

Chapter 4

Animal Control and Enforcement

Ordinance 11-55



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ORDINANCE 11-55

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING CHAPTER 4 OF THE MARION COUNTY CODE RELATING TO ANIMAL CONTROL AND ENFORCEMENT; REVISING DEFINITIONS BY DELETION OF REFERENCES TO ‘TRAP, NEUTER, RETURN (TNR) PROGRAM’; DELETING PARAGRAPH 4-11(a)(8) RELATED TO FEEDING AND SUPPORTING FERAL ANIMALS; DELETING SUBSECTION 4-10(G); DELETING REFERENCES TO TNR PROGRAM IN SUBSECTION 4-14(a); DELETING SECTION 4-16 RELATED TO TRAP, NEUTER AND RETURN PROGRAM; PROVIDING FOR APPROPRIATE RE-NUMBERING OF SECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN CODE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners had included in Ordinance No. 11-49 the authorization for a “Trap Neuter and Return (TNR)” Pilot Program; and

WHEREAS, upon evaluation of the cumbersome procedures that would be involved in the establishment of a Board-endorsed TNR Program, the Board has determined that the simple expedient of removing the prohibition against feeding feral cats from the animal control ordinance will dispense with the need for a Board authorized and regulated TNR Program; and

WHEREAS, the Board of County Commissioners desires to amend Chapter 4 of the Marion County Code, in furtherance of the foregoing recitals.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Marion County, Florida, as follows:

SECTION 1. Chapter 4 of the Marion County Code is hereby amended, to read:

Sec. 4-1. Authority.

The board of county commissioners shall have authority to establish rules and regulations consistent with and supplemental to, and for the purpose of implementing state statutes governing animals kept within the unincorporated area of the county, and those municipalities included in the jurisdiction of this ordinance by interlocal agreement, including but not limited to, animal seizure, impoundment, certification, disposition, animal rabies vaccination, licensure and registration requirements, fees and penalties. Penalties or fines for violations of this chapter, and fees for services provided as authorized herein shall be established by board resolution, which may be amended from time to time. The board may enter into inter-local agreements with the various municipalities within Marion County providing for County enforcement of the provisions of this chapter within such municipality and the municipality’s repeal of any inconsistent ordinances. This chapter shall be known and may be cited as the "Marion County Animal Services Ordinance."

Sec. 4-2. Definitions.

As used in this chapter, the following words and phrases are defined as follows:

Abandon shall mean to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner or keeper. Such abandonment shall constitute the relinquishment of all rights and claims by the owner to such animal, in accordance with F.S. § 705.19. An animal will not be considered abandoned if the owner or keeper arranges for a person to

feed, water, and monitor the animal's condition on a scheduled or regular basis. Intervals between monitoring, watering, and feeding shall not exceed twenty-four (24) hours.

Animal shall mean any living dumb creature.

Animal control authority shall mean in Marion County, the Marion County Department of Animal Services and all of its directors, employees and animal control officers who are authorized by the board to enforce the animal control laws of the county or state, in the unincorporated areas of the county and any municipality pursuant to inter-local agreement. For purposes of Section 4-16, the animal control authority shall be the Director.

Animal control officer or enforcement officer shall mean any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

Animal impoundment center shall mean the Marion County Animal Center or any other premises designated by the Department of Animal Services where stray, homeless, abandoned or unwanted animals are impounded, maintained or disposed.

Attack shall mean the act by any animal of approaching a person or domestic animal in such a manner that culminates with hostile contact with such person or animal.

Bite shall mean a penetration to the skin with teeth and with blood appearing in the wound.

Board shall mean the Board of County Commissioners of Marion County, Florida.

County shall mean the unincorporated area of Marion County and any municipality included within the enforcement jurisdiction of this chapter by interlocal agreement.

Cruelty, torture or torment shall mean any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal, as defined in F.S. §828.02.

Dangerous dog as used in this chapter, unless the context clearly requires otherwise, shall have the same meaning as the definition of dangerous dog in F.S. §767.11, which currently provides:

- (1) 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 more than once severely injured or killed a domestic animal while off the owner’s property; or
 - (c) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.

The foregoing definition shall be deemed to automatically incorporate any Legislative changes to the statutory definition, from time to time.

Defecate shall mean to discharge excreta.

Direct control shall mean the immediate, continuous physical control of an animal by means of confining within a house, building, fence, pen or other enclosure, or restrained by means of leash, cord, chain, or similar tether of sufficient strength to restrain the animal.

Director shall mean the Director of the Marion County Department of Animal Services, or his or her designee. The Director shall be deemed to be the animal control authority for purposes of section 4-16 and the enforcement of Chapter 767, Florida Statutes and the provisions of this chapter.

Dog means a domestic dog, *canis familiaris*

Domestic animal shall include any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry, ostrich, emu, rhea, or other domesticated beast or bird.

Domestic animal running at large or straying shall mean any domestic animal found or being on any public grounds, or land belonging to a person other than the owner of the domestic animal without the landowner's permission, and not under direct control of a person.

Excreta shall mean feces.

Feral cat ; Feral dog means any cat or dog that exists in a wild or untamed state, either due to birth or reversion to a wild state from domestication. The usual and consistent temperament of a feral cat or dog is extreme fear and resistance to contact or handling with or by humans. Feral cats and dogs are completely or substantially unsocialized to humans.

Feral cat colony means a group of cats that congregates, more or less, together as a unit. Although not every cat in a colony may be feral, any nonferal cats that congregate with a colony shall be deemed to be a part of it.

Harbor shall mean to provide care, shelter, protection, refuge, food or nourishment to an animal.

Leash shall mean a restraint such as a rope, cord, chain, or device that is mobile and no longer than 6 feet. The responsible person walking a dog using a retractable leash must maintain the device in a locked position whenever off the owner's property or leasehold. Homeless or transient persons must keep their dog on a leash at all times when the animal is not otherwise securely confined.

