

## Sec. 14-31. - Definitions.

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

*Adult animal* means any dog or cat over the age of six months.

*Animal* for the purpose of enforcement by animal control officers acting pursuant to this article in the unincorporated areas of the county, and any included municipality, shall mean dogs and cats.

*Animal control authority* means the county manager and the animal control division or its successors acting alone or in concert with other local governmental units and authorized by them to enforce the animal control laws of the city, county, or state. The Volusia County Sheriff's Office may also carry out the duties of the animal control authority under this article.

*Animal control division* means the enforcement and investigative agency of the county relating to the provisions of this chapter.

*Animal control officer* means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this article, ordinance or any other law or act 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 exposed to rabies* means any animal bitten by or that has associated with any animal determined by the county health officer or the animal control officer to be infected with rabies.

*Animal quarters* means the premises and all buildings, pens, yards and their appurtenances used for the keeping of dogs and cats.

*Approved standard* means the standard by which a dog or cat is judged for conformation by the appropriate national or international breeders' organization.

*Cat* means any feline.

*Chain, cable and trolley, rope or tether* means a restraint of sufficient strength to hold the animal.

*Dangerous dog* means any dog that according to the records of the animal control authority:

- (1) Has aggressively bitten, attacked, endangered, or has inflicted severe injury to or death of a human being on public or private property;
- (2) Has more than once severely injured or killed a domestic animal while off its owner's property;
- (3) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or
- (4) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the animal control authority.

*Dog* means any canine.

*Dog under restraint* shall mean any canine secured by a leash, chain, rope, tether or cable and trolley; securely and humanely confined within a vehicle, parked or in motion; caged or tethered in the open bed of a pickup truck; confined within a house, building, fence, crate, pen or other enclosure; or controlled by the voice command of a responsible person who is with the dog at all times.

*Harbor* means to own, keep, or provide care, shelter, protection, refuge or nourishment to a dog or cat.

*Hearing officer* means a person appointed by the county in accordance with [section 14-57](#).

*Hobby breeder* means a person other than a pet dealer who shelters, breeds or trains a single breed of dog or cat, to conform to an approved standard of competition. The owner of a hobby breeder facility must be in good standing and have registration privileges intact with the appropriate national animal registry. The owner must have three years' documented experience in show clubs and participation in show trials.

*Hobby breeder facility* means kennels or catteries operated by a hobby breeder that conform to the standards set out in this article under [section 14-56](#).

*Impounding or holding facility* means any one or combination of a pet shop, kennel, cattery or humane society facility or any facility or place the county or city may so designate.

*Licensed veterinarians* means all veterinarians actively engaged in the practice of that profession in the state, who are duly registered and licensed as such by the state, and who are authorized to vaccinate dogs and cats against rabies and to execute certificates of vaccination.

*Microchip or electronic implantation* means an electronic animal identification device (EAID).

*Neuter* means the medical procedure of rendering a male dog or cat permanently incapable of breeding.

*Owner* means any person, firm, corporation, humane society, public or private nonprofit organization who harbors a dog or cat. If the person purporting to own a dog or cat is a minor, as defined by Florida Statutes, the minor's parent(s) or legal guardian, shall be deemed the owner of the dog or cat for purposes of this chapter.

*Person* means an individual, firm, partnership, corporation, trust or any association of persons.

*Pet dealer* means any person who in the ordinary course of business engages in the sale of more than two litters, or 20 dogs or 20 cats, per year, whichever is greater, to the public. Such definition includes breeders of animals who sell such animals directly to a consumer.

*Primary enclosure* means a structure used to immediately restrict one or more cats to a limited amount of space, such as a room, pen, run, cage or compartment.

*Proper enclosure of a dangerous dog, while on the owner's property*, means 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 and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements. A dangerous dog warning sign shall be posted on such pen or enclosure.

*Public nuisance animal* means any animal to which any of the following conditions apply:

- (1) Animals that are found within a residentially zoned area and not under restraint as defined in this article; or, in areas zoned other than residential, are off the premises of the owner and not under command of the owner;
- (2) An animal that damages the property of anyone other than its owner;
- (3) Animals that are dangerous animals;
- (4) Animals that cause unsanitary conditions of enclosures or surroundings as determined by the county health officer;
- (5) Animals that are diseased animals dangerous to human health;
- (6) **Animals that bark excessively or make prolonged and disturbing noises interfering with the peace and quietude of the neighboring property; or**
- (7) Animals that have been determined to be strays.

*Service animal* means a dog or cat meeting the definition of service animal in 28 C.F.R. § 36.104 and F.S. § 413.08(1)(d).

*Severe injury* means any physical injury that results in broken bones, multiple bites or disfiguring lacerations requiring sutures or reconstructive surgery.

*Spay* means the medical procedure of rendering a female dog or cat permanently incapable of breeding.

*Stray (used as a noun)* means any unlicensed and unattended animal off the premises of its owner.

*Unaltered* shall mean an animal that has not been spayed or neutered.

*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.

*Without provocation* has the same meaning as unprovoked.

(Ord. No. 91-33, § II, 10-10-91; Ord. No. 93-25, § II, 11-4-93; Ord. No. 94-15, § I, 9-18-94; Ord. No. 2003-15, § 1, 10-2-03; Ord. No. 2007-11, § I, 10-18-07; Ord. No. 2008-13, § I, 6-5-08; Ord. No. 2008-18, § I, 8-21-08; Ord. No. 2009-35, § I, 11-19-09)

**Cross reference—** Definitions and rules of construction generally, § 1-2.

## **Sec. 14-32. - Penalty.**

A violation of this article is a civil infraction which carries a maximum civil penalty not to exceed \$500.00. If a person who has committed such a civil infraction does not contest a citation issued to him or her, the civil penalty shall be less than the maximum civil penalty.

Any expenses imposed on the owner of an animal by operation of this article which remain unpaid as of the time of judicial handling shall be ordered paid as a part of the court's disposition. The county also may seek payment of outstanding expenses as restitution in any companion or related criminal prosecution. In the event of a violation of F.S. ch. 767 or F.S. § 828.29, the owner shall be subject to applicable criminal penalties in addition to any civil penalties. Further, nothing herein shall relieve the owner of civil liability for injuries or damage which result from actions or inactions that are violations of the provisions herein.

(Ord. No. 91-33, § XXIV, 10-10-91; Ord. No. 93-25, § XXV, 11-4-93; Ord. No. 94-15, § XIII, 9-18-94)