

## **ORDINANCE NO. 10-2020**

### **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 14 – ANIMALS, OF THE CODE OF ORDINANCES, CITY OF DELTONA, FLORIDA PERTAINING TO ANIMAL RELATED ISSUES; SEVERABILITY AND AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Deltona Chapter 14 – Animals- of the Code of Ordinances details the City’s rules and regulations as to Animals; and

**WHEREAS**, it is important to utilize appropriate amendments to the City’s rules and regulations to adequately reflect current needs and issues concerning animal regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:**

**SECTION ONE.** City Code of Ordinances, Chapter 14 is hereby amended to revise or delete the following, as evidenced by underlining to add text and strikethroughs to delete text; concerning Chapter 14 – Animals of the Code of Ordinances, City of Deltona, Florida is hereby amended to read as follows:

### **SECTION TWO. – Chapter 14 - ANIMALS**

#### Chapter 14 - ANIMALS

**Cross reference**— Environment, ~~ch.~~[Ch.](#) 38.

**State Law reference**— Animal care and control, F.S. ~~ch.~~[Ch.](#) 828.

#### ARTICLE I. - IN GENERAL

##### Sec. 14-1. - Definitions.

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

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**Abandon**": To give up possession of, to neglect, to forsake an animal or to refuse to provide or perform the legal obligations for care and support of an animal by its owner or owner's agent. -

**"Adequate care" or "care"**: means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health. A structurally sound, properly ventilated, sanitary and weather-proof shelter suitable for the species, condition and age of the animal, which provides access to the shade from direct sunlight and protection from the exposure to inclement weather. ∴

**"Adequate Food"**∴ Uncontaminated, wholesome, palatable, and of enough quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the species, individual animal's age and condition.

**"Adequate shelter"**: Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of straw, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

**"Adequate water"**: A continual access to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, and in sufficient amounts to maintain good health. Such water will be provided in a secure manner so that the container cannot be overturned.

**"Adult Animal"**: Domesticated animal including dogs, cats and ferrets four months of age or older.

**"Animal Care Facility"**: Any person, group or business that provides for the care, sustenance, housing, maintenance or other necessary care of an animal, usually but not necessarily for a fee. Included, but not limited to, veterinary facilities, boarding facilities, groomers, animal sitters/foster care, rescues, shelters and pet stores.

**"At large"** means a dog or cat or other domesticated animal, not under the direct control of the owner (whether licensed or unlicensed).

**"Baiting"**: to attack with violence, to provoke or to harass an animal with one or more animals for the purpose of training an animal for, or cause an animal to engage in, fights with or among other animals.

“Baiting” also means the use of live animals in the training of racing greyhounds or dogs used in “Hot Dog Rodeos”, or any other performing animal exhibition.

. Cats mean animals that are members of the feline family that are accustomed to living in or about the habitation of humans and have been domesticated.

“Control”: means the regulation of the possession, ownership, care and custody of cats and dogs or other domesticated animals and having authority over a domesticated animal whether or not under restraint.

“Cruelty to Animals”; As defined in Chapter 828, Florida Statutes, as it may be amended from time to time.

Community Cat Caregiver; A person, in accordance with a trap-neuter-return (“TNR”) program, provides care to a community cat. A community cat caregiver shall not be considered the owner or harbinger of a community cat. The provision of care to a community cat by a community cat caregiver shall not be considered a “use” of real property that is regulated by the City’s Land Development Regulations.

“Dangerous 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 killed a domestic animal or, more than once, severely injured 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 such as by means of a leash, cord, secure fence, or chain of such strength to restrain the animal and controlled by a person capable of restraining the animal, or safe and secure restraint within a vehicle.

“Domesticated animal”: means an animal kept for the enjoyment and/or companionship rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent upon people for food, shelter, and survival.

“Euthanasia”; The humane and painless putting to death of an animal that is hopelessly sick or injured. In the case of dogs and cats, by injection of sodium pentobarbital as defined in Chapter 828, Florida Statutes.

“Eartipping”; A straight line cutting the tip of the left ear of a cat while the cat is anesthetized. This is a universal sign of spay/neuter for community cats.

“Exotic Species”; Any animal whose natural habitat is outside the continental United States.

“Feral Animal”; Any wild cat or dog, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication.

“Fowl”; means all kinds of birds, whether wild or domesticated.

“Harass”; means to annoy, bother, disturb, plague or torment repeatedly and persistently.

“Holding facility”; means any one or combination of a pet shop, kennel, cattery, or riding school or stable, or any facility the city commission may designate.

“Humane Capture methods”; Use of control poles, muzzles, nets, humane traps and tranquilizer equipment.

“Humane Manner”; A manner consistent with the physical and behavioral needs of a species; including but not limited to adequate heat, ventilation and sanitary shelter, wholesome food and water consistent with the normal requirements and feeding habits of the animal according to its size, species and breed; including necessary veterinary care.

“Kennel or Cattery”; means any facility where dogs or cats are kept for profit rather than enjoyment, by boarding, grooming, buying, training, selling, leasing- for- hire or offering stud services. Animal hospitals maintained by a Florida Licensed Veterinarian, shelter, or tax-exempt animal care facility shall not be considered commercial kennels or catteries.

“Licensed veterinarian”; means all veterinarians actively engaged in the practice of that profession in the state who are duly registered and licensed as such by the state, and who are authorized to vaccinate dogs and cats against rabies and to execute certificates of vaccination. Chapter 474 Florida Statutes

“—Livestock”; - As defined in Chapter 828.23 Florida Statutes, means all animals of the equine, bovine or swine class, including but not limited to goats, sheep, mules, horses, hogs, cattle and other grazing animals.

“Mistreat”; means every act or omission, which causes or unreasonably permits the continuation of unnecessary abuse or unjustifiable pain or suffering.

“Neglect”; means failure to provide food, water, protection from the elements, exercise, change of air, or other care generally considered to be normal, usual and accepted for an animal's health and well-being consistent with the species, breed and type of animal.

“Owner”; Any person or entity owning, keeping, harboring or having control of one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for ten (10) or more consecutive days. Any implied owner will be construed as the owner of an animal. An animal owner is responsible for keeping their animals under direct control at all time and will be held accountable for any violation of this Chapter.

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Offensive odor”; means any animal body odor or smell, or fecal matter odor or smell, emanating from the property.

“Poultry” means any animal belonging to the family Phasianidae, including but not limited to, chickens, roosters, turkeys and peacocks, and any animal belonging to the family Anatidae, including but not limited to geese and ducks.

“Public nuisance”; For the purposes of this Chapter, public nuisance means any animal that unreasonably annoys the community, injures the health of citizens in general or other animals, or substantially interferes with the rights of other persons to the quiet enjoyment of life or property.

“Public nuisance facility” means any holding facility harboring a public nuisance animal.

“Restraint”; The control of an animal by leash, fence, building, cage, crate or other secure enclosure that prevents such animal from roaming at large. Animals must be restrained in a clear area, free from obstructions or vermin-harboring debris.

“Severe injury” means any physical injury that results in a broken bone, multiple bites, or a disfiguring laceration requiring sutures or reconstructive surgery.

“Shelter” means a secure weather resistant structure which protects an animal from exposure to the elements including but not limited to rain, cold, wind and heat, and in size a minimum of six inches higher than the animal's height at full stand with head erect, one and one-half the animal's full body length, and sufficient in width to permit the animal to turn around.

“Sheriff” means the Volusia County Sheriff or his or her designee.

“Tether”; shall mean a trolley cable, cord, rope, chain, strap, or any other linear thing that restrains, limits or confines the free unimpeded movement of a dog, cat, or other animal to a limited space or area. (Ormond Beach)

“Tethering or tethered”; shall mean the act of affixing or attaching a tether to a dog, cat, or other animal. The act of "tethering" shall not include the use of a leash or other restraint when utilized by a person while walking or exercising a dog, cat, or other animal; nor shall it include commercial safety restraint devices that are designed for use in vehicles for the protection of animals while they are being transported from one location to another. (Ormond Beach)

“Threatening & Menacing Behavior”; Any aggressive behavior toward a human or another animal whether by barking, growling or charging, without provocation, where such action on the part of the aggressor creates a reasonable apprehension of immediate injury. This does not include an animal that is secured on its own property--. TNR Program; A protocol pursuant to which stray cats are trapped, neutered/spayed. Ear-tipped, vaccinated against rabies, and returned to the location where they congregate, in accordance with the TNR Protocol.

“Wild animal” means any animal not accustomed to living in or about the habitation of humans.

“Zoological park” means a zoological garden or collection of living animals kept for public display and exhibition, holding permits to exhibit and keep certain animals as required by state and federal law, including but not limited to permits from the Florida Fish and Wildlife Conservation Commission or the United States Department of Agriculture.

(Ord. No. 96-51, § 1, 10-7-1996; Ord. No. 04-98, § 1, 2-2-1998; Ord. No. 20-02, § 1, 8-19-2002; Ord. No. 06-06, § 1, 4-17-2006; Ord. No. 22-2006, § 1, 9-6-2006; Ord. No. 33-2008, § 1, 9-15-2008)

**Cross reference**— Definitions generally, § 1-2.

Sec. 14-2. - Public nuisance animals.