Livestock shall mean grazing animals, such as, cattle, horses, sheep, swine, goats, other hooved animals, ostriches, emus, rheas which are used for private use or commercial purposes.

Livestock fencing minimum requirements shall mean any fence or enclosure at least 4 feet in height made of barbed or other soft wire consisting of not less than 4 strands of wire stretched securely on posts, trees, or other supports, standing not more than 15 feet apart; legal fences may include a gateway providing they have a gate and meet the minimum restrictions of a legal fence. Fencing must be maintained on a regular basis so as to prevent the livestock from leaving the owner's property or leasehold.

Occupant shall mean any person, entity, business, firm, corporation, institution or enterprise that is renting, leasing, sub-leasing or occupying a piece of property in which they are not the property owner of record.

Owner shall mean any person over the age of eighteen (18) years of age, or any firm, corporation or organization which owns, manages, possesses, harbors, maintains, has custody of, or controls an animal. For purposes of enforcement of this chapter, an individual shall be deemed to be an owner of any animal found within a residence or structure owned or leased by that individual, and any animal kept within any cage or other secured enclosure on property subject to such individual's control. An individual ~~will~~ be

deemed to be the owner of any animal that such individual has secured by a rope, chain or tether, whether on or off the property of such individual. If the animal is owned by a person under the age of eighteen (18), not lawfully having been emancipated, that person's parent or guardian shall be the owner.

Proper enclosure for a dangerous dog shall mean, while on the owner's property or leasehold, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children. Such pen or structure shall have a concrete floor, secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements.

Proper impoundment period shall mean:

- (1) A healthy animal wearing a current Marion County license tag or having been implanted with a microchip, except for non-owned feral dogs or cats, shall be impounded for a period of not less than ten (10) consecutive days, not counting the first day of impoundment, before the animal may be adopted, destroyed or otherwise disposed of; or
- (2) A healthy animal not wearing a current Marion County license tag or not having been implanted with a microchip shall be impounded for a period of not less than three (3) working days, not counting the first day of impoundment, before the animal may be adopted, destroyed or otherwise disposed of; or
- (3) A diseased or injured animal appearing to be in a suffering condition and imminently near death shall be impounded for a period of not more than two (2) hours, providing compliance with section 828.05, Florida Statutes, has been made through reasonable and concerted efforts to locate the animal's owner, owner's agent, or veterinarian.
- (4) Non-owned feral dogs or cats, whether or not implanted with a microchip indicating that such animal is part of any type of maintained feral cat or feral dog colony, shall, upon being taken in custody by the Department be euthanized in the same manner as other wild animals, with no impoundment period.

Property owner shall mean any person, entity, business, firm, corporation, institution or enterprise that is the real property owner of record according to the Marion County Tax Collector's Office.

Public grounds shall mean any street, sidewalk, alley, highway or other way open to travel by the public, including rights-of-way, bridges, common ground including private roads in gated subdivisions, easements, tunnels, and any land owned by local, state or federal governments.

Severe injury means any physical injury that results in broken bones, multiple bites or disfiguring lacerations, sutures or reconstructive surgery, or any physical injury that results in life-threatening injuries or death.

Shelter shall mean provision of and access to a three-dimensional structure an outdoor three-dimensional structure having a roof, walls and a floor, which is dry, sanitary, clean, weatherproof, and made of durable material. At a minimum, the structure must be:

- (1) Sufficient in size to allow each sheltered animal to stand up, turn around, lie down, and stretch comfortably;
- (2) Designed to protect the sheltered animal from the adverse effects of the elements and provide access to shade from direct sunlight and reasonable protection from exposure to extreme temperature and inclement weather conditions;
- (3) Free of standing water, accumulated waste and debris, and have adequate ventilation, and for dogs and cats, provide a solid surface, resting platform, pad, floor mat or similar device that is large enough for the animal to lie on in a normal manner; and
- (4) Properly lighted to provide a regular lighting cycle of either natural or artificial light corresponding to the natural period of daylight unless otherwise directed by a veterinarian; and

- (5) Structures with wire, grid or slat floors which permit the animal's feet to pass through the openings, sag under the animal's weight or which otherwise do not protect the animal's feet or toes from injury are prohibited except for enclosures for birds where perches are provided.

Tether shall mean a cord, rope, cable or chain, not exceeding 1/16 of the animal's weight, with a length that is at least the greater of either five (5) times the length of the animal measured from the nose to the tip of its tail, or ten (10) feet, attached with a swivel hook to the animal's buckle-type nylon or leather collar, harness or halter on one end and attached to a stationary object with a swivel hook or trolley assembly on the other end. The trolley cable must not be elevated more than seven (7) feet above ground surface.

Unprovoked means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog. [F.S. §767.11(2)]

Working day shall mean any day of the week that the Marion County Animal Center is open for business to the public.

Sec. 4-3. Adoption of state statutes by reference; board intent.

The board adopts by reference as a part of this chapter, all laws of the State of Florida relating to animal control, animal welfare, and animal cruelty. It is the intent of the board that this ordinance shall implement and supplement the provisions of State law, and that in the event of any conflict between the terms of this ordinance and State law, the State law shall control.

Sec. 4-4. Enforcement agency designation and empowerment.

The Department of Animal Services is designated as the county agency responsible for the proper administration and enforcement of this chapter. In carrying out the duties of this chapter the Department of Animal Services may employ equipment, including but not limited to control poles, nets, leashes of any construction, chemical capture devices, oleoresin capsicum aerosols, snake tongs, snake hooks, humane traps, collapsible batons, and metal carrying cages.

Sec. 4-5. Enforcement officer's immunity.

When in good faith an animal control officer or enforcement officer enters property to perform the duties of this chapter, the enforcement officer is immune from civil liability and criminal prosecution for trespass.

