



Interoffice Memorandum

AGENDA ITEM

October 17, 2018

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

THRU: Linda Weinberg, Acting Deputy County Administrator
County Administrator's Office *L. Weinberg*

FROM: John Goodrich, Acting Director *J. Goodrich*
Health Services Department

SUBJECT: Animal Services Updated Resolution
Consent Agenda - October 30, 2018

Over the last several years, the Animal Services Division has undertaken a number of initiatives to increase pet adoptions in Orange County. This has led to five consecutive years of record adoptions at Animal Services. In order to make these changes permanent, we are requesting approval of a revised Animal Services Resolution, which will replace Resolution, 2005-M-17, which was approved by the Board on July 12, 2005. Below is a summary of the revisions to the resolution.

- Registered rescue groups will no longer be required to pay a \$25 annual fee as well as a \$15 adoption fee for each animal they take.
- Animal Services will no longer be required to verify residential pet leases and paid pet deposits.
- Adopter history and animal welfare criteria will be added to the adopter screening process.
- The mandatory fee-indexing requirement will be removed.

The Animal Services Advisory Board reviewed and unanimously concurred with the revisions at their April 2018 meeting.

ACTION REQUESTED: Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Animal Services; updating and restating unchanged portions of Resolution 2005-M-17, pertaining to Animal Services; establishing fees for impoundment, veterinary services, Animal Services Clinic; dangerous and potentially dangerous dog registrations; and associated fees; registration of commercial kennels and pet dealers and associated fees; establishing a schedule of civil penalties for violations of the Animal Services Ordinance; providing for a surcharge on citations issued pursuant to the Animal Services Ordinance; establishing an Animal Services Classification Committee; establishing an Animal Services Advisory Board; and providing for an effective date.

JG/sb

Attachment

C: Dil Luther, Division Manager, Animal Services Division

RESOLUTION

of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding
**ANIMAL SERVICES; UPDATING AND RESTATING
UNCHANGED PORTIONS OF RESOLUTION 2005-M-17,
PERTAINING TO ANIMAL SERVICES; ESTABLISHING FEES
FOR IMPOUNDMENT, VETERINARY SERVICES, ANIMAL
SERVICES CLINIC; DANGEROUS AND POTENTIALLY
DANGEROUS DOG REGISTRATIONS AND ASSOCIATED
FEES; REGISTRATION OF COMMERCIAL KENNELS AND
PET DEALERS AND ASSOCIATED FEES; ESTABLISHING A
SCHEDULE OF CIVIL PENALTIES FOR VIOLATIONS OF THE
ANIMAL SERVICES ORDINANCE; PROVIDING FOR A
SURCHARGE ON CITATIONS ISSUED PURSUANT TO THE
ANIMAL SERVICES ORDINANCE; ESTABLISHING AN
ANIMAL SERVICES CLASSIFICATION COMMITTEE;
ESTABLISHING AN ANIMAL SERVICES ADVISORY BOARD;
AND PROVIDING FOR AN EFFECTIVE DATE.**

Resolution No. 2018-_____

WHEREAS, the Orange County Board of County Commissioners ("BCC") on July 12, 2005, approved Orange County Ordinance No. 2005-07, entitled "Orange County Myles Leakes Animal Services Ordinance" which amended Chapter 5, Article II, Orange County Code; and

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

WHEREAS, on July 12, 2005 the BCC adopted Resolution No. 2005-M-17, which established rules and regulations to implement and carry out the provisions of the Animal Services Ordinance; and

WHEREAS, the BCC desires to update some of the fees and adoption procedures as well as restate the unchanged portions of Resolution No. 2005-M-17.

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

Section 1. Impoundment and Board Fees. Pursuant to Section 5-34, Orange County Code, the Board of County Commissioners hereby establishes the following impoundment and board fees:

- | | | |
|-----|--------------------|---------|
| (a) | First impoundment | \$15.00 |
| (b) | Second impoundment | \$25.00 |
| (c) | Third impoundment | \$40.00 |
| (d) | Daily board fee | \$10.00 |

Impoundment fees may be waived, if owner agrees to have animal sterilized or by direction of the Manager, Animal Services Division or his/her designee.

