

ORDINANCE NO. 10 - 001

AN ORDINANCE CREATING THE POLK COUNTY ANIMAL CONTROL AND ANIMAL SERVICES ORDINANCE; PROVIDING DEFINITIONS; PROVIDING A PROCESS FOR MUNICIPALITIES TO ADOPT THIS ORDINANCE; SETTING THE CONDITIONS UNDER WHICH DOGS AND CATS ARE TO BE VACCINATED AND TAGGED; REQUIRING VACCINATION, STERILIZATION, AND MICROCHIPPING OF ANIMALS PRIOR TO LEAVING THE SHELTER OR WITHIN THREE DAYS OF LEAVING IN CERTAIN INSTANCES; REDUCING THE LICENSE TAG FEE FOR ANIMALS STERILIZED PRIOR TO BEING RELEASED FROM THE SHELTER; ALLOWING THE IMPOUNDING AND BOARDING FEES TO BE REDUCED FOR ANIMALS STERILIZED PRIOR TO BEING RELEASED FROM THE SHELTER; SETTING FEES FOR ANIMAL SERVICES; ALLOWING THE ANIMAL CONTROL AUTHORITY TO SET SUBSEQUENT FEES ; PROHIBITING ANIMALS RUNNING AT LARGE; PROHIBITING THE FALSE IDENTIFICATION OF UNALTERED ANIMALS AS ALTERED; PROHIBITING THE ABANDONMENT OF ANIMALS; PROVIDING HOLDING PERIODS FOR UNCLAIMED AND QUARANTINED ANIMALS; AUTHORIZING THE IMPOUNDING OF ANIMALS RUNNING AT LARGE; PROHIBITING COMPANION ANIMALS FROM CREATING A NUISANCE; PROTECTING THE PUBLIC HEALTH OR SAFETY BY SEIZING SICK OR INJURED ANIMALS; ALLOWING A RESIDENT TO HUMANELY CAPTURE AT-LARGE ANIMALS ON HIS/HER PROPERTY; CLASSIFICATION OF DOGS AS DANGEROUS OR VICIOUS; ALLOWING THE CONFISCATION AND DESTRUCTION OF DANGEROUS OR VICIOUS DOGS THAT ATTACK OR BITE; PROVIDING AN EXEMPTION TO THE QUARANTINE REQUIREMENT; PROVIDING PROCEDURES FOR DANGEROUS OR VICIOUS DOG HEARINGS; PROVIDING PROCEDURES FOR APPEALING THE DANGEROUS OR VICIOUS DOG CLASSIFICATION; ALLOWING THE ANIMAL CONTROL AUTHORITY DISCRETION ON ALL ADOPTION FEES; STATING THE DUTIES AND AUTHORITY OF OFFICERS; PROVIDING THAT IT IS UNLAWFUL TO INTERFERE WITH AN OFFICER WHILE IN LEGAL PERFORMANCE OF HIS/HER DUTIES; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING THAT THE PENALTIES MAY BE CHANGED BY A RESOLUTION OF THE BOARD; STATING THE FORM OF CITATION AND NOTICE; PROVIDING A PROCEDURE FOR PEOPLE CITED FOR VIOLATION OF THE ANIMAL CONTROL AND ANIMAL SERVICES ORDINANCE; STATING THAT THE CITATION CONSTITUTES A WARNING TO THE HOUSEHOLD; PROVIDING FOR THE REPEAL OF POLK COUNTY ORDINANCE 05-47; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA:

SECTION 1: SHORT TITLE

This article shall be known and may be cited as the Polk County Animal Control and Animal Services Ordinance.

SECTION 2: **DEFINITIONS**

In construing this Ordinance, the singular shall include the plural and the masculine shall include the feminine.

Altered animal or sterilized animal shall be defined as an animal that has been rendered permanently incapable of reproduction (i.e. spayed or neutered).

Animal, for purposes of this ordinance, shall be defined as any living dumb creature that is a member of the mammalian, avian, reptilian or amphibian species, or other animal not covered in Chapter 588, Florida Statutes, or the Florida Wildlife Commission Administrative Codes.

Animal Control Administrator shall be defined as that person in charge of the administration of Animal Control.