Sec. 4-6. Enforcement procedures.

(a) An animal control officer or enforcement officer may issue a citation to a person when the officer has probable cause to believe that the person has violated a provision of this chapter or Florida Statutes. The citation shall contain:

- (1) The date and time of issuance;
- (2) The name and address of the person;
- (3) The date and time the violation was committed;
- (4) The facts constituting probable cause;
- (5) The section of the chapter that was violated;
- (6) The name and authority of the officer;
- (7) The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear in court as may be required;
- (8) The applicable civil penalty if the person elects to contest the citation;
- (9) The applicable civil penalty if the person elects not to contest the citation;
- (10) A conspicuous statement that, if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he or she shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty; and

- (11) A conspicuous statement that if the person is required to appear in court, that an option to pay a fine in lieu of appearing in court does not exist.
- (b) An animal control officer or enforcement officer may, but shall not be required to, issue a written warning prior to the issuance of a citation in incidents of violation of this chapter. Failure to comply with the provisions of a written warning may result in issuance of a citation or impoundment of the animal, or both.
- (c) An animal control officer or enforcement officer may issue an order to provide care, pursuant to F.S. §828.073.
- (d) 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 otherwise required, then the court may issue an order to show cause, either upon the request of animal services, or, upon its own initiative. The person shall be required by the court order to appear before the court to explain why the required appearance or action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, the person may be held in contempt of court.
- (e) Pursuant to F.S. §828.27(4), a surcharge of \$5.00 upon ~~of~~ each civil penalty imposed for a violation of this chapter shall be used by the county to pay the costs for training of animal control officers.
- (f) Any person who willfully refuses to sign and accept a citation issued by an officer is guilty of a misdemeanor of the second degree, punishable as provided in F.S. §775.083.

Sec. 4-7. Impounding authority of officers; interference prohibited;

- (a) Animal control officers shall have full and complete authority under the provisions of this chapter to pick up, catch, seize or procure any animal found neglected or cruelly treated, sick, injured, or in need of immediate medical treatment where the owner refuses to or is unable to provide for such treatment; any animal at large, or any animal not properly confined, restrained or secured, or believed to be a stray; any dangerous dog not maintained in compliance with this chapter; any animal infected with or suspected of carrying rabies or any contagious disease; any animal being observed for rabies not properly quarantined; any animal for which probable cause has been established based on sworn affidavit, that has or is causing injury, or threat of injury to a person, endangering or chasing persons, or ~~by~~ causing property damage to property other than that of the animal's owner; any female dog or cat in heat and not properly confined; or any dog being the subject of a dangerous dog investigation where the owner has not or cannot demonstrate an ability to securely contain the animal pending the outcome of the investigation, and cause such animal to be impounded at the Marion County Animal Center.
- (b) It shall be unlawful for any person to interfere with, obstruct, prevent, hinder or impede any animal control officer, or cause such officer to be interfered with, obstructed, prevented, hindered or impeded, while the officer is apprehending animals or performing any other duties as set forth in this chapter; or to take or attempt to take any animal from any officer or vehicle used to transport animals; or to take or attempt to take any animal from the Marion County Animal Center without proper authority.
- (c) In the event any animal control officer or enforcement officer is in pursuit of any animal not on the animal owner's property, where the animal is running at large and the officer's pursuit involves unauthorized entry into or upon any enclosed and posted land, such event shall not be prima facie evidence of the intention of the officer to commit an act of trespass.
- (d) A person shall not hold, hide or conceal any animal as to which such person knows or has reason to know that the Director or an animal control officer is investigating or deems to be in violation of this chapter.
- (e) Animal control officers and enforcement officers shall have such further impoundment authority as specifically authorized by any warrant issued by a court of competent jurisdiction.

Sec. 4- 8. Licensure, exemptions, requirements.

- (a) Except as otherwise provided, every owner of a dog or cat over the age of four (4)-months residing within the County shall obtain and pay Marion County for an annual or multi-year license in the amounts established from time to time by resolution of the board. Licenses shall be obtained from the Marion County Animal Center or authorized licensed veterinarians. A licensed veterinarian administering a vaccine or other shall offer a county animal license tag to the owner of such vaccinated dog or cat, and upon issuance shall collect on behalf of the county, fees established by the board. Licensed veterinarians

are authorized to charge owners of vaccinated dogs and cats an additional processing surcharge of not more than one dollar (\$1.00) per county animal license tag issued, and shall remit the license fee and full account of tags issued, unused, voided or missing to the county within fifteen (15) days following the end of the month in which payment was received. Veterinarians shall indicate upon the rabies certificate when an owner refuses to purchase a Marion County animal license tag.

(b) The following classes of animals described in this subsection are required to obtain Marion County animal license tags, but are exempt from licensing fees. The owners of any exempt animal must declare, upon registration and vaccination through a licensed veterinarian in the County, the purpose and intent of maintenance under the following sub-classifications:

(1) Animals maintained or in training as alert status animals for visually handicapped owners, hearing-impaired owners or other physically disabled owners who own or possess specially trained aid animals.

(2) Dogs maintained by law enforcement officials or fire officials for law enforcement work or fire department work respectively.

(c) Persons not issued a Marion County animal license at the time of rabies vaccination shall apply to the Marion County Animal Center for such license within ten (10) days after vaccination against rabies. Evidence of a current rabies vaccination shall be by standard vaccination certificate or by confirmation from the administering veterinarian. The length of time that such license shall remain valid will be based on the date of vaccination against rabies, the duration of effectiveness of the vaccine used, and the fee paid for said license as established by resolution adopted by the board.

(d) The licensing requirements of this chapter shall not apply to visiting dogs and cats that remain in the County for a period of not more than ninety (90) days and for which the owner can provide proof of domicile outside of the County, a current rabies vaccination and any applicable registration required in the jurisdiction of alternate domicile.