It is unlawful for a person to permit animals to become a public nuisance. An animal shall be declared a public nuisance animal if such animal:

- (1) Is repeatedly found at large;
- (2) Repeatedly damages the property of anyone other than its owner;
- (3) Is vicious;
- (4) Causes offensive odors, which disturb the comfort, peace or repose of any person residing in the vicinity;
- (5) Is on property in such numbers as exceeds the number limits placed on animals in this chapter;
- (6) Barks, chirps, howls, meows, or makes other such prolonged and disturbing noises which interfere with the peace and quietude of the neighboring property when such noises continue for periods longer than 15 minutes;
- (7) Harasses passersby or passing vehicles;
- (8) Has attacked other domestic animals;
- (9) — Has otherwise been determined to be a stray.

This section is not intended to apply to dogs that are considered "dangerous dogs" pursuant to the definition in section 14-1 of this chapter.

(Ord. No. 96-51, § 1, 10-7-1996; Ord. No. 04-98, § 1, 2-2-1998; Ord. No. 20-02, § 1, 8-19-2002; Ord. No. 22-2006, § 2, 9-6-2006)

Sec. 14-3. - Prohibited animals.

(a) *Specific animals.* It shall be unlawful to keep, maintain or raise in the city the following animals:

- (1) Any artiodactyla (even toed) or Perissodactyla (odd toed) ungulate, including but not limited to animals in the genus Bos (cows), all species; Ovis (sheep), all species; and Capra (goats), all species; and all other hoofed animals.
- (2) Any animal belonging to the family Phasianidae or family Anatidae, all species, including but not limited to, chickens, roosters, turkeys, peacocks, geese and ducks.
- (3) Any dangerous animal.
- (4) Venomous reptiles.

- (5) Animals that have been declared "public nuisance animals" more than once.
- (b) *Exceptions.* Subsection (a) of this section is not intended to apply and it is an exception to those provisions regarding the keeping of prohibited animals if:
  - (1) The prohibited animals are being kept at a zoological park or animal shelter licensed and operating in accordance with this Code.
  - (2) The prohibited animals are trained guard animals or trained law enforcement animals and are maintained by a law enforcement agency and used exclusively by the law enforcement agency in fulfilling its duties.
  - (3) The prohibited animals consist only of livestock, ungulates and poultry, and are being kept on a farm located in an agriculturally zoned area of the city.
  - (4) The prohibited animals are being kept in an area zoned rural residential (RR) and follow the permitted use in that district as hobby breeder or personal use and not for resale, accessory to a single-family dwelling.
  - (5) The animal is a dog that has been declared a "dangerous dog" pursuant to the procedure established in section 14-166, of division 3 of this chapter, and the owner is following the requirements of subsection 14-166(f).
  - (6) A permit for the animal has been issued by the Florida Fish and Wildlife Conservation Commission in accordance with F.S. § 372.922, but this exception shall only be to the extent that such statutes preempt this section.
- (c) *Number of dogs and cats.* It shall be unlawful to keep, maintain or raise in the city more than five dogs and/or cats on one parcel of land of one acre or less. Modified by the TNR Protocol as to cats.
  - (1) For parcels of land larger than one acre, the number of dogs and/or cats permitted shall increase by one animal for each one-fifth acre over one acre until the parcel reaches two acres in size. Parcels of land two acres or greater shall be permitted to have up to ten dogs and/or cats, but no more than ten such dogs or cats or combination of such animals shall be permitted in non-agriculturally zoned areas of the city without a kennel license.
  - (2) Agriculturally zoned areas of the city shall have no restrictions on the number of dogs and/or cats on a parcel of land.
  - (3) This restriction of the number of dogs and cats shall not apply if the number is exceeded due to the birth of puppies and/or kittens and the violation of this section is temporary in nature and does not extend past 16 weeks after the birth of the puppies and/or kittens.
- (d) *Restrictions for certain animals.* The keeping of hamsters, gerbils, ferrets, mice, guinea pigs, non-vicious and non-venomous reptiles, parrots and other small birds and rabbits shall be permitted in the city; however, the restrictions upon cats and dogs found in subsection (c) of this section shall also apply to other domesticated animals being kept upon a parcel of land.



(Ord. No. 96-51, § 2, 10-7-1996; Ord. No. 04-98, § 2, 2-2-1998; Ord. No. 20-02, § 1, 8-19-2002; Ord. No. 22-2006, § 3, 9-6-2006; Ord. No. 05-2008, § 1, 3-3-2008)

Sec. 14-4. — Retail Sale of dogs and cats.

(a)- An adoption-based business model shall be required for the retail sale of dogs or cats at a pet shop whereby all dogs or cats will be sourced from stray and unwanted pets that have been taken in by an animal shelter or animal rescue organization. It also means that pets purchased directly from a commercial breeder or indirectly through some intermediary such as a broker or wholesaler may not be offered for sale. All existing Pet Stores such as the Pet Super Market shall be exempted and grandfathered thus not requiring same to adopt an adoption-based business model.

(b) It is prohibited and unlawful for a pet shop to offer a dog or cat in the City, unless the dog or cat was obtained from an animal shelter or an animal rescue organization

(c) This adoption-based business model for the retail sale of dogs and cats in the City shall apply to any pet shops opened, transferred, assigned or sold by owners of existing pet shops after the effective date of this article

(d) An official certificate of veterinary inspection must accompany the sale of any cat or dog transported into the state, in compliance with Florida Statutes Section 828.29(3).

(e) Pet Shops shall maintain records, stating the name, address, telephone number and emails of the animal shelter or animal rescue organization from which each dog or cat was acquired for three years following the date of acquisition and maintaining a copy of the previous year subject to inspection by a City official charged with enforcing these provisions.

(f) The sale, transfer or display of all live animals at flea markets or related outdoor markets shall not be allowed in the City of Deltona.

(g) This prohibition does not apply to a publicly operated animal control facility or animal shelter.

(h) Nothing in this section shall prevent a commercial animal establishment or its owner, operator from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or non-profit animal rescue agency and maintained at the commercial

(i) City of Deltona Volusia County Hobby Breeders are exempt from these regulations as long as; the owner demonstrates to Code Enforcement proof of a breeding contract for a particular dog or cat; membership and registration in a bona fide national, state or local organization for the perpetuation of a given breed of dog or cat; or proof of a litter produced by breeding of the dog or cat within the last 365 days; and a Business Tax Receipt/License with the City.

(Ord. No. 96-51, § 15(1)—(3), 10-7-1996; Ord. No. 20-02, § 1, 8-19-2002)

Sec. 14-5. - Prohibited disposal.



- (a) Live animals may not be disposed of to any school, college, university, person, firm, association, laboratory or corporation for experimental or vivisection purposes or to any person providing, selling or supplying dogs or cats and other animals to any school, college, university, person, firm, association or corporation for experimentation.
- (b) Dogs or cats may not be obtained, sold or purchased in the city for the purpose of human or animal consumption.

(Ord. No. 96-51, § 17, 10-7-1996; Ord. No. 20-02-~~§~~, § 1, 8-19-2002)

**Cross reference**— Solid waste, ~~ch~~-Ch. 50.

Sec. 14-6. - Fine schedule.

### **DELTONA CHAPTER VIOLATIONS**

#### **ANIMAL SERVICES FINES -\*\*\*ALL REVENUE GENERATED WILL BE PLACED IN A SPECIAL FUND TO DEAL WITH ANIMAL ISSUES AT THE WESTSIDE SHELTER**

<u>Chapter</u>	<u>Code</u>	<u>Description of Offense</u>	<u>Fine</u>
<u>Animals</u>		<u>Interference with animal control officer or humane society personnel</u>	<u>\$250</u>
		<u>Cruelty to Animals</u>	<u>\$250</u>
		<u>Tethering</u>	<u>\$150</u>
		<u>Classification of Dogs as Dangerous; Infractions</u>	<u>\$500</u>
		<u>Duty of animal owners to be responsible owners</u>	<u>\$150</u>
		<u>Vaccination of dogs and cats</u>	<u>\$100</u>
		<u>Licensing of dogs and cats</u>	<u>\$100</u>
		<u>Rabies control</u>	<u>\$150</u>
		<u>Restraint of animals while on property of owner</u>	<u>\$150; \$250 fine for second violation</u>
		<u>Restraint of animals while off property of owner</u>	<u>\$150; \$250 fine for second violation</u>
		<u>Nuisance animals</u>	<u>\$105</u>
		<u>Dogs and cats transported into county for sale or gift, sale of animal at outdoor markets</u>	<u>\$150</u>
		<u>Female dogs and female cats in heat</u>	<u>\$150</u>
		<u>Disposition of dead animals</u>	<u>\$100</u>
		<u>Duties of driver when vehicle strikes animal</u>	<u>\$105</u>
		<u>Disposal or live animals to be used for experimentation or vivisection prohibited</u>	<u>\$250</u>

	<u>Selling or obtaining dogs or cats for purpose of human or animal consumption</u>	<u>\$250</u>
	<u>Canine hobby breeders</u>	<u>\$150</u>
	<u>Mandatory spay and neuter</u>	<u>\$250; \$500 for second violation involving same animal; mandatory court appearance for third or subsequent violation involving same animal</u>
	<u>Surrender of Stray Animals to Animal Holding Facilities</u>	<u>\$150</u>
	<u>Threatening or Menacing Behavior</u>	<u>\$250</u>
	<u>Animals in Motor Vehicles</u>	<u>\$250</u>
	<u>Guard dogs</u>	<u>\$250</u>
	<u>Prohibition on Retail Sale or Dogs and Cats</u>	<u>\$250</u>

(Ord. No. 96-51, § 19, 10-7-1996; Ord. No. 20-02, § 1, 8-19-2002)

Sec. 14-7. — CRUELTY TO ANIMALS; Proper care; custody; penalties.