Animal Control Authority shall be defined as the administrative and governing body tasked with animal control and animal services for Polk County. The Animal Control Authority shall be designated by the Board of County Commissioners as an entity 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.

Animal Control License Program Authority shall be designated by the Animal Control Authority to provide animal licensing services.

Animal Control Officer, shall be defined as any person, pursuant to 828.03, Florida Statute, employed by the Animal Control Authority for animal control purposes or appointed by a county or municipality who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this section. An Animal Control Officer is not authorized to bear arms or make arrests; however, such officer may carry a device to chemically subdue and tranquilize an animal, provided that such officer has successfully completed a minimum of 16 hours of training in marksmanship, equipment handling, safety and animal care, and can demonstrate proficiency in chemical immobilization of animals in accordance with guidelines prescribed in the Chemical Immobilization Operational Guide of the American Humane Association.

At large shall be defined as an animal found off the premises of the owner or custodian, and not under the direct control, custody, charge, or possession of the owner or other custodian. This animal is identified at the time of impoundment or thereafter.

Cat shall be defined as the domestic cat, felis catus.

Companion animal shall be defined as any animal that lives with and about the habitat of a human, as a pet, and that is dependent upon that human for its survival. Excluded from

this definition is indigenous and non-indigenous wildlife, under the exclusive jurisdiction of the state, animals used in connection with pari-mutuel wagering, or animals raised in connection with food or fiber industries.

County shall be defined as Polk County, Florida.

County Commissioners, Board or Board of County Commissioners shall be defined as the Board of County Commissioners of Polk County, Florida.

Dangerous dogs shall be defined in accordance with Section 767.11, Florida Statutes.

Direct control shall be defined as immediate and continuous physical control of an animal at all times such as by means of a fence, leash, cord or chain of sufficient strength to restrain the same; or in the case of specifically trained or hunting animals which immediately respond to such commands, direct control shall also include aural or oral control, if the controlling person is at all times clearly and fully within the unobstructed sight and hearing of the animal.

Dog shall be defined as, but is expressly not limited to, domestic dog, *canis familiaris*, and any genetic hybridization thereof, including but not limited to wolf hybrids and coyote hybrids that are not regulated by the Florida Wildlife Commission.

Feral animal shall be defined as any animal that is born wild or has reverted to the wild and that is unsocialized, untamed, or unable to be approached or handled.

Guard Dog shall be defined as any type of dog used primarily for the purpose of defending, patrolling, or protecting individuals or property at any commercial establishment. It does not include any dog that is owned, or the service of which is employed, by a law enforcement agency, used as a service dog for blind, hearing impaired, disabled persons, or any stock dog used primarily for handling and controlling livestock or farm animals.

Hearing Officer shall be an attorney, retired judge, certified mediator, or certified legal intern appointed by Resolution of the Board of County Commissioners to serve as an impartial mediator for a term of one year; they may be re-appointed at the end of each term. An appointment to fill a vacancy shall be for the remainder of the unexpired term of office. Hearing officers shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the Board of County Commissioners, or as otherwise provided by law.

Notification shall be defined as Animal Control's ability to notify the owner or custodian of an animal through the following methods; personal notification, notification by mail, posting the owner or custodian's property, or posting of the owner or custodian's residence.

Officer, when used alone, shall have the same meaning as provided under Section 828.27, Florida Statutes: Any law enforcement officer defined in Section 943.10, Florida Statutes, or any Animal Control Officer.

Offense shall be defined as any violation of this ordinance.

Overcrowding of the Animal Control facility: The Animal Control Administrator or designee shall monitor the occupancy rate of the facility to ensure the kennel area used to house animals is adequate to provide care for the animals taking into account the health of the animals, the desire to adopt and/or rescue as many as possible and the resources available to manage and care for the animals.

Owner/custodian shall be defined as any person, firm, corporation, partnership, trust, estate, business, or other legal entity, harboring keeping or having control or custody of an animal. In the case the owner is under 18 years of age, that person's parent or legal guardian will be responsible.

Service shall be defined as the delivery of judicial process in accordance with Chapter 48, Florida Statutes.

Stray shall be defined as all non-feral domestic animals found off of its owner's property without the owner's consent and without the consent to be on the property where the animal is found.