(e) The owner of a newly acquired dog or cat shall have ten (10) days to obtain a license for an unregistered animal or notify the Marion County Animal Center of the change in ownership if currently licensed.

(f) All animals required to be licensed shall wear a Marion County animal license tag at all times, unless said animal is implanted with an electronic animal identification device (microchip) provided the microchip identification code is recorded with the Marion County Animal Center. This section shall not apply to dogs who, at the time, are engaged in hunting, training, performing in field trials, or participating in dog shows or other organized events.

(g) No person other than a licensed veterinarian shall remove or cause to be removed from any animal, not owned by such person, an animal license tag without the expressed permission of the animal's owner for the purposes of and duration of activities involving hygiene, grooming, bathing and medical examination or veterinary procedure.

(h) It shall be unlawful for the owner of an animal to (1) refuse or fail to obtain a Marion County animal license for a dog or cat as required in this chapter; (2) fail to attach and display the required tag to the animal's collar or harness as provided in this chapter; (3) for a person to remove a license tag from an animal not their own as provided in this chapter.

(i) Except for fees or charges for licensing, microchipping, or dangerous dog registration, the Director or his/her designee may grant a waiver of a required fee or charge, anytime the owner's animal has been impounded as a direct result of a crime committed against the animal owner and the animal has been referred to the Animal Center by the Ocala Police Department, the Marion County Sheriff's Department, or any other law enforcement department or victim services program.

(j) Except for fees or charges for licensing and microchipping, the Director or his/her designee may grant a waiver of a required fee or charge, once during the animal owner's lifetime for animal owners meeting the Florida Income Eligibility guideline requirements (includes Medicaid, AFDC, Food Stamps, Social Security Disability, WIC, AIDS Foundation, major disability/VA, pay stub with income verification, etc) as long as the impounded animal is not the subject of an animal cruelty or dangerous dog investigation under F.S. §828.073 or F.S. Chapter 767 of this chapter.

Sec. 4-9. Rabies vaccination required.

(a) Every owner of a dog, cat or ferret over the age of four (4) months shall cause such animal to be vaccinated against rabies by a licensed veterinarian with a U.S. government approved vaccine. Every owner of such animals shall cause said animals to be revaccinated against rabies with an approved animal rabies vaccine consistent with the requirements of state law and this chapter as they may be amended from time to time. A dog, cat, or ferret is exempt from vaccination against rabies if a licensed veterinarian has examined the animal and has certified in writing that, at the time, vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. An exempt animal must be vaccinated against rabies as soon as its health permits.

(b) Evidence of such vaccination against rabies shall consist of a rabies vaccination certificate NASPHV Form 51 or an equivalent form approved by the board, signed by the administering veterinarian.

(c) It shall be unlawful for the owner of an animal or anyone having custody or care of an animal to refuse or fail to have a dog, cat or ferret vaccinated against rabies as required in this chapter. It shall be unlawful for any licensed veterinarian who has administered a rabies vaccinations to dogs, cats or ferrets in Marion County to refuse or fail to issue a copy of the rabies vaccination certificate to the animal owner and the Department of Animal Services within fifteen (15) days after the end of the month in which the vaccination was administered.

Sec. 4-10. Control of animals.

(a) It shall be the duty of every animal owner or anyone having custody or care of any animal to ensure that the animal is kept under direct humane control. Reasonable care and precaution shall be taken to prevent the animal from leaving, while unattended, the real property limits of its owner, harbinger or keeper; and the animal is:

(1) Securely and humanely confined within a house, building, fence, pen, or other enclosure with sufficient ventilation; or

(2) Humanely secured by a tether with a swivel hook attached to either a stationary object with a swivel hook or to a trolley assembly of sufficient strength to prevent escape. The tether must be attached to the animal by a properly applied, buckle-type nylon or leather collar, or halter or harness with a swivel hook, and configured so as to protect the animal from injury and prevent entanglement with other objects and/or animals. The tether shall not be attached to a stationary object or trolley at a point or location that would allow the animal to extend the tether over a fence or other object or edge in such manner that could result in the strangulation of or injury to the animal. The length of the tether must be at least the greater of either five (5) times the length of the animal measured from the nose to the tip of its tail, or ten (10) feet. An animal owner shall not leave an animal attached to such a tether, unattended for extended periods, where the length of the tether does not permit the animal access to water and either reasonable shade or shelter as defined herein; or

(3) Leashed under direct control by a responsible person at any time it is not secured as provided in (1) or (2) of this subsection.

(b) It shall be the duty of every animal owner or anyone having custody or care of any animal to ensure that the animal is kept under direct control at all times while the animal is off the real property limits of the owner, harbinger or keeper.

(c) This section shall not apply to dogs at the time they are engaged in hunting, or training, performing field trials, participating in dog shows organized events, or in locations designated by the board of county commissioners as pet play areas, dog parks or exercise areas.

(d) Animal control or enforcement officers shall have the authority to take up, confine, hold and impound any animal and which is found to be running at large or straying. The owner of such animal shall be responsible for the costs of impoundment.

- (e) It shall be unlawful for the owner of an animal or anyone having custody or care of an animal to:
 - (1) Fail to maintain direct control of an animal resulting in a bite or injury to a human being, unless such animal was reacting to a person unlawfully on its owner's property or protecting itself, its owner or keeper from an unjustified attack or assault; or
 - (2) Fail to maintain direct control of an animal resulting in an attack on another domestic animal while off the owner's or keeper's property.
 - (3) Fail to humanely confine a female dog or cat in heat (estrus) in a properly ventilated building or secure enclosure with a top so as to make inaccessible to any male dog or cat, except for controlled and intentional breeding purposes. The animal may not be walked off the owner's property or leasehold during this time.
- (f) All livestock shall be controlled by utilizing fencing or enclosures which shall meet the livestock fencing minimum requirements.