(a) The provisions of F.S. § 828.073, F.S. § 828.12, or their successors, are hereby adopted and incorporated herein by reference.

- a) No owner, keeper or agent of an animal shall fail to provide the animal with adequate food, water, shelter or veterinary care; or restrain the animal by any means other than those defined in ~~this ordinance~~.
- b) No animal shall be kept in unsanitary conditions, or in areas where there is vermin-harboring debris or other material which can provide an opportunity for injury or danger to the animal's health or welfare.
- c) No animal in the care, custody, or control of a person shall be neglected, beaten, cruelly treated, tormented, overworked, overloaded, abused, mutilated, or killed.
- d) It shall be unlawful for any person or owner, or group of ~~persons~~, to abuse, cause bloodletting or death of an animal.
- e) It shall be unlawful for any person to molest or penetrate an animal or use the body parts of an animal for sexual gratification.
- f) It shall be unlawful for any person to procure an animal for the purposes set forth in sections 14-39 (d) and (e).
- g) No person other than a licensed veterinarian shall crop the ears or dock the tail of any dog or cat.
  - 1) A person commits an offense if he/she crops or cuts off or

- causes or procures to be cropped or cut off, the whole or part of the ear, ears or tail of a dog or cat.
- 2) The possession by any person of a dog or cat with an ear or ears cut off or cropped, or tail docked, and with the wound resulting therefrom unhealed, or any such dog or cat being found in the charge or custody of any person or confined upon the premises owned by or under the control of any person shall be prima facie evidence of a violation of this section unless the cropping or docking has been carried out by a licensed veterinarian.
- h) It shall be unlawful for any person to leave or deposit any poison or any substance containing poison in any common street, road, alley, lane or thoroughfare of any kind, or any yard or enclosure other than that person's own yard or enclosure, for the purpose of inflicting injury or killing any animal.
- i) The humane slaughter of either livestock or wild animals for food purposes (including to all lawful hunting activities) is exempt from the provisions of this section.
- j) No owner or agent of an animal shall abandon any animal in any public or private place.
- 1) If an Animal Control Officer Suspects that an animal has been abandoned, but such animal does not appear to be in immediate distress or danger, the Officer may leave notices posted in a conspicuous place informing the owner or agent to contact said Officer within 24 hours. Failure to do so may result in the animal being removed by the Animal Control Officer. The animal will become the property of the City if not redeemed within (3) days. The Officer may issue citations if the owner or agent is subsequently located.

(Ord. No. 96-51, § 14(1)—(3), 10-7-1996; Ord. No. 20-02, § 1, 8-19-2002; Ord. No. 06-06, § 2, 4-17-2006; Ord. No. 33-2008, § 2, 9-15-2008)

#### Sec. 14-8. — CRUELTY; TETHERING

1. No person shall unnecessarily overload, overdrive, torment, deprive of necessary sustenance or shelter, or unnecessarily or cruelly beat, mutilate, or kill any animal, or cause the same to done, or carry in or upon any vehicle, or otherwise, any animal in cruel or inhumane manner.

2. No person shall tether a dog, cat, or other animal on private property except as allowed in accordance with the following conditions:

(a) The tether must be made of a material, thickness, size, strength, and weight that is reasonable to safely secure the dog, cat, or other animal without placing or causing excessive strain or stress on the animal.

(b) Each end of the tether must have affixed to it a closed-end spring clip, carabiner clip, coupling, or other type of closed-end clip that is securely affixed to a swivel or pivot, all the components of which are made of high-strength metal, steel or composite material, and that allows the ends of the tether to freely rotate three hundred sixty degrees (360°).

Use of a trolley cable or trolley system requires that the primary usable trolley runner must be suspended at least three feet above the animal's head, with at least ten feet in length between two pulley stop points. The secondary line attached to the animal shall have a rolling trolley freely movable at a distance of at least ten feet on the primary trolley line with a spring/shock absorber attachment and swivel at both ends. The trolley system shall allow the animal unrestricted body movement and utilization of the entire area designated by the trolley system, with a minimum of five feet lateral movement for the animal on each side of the primary trolley line, as measured on the ground. The trolley system must allow the animal free access to food, water and shelter. The trolley system must be of appropriate configuration to prevent escape of the animal and confine the animal to the owner's property. The primary trolley line shall be used to restrain only one animal at a time.

(c) The tether shall be at least five (5) feet in length and no more than ten (10) feet in length.

(d) The tether shall be no higher in elevation than the height of the tethered animal.

(e) One end of the tether must be securely attached to a commercially designed pet tie-out stake, commonly referred to as a spiral ground anchor or ground corkscrew, or some other commercial or non-commercial device that allows a tethered dog, cat or other animal to freely walk or move about the tie-out stake or device in a circular manner. The other end of the tether must be securely attached to the animal's collar or harness.

(f) The pet tie-out stake or device and tether must be placed in a location that prevents the dog, cat, or other animal from becoming entangled with objects or other tethered animals and must not be placed in a location that prevents the tethered animal from accessing water, dry ground, shade, or shelter.

(g) The dog, cat, or other animal must always be provided clean water, dry ground, and shelter for protection from the sun, hot and cold weather, rain, and other inclement weather events.

(h) The dog, cat, or other animal shall not be tethered in extreme weather conditions, which shall be defined as being hot weather in excess of eighty degrees (80°), cold weather lower than sixty degrees (60°), thunderstorms, lightening, hail, hurricanes, tornados, tropical storms, flood waters, winds in excess of twenty (20) miles per hour, and other natural and manmade calamities.

(i) The dog, cat, or other animal must always be accompanied while outside by, and be within visual range of, its owner or other person who is responsible for supervising

the tethered animal, except that a tethered animal may be left unattended for short periods of time not to exceed thirty (30) minutes in duration.

(j) In no event shall the owner or other person who is responsible for supervising the animal leave the property while the dog, cat, or other animal is tethered outside.

(k) A dog, cat, or other animal may never be tethered on unoccupied, vacant, or abandoned property.

(l) A dog, cat, or other animal may never be tethered or left unattended inside any structure that is unsafe, dilapidated, or has been abandoned.

(m) The dog, cat, or other animal must be at least six (6) months of age; and must not be sick, injured, or afflicted with contagious disease.

(n) If multiple dogs, cats, or other animals are to be tethered, each animal must be tethered separately from the others, and tethered in a location that prevents them from becoming entangled with the other tethered animals.

(o) Tethering shall be prohibited between the hours of dusk and dawn.

(p) Tethering on public property shall always be prohibited.

(3) Violations of this section shall be subject to enforcement in accordance with the special master enforcement system and/or criminal prosecution as provided by F.S. § 828.12, if applicable.

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(4) Pets are permitted in designated day-use areas at all city parks. They must be restrained by leash, cord or chain a maximum of ten feet in length, held by a person who is physical able to control the animal. The animal must always be well-behaved. Pet owners are required, and it is unlawful for pet owners to fail to pick up after their pets and properly dispose of any fecal material deposited upon the ground. Pets are not permitted on designated sports fields or in playgrounds, bathing areas, cabins, park buildings, or concession facilities. Within individual parks, specific areas also may be designated as no-pet areas.

(5) Dogs are permitted to be off leash while contained within the fenced boundaries of the city dog park, if the following conditions are met:

- a. Dogs are well behaved, which for the purpose of this section shall mean that the dog does not bite, growl, bark excessively, jump at other people or dogs, or behave in any manner which is deemed disruptive by a city employee.

- b. Dog owners must adhere to all posted rules pertaining to the dog park city ordinances.
- c. Any person and/or animal in violation of this section shall be required to leave the city park immediately upon request of a city employee.
- d. Any person found in violation of this section is subject to the penalties prescribed in 14-6 of this chapter.

Sec. 14-9. - Prohibited actions.

- (a) Animal Control Officers shall have the authority to impound any animal cruelly treated or in obvious distress. Any animal so impounded may be taken to a veterinarian without the owner's consent for examination and/or treatment, if necessary. The owner of the animal shall be liable for all costs incurred. Any animal impounded under the provisions of this section and not redeemed by its owner after 3 consecutive days shall become the property of the City. No person shall interfere with, hinder, resist, obstruct or molest the animal control officer, sheriff, code enforcement officer or humane society personnel in the performance of their duties.
- (b) Redemption of impounded animals. Any animal control officer shall notify the owner or keeper of an impounded animal by direct conversation, telephone message, written notice posted at the owner's address, or using the City's web page. The animal is only required to be held for the owner for 3 working days from the date of notification of the owner. An owner of an animal impounded must pay the impoundment fee before the animal will be released to the owner

(Ord. No. 96-51, § 6, 10-7-1996; Ord. No. 04-98, § 5, 2-2-1998; Ord. No. 14-99, § 1, 6-7-99; Ord. No. 20-02, § 1, 8-19-2002)

Secs. 14-10—14-40. - Reserved.

ARTICLE II. - [ADMINISTRATION](#) <sup>[2]</sup>

Footnotes:

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**Cross reference**— Administration, Ch. 2.

DIVISION 1. - GENERALLY

Sec. 14-41. - Maintenance of records.

- (a) It shall be the duty of the city employees designated in this section to keep the following records:
  - (1) The enforcement services director shall keep accurate and detailed records of the licensing of animals.

- (2) The animal control officer shall oversee keeping records of impoundment and disposition of all animals coming into custody.
- (3) The animal control officer shall keep accurate and detailed records of all reported rabies cases and investigations for a period of three years.
- (b) All records kept by this section shall be subject to inspection by the city commission or their designated agent.