Valid license tag shall be defined as a current, Polk County- license tag that is approved by the Animal Control Authority. Each tag issued will be valid for a period of time that is determined by the type of license tag issued, either single or multi year. The validity of such license tag shall not exceed the validity of the vaccine issued to the animal.

Veterinarian shall be defined as a person who is duly licensed to engage in the practice of veterinary medicine under the authority of Chapter 474, Florida Statute.

SECTION 3: SCOPE

This article shall apply in all unincorporated areas of Polk County, and within the incorporated limits of each Polk County municipality, the governing body of which shall certify to the board of county commissioners that no charter provision or ordinance is in conflict with this ordinance.

SECTION 4: RABIES VACCINATION AND TAGS

(a) Every owner of a dog or cat four (4) months of age and over shall cause such dog or cat to be vaccinated against rabies as frequently as required based on the effective period and the method of administration of the approved vaccine used. The approved vaccine may be for either a one (1) year or three (3) year period, depending on the vaccine used. The vaccination will be properly administered and boosted where appropriate by a licensed veterinarian.

(b) Every owner of each dog or cat so vaccinated is required to purchase a valid license tag, as evidence of vaccination. The owner shall cause the dog or cat to wear a collar with a valid license tag at all times or implant the dog or cat with a RFID microchip, registered with the Animal Control Authority. License tags shall be valid for a

maximum of 12 months, or until the expiration date of the vaccine, whichever is shorter. In the event a multi-year license tag is used the tag shall be valid for a maximum of three years or until the expiration of the vaccine, whichever is shorter.

(c) Cat owners may purchase cat identification collars approved by the county and allow their cat to wear said collars in lieu of tags. All identification collars must be marked in indelible black ink with the number of the cat's license tag. The price of the approved collars shall be set by the Animal Control Authority.

(d) Evidence of vaccination shall consist of an appropriate certificate signed by the licensed veterinarian administering the vaccine and will contain pertinent data for identification of the specific dog or cat. The veterinarian shall provide one copy of the certificate to the owner, one copy to the Animal Control License Program Authority, and one copy will be retained by the licensed Veterinarian, as described in paragraph (a) above, administering vaccine.

(e) Proof of altered status for all animals for purposes of this ordinance shall consist of a sterilization certificate issued by a licensed veterinarian, given to the animal's owner, stating that the specific animal has been sterilized. The certificate must contain data identifying the specific animal including the name, type, age, sex, color, and breed of the animal; the name and address of the owner; the veterinarian that altered the animal and his or her address and phone number. A rabies vaccination certificate, as certified by an appropriately licensed veterinarian, in which the licensed veterinarian certifies that an animal has been spayed or neutered, shall also constitute proof of sterilization.

(f) The license tag shall be furnished by the Animal Control License Program Authority to the pet owner. The license tag will be furnished after the pet owner provides proper documentation of the animal's current vaccination. A license tag shall be purchased for each dog or cat each year, or in the event a multi-year license is used, at the expiration of the previous license tag.

(g) A genetic hybrid of dog not regulated by the Florida Wildlife Commission, such as the wolf-dog, is exempt from the rabies vaccination requirements of this section due to the Florida Rabies Control Compendium not recognizing a rabies vaccination for wildlife. However, all owned genetic hybrid dogs residing in Polk County shall be implanted with an RFID microchip and the owner shall purchase an annual non-vaccination license tag from the Animal Control License Program Authority and cause it to be worn by their hybrid at all times.

(h) No later than the 15th day of each month, each veterinarian practicing in Polk County shall submit to the Animal Control License Program Authority Form 51 "Rabies Vaccination Certificate" or an equivalent form approved by the Animal Control Authority for each domestic animal they have vaccinated against rabies for the previous month. The list shall be in accordance with § 828.30, Florida Statutes.

SECTION 5: VACCINATION, STERILIZATION AND IMPLANTATION OF

RADIO FREQUENCY IDENTIFICATION (RFID) MICROCHIPS FOR ANIMALS BEFORE RELEASE FROM ANIMAL CONTROL SHELTER; ADOPTION

(a) All animals four (4) months of age or older which are impounded, quarantined or otherwise in the possession of Animal Control, and which do not have proof of a current rabies vaccination shall receive a rabies vaccination and license tag prior to being released from the custody of Animal Control. If Animal Control is unable to vaccinate the animal for any reason, the owner or custodian of the animal is required to sign a form agreeing to have the animal vaccinated by a licensed veterinarian within three (3) days from the date of release and subsequently purchase a valid license tag from the Animal Control License Program Authority.