Sec. 4-11. Domestic animals creating a nuisance.

- (a) Without regard to knowledge, intent, or culpability, an owner shall prevent a domestic animal from becoming a nuisance. The Department of Animal Services may impound a domestic animal creating a nuisance. A nuisance includes but is not limited to:
 - (1) A domestic animal that trespasses on public or private property;
 - (2) A domestic animal that causes damage to another person's property;
 - (3) A domestic animal that creates a danger to the public health or safety;
 - (4) A domestic animal that disturbs or turns over garbage containers;
 - (5) A domestic animal that chases or molests vehicles, bicycles, persons, or animals;
 - (6) A domestic animal that displays a menacing or threatening behavior; or
 - (7) A domestic animal that defecates on public or private property other than the owner's property.
- (b) Domestic animals creating noise disturbances.
 - (1) Any animal barking, whining, howling or making objectionable noises that can be clearly heard beyond the boundaries of the owner's property and that continues for a minimum continuous period of 15 minutes may be considered a nuisance. In making a determination whether to cite an animal owner for a nuisance based on a noise-related disturbance, the animal control officer shall exercise his or her sound discretion, based on the totality of the circumstances and upon the standard of a "reasonable objective complainant" in such circumstances.
 - (2) The prohibition against barking, whining, howling and making objectionable noises shall not apply between the hours of 7:00 a.m. and 10:00 p.m. to commercial boarding kennels which are in compliance with the Marion County land development code.
 - (3) This paragraph shall not apply to domestic animals on land zoned for agricultural purposes.
- (c) An owner of any animal, upon the death of such animal, shall dispose of the carcass by burying the carcass at a sufficient depth, of at least two feet below the surface to prevent predators from exhuming the carcass, or by recognized alternate methods of disposal such as cremation, or rendering. An owner shall not dispose of the carcass of any animal by dumping such carcass on any public or private property.

Sec. 4-12. Humane treatment for animals.

- (a) An owner shall provide humane care and treatment to an animal. Humane care includes but is not limited to providing adequate food, adequate water, adequate shelter, adequate space, and veterinary care to maintain health and to prevent or cure diseases.
 - (1) Adequate food means food which is of sufficient quantity and nutritive value to maintain each animal in good health. The owner shall ensure that adequate food is accessible to each animal, is prepared so as to permit ease of consumption for the age, species, condition, size, and type of each animal, is provided in a clean and sanitary manner, is placed so as to minimize

contamination by excrement and pests, and is provided at suitable intervals for the species, age, and condition of the animal, which is at least once daily except as prescribed by a veterinarian.

(2) Adequate water means clean, fresh, potable water. The owner shall ensure that adequate water is provided in a suitable manner, in sufficient volume, and at suitable intervals, at all times to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a veterinarian, and that the water is provided in a clean, durable receptacle, which is accessible to each animal and is placed so as to prevent contamination of the water by excrement and pests.

(3) Adequate shelter means a shelter that is suitable for the species, age, condition, size, and type of each animal, and provides adequate space for each animal, is safe and protects each animal from injury, direct sunlight, other weather elements, adverse effects of heat or cold, physical suffering, and impairment of health.

(4) Adequate space means space that allows an animal to easily sit, stand, lie, turnabout, and make other normal body movements in a comfortable, normal position for the animal. The owner shall ensure adequate space exists so an animal can interact safely with other animals in the enclosure, unless specified by a veterinarian. Nothing precludes veterinary care that temporarily restricts movement if it would endanger an animal.

(b) It shall be unlawful for a person to abandon any animal, dispose of any animal on the property of another or on public property, or to leave behind any animal when relocating to a new residence.

(c) It shall be unlawful for any person to entice or lure an animal out of an enclosure, or off the property of its owner, harbinger or keeper.

(d) It shall be unlawful for any person to molest, torment, torture, abuse, assault, or tease an animal.

(e) No person other than a licensed veterinarian shall crop the ears or dock the tail of any dog. If a person possesses a dog with an ear or ears cut off or cropped, or tail docked, and with the unhealed wound, then that possession is prima facie evidence of a violation of this section, unless the cropping or docking was performed by a veterinarian.

(f) No person other than a licensed veterinarian shall castrate a domestic cat or dog.

Sec. 4-13. Animals in motor vehicles or vessels.

(a) It shall be a violation of this chapter for a motor vehicle or vessel operator to place or confine an animal or allow it to be placed, confined or to remain in an unattended motor vehicle or vessel without sufficient ventilation or under conditions for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to adverse effects of the elements, including but not limited to excessive heat, lack of water or such other circumstances as may be reasonably expected to cause suffering, disability or death.

(b) Any animal control or enforcement officer who finds an animal in a motor vehicle or vessel which appears to be suffering due to adverse effects of the elements may enter the motor vehicle or vessel by using the amount of force which is reasonably necessary to remove the animal. The officer removing the animal shall take said animal or have said animal delivered to the Marion County Animal Center or to a veterinarian if the animal is deemed to be in distress. In the event the motor vehicle or vessel operator cannot be located, the officer shall leave in prominent place in or on the motor vehicle or vessel a written notice bearing the name of the officer, his department's name and telephone number. In addition, the officer shall notify the Department of Animal Services with all pertinent information regarding the incident, including the circumstances under which the animal was taken, and where and when the animal was taken. At the discretion of the investigating officer, the animal may be held while the officer pursues charges of cruelty or may be surrendered to the owner or agent of the owner if the owner or agent claims the animal within the proper impoundment period, demonstrates the ability to provide secure and humane shelter for the animal, and pays all fees and costs accrued for the maintenance of the animal. If the owner does not claim the animal within the proper impoundment period the animal impoundment center having custody of the animal shall provide for the animal to be adopted or otherwise dispose of the animal as deemed necessary.

Sec. 4-14. Impoundment, redemption and adoption.