(Ord. No. 96-51, § 5, 10-7-1996; Ord. No. 04-98, § 3, 2-2-1998; Ord. No. 20-02, § 1, 8-19-2002; Ord. No. 06-06, § 4, 4-17-2006)

Secs. 14-42—14-60. - Reserved.

## DIVISION 2. - ANIMAL CONTROL OFFICER

### Sec. 14-61. - Appointment.

The city manager may either appoint, employ or contract with persons as animal control officers to enforce the regulations of this chapter. The manager shall have supervision and control of the performance of duties of the animal control officer. The animal control officer shall have full and complete authority to pick up or catch any animal roaming at large, creating a nuisance, or infected with rabies or believed to be infected with rabies, or infected with any other contagious or infectious diseases, or believed to be infected, or a dog or cat not wearing a collar or harness with a license tag attached, in any area within the city, and cause such animal to be impounded in a suitable establishment. The animal control officer shall have a complete authority to enforce the provisions of this chapter.

(Ord. No. 96-51, § 3(1), 10-7-1996; Ord. No. 04-98, § 3, 2-2-1998; Ord. No. 20-02, § 2, 8-19-2002)

### Sec. 14-62. - Training course required.

City-employed animal control officers shall successfully complete 40-hour minimum standards training course. Such course shall include but is not limited to training for animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations. The course curriculum must be approved by the state animal control association. An animal control officer who successfully completes such a course shall be issued a certificate indicating that he has received a passing grade. Any animal control officer who was authorized by a county to issue citations prior to January 1, 1995, is not required to complete the minimum standards training course.

(Ord. No. 96-51, § 3(2), 10-7-1996; Ord. No. 04-98, § 3, 2-2-1998; Ord. No. 20-02, § 2, 8-19-2002)

### Sec. 14-63. - Authority.



- (a) An animal control officer, sheriff or code enforcement officer is authorized to enforce this chapter and to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this chapter. An animal control officer is not authorized to bear arms or make arrests. Such officer may carry a device to chemically subdue and tranquilize an animal, provided that such officer has successfully completed a minimum of 16 hours of training in marksmanship, equipment, handling, safety and animal care, and can demonstrate proficiency in chemical immobilization of animals in accordance with guidelines prescribed in the Chemical Operational Guide of the American Humane Association.
- (b) In addition to the animal control officer, the sheriff and the code enforcement officers of the city shall have full and complete authority to pick up or catch any animal roaming at large, creating a nuisance, or infected with rabies or believed to be infected with rabies, or infected with any other contagious or infectious diseases, or believed to be infected, or a dog or cat not wearing a collar or harness with a license tag attached, in any area within the city, and cause such animal to be impounded in a suitable establishment. The sheriff and the code enforcement officers of the city shall **have complete** authority to enforce the provisions of this chapter, and have all protections afforded to animal control officers under section 14-9.

(Ord. No. 96-51, § 1, 10-7-1996; Ord. No. 04-98, § 3, 2-2-199; Ord. No. 20-02, § 2, 8-19-2002)

Sec. 14-64. - Surcharge for civil penalties.

A surcharge established by resolution of the city commission in the appendix A fee schedule shall be collected upon each civil penalty imposed for violation of this chapter. The proceeds from the surcharges shall be used to pay the costs of training for animal control officers and to defray the expenses of administering this chapter.

(Ord. No. 96-51, § 3(2), 10-7-1996; Ord. No. 20-02, § 2, 8-19-2002)

Secs. 14-65—14-85. - Reserved.

### DIVISION 3. - ENFORCEMENT PROCEDURE

Sec. 14-86. - Complaints.

Upon receipt of a signed complaint or upon receipt of a telephone complaint, the animal control officer, sheriff or code enforcement officer shall then investigate the complaint.

(Ord. No. 96-51, § 4(1), 10-7-1996; Ord. No. 04-98, § 4, 2-2-1998; Ord. No. 20-02, § 2, 8-19-2002)

Sec. 14-87. - Actions.

When a complaint has been filed, when the animal control officer, sheriff or code enforcement officer has observed a violation of this article, or when an animal has been determined by the county health officer, the animal control officer, sheriff or code enforcement officer to be a public nuisance, the animal control officer, sheriff or code enforcement officer shall:

- (1) Issue a notice of violation to the owner who is in violation of this chapter, giving a reasonable time to correct the violation which may, given the circumstances surrounding the violation, entail requiring immediate correction of the violation
- (2) Any animal running at large shall be declared a safety hazard and such owner may be issued a citation without requiring a notice of violation or warning.
- (3) After issuance of a notice of violation and after a reasonable time to correct same, should a violation of this chapter still exist, the animal control officer, sheriff or code enforcement officer issue a citation to the owner who is in violation of this chapter; and/or
- (4) Impound the animal. Such animal may be redeemed as provided for in section 14-237.
- (5) In cases involving feeding of nuisance animals, the official shall issue a notice of violation to the individual found to be feeding such nuisance animal and the penalty imposed shall be in accordance with section 1-15, "General penalty; continuing violations" of this Code.

(Ord. No. 96-51, § 4(2), 10-7-1996; Ord. No. 04-98, § 4, 2-2-1998; Ord. No. 14-99, § 2, 6-7-99; Ord. No. 20-02, § 2, 8-19-2002; Ord. No. 06-06, § 5, 4-17-2006)

Sec. 14-88. - Investigation; inspection.

- (a) The animal control officer, sheriff or code enforcement officer may require the owners or custodian of an animal to exhibit the animal and if applicable the license of the animal.
- (b) Inspection procedure. Whenever it becomes necessary to make an inspection to enforce any of the provisions of or to perform any duty imposed by this chapter or other applicable law or whenever the animal control officer or authorized representative has reasonable cause to believe that there exists any violation of the provisions of this chapter or other applicable law, the animal control officer or authorized representative is authorized to contact the owner and perform any duty imposed upon the animal control officer by this chapter or by other applicable law, provided that:
  - (1) If such property is occupied, the animal control officer shall first present proper credentials to the occupant and request entry, explaining the reason therefore;
  - (2) If such property is unoccupied, the animal control officer shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry, explaining the reason therefore. If entry is refused or cannot be obtained because the owner or other person having charge or

control of the property cannot be found after due diligence, the animal control officer or authorized representative shall have recourse to every remedy provided by law to secure lawful entry and inspect the property;

- ~~f~~(3) Notice of the possible violation of this Chapter shall be given by posting such notification at an entrance to or at a conspicuous place upon such area or building where such animal is confined.

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(Ord. No. 96-51, § 4(3), 10-7-1996; Ord. No. 04-98, § 4, 2-2-1998; Ord. No. 20-02, § 2, 8-19-2002)

#### Sec. 14-89. - Court appearance.

Certain aggravated violations of this chapter that result in an unprovoked biting, attacking or wounding of a domestic animal; violations resulting in the destruction or loss of personal property; second or subsequent violations of local animal cruelty laws; or violations resulting in the issuance of a third or subsequent citation to a person will require a mandatory court appearance.

(Ord. No. 96-51, § 4(4), 10-7-1996; Ord. No. 04-98, § 4, 2-2-1998; Ord. No. 20-02, § 2, 8-19-2002)

#### Sec. 14-90. - Alternative procedure for noise violations.

- (a) It shall be unlawful to keep or harbor any animal which makes prolonged and disturbing noises which interfere with the peace and quietude of the neighboring property when such noises continue for periods longer than 15 minutes. Such animal shall be declared a nuisance as defined in section 14-2(6) and a violation of this chapter. The animal control officer, sheriff or code enforcement officer shall have the authority to use all reasonable means to abate such nuisance, including but not limited to requiring that the owner make bona\_fide efforts to quiet the animal or impoundment of the animal where the owner is absent from the premises. Upon impoundment of an animal for violation of this section, the animal control officer, sheriff or code enforcement officer shall attempt to locate and notify the absent owner by any reasonable means as readily as possible. No summons and complaint shall be issued nor shall there be a conviction for violation of this section unless there are at least two or more complaining witnesses from separate households who shall have signed such complaint and shall have testified at trial. An animal control officer, sheriff or code enforcement officer who has personally investigated the complaint of a single complainant and observed problem behavior of the animal with regard to prolonged and disturbing noises satisfy the requirement for the second complaining witness and may give testimony to such observations at trial.
- (b) The following procedure is provided as a supplemental method for the enforcement of the sections of this chapter relating to animals alleged to be public nuisance

animals due to the production of excessive animal noise as defined in subsection 14-2(6).

