

LEGISLATIVE #

100624

Below is the change that Mr. Livingston explained was the ordinance change made after the city had requested reference the dog violence.

Sec. 72.17.5. - Requirements for dogs declared dangerous after August 23, 2011.

(a)

On or before the fourteenth day after the date of notification of the classification of a dog as dangerous, the owner of the dog shall obtain a certificate of registration and a dangerous dog tag or collar from Animal Services. The owner shall renew the certificate annually. Animal Services is authorized to issue such certificates of registration and renewals only to persons who have attained at least 18 years of age and who present to Animal Services sufficient evidence of:

(1)

A current certificate of rabies vaccination for the dog;

(2)

A proper enclosure for a dangerous dog;

(3)

Warning signs that are clearly visible from all entry points and inform both children and adults of the presence of a dangerous dog on the property;

(4)

Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation;

(5)

Surgical sterilization of the dog, unless a veterinarian certifies in writing that sterilizing the animal would be injurious to the animal's health. If the health condition of the animal is of a temporary nature, then the owner shall employ a veterinarian to sterilize the animal immediately after the health condition has been corrected; and

(6)

Two color photos of the dog in two different poses showing the color and size of the animal; and

(7)

Fee simple ownership of the property upon which the dangerous dog and enclosure are located or, alternatively, permission to locate the dangerous dog and enclosure on the property from the fee simple owner of the property; and

(8)

Liability insurance maintained in a minimum amount of \$500,000 aggregate/ \$250,000 per incident, for each dangerous dog, for damage or injury caused by the dangerous dog. Owner shall provide a Certificate of Insurance to the County with a 30-day notice of cancellation. Certificate holder: Alachua County Board of County Commissioners, Alachua County Animal Services, 3400 N.E. 53rd Avenue, Gainesville, Florida, 32609.

(b)

The owner shall secure the dangerous dog collar or tag around the dog's neck so that it is clearly visible at all times.

(c)

If an owner does not comply with the requirements of subsection (a) of this section, then Animal Services may confiscate the dangerous dog. On or before the tenth calendar day after the date the dangerous dog is confiscated, Animal Services shall give the owner written notification by certified mail, certified hand delivery, or service in accordance with F.S. Ch. 48, that the dangerous dog was confiscated and that the owner may request a hearing provided by 72.15. If no hearing is requested, then permanent custody vests with Animal Services. If the Hearing Officer determines that the owner was in compliance at the time of the confiscation or has since come into compliance with the requirements for dangerous dogs, then Animal Services shall release the dangerous dog back to the

owner. The owner of a dangerous dog who was not in compliance at the time of the confiscation but came into compliance before the hearing must pay all fees due to Animal Services, including board for the days leading up to the hearing, before the dog will be returned to the owner. If the Hearing Officer determines that the owner has not complied with the requirements for dangerous dogs, then permanent custody vests with Animal Services ten days after the date of service of the ruling on the owner.

(d)

The owner shall immediately notify Animal Services when a dog that has been classified as dangerous:

(1)

Becomes loose or unconfined;

(2)

Attacks a human being or another companion animal; or

(3)

Dies.

(e)

The owner shall immediately notify Animal Services if the owner moves to another address with the dangerous dog. If the owner moves to a different jurisdiction, then the owner shall notify the enforcement officer of the new jurisdiction that the dog has been classified as dangerous.

(f)

The owner shall immediately notify Animal Services if the owner is going to sell or give away the dangerous dog. Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to Animal Services. The new owner shall comply with all of the requirements of this chapter that relate to dangerous dogs, even if the animal is moved from the jurisdiction of this chapter to another local government jurisdiction within the state.

(g)

The owner shall immediately notify Animal Services if the owner believes that the dangerous dog has been stolen.

(h)

The owner of a dangerous dog shall not permit the dog to be outside of the proper enclosure for a dangerous dog, unless the dog is muzzled and restrained by a substantial leash and under physical control of a competent person. The owner shall use a muzzle that is made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but prevents the dog from biting any person or animal. The owner may exercise the dog on the owner's property in a securely fenced or enclosed area that does not have a top, without a muzzle or leash on the dog, if the dog remains within the owner's sight and only members of his immediate household or persons 18 years of age or older are allowed in the enclosure when the dog is present. While transporting the dangerous dog, the owner shall restrain the dog safely and securely within a vehicle.

(i)

An owner of a dangerous dog shall not use the dog for hunting purposes.

(j)

The provisions of this chapter relating to dangerous dogs do not apply to dogs used by law enforcement officials for law enforcement work.

(k)

The provisions of this section shall be applicable to dogs declared dangerous by Animal Services on or after August 23, 2011, and also to dogs declared dangerous by another Florida county in accordance with Chapter 767, Florida Statutes, on or after August 23, 2011.

(l)

Animal Services may impound a dog declared dangerous pursuant to this section at any time and may hold the dog until conclusion of all appeals. During this time, Animal Services may charge boarding and other fees for the care and maintenance of the dog while the owner appeals the dangerous dog classification. The owner will be billed monthly for the boarding costs. At the conclusion of all appeals, the owner has 14 calendar days to come into compliance with the dangerous dog requirements. If the owner is not in compliance, then custody shall vest with Animal Services in accordance with subsection (c) herein.

(m)

The county may seek an injunction from a court of competent jurisdiction to enforce the requirements of this section.

(Ord. No. 06-01, § 5, 1-24-06; Ord. No. 11-07, § 15, 8-23-11)