(b) An animal whose owner is in possession of proof of a current rabies vaccination approved by National Association of State Public Health Veterinarians and administered by a duly licensed veterinarian shall be issued a valid license tag from the Animal Control License Program Authority prior to release. Valid license tags will be good from the date of issuance for a period of 12 months, or for the duration of a multi-year license, depending on the type issued. In no event, will the validity of the license tag exceed the expiration date of the vaccine used to inoculate the animal.

(c) No, at-large, unaltered dog or cat impounded more than twice, in an eighteen month period, may be redeemed by any person until the animal is spayed or neutered. The sterilization shall be accomplished by the shelter veterinarian or upon the owner's request by transporting the animal, by Animal Control personnel, to any duly licensed veterinarian in Polk County. In all cases, the animal's owner shall not hold liable Polk County or the Board of County Commissioners, individually or in their official capacity, and all members of the Animal Control Authority, individually and in their official capacity, and all of their employees, appointees, contractors, sub-contractors, and agents from any and all liability, for any and all claims, causes of action, demands or damages, and costs (to include reasonable attorney's fees) present, past and future, contingent or otherwise, arising from the spay or neuter of such dog or cat. The owner is responsible to pay the veterinarian fees prior to redemption.

(d) If the owner elects for the animal to be transported to a duly licensed veterinarian in Polk County, the owner shall:

(1) Present proof of payment for the spay or neuter service to the Animal Control Authority; and

(2) Pay transport fee to Animal Control; and

(3) Present date and time of scheduled appointment for procedure to Animal Control Authority.

(e) Alteration shall not be required upon showing proof of alteration from a licensed veterinarian or providing a written notarized statement from a licensed veterinarian stating the spay or neuter procedure would be harmful to the animal.

(f) If the animal is sterilized at the shelter prior to being released, the owner shall pay the altered animal license tag fee. (g) Proof of sterilization for all animals shall consist of a sterilization certificate issued by a licensed veterinarian to the animal and its owner stating the specific animal has been sterilized. The certificate must contain data identifying the specific animal including the name, type, age, sex, color, and breed of the animal; the name and address of the owner; the name, address, and telephone number of the veterinarian who altered the animal. A rabies vaccination certificate from a duly licensed veterinarian stating an animal has been spayed or neutered shall also constitute proof of sterilization. It is the animal owner or custodian's responsibility to provide this information to Animal Control, upon request.

(h) All animals redeemed by an owner shall have an RFID microchip implanted prior to leaving the shelter if the animal does not currently have one. The owner of the animal shall pay the costs for the implantation of the microchip at the time of redemption. The implantation of the microchip shall not be required if the owner redeeming the animal provides a written notarized statement from a licensed veterinarian stating the microchip procedure would be harmful to the animal. All animals adopted from Polk County Animal Control will be surgically sterilized and have a microchip implanted prior to being released to the prospective adoptive owner. All applicable fees must be paid prior to release of an animal subject to this section.

SECTION 6: FEES

(a) Veterinarians who distribute animal control tags shall charge the fee set by the Animal Control Authority. Veterinarians who purchase their tags from the Animal Control Licensing Program Authority shall receive a discount on the retail price for animal tags. The discount amount shall be set by the Animal Control Administrator.

(b) The Animal Control Authority may change or set fees to be charged by Animal Control. Such fees will post on the Animal Control Authority website.

(c) Animal Control Authority shall set and maintain a fee schedule for the following:

(1) Single year license tags for altered cats and dogs;

(2) Single year license tags for unaltered cats and dogs;

(3) Multi-year license tags for altered cats and dogs;

(4) Multi-year license tags for unaltered cats and dogs;

(5) Late fee for failure to renew licenses within thirty days from its expiration date;

(6) Issuance of a duplicate tag if the original is lost;

(7) Animal Impound fee, first impound;

- (8) Animal Impound fee, second impound;
- (9) Animal Impound fee, third and subsequent impounds;
- (10) Daily boarding fee, non-quarantined animals;
- (11) Daily boarding fee, quarantined animals;
- (12) Adoption fee;
- (13) Vaccination fee;
- (14) Microchip fee;
- (15) Sterilization fee;
- (16) Sterilization transport fee;

(d) In addition to all other fees assessed in any other section of this ordinance, there shall be assessed an additional charge of five dollars (\$5.00) upon each civil penalty imposed for violation of the Polk County Animal Control Ordinance. These fees shall be used to pay the cost of providing a 40-hour minimum standards training course and other training courses for members of Animal Control as deemed necessary.