- (1) *Requirements for complaints.* All complaints filed with the animal control officer, sheriff or code enforcement officer shall:
  - a. State the date and time of the offense;
  - b. State that the complainant agrees to present himself or herself to the court if a case is filed against the animal owner; and
  - c. Be signed by the complainant.
- (2) *Actions upon first complaint.* Upon the receipt of a signed complaint, the animal control officer, sheriff, or code enforcement officer shall send a letter to the owner of the animal, which states that a complaint has been filed against the person. The letter shall state the date and time of the issuance of the letter, the name and address of the person in violation, the date of the offense, the offense committed, a description of the animal involved, and request abatement of the problem. The letter shall set forth the city's procedure for handling animal noise complaints.
- (3) *Actions upon second complaint.* Upon the receipt of a second signed complaint within 90 days of the receipt of the first complaint, the animal control officer, sheriff, or code enforcement officer shall send out a second letter to the animal owner advising that this is the second complaint that has been filed against the animal owner. The letter shall state the date and time of the issuance of the letter, the name and address of the person in violation, the date of the offense, the offense committed, a description of the animal involved, and a demand that the offense be abated within 24 hours after receipt of the letter. The letter shall set forth the city's procedure for handling animal noise complaints and state that if a third complaint is appropriately received by the city, the city will issue a citation to the animal owner requiring the owner to appear in court.
- (4) *Actions upon third complaint.* Upon the receipt of a third signed complaint within 90 days of the receipt of the first complaint, the content of which shall be given under oath, the city shall issue a citation to the owner who is in violation of this chapter. Such citation shall state the date and time of issuance, the name and address of the person in violation, the date of the offense and that the offender has ten days to pay the fine listed therein to the City of Deltona or to request a court date. The address and hours available for payment of funds or requesting court dates shall be set forth on the citation. If the owner cited pays the penalty, the owner shall be deemed to have admitted the infraction and to have waived the right to a hearing on the issue of validity of the citation. If the owner cited fails to pay the fine or fails to request a court date as set forth in the citation, the court may issue an order to show cause upon the request of the city commission. This order shall require such persons 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, that person may be held in contempt of court. An owner who fails to pay the fine or request a court date as

set forth in the citation shall be deemed to have waived the right to contest the citation.

(Ord. No. 04-98, § 4, 2-2-1998; Ord. No. 20-02, § 2, 8-19-2002)

Secs. 14-91—14-120. - Reserved.

### ARTICLE III. - DOGS AND CATS

#### DIVISION 1. - GENERALLY

Sec. 14-121. - Running at large.

(a) *Prohibited.* It shall be unlawful for the owner or custodian of any dog, cat or other animal to fail to keep the dog, cat or other animal from running at large within the city whether licensed or unlicensed. For the purpose of this chapter, an animal shall be deemed running at large when such animal is not physically restrained as follows:

(1) Dogs shall always be on a leash not to exceed ten feet in length when off the owner's property.

(2) No animal shall be deemed to be running at large when the animal is upon the premises of the owner or custodian and when the animal is contained on or restricted to the premises by fencing or other means secured by an adequate locking or electronic device

(3) Any animal enclosed within the automobile or other vehicle of its owner or custodian shall be deemed to be upon the owner's or custodian's premises.

—(4) Evidence that such owner or keeper has made an attempt to preclude the animal from running at large shall be considered by the special magistrate in its determination as to whether or not a violation of this Section has occurred.

(b) The owner or person controlling dogs and cats shall at all times, when the animal is located on property other than property belonging to the owner of the animal, shall have in his possession equipment, material and tools to enable the owner to remove any fecal matter deposited upon the ground by the animal. The owner shall remove all fecal waste material generated by the animal.

(Ord. No. 96-51, § 7, 10-7-1996; Ord. No. 20-02, § 3, 8-19-2002)

Secs. 14-122—14-140. - Reserved.

#### DIVISION 2. - LICENSE

Sec. 14-141. - Licensing fees, tags, removal of tags.

(a)(a)—License tags. All dogs and cats in the city six weeks and older, kept, harbored or maintained by their owners shall be licensed in accordance with this Chapter. The owner shall present a certificate of rabies vaccination to the animal control officer. Upon payment of a license fee set by resolution and in the appendix A fee schedule, the city shall issue a serially numbered city tag bearing the year of issuance to be

attached to the collar or harness of the animal. Such licenses shall run for a period of one year from the date of issuance. License fees shall not be required for guide dogs, government police dogs or for animals remaining in the city for a period of less than 30 days unless otherwise holding a valid license from another jurisdiction.

~~License tags. All dogs and cats in the city six weeks and older, kept, harbored or maintained by their owners shall be licensed in accordance with this Chapter. The owner shall present a certificate of rabies vaccination to the animal control officer. Upon payment of a license fee set by resolution and in the appendix A fee schedule, the city shall issue a serially numbered city tag bearing the year of issuance to be attached to the collar or harness of the animal. Such licenses shall run for a period of one year from the date of issuance. License fees shall not be required for guide dogs, government police dogs or for animals remaining in the city for a period of less than 30 days unless otherwise holding a valid license from another jurisdiction.~~

- (b) *License application.* The owner shall state, at the time application is made for a dog or cat license and upon printed forms provided for such purpose, owner's name, address, email address, home and work telephone numbers, the name, breed, color and sex of each dog or cat kept by the owner and a certificate showing that each dog or cat, four months of age or older. Has been vaccinated against rabies within 12 months immediately preceding the date of application.
- (c) *Time frame for licensing.* It shall be the duty of the owner or person responsible for any dog or cat brought into the city or acquired to have the dog or cat licensed in accordance with this division within 15 days after the dog or cat is brought into the city or acquired, or before the dog or cat reaches six months of age, whichever comes first.
- (d) *Change of ownership.* Upon change of ownership of a dog or cat, the new owner may have a current license transferred to his name upon payment of a transfer fee established by resolution of the city commission in the appendix A fee schedule.
- (e) *Use of receipt or tag of another animal prohibited.* No person shall use a license receipt or license tag for an animal that was issued for another animal.
- (f) *Wearing of license tags.* It is the responsibility of any owner, keeper or possessor of a domesticated dog or cat kept as a household pet within the city to cause such animal to wear at all times a metal tag bearing the legible number of a current license issued for such animal as provided for in this section.
- (g) *Removal of collar, tag, muzzle.* It shall be unlawful for any person other than the owner or keeper of a dog or cat to remove or take off or cause to be taken off or removed the collar, tag or muzzle upon a dog or cat within the city.
- (h) *Animals exempt from wearing license tag.* Dogs and cats contained on the owners property; racing greyhounds; hunting dogs, while engaged in a hunt; show dogs; or dogs engaged in obedience or K-9 training, while under the command or presence of the owner, trainer or other responsible custodian directly related to the racing, hunting, show or training activities, respectively, are exempt from wearing the license

tag. If tattooed, a dog having an identifying tattoo registered with the animal control officer is also exempt from the requirements of wearing a license tag.

(Ord. No. 96-51, § 9(1), (2), (5), (8), 10-7-1996; Ord. No. 20-02, § 3, 8-19-2002)

Sec. 14-142. - Veterinarians authorized to sell license tags.

Any veterinarian licensed to practice in the state and the city may sell annual licenses, as provided in this division, provided all the requirements of this chapter are met. Any veterinarian who sells annual licenses pursuant to this division shall, prior to selling such license, require the owner of the animal to comply with the requirements of this chapter. The veterinarian shall remit to the city the proper fee and a copy of the license, as requested by this division, on a monthly basis. The veterinarian may charge a service fee for the cost he incurs for selling the license, but the charge shall not exceed a fee established by resolution of the city commission in the appendix A fee schedule.

(Ord. No. 96-51, § 9(4), 10-7-1996; Ord. No. 20-02, § 3, 8-19-2002)

Secs. 14-143—14-165. - Reserved.

(NEW SECTION) 14-143 – PROPERTY OWNER’S LIABILITY, PROBABLE CAUSE, CIVIL INFRACTIONS AND CITATIONS.

Property owners may be determined to be in violation of the chapter or held liable for the actions of or lack of compliance of the Chapter by the occupant(s) if their properties if City code enforcement has informed both parties and the violation continues to exist. The violation can either be located on the property or occurring from the property. Unless otherwise specifically provided in this chapter, and regardless of the knowledge, intent or culpability of the violator, any violations of the regulations of this chapter shall be a civil infraction punishable by a maximum civil penalty not to exceed \$500.00 per violation. A citation shall be issued by the animal control officer who has probable cause to believe that a person has committed an act in violation of this chapter. Probable cause shall be established by the officer’s personal observation of the violation; or upon a violator’s admission of the infraction; or by physical evidence which exists to support the complaint; or after investigating a complaint whereby sworn affidavits of complaint signed by 2 competent persons residing in separate dwellings; setting forth the nature and date of the act, the name and address of the owner or keeper, and a description of the animal, the officer believes that a violation of this chapter has occurred. Such citation may be contested in the county court. If a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required by F.S. Section 828.27 (6) concerning mandatory court appearances; the court upon the request of the animal control officer, may issue an order to show cause. This order shall require such person 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, that person may be held in contempt. Mandatory court appearances shall be required for certain aggravated violations resulting in the unprovoked biting, attacking or wounding of a domestic



animal; violations resulting in the destruction or loss of personal property; 2<sup>nd</sup> or subsequent violations of animal cruelty laws; Persons required to appear in court do not have the option of paying the fine instead of appearing in court.

(NEW SECTION) 14-144 – IRRESPONSIBLE ANIMAL OWNERS

(A) Irresponsible pet owner class 1. A person with 2 previous convictions for animal safety and welfare violations occurring on separate dates, who commits a 3<sup>rd</sup> animal safety and welfare violation within 24 months of the date of the offense of the earliest of the 3 violations, may be charge with a violation of this section, punishable by a minimum fine of \$500.00. For purposes of this section, animal safety and welfare violations mean a violation of any of the following provisions of this Code; xxxxxx Public Nuisance, xxxx excessive noise; xxxx and humane treatment (cruelty).

(B) Irresponsible pet owner class 2. When a person meets the conditions for an irresponsible pet owner class 1 violation, and the circumstances of the most recent violation evidence a knowing refusal to comply with this Code or to take corrective actions, he or she may be charged as an irresponsible pet owner class 2 under this paragraph, punishable by a minimum fine of \$1000.00. If a person has a conviction for an irresponsible pet owner class 2 then for a period of 3 years following that conviction – all owned dogs or cats shall be spayed/neutered and microchipped; the owner shall not become the owner of any new dogs or cats and no licenses will be issues for newly acquired dogs or cats.