(a) The Department of Animal Services may place animal trapping cages on private property, with the occupant's or property owner's permission, or on public property within the unincorporated county. An animal trapped or confined shall be in the custody of the Department of Animal Services and it shall be unlawful for any person to remove, disengage, release, relocate, alter, damage or destroy or cause to be removed, disengaged, released, relocated, altered, damaged or destroyed, any trapping cage placed by the Department of Animal Services or any animal confined therein.

(b) Any animal impounded at the Marion County Animal Center shall be maintained in accordance with the following provisions and additional policies adopted by the board by resolution:

(1) In the event any impounded animal not classified as dangerous or being held as the subject of a dangerous dog or cruelty investigation is properly identified by the legal owner or authorized agent of the owner, the animal shall be released to the owner or agent upon payment of all fees as established by the board and all fees incurred by the county on behalf of the impounded animal for the provision of proper care and confinement, providing that concurrence of the county public health unit director or designated representative has been obtained for the release of any animal with rabies or believed to be infected with rabies. In the case of any animal impounded because of a cruelty, neglect, or dangerous dog investigation, such animal may be released to the owner according to the requirements of Section 4-16, and where appropriate, subject to an order to provide care.

(2) In the event any impounded animal is not claimed prior to the expiration of the proper impoundment period, the Department of Animal Services may release, adopt, destroy or otherwise dispose of such animal in accordance with the established laws, rules and regulations and the policies of the board, without any compensation being paid to the owner, providing that concurrence of the county public health unit director or designated representative has been obtained for the release of any animal with rabies or suspected to be infected with rabies.

(3) All dogs and cats being adopted, redeemed or sterilized from the Department of Animal Services shall be implanted with an electronic animal identification device (microchip) for positive identification and be registered with the Department of Animal Services database prior to release, and the Department shall collect the applicable fees for such services.

(4) All dogs and cats having completed rabies quarantine shall be implanted with an electronic animal identification device (microchip) for positive and permanent identification as a condition of quarantine release. All fees for such services shall be the owner's responsibility.

a. Animals quarantined at the Marion County Animal Center shall be implanted with an electronic animal identification device prior to being released to the owner.

b. Animals not quarantined at the Marion County Animal Center shall within ten (10) days from the release of quarantine be implanted with an electronic animal identification device (microchip) by a veterinarian of the owner's choice or the Department of Animal Services.

(5) No live dog or cat shall be released to any entity, business, firm, corporation, institution or enterprise for biomedical research, teaching or experimental purposes.

(6) All owners shall have the right to schedule a visitation of their animal, subject to reasonable limitations on staff availability, at the Marion County Animal Center not more often than three days per week for not to exceed fifteen minutes per day, with the exception of animals that have been impounded as a result of an attack on a human, or where pursuant to determination of a licensed veterinarian, visitation is not advisable. In those cases, no visitation shall be permitted.

Sec. 4-15. Spay/Neuter program F.S. §823.15 expresses a determination of the Florida Legislature that uncontrolled breeding of dogs and cats leads to unwanted animals, strays, animal suffering, destruction of animals at great expense to the community constituting a nuisance and public health hazard. The board of county commissioners hereby finds that:

Marion County is committed to finding humane and cost-effective means of reducing the production of unneeded and unwanted puppies and kittens by:

- a. Assuring compliance with the Florida State Statute providing the sterilization of all adopted and rescued domestic animals prior to their release from Marion County Animal Center. [F.S. §823.15(2)(a)]
- b. Providing low cost spay/neuter services to the pets of Marion County citizens by means of the Neuter Commuter and offering public surgery services within the Marion County Animal Center.
- c. Partnering with the local Humane Society to help meet their spay/neuter obligations.
- d. Providing licensed veterinarians to perform these services.

Sec. 4-16. Damage by dogs; classification of dangerous dogs.

(a) Marion County adopts by reference as a part of this chapter all of Chapter 767, Florida Statutes, as the same may be amended from time to time. In the event of a conflict between chapter 767, F.S. and this chapter, the provisions of the statute shall control. The procedures of this chapter also provide regulations supplemental to Chapter 767, Florida Statutes.

(b) The Department of Animal Services shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person with personal knowledge of the facts asserted therein, including any animal control officer or enforcement officer, desiring to have a dog classified as dangerous. The animal control officer shall be authorized to pick up and impound a dog if probable cause is established as provided in Section 4-7. Upon demonstration to the animal control officer that the owner is able to humanely and safely confine the animal 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 owner shall be in most cases be permitted to retain custody of the dog, or obtain release of the dog from the Animal Services Center, upon payment of any applicable fees and charges. In exceptional cases, notwithstanding receipt of evidence regarding the owner's ability to safely confine the dog, the Department of Animal Services may obtain or retain custody of the dog based on the determination of the animal control officer, based on first hand observations, that the release of the dog to the owner presents an unreasonable risk to the public. The animal control officer shall attempt to obtain a current, valid address of the owner during such investigation, including requiring the owner to provide the owner's correct current street address and phone number and any other contact information of the owner, such as email addresses, which the County may use for all future notices and communications with the owner. The owner shall further advise the animal control officer of the address where the animal resides, if different from the address of the owner. If the owner refuses to provide such information to the animal control officer, the animal control officer shall make a notation of such refusal in the investigation file, and shall advise the owner that such refusal shall be deemed to be a waiver of any claim of lack of notice as to future proceedings or communications from the County. If the owner is currently transient or otherwise has no current street address, it shall be the responsibility of the owner to physically come to the Animal Services Center once every five days to pick up any notifications that relate to the owner.