SECTION 7: DUTIES OF OWNERS OR CUSTODIAN; RUNNING AT LARGE; FALSELY IDENTIFYING AN UNALTERED CAT OR DOG AS ALTERED

(a) No person shall keep, use, or maintain a dog on any premises unless the dog is provided access to covered structure, dog house, or similar shelter for protection against inclement weather at all times.

(b) No person owning or having custody or control of any dog or unaltered cat shall cause, permit, or allow the animal to stray or run at large in or upon any public street, sidewalk, park, other public property, or private property of another. Such animal must be leashed, or, if it is a dog, the dog must be under the direct control of the person in custody of the animal. This section shall not apply to any dog actually engaged in the sport of hunting in authorized areas at authorized times and supervised by a competent person.

(c) It shall be unlawful for the owner or custodian of any animal to permit said animal to be within an area designated as an animal exercise park unless said owner or custodian is physically present and in direct control of the animal at all times while the animal is within said area.

(d) Violation of this section, including misrepresenting an unaltered cat or dog as altered, shall be punishable as provided in this ordinance.

SECTION 8: ABANDONMENT OF ANIMALS

(a) For purposes of this section, "abandon" shall be defined as failure to take custody of animals seven (7) days after an eviction or seven (7) days after release from jail. Unclaimed animals will be considered abandoned and will be disposed of pursuant to this Ordinance.

(b) Any law enforcement officer or Animal Control Officer appointed under Section 828.03, Florida Statutes, may lawfully take custody of any animal found abandoned on the property of another by removing the animal from its present location.

SECTION 9: HOLDING PERIODS; DISPOSITION OF UNCLAIMED ANIMALS; QUARANTINE

(a) The following holding periods are hereby established for animals picked up by, or turned in to the Animal Control Authority, excluding animals surrendered to the Animal Control Authority by their owner or custodian. Animals surrendered to the Animal Control Authority by their owner or custodian shall immediately become property of Animal Control Authority and will be subject to the disposition options outlined in this ordinance.

(1) Healthy animals wearing a current, valid tag, collar with license or owner contact information, implanted with a RFID microchip, or abandoned animals: seven (7) calendar days, excluding the day of impoundment.

(2) Healthy animals not wearing a current, valid tag, collar with owner contact information, or implanted with a, registered, RFID microchip: A minimum of four (4) calendar days, excluding the day of impoundment and county holidays. The Animal Control Administrator, or designee, may extend the holding period beyond this time.

(3) Diseased, feral, or injured animals, whether tagged or untagged: The Animal Control Authority may euthanize any animal if deemed necessary for the wellbeing of the animal, to prevent suffering or for the health of other animals in the facility.

(b) Any animal, of which the owner is identified, that is held under quarantine at Animal Control, will be considered unclaimed if not picked up on or before the third day following the quarantine. If not claimed on or before the third day following the quarantine, the animal will be disposed of as necessary. Disposition shall include adoption, rescue, or euthanasia.

(c) Notwithstanding the foregoing, the Animal Control Administrator, or designee may reduce any holding period in the event of overcrowding or a local state of emergency, as defined in Polk County Ordinance No. 93-28.

SECTION 10: IMPOUNDING OF ANIMALS RUNNING AT LARGE

(a) Animal control officers are authorized to impound any animal if that animal is at-large, or astray, and may lawfully enter onto private property when in pursuit of the animal.

(b) Animal control officers are authorized to impound cats, including a feral cat colony, or any of its members and may lawfully enter onto private property when in pursuit of the animal if:

- (1) The cat or cats create public health and safety concerns (including rabies and other zoonotic diseases and certain animal to animal disease); or
- (2) The cat or cats create a nuisance as defined in section 11a (1) or (2).