Section 2. Animal Service Clinic Fees. Pursuant to Section 5-44, Orange County Code, the Board of County Commissioners hereby establishes the following fees for services provided by the low-cost spay/neuter clinic:

- (a) Sterilization:

CATS		DOGS	
Male	\$10.00	Male	\$15.00
Female	\$20.00	Female	\$25.00

- (b) Rabies vaccinations: \$5.00

(c) Orange County residents whose income meets the 100% federal poverty level standard, or who receive Medicaid benefits may have their animal spayed or neutered without charge.

Section 3. Dangerous and Potentially Dangerous Dog Fees. Pursuant to Section 5-39, Orange County Code, the Board of County Commissioners hereby establishes the following annual fees for obtaining and renewing a certificate of registration for a dangerous or potentially dangerous dog:

- | | | |
|-----|---------------------------|----------|
| (a) | Dangerous Dog | \$500.00 |
| (b) | Potentially Dangerous Dog | \$250.00 |

Section 4. Disposal/Euthanasia fee. Pursuant to Section 5-36, Orange County Code, the Board of County Commissioners hereby establishes the following fees for disposal or euthanasia of owned animals:

- | | | |
|-----|---|---------|
| (a) | Disposal of dead animal | \$15.00 |
| (b) | Euthanasia of owned animal (at owner's request) | \$15.00 |

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

- | | | |
|-----|---|---------|
| (a) | Fees (Includes initial Rabies vaccinations): | |
| | (1) Cats | \$40.00 |
| | (2) Dogs | \$55.00 |
| | (3) Ferret | \$40.00 |
| | (4) Other Animals (Rabbit, hamster, guinea pig) | \$15.00 |

Adoption fees may be waived or reduced by direction of the Animal Service Division Manager.

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

- (1) Each prospective adopter shall be required to complete an Animal Services adoption questionnaire.
- (2) Animal Services Division reserves the right to screen potential adopters for appropriateness or suitability based upon animal characteristics, animal welfare and adopter history.
- (3) No adoption will be made to any person who has had an animal impounded by the Animal Services Division more than once in any twelve (12) month period of time. Prospective adopters who have received a citation for an Animal Services Division ordinance violation will be evaluated on a case-by-case basis.
- (4) Any person who adopts an animal from the Animal Services Division will be required to sign a release form.
- (5) All dogs and cats will be spayed or neutered prior to release for Adoption unless an exception is granted at the discretion of the Animal Services Division Manager, or his or her designee based on a recommendation from the Animal Services Division contract or staff veterinarian.
- (6) Breed rescue organizations which have paid their annual registration fee of twenty-five (\$25.00) shall pay fifteen dollars (\$15.00) per animal, which includes initial rabies inoculation.

(c) Custody of any dog or cat offered for adoption may be transferred without deposit to a licensed veterinarian or other humane organization upon agreement that such entity shall surgically sterilize the transferred animal prior to placement. If a

licensed veterinarian or other humane organization adopts a dog or cat, then administration of the requirements set forth in paragraph (b) shall be the responsibility of such veterinarian or organization accepting the animal. An adoption fee shall be as determined by adopting veterinarian or organization and may be retained by them.

(d) Breed rescue groups and other animal rescue organizations and individuals must execute a Rescue Agreement Contract with the Animal Services Division annually. The contract will be reviewed by the Animal Services Division to ensure the rescuer is sufficiently established to receive dogs, cats or other domestic animals from the Animal Services Division. Upon approval of the contract, the rescuer may receive dogs and/or cats. The rescuer must still pay the fifteen dollars (\$15.00) Rescue fee, which includes the initial rabies vaccination.

(e) An animal may not be adopted, transferred, or rescued from the Animal Services Division Shelter if:

(1) animal shows any signs of aggression while in the shelter's possession, or

(2) The personnel of the division has knowledge of previous aggression by the animal, or

(3) An animal is suffering from an illness or an injury and, because of such, the Animal Services Division determines that the adoption would not be in the best interests of the animal and/or of the public, or

(4) An animal is determined to be inappropriate or unsuitable by the Manager of the Animal Services Division or his/her designee.