(c) After the investigation, the Director shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall afford the owner an opportunity for a hearing prior to making a final determination. The Department of Animal Services shall provide written notification of the sufficient cause finding to the owner, by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48, F.S., relating to service of process, to the address previously provided by the owner. The owner may file with the Director, at 5701 SE 66th Street, Ocala, FL 34480, a written request for a hearing within 7 calendar days from the date of receipt of the notification of the sufficient cause finding. The owner's request for hearing shall, even if previously given as provided above, state the owner's correct current street address, phone number, fax number, and, if available, email address, where the owner agrees to receive notices of hearing, and other communications from the Department of Animal Services. If requested, the hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than 10 days after receipt of the request from the owner.

(d) The Director shall mail a notice of hearing to the owner by registered mail at the mailing address shown on the owner's request for hearing. The notice of hearing shall advise the owner that, **if a person decides to appeal any decision made by the Director as a result of the hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.** If a facsimile number or email address has also been provided by the owner, the notice shall also be provided by those means as well. Failure of the owner to receive either facsimile or email notice shall not however be deemed to be insufficient notice where the notice of hearing has been properly addressed, and sent by registered U.S. mail for delivery to the owner. The Director shall see that the mail notice of hearing is mailed at least seven days before the hearing. The notice shall specify the date, time, and location of the hearing. Proof by affidavit of the mailing of such notice, as provided for herein, shall be deemed to be prima facie evidence of sufficient notice of hearing. The Director or the Dog Classification Board, as provided below, shall conduct the hearing on or after the eleventh day and on or before the twenty-first day after receipt of the request. If the owner fails to timely request a hearing, the owner shall be deemed to have waived his or her rights to contest the dangerous dog classification, the Director's initial determination shall become the final determination that the dog shall be classified a dangerous dog, without requirement for a hearing.

(e) The Board of County Commissioners may, by resolution, create a Dog Classification Board, comprised of five appointed members and one alternate, for the purpose of conducting hearings and presenting Recommended Orders to the Director prior to the final determination.

(1) Each County Commissioner shall appoint one member to the Dog Classification Board, and the Chair, with the concurrence of a majority of the other County Commissioners shall also appoint the alternate member. The Dog Classification Board shall be comprised of members who do not currently sit on any other elected or appointed board in Marion County, and who, to the extent such are available for appointment, demonstrate by training, education, experience or employment, both an interest in animal welfare and control, and the objectivity and demeanor to fairly hear dog classification cases. The Dog Classification Board, as provided for herein, shall be established within sixty (60) days of the effective date of this ordinance, and upon its creation, shall replace the current Dog Classification Board.

(2) The nature of the hearing before the Dog Classification Board shall be an informal adversarial proceeding in which formal rules of evidence do not apply. The parties may be represented by counsel at their own expense, and shall be afforded the opportunity to present evidence, and to cross-examine adverse witnesses. Witness testimony shall be given under oath. It shall be the responsibility of the owner to ensure the preparation of a verbatim transcript of the hearing in the event the owner desires to appeal the final determination in the case. Following the hearing, the Dog Classification Board shall transmit a Recommended Order to the Director. The Recommended Order must recite the essential findings of fact and conclusions of law upon which the recommendation is based. The Recommended Order must be supported by competent, substantial evidence on the record of the hearing. Hearsay evidence shall be admissible in the hearing, but a finding of fact may not be based solely on hearsay evidence. The owner shall be permitted to submit to the Director an alternate Recommended Order, with citations to the record supporting his or her position. The Director shall have the discretion, on a given case, to forego the procedure of the Dog Classification Board, and personally convene a hearing using the foregoing procedural rules, before entering a final written decision.

(f) Following the hearing, the Director shall render a written final decision. The decision shall be deemed rendered when it is filed with the Clerk of Court in County Commission Records. The Director shall have the discretion to not adopt the Recommended Order if it is not supported by competent substantial evidence, or, if the Director cites to other compelling substantial evidence that justifies a different result. The Director shall provide a copy of the final decision to the owner by regular U.S. Mail delivery at the address previously provided by the owner if the decision is that the dog is not found to be dangerous. In the event that the final decision is that the dog is a dangerous dog, that decision shall be the classification of the dog as a dangerous dog, and shall be delivered to the owner in accordance with paragraph (g), below. An owner with no mailing address shall make

arrangements to physically come and pick up the written decision from the Department of Animal Services.

(g) Once a dog is classified as a dangerous dog, the Director shall provide written notification to the owner by registered mail, certified hand delivery or service to the address provided by the owner's request for hearing, and the owner may file a written request for a hearing in the county court to appeal the classification within 10 business days after receipt of a written determination of dangerous dog classification and must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal. In exceptional cases, notwithstanding receipt of evidence regarding the owner's ability to safely confine the dog, the Animal Services Department may obtain or retain custody of the dog based on the determination of the animal control officer, based on first hand observations, that the release of the dog to the owner presents an unreasonable risk to the public.

(h) The Animal Services Department may not classify a dog as dangerous if an attack occurred while the person alleged to have been attacked was unlawfully on the property of the dog's owner.

(i) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human being or another animal including livestock within the immediate vicinity of the dog from an unjustifiable attack or assault.

(j) Within fourteen (14) days after a dog has been classified as dangerous the owner of the dog must obtain a certificate of registration for the dog from the Department of Animal Services, upon payment of any and all fees established by the board, and annually thereafter renew the certificate of registration upon payment of any and all renewal fees. Only a person who is at least eighteen (18) years of age, and presents the following evidence, may obtain the certificate of registration for a dog classified as dangerous:

- (1) A current certificate of rabies vaccination signed by a licensed veterinarian for the dog.
- (2) A current county animal license for the dog.
- (3) Proper confinement for the dog classified as dangerous as defined in this chapter.
- (4) The posting of the confinement property with clearly visible warning signs at all entry points that inform both children and adults of the presence of a dangerous dog on the property. Signs may be obtained from the Department of Animal Services, upon payment of any and all sign fees established by the board of county commissioners, which signs shall include the words, "Warning: Dangerous Dog." [F.S. §767.12(2)(b)]
- (5) Permanent identification of the dog, by means of microchip implantation.
- (6) Two (2) current color photographs showing the color and size of the dog.
- (7) Surgical sterilization of the dog.