### DIVISION 3. - DANGEROUS DOGS<sup>[3]</sup>

Footnotes:

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**State Law reference—** Dangerous dogs, F.S. §§ 767.10—767.15.

Sec. 14-166. - Classification.

- (a) The provisions of F.S. § 767.12 through F.S. § 767.16, or their successors, which apply to dangerous dogs, are hereby adopted and incorporated herein by reference, except as otherwise provided in this division.
- (b) A dog is deemed dangerous if according to code enforcement/sheriff records and the definition under Section 14-1 – Dangerous Dogs, it has; aggressively bitten, attacked or endangered, or has inflicted severe injury (any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery on any human being, or domestic animal lawfully on public or private property; If a dog is the subject of a dangerous dog investigation, the officer 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, that is not impounded with an animal shelter, 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 will be provided to the Sheriff. 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. In the event that a dog is to be destroyed, the dog shall not be relocated, or ownership transferred.

- (c) After the investigation, the animal control officer involved shall make an initial determination as to whether there is sufficient cause to classify a dog as dangerous. If the animal control officer makes an initial determination that a dog should be classified as a dangerous dog, the animal control officer shall provide written notification to the owner by registered mail, certified hand delivery or service in conformance with the statutory provisions relating to the service of process.
- (d) Within seven calendar days from the date the owner received such notification, the owner may file a written request for a hearing before the City's Special Magistrate to make final determination as to whether the dog shall be classified as dangerous. The request shall be delivered to the City of Deltona Director of Enforcement Services or his designee. The hearing, if requested, shall be held as soon as possible, but not more than 21 calendar days and no sooner than five days after receipt of the request from the owner.
- (e) If the owner fails to request a hearing within the seven-day period, the initial determination made by the animal control officer shall automatically become final; and the dog shall then be deemed classified as a dangerous dog under this section and in that situation, the final determination shall be provided to the owner by registered mail, certified hand delivery or service.
- (f) If the owner does request a hearing, the owner shall submit a cashier's check, payable to the City of Deltona, in an amount of \$125.00\*, to cover the special magistrate's fee at the time the request for a hearing is made. Said deposit will be used to pay the special magistrate should the owner be declared the losing party. If the special magistrate's fee exceeds the deposit, the losing party will be responsible for any and all additional fees. If the owner prevails, the deposit will be returned to the owner within 30 days of the special magistrate's ruling.
- (hg) During this hearing process and any appeal, the owner shall be responsible for paying all boarding costs and other fees, if necessary, as may be required to humanely and safely keep the animal during the process.
- (hi) Each case before the special magistrate shall be presented by an animal control officer who will have the burden of presenting evidence that the dog is dangerous and should be classified as such. If the evidence indicates that the dog is dangerous, the burden is on the owner to present evidence that the dog is not dangerous. At the hearing, the owner may question witnesses presented by the animal control officer, call witnesses, present evidence, and examine evidence.
- (ij) All testimony shall be under oath and shall be recorded. The special magistrate shall hear testimony from the animal control officer, the owner of the dog, and any witnesses for either side. The special magistrate may question witnesses as deemed

necessary and appropriate. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

- (jk) At the conclusion of the hearing, the special magistrate shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order classifying the dog as dangerous, or an order stating that there is insufficient cause to declare the dog dangerous.
- (kl) Nothing in this section shall prohibit the special magistrate from taking a case under advisement or continuing a hearing in the interest of justice.
- (lm) Once a dog has been classified as a dangerous dog, the animal control officer shall provide written notification to the owner and/or tenant by registered mail, certified hand delivery, or service in conformance with the statutory provisions relating to the service of process. The owner tenant may file a written request for a hearing in the county court to appeal the classification within ten business days after the receipt of a written determination of dangerous dog classification. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special magistrate. Upon remand by the appellate court, the matter will be brought to hearing before the special magistrate in no less than five, nor more than 21 days from the date of the appellate court's written order.
- (mn) The dog must remain either in the impounding facility or in a secure area provided by the owner/tenant, pending a resolution of the appeal or, the dog may be redeemed by the owner tenant if, before the conclusion of the appeal, the requirements established in subsection 14-166(f) are completed.
- (ne) Within 14 days after a dog has been classified as dangerous by the animal control authority or a dangerous dog classification is upheld by the county court on appeal, the owner of the dog must obtain a certificate of registration for the dog from animal control, and the certificate shall be renewed annually. The cost of the certificate is \$250.00 per year. Animal control is authorized to issue such certificate of registration, and renewals thereof, only to persons who are at least 18 years of age and who present to the animal control officer sufficient evidence of:
  - (1) A current certificate of rabies vaccination for the dog.
  - (2) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property.
  - (3) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.
  - (4) The owner of a dangerous dog must provide to the animal control authority proof from a licensed veterinarian that the dog is sterilized before a certificate of registration may be issued.
  - (5) In order to protect the public and to afford relief from the severe harm and injury which is likely to result from a dangerous dog attack, every owner of a dangerous dog shall maintain and be able to provide evidence of the owner's financial ability to respond in damages up to and including the amount of \$100,000.00 for bodily

injury to or death of any person or damage to property which may result from the ownership, keeping or maintenance of such dog. Proof of ability to provide necessary insurance shall be given by filing with the animal control office a certificate of insurance from an insurance company authorized to do business in the state, stating that the owner is and will be insured against liability for such damages; or by posting with the animal control office a surety bond conditioned upon the payment of such damages during the period of such registration; or by posting a personal bond secured by a mortgage in real property or security interest in personal property up to and including the amount of \$100,000.00.

(op) The owner of any dog confiscated for destruction pursuant to section 14-170 of this division, shall have ten days after receipt of written notification under section 14-166 of this division in which to request a hearing. If the owner, upon an unfavorable determination at the hearing, subsequently files a written appeal under section 14-166 or section 14-170, the dog must be held and may not be destroyed while the appeal is pending. The owner shall be responsible for payment of all fees, boarding costs, and other related expenses incurred by the city during the period a dog is quarantined or impounded under section 14-166 or 14-170 of this division.

(Ord. No. 96-51, § 13(2)—(6), 10-7-1996; Ord. No. 20-02, ~~§, §~~ 3, 8-19-2002; Ord. No. 22-2006, § 4, 9-6-2006; Ord. No. 04-2008, § 1, 2-18-2008)

#### Sec. 14-167. - Fencing required.

In addition to the requirements in this division, an owner who maintains any dangerous dog as defined in F.S. § 767.11(1) out-of-doors must fence a portion of his property with a perimeter or area fence. Within this perimeter fence, the dangerous dog must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel must have sides and a secure top attached to all sides, and the sides must be either buried two feet into the ground, sunk into a concrete pad, or securely attached to a wire bottom. The gate to the kennel must be locked.

- (1) 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 substantial chain or leash and under control of a person who is physical able to control the dog. Any dog found not muzzled and/or restrained will be impounded by animal control.

(Ord. No. 96-51, § 14(5), 10-7-1996; Ord. No. 20-02, § 3, 8-19-2002)

#### Sec. 14-168. - Penalty for violation of division.

Any person found in violation of this division is subject to the penalties prescribed in section 1-15.

(Ord. No. 96-51, § 14(6), 10-7-1996; Ord. No. 20-02, § 3, 8-19-2002)

Sec. 14-169. - Sign required.

All owners, keepers or harbors of any guard dog or dangerous dog shall display in a prominent place at their premises, and at each entrance or exit to the area where such dog is confined, a sign easily readable by the public using the words "BAD DOG."

(Ord. No. 96-51, § 14(8), 10-7-1996; Ord. No. 20-02, § 3, 8-19-2002)

Sec. 14-170. - Attack or bite by dangerous dog.

- (a) If a dog that has previously been declared dangerous attacks or bites a person or kills a domestic animal without provocation, the owner is guilty of a misdemeanor of the first degree, punishable as provided in F.S. § 775.082 or F.S. § 775.083. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, impounded and held for ten business days after the owner is given written notification under section 14-166 of this division, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing under section 14-166. 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 or death of a domestic animal, the dog shall be immediately confiscated by an animal control authority, impounded and held for ten business days after the owner is given written notification under section 14-166 of this division, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing under section 14-166. 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 F.S. §§ 775.082 or 775.083.
- (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 F.S. §§ 775.082, 775.083, or 775.084. In addition, the dog shall be immediately confiscated by an animal control authority, impounded and held for ten business days after the owner is given written notification under section 14-166 of this division, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing under section 14-166. 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 section 14-166 of this division, 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.
- (f) If a dog is confiscated and impounded under the circumstances mentioned in this section, it may be placed in quarantine, if necessary, at the impounding facility.

(Ord. No. 22-2006, § 5, 9-6-2006)

Secs. 14-171—14-200. - Reserved.

#### ARTICLE IV. - RABIES CONTROL

Sec. 14-201. - Vaccination required; exceptions.