Section 6. Veterinary and Additional Medical Services. Pursuant to Section 5-44, Orange County Code, the Board of County Commissioners hereby establishes the following Veterinary and medical service fees (these fees are only applicable regarding those animals adopted from the Animal Service Division or served by the Spay/ Neuter Clinic):

- | | | |
|-----|----------------------------------|---------|
| (a) | Veterinarian Consultation | \$15.00 |
| (b) | Antibiotics (one week treatment) | \$15.00 |
| (c) | Identification Chip | \$15.00 |

Section 7. Commercial Kennel and Pet Dealer Registration. Pursuant to Section 5- 40, Orange County Code, the Board of County Commissioners hereby establishes the following Orange County Commercial Kennel and Pet Dealer registration fee:

Yearly Registration Fee	\$25.00
-------------------------	---------

Section 8. County Trap Fee. Pursuant to Section 5-41, Orange County Code, the Board of County Commissioners hereby establishes a five dollar (\$5.00) per day fee for the use of a County trap. In the event a trap is either stolen or damaged, the Animal Services Division will charge the user of said trap for the repair or replacement of said trap, based on current repair or replacement cost. Traps shall not be set for more than ten (10) consecutive days at one location.

Section 9. Citation. Pursuant to Section 5-31 Orange County Code, the Board of County Commissioners hereby establishes the following guidelines pertaining to issuance of citations:

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

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

Section 10. Violations and Penalties. Pursuant to Section 828.27, Florida Statutes, and Section 5-50, Orange County Code, the Board of County Commissioners hereby establishes the following schedule of civil penalties for violation of Chapter 5, Article II, Orange County Code, by any person who does not contest a citation and is not mandated to appear in court:

CATEGORY I:

Violations:

- (1) Refuse to surrender an animal upon lawful demand.
- (2) Fail to comply with the provisions of the dangerous or potentially dangerous dog classification.
- (3) Fail to notify the Animal Services Division that a dangerous or potentially dangerous dog has been brought into Orange County.

- (4) Fail to control a previously declared dangerous or potentially dangerous dog, resulting in an unprovoked attack or bite.
- (5) Fail to control an animal, declared as dangerous, resulting in severe injury to a human being or another animal.
- (6) Fail to properly use a restraining device.
- (7) Fail to quarantine an animal which has bitten, or believed to have bitten, or is suspected of carrying rabies.
- (8) Treat any animal in a neglectful manner.
- (9) Abandon any animal.
- (10) Fail to control an animal, resulting in an animal biting a human being, unless reacting to a person unlawfully on the property.
- (11) Fail to confine a female dog or cat in heat (estrus).
- (12) Sell, purchase or obtain a dog or cat for the purpose of consumption or to consume a dog or cat.
- (13) Fail to trap by humane standards or allow an animal to remain within a trap for a period of time that is detrimental to the animal.
- (14) Transport an animal in an open vehicle without proper restraint/confinement.

Penalties:

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

CATEGORY II:

Violations:

- (1) Fail to cooperate or to interfere with the Animal Services Division officers or employees.
- (2) Entice, lure, seize, molest, or tease an animal from the owner's property.
- (3) Permit an animal to constitute a nuisance by engaging in habitual or repeated bothersome noises.
- (4) Permit an animal to constitute a nuisance by allowing such animal to chase vehicles, humans, other animals, or run at large.
- (5) Permit an animal to constitute a nuisance by acting in an aggressive manner.
- (6) Permit an animal to constitute a nuisance by damaging or destroying public or private property.
- (7) Permit an animal to constitute a nuisance by causing a serious annoyance.
- (8) Permit an animal to constitute a nuisance by being an unwelcome guest on private property.
- (9) Fail to remove excreta from animal owner's property, resulting in offensive odors.
- (10) Fail to complete responsible pet education hours, when such course of education has been required pursuant to this Resolution or the Orange County Code.
- (11) Fail to comply with the provision or requirements for Commercial Kennel or Pet Dealer registration.