It shall be unlawful for an owner of a dangerous dog to fail to obtain a certificate of registration as provided in this section.

(k) It shall be unlawful for the owner to fail to immediately notify the Department of Animal Services when the dog classified as dangerous:

- (1) Is loose, unconfined or missing.
- (2) Has bitten a human being or attacked another animal including livestock.
- (3) Dies.
- (4) Is moved to another address. The owner of the said dangerous dog must notify Department of Animal Services prior to relocating the dog.

The animal control authority in the new location must be notified by the owner of a dog classified as dangerous that the dog is in that authority's jurisdiction.

(l) 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 rated to withstand the weight and strength of the dog, and under the control of a competent adult physically able to restrain the dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but will prevent it from biting any person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within the owner's sight and only members of his immediate household or persons eighteen (18) years of

age or older are allowed in the enclosure when the dog is present. When being transported, the classified dangerous dog shall be safely and securely restrained within a vehicle, which vehicle shall be posted with warning signs that a dangerous dog is in the vehicle. It shall be unlawful for a person to use a dog classified as dangerous for hunting or herding purposes.

(m) Any person who violates any provision of this section is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500. [F.S. §767.12(7)]

(n) As a condition to each dog's classification, any animal control officer shall, at any reasonable hour, have the right to inspect the owner's premises to determine compliance with Chapters 767 and 828, Florida Statutes, and this chapter. It shall be unlawful for an owner to deny the animal control officer or enforcement officer access to inspect the outside of the owner's premises to determine compliance as provided in this section. If authorized by a warrant issued by a court of competent jurisdiction, an animal control officer or enforcement officer shall be permitted to inspect the inside of the owner's premises.

(o) This section does not apply to dogs used by law enforcement officials for law enforcement work.

(p) The Marion County Animal Center shall not release any dog subject to a dangerous dog investigation unless the owner presents evidence of their ability to safely confine the dog as provided above, and that all fines and fees related to such dog have been paid. If the owner fails to make payment of all fines and fees within fourteen (14) days of the completion of all hearings and appeals, the dog shall be considered abandoned by the owner and thereafter destroyed in an expeditious and humane manner.

Sec. 4-17. Attack or bite by dangerous dog; penalties, confiscation, destruction. [F.S. §767.13]

(a) If a dog that has previously been classified dangerous attacks or bites a person or a domestic animal including livestock without provocation, the owner is guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

In addition, the dangerous dog shall be immediately confiscated by the animal control authority, placed in quarantine, if necessary, for the proper length of time or impounded and held for ten (10) business days after the owner is given written notification of the initial determination, according to the procedure in Section 4-16, that the dangerous dog has violated this subsection and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing before a final determination, pursuant to the procedures of Section 4-16, whether the dangerous dog has violated this subsection. Following notification to the owner that a final determination has been made of violation of this subsection, the owner shall have the right to appeal that determination to the County Court, according to the procedure in Section 4-16. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

(b) If a dog that has not been declared dangerous, attacks and causes severe injury to or death of any human, the dog shall be immediately confiscated by the animal control authority, placed in quarantine, if necessary, for the proper length of time or held for ten (10) business days after the owner is given written notification of the initial determination, according to the procedure in Section 4-16, that the dangerous dog has violated this subsection and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing before a final determination, pursuant to the procedures of Section 4-16, whether the dangerous dog has violated this subsection. Following notification to the owner that a final determination has been made of violation of this subsection, the owner shall have the right to appeal that determination to the County Court, according to the procedure in Section 4-16. 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 section 775.082 or section 775.083, Florida Statutes.

(c) If a dog that has previously been classified 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 section 775.082, section 775.083, or section 775.084, Florida Statutes.

(d) If the owner files a written appeal, the dog must be held and may not be destroyed while the appeal is pending.

Sec. 4-18. Property owner's liability; probable cause; civil infractions and citations.

Property owners may be determined to be in violation of this chapter or held liable for the actions or lack of compliance of this chapter by the occupant(s) of their properties if the Department of Animal Services has informed both parties and the violations 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 violation of the regulations of this chapter shall be a civil infraction punishable by a maximum civil penalty not to exceed five hundred dollars (\$500.00) per violation. A citation shall be issued by an 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 two (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. §828.27(6) concerning mandatory court appearances; the court, upon request of the animal control officer, may issue an order to show cause. 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. 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; second or subsequent violations of local animal cruelty laws; or violations resulting in the issuance of a third or subsequent citation to a person. Persons required to appear in court do not have the option of paying the fine instead of appearing in court.

Sec. 4-1920. Chapter to be liberally construed.

This chapter is to be liberally construed in order to effectively carry out the purposes which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the County.

SECTION 2. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

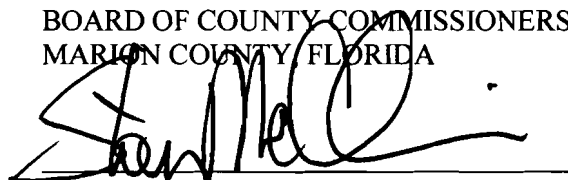
SECTION 3. REPEAL OF ORDINANCES. All ordinances or parts of ordinances, in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

SECTION 4. INCLUSION IN COUNTY CODE. It is the intent of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

SECTION 5. EFFECTIVE DATE. A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in F.S. § 125.66(2)(b).

DULY ADOPTED this 18th day of October, 2011.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA


STAN McCLAIN, CHAIR

ATTEST:



DAVID R. ELLSPERMANN, CLERK

RECEIVED NOTICE FROM
SECRETARY OF STATE ON
NOVEMBER 2, 2011 THAT ORDINANCE
WAS FILED ON OCTOBER 27, 2011.