- (a) The provisions of F.S. § 828.30, or its successors, which apply to rabies vaccination of dogs, cats and ferrets are hereby adopted and incorporated herein by reference.
- (b) Every person who owns or harbors a dog, cat or ferret four months of age or older in the city shall have such dog, cat or ferret vaccinated against rabies by a licensed veterinarian. Evidence of such vaccination shall consist of a current certificate issued and signed by the veterinarian administering the vaccination. The owner or custodian of any animal required by this section to be inoculated against rabies shall keep a current rabies tag with the year attached to the animal at all times. However, no animal need be vaccinated where:
  - (1) A licensed veterinarian has examined the animal and certified that, at such time, vaccination would endanger its health because of its age, infirmity, debility, illness or other medical consideration;
  - (2) Such exception certificate is presented to the animal control officer within five days of such examination; however, the animal shall be vaccinated against rabies as soon as its health and/or age permits. Unvaccinated animals must be confined to the owner's property or a veterinary facility.
- (c) The cost of the rabies vaccination shall be borne by the owner of the animal.
- (d) Only a doctor of veterinary medicine, actively engaged in the practice of that profession in the state, who is duly registered and licensed as such by the state, is authorized to vaccinate dogs and cats against rabies and to execute certificates of vaccination, as provided by law.
- (e) Upon vaccination, the owner shall obtain from the veterinarian administering the vaccine, as evidence, a certificate verifying that the veterinarian has administered the appropriate vaccination.
- (f) Animals exempt from wearing rabies tag. Dogs and cats contained on the owners property; racing greyhounds; hunting dogs, while engaged in a hunt; show dogs; or dogs engaged in obedience or K-9 training, while under the command or presence of the owner, trainer or other responsible custodian directly related to the racing, hunting, show or training activities, respectively, are exempt from wearing the rabies tag.



(Ord. No. 96-51, § 8, 10-7-1996; Ord. No. 20-02, § 4, 8-19-2002; Ord. No. 06-06, § 6, 4-17-2006)

Sec. 14-202. - Rabies, animal bites, animal control officer duties.

- (a) It shall be the duty of the owner or any person knowing of an animal infected with or showing suspicious symptoms of rabies or exhibiting any unusual behavior to report the symptoms or behavior within 12 hours to the animal control officer.
- (b) It shall be the duty of any person bitten or scratched by any animal other than his own to report the fact of such bite or scratch within 12 hours to the animal control officer. Any person knowing of or treating any animal bitten by another animal having or suspected of having rabies shall report the facts within 12 hours to the animal control officer.
- (c) The animal control officer shall have the right to enforce the applicable state laws and the applicable rules of the state department of health. Whenever the animal control officer is informed any animal has bitten or scratched a person or is suspected of having or showing suspicious symptoms of rabies or other infectious or contagious disease, the animal control officer may capture such animal alive, if possible, and quarantine it under observation for a period of at least ten days from the date of the bite or scratch. Any wild animal may be destroyed, and its head shall be sent to the division laboratory for examination if it is suspected to have rabies.
- (d) The quarantine of an owned animal shall be in the holding facility designated by the city or at the owner's request in a licensed veterinary hospital. A stray animal will be quarantined at one of the local shelters. A quarantined animal shall be released only upon the approval of the animal control officer. The owner shall bear the cost of the care, feeding and maintenance of a quarantined animal.
- (e) If a quarantined animal dies, the county health officer and the owner shall be notified by the animal control officer; and the head of the animal shall be forwarded to one of the state board of health laboratories for pathological examination.
- (f) An animal held under quarantine must be claimed by the owner within three working days following the last day of quarantine unless prior arrangements have been made or the animal shall be considered abandoned and disposed of as the impounding facility deems appropriate.
- (g) Failure to produce animal. The owner of any animal that has been reported as having inflicted a bite on any person or animal shall, on demand of the animal control officer, produce the animal for examination and quarantine as prescribed in this section. It shall be unlawful for the owner of any such animal to fail or refuse to produce the animal on demand. Any such failure or refusal shall subject the owner to immediate arrest under the provisions of F.S. § 901.15(1), should probable cause exist to believe that the animal in question has inflicted a bite upon a person or animal and that the owner is harboring or keeping the animal and willfully refuses to produce it upon such demand. Upon arrest, the owner shall appear before a judge of the municipal court who may order the immediate production of the animal. Each day of



such willful refusal to produce the animal shall constitute a separate violation and offense.

- (h) Removal from quarantine. It shall be unlawful for any person to remove from any place of quarantine any animal, which has been quarantined pursuant to this section, without the express consent of the animal control officer.

(Ord. No. 96-51, § 10, 10-7-1996; Ord. No. 20-02, § 4, 8-19-2002)

Sec. 14-203. - General quarantine authorized.

- (a) If rabies exists in any given area to the extent that circumstances indicate the necessity of quarantine, and if such quarantine is declared by the county health officer or animal control officer, the following requirements shall be enforced by the animal control officer in the area of quarantine:
  - (1) All dogs or cats, vaccinated as well as unvaccinated, must be confined to the owner's premises and will be permitted away from the premises only when under proper restraint by leash held by a responsible individual. Confinement to the owner's premises may be by fence, cage or chain attached to a stake or clothesline.
  - (2) All dogs or cats found roaming at large are to be impounded. Dogs or cats may be released to their owner upon payment of an impounding fee. No dogs or cats will be released from the pound except to owners. Unvaccinated dogs or cats that have been impounded cannot be released to the owner until vaccinated.
- (b) There will be no adoption during a quarantine period; except that the owner of any dog or cat vaccinated with an approved antirabies vaccine within the past 12 months, except such dogs or cats exempted from vaccination, after receiving approval of the animal control officer, may have such dog or cat quarantined and confined in a place other than places specified in this section; however, if at any time during the quarantine it is determined by the animal control officer that the quarantine is not properly maintained in order to ensure isolation of the animal, the right of this exemption shall become inapplicable and the animal control officer, at the owner's expense, shall impound the animal.
- (c) Animals for quarantine or destruction shall be surrendered when demand is made by the animal control officer.

(Ord. No. 96-51, § 11, 10-7-1996; Ord. No. 20-02, § 4, 8-19-2002)

Secs. 14-204—14-235. - Reserved.

## ARTICLE V. - IMPOUNDMENT

Sec. 14-236. - Grounds.

- (a) Any animal believed to be infected with rabies or any other infectious disease may be impounded.

- (b) Any animal at large or any unlicensed animal required to be licensed may be impounded.

(Ord. No. 96-51, § 12(1), 10-7-1996; Ord. No. 20-02, § 5, 8-19-2002; Ord. No. 06-06, § 7, 4-17-2006)

Sec. 14-237. — Redemption and Disposition of Impounded and Unwanted Domesticated Animals.

- (a) Any dog, cat or ferret impounded under the provision of this Ordinance and not redeemed by its owner after 3 consecutive business days shall become the property of the impoundment facility. The 3-day period does not apply to sick, injured, diseased or orphaned wild animals regulated by state wildlife agencies. Litters of animals or individual members of a litter of animals. Including the nursing mother and un-weaned animals that do not possess a valid license and/or microchip may be transferred immediately upon impoundment to a private sheltering agency, rescue group or individuals for the purpose of adoption. Individual members of litters of animals who are at least 6 weeks of age, including the mother, may be adopted immediately upon impoundment.
- (b) Whenever despite a good-faith effort to locate the owner of an animal, the owner or custodian of an animal cannot be determined, after three days the animal shall become the property of the impounding facility.
- (c) Any animal impounded and not redeemed as required in this section may be disposed of by, or at the discretion of, the impounding facility.
- (d) This time period may be extended or reduced at the discretion of the impoundment facility to relieve animal suffering or to limit disease contagious to humans and animals housed at the impoundment facility.
- (e) Any person seeking to redeem or reclaim an animal impounded under the provisions of this Chapter shall pay the impoundment fees, boarding fees, license fees and all other fees resulting from impounding and caring for the animal. At release, the animal must have a rabies vaccination and license or a license and rabies vaccination must be obtained by the owner.

(Ord. No. 96-51, § 12(2), 10-7-1996; Ord. No. 20-02, § 5, 8-19-2002; Ord. No. 06-06, § 8, 4-17-2006)

Sec. 14-238. — Mandatory spay and neuter

- (a) Purpose. The city has determined that the unintended or uncontrolled breeding of dogs and cats within the county leads to many dogs, cats, puppies, and kittens being unwanted, becoming strays, suffering privation and death, being impounded and euthanized at great expense to the community, and constituting a public nuisance and public health hazard. It is, therefore, declared that every feasible means of reducing the number of unwanted dogs, cats, puppies, and kittens be encouraged.
- (b) Spaying, neutering of dogs and cats.

(1) Requirement. No person may harbor a dog or cat six months of age or older within the city that has not been spayed or neutered unless such person holds an unaltered animal permit for each unaltered dog or cat, or unless the dog or cat is otherwise exempt under this section.

(2) Unaltered animal permit.

a. Qualifications. An owner of an unaltered dog or cat shall qualify for an unaltered animal permit if one of the following is satisfied:

1. Shows and competitions. The dog or cat is used to show, to compete or to breed, which is of a breed recognized by and registered with the American Kennel Club (AKC), United Kennel Club (UKC), American Dog Breeders Association (ADBA), Cat Fanciers' Association (CFA), or other bona fide registry and meets one of the following requirements:

2. Medical fitness. A veterinarian licensed in the State of Florida certifies in writing that a dog or cat is medically unfit to undergo the required spay or neuter procedure because of a medical condition, including but not limited to age, would be substantially aggravated by the procedure or would likely result in the death of the dog or cat. The certification must state the date, if any, by which the dog or cat may be spayed or neutered. As soon as the medical condition that prevents a dog or cat from being spayed or neutered ceases to exist, it shall be the duty of the owner to have it spayed or neutered within 30 days.