Penalties:

First offense	\$ 50.00	\$100.00
Second offense	\$175.00	\$250.00
Third and subsequent offense	Mandatory court appearance	

CATEGORY III:

Violations:

- (1) Possess or use a stolen, invalid, counterfeit or forged certificate, tag, or other document
- (2) Refuse or fail to obtain a rabies license tag for a dog, cat, or ferret.
- (3) Fail to attach and display a rabies license tag to a dog, cat, or ferret's collar and failure to require the animal to wear the collar, unless confined inside the owner's residence.
- (4) Fail to dispose of the remains of an animal within twenty-four (24) hours of the known time of death or discovery of death of animal.
- (5) Deposit or leave a dead animal on public property or the private property of another person.
- (6) Fail to obtain permission from the Animal Services Division to trap.
- (7) Fail to remove any excreta deposited upon public property or another person's private property.
- (8) Leave or deposit in any common street, lane or thoroughfare or yard or enclosure, any poisonous or injurious substance to injure or kill an animal.
- (9) Crop a dog's ears or crop a dog's tail, except through the services of a veterinarian.

- (10) Sell or purchase for feed purposes, or to feed, any animal except vermin to constrictor snakes.
- (11) Dye or color artificially any animal or fowl, including but not limited to, rabbits, baby chickens and ducklings.
- (12) Sell, offer for sale, or give away for purposes of premiums, pets or toys, any baby chicken, duckling, or other fowl under four (4) weeks of age or rabbit under two (2) months of age.
- (13) Kill, attempt to kill, attempt to capture, molest, maim, injure, sell or offer for sale any wild bird or to mutilate, destroy or take possession of eggs of wild birds within the county.
- (14) Any additional violations of Chapter 5, Article II, Orange County Code, which are not categorized herein.

Penalties:

First offense	\$75.00
Second offense	\$150.00
Third offense	\$250.00
Fourth or subsequent offense	Mandatory court appearance

(d) Any subsequent offense committed by an owner, co-owner or keeper within the same household, within twelve (12) months of a previous offense of the same violation shall incur a civil penalty of the next tier or level of offense.

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

Section 11. Responsible Pet Ownership Class

(a) Pursuant to Section 5-51, Orange County Code, the Board of County Commissioners hereby establishes a four (4) hour Responsible Pet Ownership Class, to be taught by Animal Services staff or their designee. This class is to be offered periodically to any citizens wishing to reclaim a dangerous or potentially dangerous dog, pursuant to Section 5-32; to all citizens pursuant to Section 5-51 who have received a Category I or II citation; to any citizen wishing to have an initial Category III citation waived by the division manager.

(b) Class curriculum shall include, but is not limited to, the following:

- (1) Review of Animal Services Ordinance
- (2) Rabies Vaccination Information
- (3) Dog and cat bite prevention
- (4) Dog and cat behaviors
- (5) Pet Care and Responsibilities

Section 12. Animal Services Classification Committee: Pursuant to Section 5-32, Orange County Code, the Board of County Commissioners hereby establishes an Animal Services Classification Committee. The Animal Services Classification Committee is an advisory board as defined in Section 2-203, Orange County Code, and is subject to the requirements found in Article V of Chapter 2 of the Orange County Code.

(a) The Animal Services Classification Committee shall consist of seven (7) members appointed by the Board of County Commissioners. The responsibilities of the Animal Services Classification Committee shall be as set forth in Section 13(f) and 13(g)

of this Resolution. In conducting reviews or appeals pursuant to Section 13(f) of this Resolution, the Committee shall apply State statutes and the County code relating to dangerous and potentially dangerous dogs when considering a case before them. The following areas of expertise or experience are desirable for members of the Animal Services Classification Committee:

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

Veterinarian

Society for the Prevention of Cruelty to Animal of Central Florida
(S.P.C.A. of Central Florida), Inc. Representative

Obedience trainer or handler

Three (3) members of the public

Two additional members of the public may be appointed as alternate members to serve when regular members are not available for a particular meeting. Alternate members shall only vote when the seven regular members are not present. All appointments of members to the Animal Services Classification Committee shall be for a term of two (2) years, expiring on December thirty-first. The Administrative Assistant to the Animal Services Division Manager or designee shall function as secretary to the Animal Services Classification Committee, but shall not be considered a member of the Animal Services Classification Committee. The secretary or designee shall keep minutes of each meeting of the Animal Services Classification Committee that reflect the identification of topics discussed, motions made and votes taken. Minutes shall be submitted in accordance with Administrative Regulation 2.09.01.

