of any animal-related event prior to or within twenty-four (24) hours of the commencement of that event. The director of animal services will inspect the premises of any breeder on a quarterly basis. Routine inspections of businesses, organizations, or breeders located in a premises used primarily as a residence will be noticed a minimum of twenty-four (24) hours but a maximum of seven (7) days in advance. In the event animal services receives a complaint alleging a violation of Section Nine no duty to notify exists. Failure to comply with the county's established regulations and standards shall be grounds for suspension or revocation of the permit to operate.

3. Refusal to allow the director of animal services to inspect any premises, animal, or records associated with any animal-related business, organization or event, or any breeding operation, shall constitute a violation of this ordinance.

34. The director of animal services shall issue a Notice of violation to Comply if any kennel, pet shop, stable, or other such place of business animal-related business, organization or event or breeder fails to comply with the above mentioned regulations and standards and regulations.

45. The premises shall be re-inspected within five a time period specified by animal services, but no longer than fifteen (15) days, days after issue of a Notice of violation to Comply. Failure to correct or take positive action to correct each discrepancy is a violation of this article, and in addition, is ground for revocation or suspension of the permit by the director of animal services.

Section Fifteen: Wild animals.

It shall be unlawful for any person to maintain or keep a wild animal except;

1. Owners licensed by the State Fish and Wildlife Conservation Commission and confined to the owner's premises in a cage or enclosure.
2. A wild animal for exhibition purposes maintained by a licensed circus, zoo, attraction or educational institution.

Section Sixteen: Psittacine birds.

1. A Psittacine bird known to be infected with the Psittacosis virus, or to have been associated with a bird known to be infected, shall be quarantined until released by the health officer. No bird shall be removed from where an infected bird is found until the quarantine is lifted.
2. When human contamination is traced to an aviary a reasonable number of birds will be confiscated for virus examination.
3. Infected birds shall be killed and their bodies immersed in two (2) percent Creosol and burned before the feathers are dry if the bodies are not shipped for laboratory examination. Shipment for laboratory examination shall be made in accordance with instructions by the health officer.

Section Seventeen: Feral cats.

1. Feral cat colonies shall be permitted when registered with an agency contracted with Collier County to manage a trap-neuter-return program.
2. Feral cat colonies shall be managed in compliance with the terms and conditions of such a contract.
3. In the event animal services receives a complaint of an alleged violation of Section Eight of this Article, the agency contracted with Collier County to manage a trap-neuter-return program shall be given fifteen (15) days to remedy said violation. Thereafter, all normal provisions of this Ordinance apply.
4. For the purposes of enforcement of this Ordinance, a feral cat's caregiver shall be considered its owner.