3. Law enforcement. The dog is currently used by a law enforcement agency for law enforcement purposes or is part of a bona fide law enforcement animal breeding program.

4. Service animals. A dog or cat that is a service animal or is part of a bona fide service animal breeding program.

5. Breeders. The owner demonstrates to the animal control division proof of a breeding contract for a **dog** or cat, membership in a bona fide national, state or local organization, for the perpetuation of a given breed of dog or cat or proof of a litter produced by breeding of the dog or cat within the last 365 days.

6. Hunting and herding dogs. The dog is currently used as, or trained to be, a hunting or herding dog and the dog is registered with a bona fide national, state or local hunting or herding dog association. Alternatively, the owner of the dog signs a statement under oath attesting that the dog is used, trained, or will be trained to be a hunting or herding dog.

b. None of the aforementioned qualifications shall be construed to authorize the breeding or harboring of dogs or cats in violation of the Land Use and Development Code of the City of **Deltona** or exempt the owner or his dog or cat from any other provision of this chapter.

cb. Deadline. A dog or cat governed by this section shall be spayed or neutered by its owner or, if eligible, the owner shall obtain an unaltered animal permit

within 30 days of the dog or cat becoming six months of age. ~~or~~, in the case of an owner whom acquired a dog or cat after it **became six** months of age, **then within**, 30 days of acquisition.

~~de.~~ *Microchipping.* As a condition to obtaining an unaltered animal permit, an eligible dog or cat must be implanted with an identifying microchip and the owner must provide the microchip number to the city. This requirement shall not apply to hunting or herding dogs.

(3) *Exemptions.* A dog or cat that meets the following criteria shall be exempt from this section and not be required to obtain an unaltered animal permit:

a. A dog or cat temporarily harbored within the city for less than 120 days within any calendar year.

b. The dog or cat is being harbored by a lawful humane society/animal shelter under the provisions of the City of Deltona, Florida, whether public or private, whose principal purpose is securing the adoption of dogs or cats or offering sanctuary for dogs or cats and certifies in writing to the animal control division that it does not engage in the breeding of dogs or cats, provided that the requirements of F.S. § 823.15, are satisfied.

**c. Any animal that qualifies for *Unaltered animal permit*. As provided in (2) above.**

(Ord. No. 96-51, § 12(3), 10-7-1996; Ord. No. 20-02, § 5, 8-19-2002)

Sec. 14-239. - Fees.

The animal control officer may charge and collect fees for apprehension and daily care, feeding and maintenance established by resolution of the city commission in the Appendix A fee schedule.

(Ord. No. 96-51, § 12, 10-7-1996; Ord. No. 20-02, § 5, 8-19-2002; Ord. No. 06-06, § 9, 4-17-2006)

Secs. 14-240—14-270. - Reserved.

ARTICLE VI. - [KENNEL](#) <sup>[4]</sup>

Footnotes:

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**Cross reference**— Businesses, [ch.Ch.](#) 22.

Sec. 14-271. - Maintenance.

In any instance where a kennel exists, a facility shall be maintained which provides adequate fencing to hold the dogs and cats kept within the kennel; a concrete slab with not less than one square yard of surface area per animal; adequate drainage to allow for daily cleaning; and an adequate drywell to hold animal waste.

(Ord. No. 96-51, § 1(2), 10-7-1996; Ord. No. 04-98, § 1, 2-2-1998; Ord. No. 20-02, § 5, 8-19-2002)

Sec. 14-272. - Certificate required.

The owner of a kennel shall upon the payment of a fee established by resolution of the city commission in the appendix A fee schedule to the city clerk and upon approval of the building department of the structures, be issued a certificate authorizing the maintenance of the kennel. Applications for such certificate shall be made on or before October 1 of each year.

(Ord. No. 96-51, § 9(3), 10-7-1996; Ord. No. 20-02, § 5, 8-19-2002)

Secs. 14-273—14-279. - Reserved.

## ARTICLE VII. - TRAP, NEUTER, RELEASE PROGRAM

Sec. 14-280. - Authorization of trap, neuter, release program.

The city manager is hereby authorized to institute a pilot trap, neuter and release program to address concerns about feral cats in Deltona. The city manager is directed to report the results of such pilot program to the city commission after the program has been fully operational for a number of years and possible revisions are being considered by the Manager and the City Commission. ~~one-year term~~. Any provision of chapter 14 that is found by the city manager to be contrary to the specific requirements of such pilot program shall be deemed not enforceable during such pilot program and any extension thereof authorized by the city commission.

(Ord. No. 31-2014, § 1, 11-3-2014)

## ARTICLE VIII. - CHICKENS

Sec. 14-281. - Chicken permit.

A chicken permit shall be required for chickens to be kept, harbored, raised, or maintained in chicken coops as laying hens for eggs as accessory to a residential single-family structure, ("residence"), but only subject to the following:

- (1) No more than five chickens may be kept on a lot, with roosters prohibited.
- (2) The residence shall be owner-occupied.
- (3) The chicken permit applicant must sign a statement acknowledging that the chicken permit may be revoked for any violation of this article and may be revoked if this article is amended in the future, and the city will not be held responsible or liable for any losses to the applicant if such chicken permit is revoked.
- (4) Ducks, geese, turkeys, peafowl, or any other poultry or fowl are not allowed under the provisions of this section of the code.

- (5) Chickens and associated activities shall be kept for personal use only. Selling chickens, eggs, or chicken manure, or the breeding of chickens is prohibited.
- (6) The coop and enclosure must be screened from the neighbor's view, using an opaque fence.
- (7) The coop and enclosure must be located in the rear yard, as defined by the city's Code of Ordinances. No coop or enclosure shall be allowed in any front or side yard.
- (8) The coop or enclosure must comply with standard setbacks.
- (9) The coop and enclosure shall provide a minimum of four square feet per chicken to permit free movement of the chickens. The coop and enclosure may not be taller than five and one-half feet, measured from the natural grade, must be at least six inches lower than the fence to screen them, and must be easily accessible for cleaning and maintenance. A building permit is required under the Florida Building Code if the coop exceeds 100 square feet. The coop shall not exceed a maximum of 200 square feet.
- (10) The coop and enclosure shall be covered and ventilated, and a fence enclosure/run is required. The coop and enclosure must be completely secured from predators, including all openings, ventilation holes, doors and gates (fencing or roofing is required over the enclosure in addition to the coop, in order to protect the chickens from predators).
- (11) All stored feed must be kept in a rodent- and predator-proof container.
- (12) Chickens shall be kept within a coop and enclosure from dusk until dawn. No person shall release or set any chicken free from such coop and enclosure unless under the supervision of a person, and no person shall slaughter a chicken.
- (13) Chicken coops and enclosures shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.

(Ord. No. 10-2016, § 1, 3-7-2016)

**Editor's note—** Ordinance No. 10-2016 adopted on March 7, 2016, in effect repealed former § 14-281, which pertained to a trial period for owning chickens and derived from Ord. No. 02-2015, adopted March 16, 2015. Ordinance No. 10-2016 also enacted a new § 14-281 as set out herein.

Sec. 14-282. - Procedures for the granting of chicken permits.

The building and enforcement services director, under the direction of the city manager, is authorized and directed to administer the chicken permit process as follows:

- (1) A chicken permit will be issued once an applicant has completed an application, met all conditions, and staff concurs with the issuance of a chicken permit.
- (2) There will be a \$25.00 fee for the chicken permit and initial inspection.

- (3) Once a chicken permit has been issued for a chicken that is maintained under this section, the location will be subject to an annual inspection to ensure that the area is being maintained in a manner that is safe and sanitary for the animal and does not burden the neighbors of the residence.
- (4) If any condition of the chicken permit has been violated, the city may revoke the chicken permit immediately if the violation has not been remedied after seven days' notice, or if it is a repeat violation. The city is responsible for the determination of compliance with the requirements of this article. In matters of interpretation, the building and enforcement services director has the authority to determine compliance with the Code of Ordinances.
- (5) A person aggrieved by a decision of the building and enforcement services director in the issuance, denial or revocation of a chicken permit may appeal to the city manager. A person aggrieved by a decision of the city manager may appeal to the city commission.
- (6) Persons granted a chicken permit will be encouraged to attend an appropriate training session to learn safe chicken and egg practices.

(Ord. No. 02-2015, § 1, 3-16-2015; Ord. No. 10-2016, § 1, 3-7-2016)

Sec. 14-283. - Animals killing chickens.

No dog or cat that kills a chicken will, for that reason alone, be considered a dangerous or aggressive animal.

(Ord. No. 02-2015, § 1, 3-16-2015; Ord. No. 10-2016, § 1, 3-7-2016)

Sec. 14-284. - Not required for a zoning district.

A chicken permit is not required for the keeping of chickens in the A (agricultural) zoning district.

(Ord. No. 02-2015, § 1, 3-16-2015; Ord. No. 10-2016, § 1, 3-7-2016)

Sec. 14-285. - Reserved.

**SECTION THREE. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.**



**SECTION FOUR.** Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF**  
**DELTONA, FLORIDA THIS**                      **DAY OF**                      **, 201920.**

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First  
Reading:

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Advertised:

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Second Reading:

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BY:

Heidi K. Herzberg, Mayor

ATTEST:

\_\_\_\_\_  
JOYCE RAFTERY, CMC, MMC, City Clerk

Approved as to form and legality  
for use and reliance of the City of  
Deltona, Florida

CITY ATTORNEY