(b) (1) The Animal Services Classification Committee shall meet as often as necessary. All meetings shall be open to the public. Special meetings may be called by the Chairman or Vice-Chairman or by any three members of the Committee in accordance with Administrative Regulation 2.09.01.

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

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

(d) The Animal Services Division Manager or his or her designee shall act as an advisor to the Classification Committee.

(e) The Animal Services Classification Committee shall, within five (5) working days of the referral, review each completed investigation and initial classification that is referred to the Committee by the Animal Services Division Manager or his or her designee pursuant to Section 5-32, Orange County Code, regarding an incident involving a dog that may be dangerous, potentially dangerous, or not declared dangerous or potentially dangerous. The Animal Services Classification Committee shall, after review, determine whether the initial classification of the dog as dangerous or potentially dangerous pursuant to Section 5-32, Orange County Code, as a

dangerous or potentially dangerous dog pursuant to Chapter 767, Florida Statutes, shall stand or whether the complaint fails to meet the applicable criteria.

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

Section 13. Animals Services Advisory Board. Pursuant to Section 5-48, Orange County Code, The Board of County Commissioners hereby establishes an Animal Services Advisory Board to assist and advise it in carrying out an effective and comprehensive Animal Services program. The Animal Services Advisory Board is an advisory board as defined in Section 2-203, Orange County Code, and is subject to the requirements found in Article VI of Chapter 2 of the Orange County Code.

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

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

(b) (1) The Animal Services Advisory Board shall consist of seven
(7) members appointed by the Board of County Commissioners.

The membership of the Animal Services Advisory Board may include representatives of the following agencies or professions:

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

Veterinarian

Society for the Prevention of Cruelty to Animals of Central Florida (S.P.C.A. of Central Florida), Inc.

Attorney

Three (3) at large appointments from the public

- (2) All appointments of members to the Animal Services Advisory Board shall be for a term of two (2) years, expiring on December thirty-first.
- (3) Members of the Animal Services Advisory Board shall receive no compensation for the performance of their duties hereunder, but each member shall be reimbursed for necessary expenses incurred while engaged in the performance of such duties, pursuant to Section 112.061, Florida Statutes.
- (4) The Administrative Assistant to the Animal Services Division Manager or designee shall function as the secretary to the Animal Services Advisory Board, but shall not be considered a member of the Animal Services Advisory Board. The secretary or designee shall keep minutes of each meeting of

the Animal Services Advisory Board that reflect the identification of topics discussed, motions made and votes taken. Minutes shall be submitted in accordance with Administrative Regulation 2.09.01.

- (5) a. The Animal Services Advisory Board shall meet at least quarterly. All meetings shall be open to the public. Special meetings may be called by the Chairman or Vice-Chairman or by any three members of the Committee, in accordance with Administrative Regulation 2.09.01.
- b. The Chairman shall be responsible for preparing the meeting agenda. The Animal Services Division Manager shall aid the Chairman in preparing and distributing the agenda, which, except for special meetings, shall be provided to each member of the Animal Services Advisory Board at least five (5) days before the next meeting date. The Animal Services Division Manager and any member of the Animal Services Advisory Board may request that an item be placed on the agenda by notifying the Chairman prior to the preparation of the agenda.
- c. Four (4) members of the Animal Services Advisory Board shall constitute a quorum. Recommendation and decisions of the Animal Services Advisory Board must be made by a majority vote of those present.

d. The Animal Services Division Manager or his or her designee shall attend all meetings of the Animal Services Advisory Board, but shall not vote on any matters.

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

(6) All recommendations of the Animal Services Advisory Board shall be reduced to writing and shall be forwarded to the Animal Services Division Manager and appropriate Department Director for review.

Section 14. Repeal of Resolution 2005-M-17. Resolution 2005-M-17 is hereby repealed.

Section 15. Severability. If any provision of this Resolution, or any fee, cost, charge or penalty contained herein, is found invalid by any court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

Section 16: Effective Date. This Resolution shall take effect upon Adoption.

ADOPTED this ____ day of _____, 2018.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs,
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

BY: _____
Deputy Clerk

S:\SMohiuddin\ORDRES\Animal Services Updated Resolution.doc