SECTION 11: COMPANION ANIMAL CREATING NUISANCE

(a) Any owner or custodian of a companion animal shall be deemed to be maintaining a nuisance in violation of this ordinance that:

(1) Continuously barks, whines, howls, meows, cries, or causes other objectionable noises resulting in an unreasonable annoyance to neighboring residents, interference with the comfortable enjoyment of life, or interference with the comfortable enjoyment of property:

(a) On two separate incidents of, at least, fifteen (15) minutes continuously within a fourteen-day period between the hours of 6:00 a.m. and 9:00 p.m.; or

(b) A single period of, at least, fifteen (15) minutes continuously between the hours of 9:00 p.m. and 6:00 a.m.

(2) Disturbs the peace by destroying, or soiling public or private property, or causing injury, or threatening to cause injury to any person or domestic animal or property other than that of the owner or custodian, or other similar conduct or behavior twice within a three year period.

(3) Animal control officers will question the complainant and determine their location in regard to the incident.

(a) The complaint must be specific as to time and date of violation. The animal control officer will pay specific attention to the question of provocation prior to issuing a notice of violation or citation.

(b) The owner or custodian of the animal causing the alleged noise nuisance will be notified of the complaint against him or her, and shall correct the nuisance violations within fifteen (15) minutes of notification.

(c) After notification of the alleged noise nuisance has been provided to the owner or custodian by the Animal Control Authority, subsequent reports of noise nuisance violations shall result in the issuance of a citation by the Animal Control Officer.

(d) After notification of the alleged non-noise nuisance has been provided to the owner or custodian by the Animal Control Authority, the owner or custodian shall abate the nuisance within twenty-four (24) hours.

(4) If after twenty-four hours, the non-noise nuisance is not corrected, the owner or custodian of the animal causing the alleged nuisance shall be issued a citation.

(b) No owner of a properly zoned commercial kennel or owner of a security dog which is located on commercially or industrially zoned property shall be subject to the provision of this section as it relates to dogs or cats which habitually bark, whine, howl, meow, cry, scream or cause objectionable noises.

(c) Upon receipt of a sworn complaint affidavit from a citizen, or a statement from an officer alleging a violation of this section, an officer shall investigate and may cause to be issued a Notice of Violation to any companion animal owner or custodian alleged to be in violation of this section, if the investigation supports such an action. Said affidavit shall specify the address or location of the alleged violation; the nature, time and dates of the acts; the name and address of the custodian of the animal, if known; a description of the animal, if known.

(d) If a citation is not issued to the owner or custodian of the animal as a result of a complaint, described in subsection (c) of this section, an affidavit, as described in subsection (c) of this section, shall only remain valid for a period of 90 days following the date of notification to the animal owner or custodian.

(e) Nothing in this section shall prohibit any officer from investigating an oral complaint, notifying, and citing a violator upon obtaining evidence of the violation.

SECTION 12: PROTECTING THE PUBLIC HEALTH OR SAFETY; SEIZING SICK OR INJURED ANIMALS

If an animal whose owner cannot be located, or will not answer the door, is suspected of being sick, injured, or has inflicted injury on another person or animal, or has approached another person or animal in a menacing fashion or apparent attitude of attack, while off its owner's property, the animal may immediately be picked up, trapped, or captured by remote chemical immobilization from public or private property, if, upon probable cause, the Animal Control Officer determines that the seizure is necessary for public health, safety, or to prevent the animal from suffering.

SECTION 13: RESIDENTS CAPTURING AT-LARGE ANIMALS

A property owner or tenant may seize, in a humane manner, any animal at-large on his or her property in violation of this ordinance. When such a seizure is made, the person shall immediately deliver the animal to an Animal Control Officer.

Any person who captures an animal pursuant to this section shall exercise care to treat the animal humanely, without causing injury, sickness, hunger, or any other ailments to the animal during seizure and delivery of the animal. Any person unable to comply fully with this section shall not seize any animal pursuant to this section. Failure to comply with this section may result in the filing of a cruelty charge, as described in Chapter 828, Florida Statutes.

SECTION 14: GUARD DOG STANDARDS

(a) The following minimum requirements shall apply to each business or individual owning, possessing, and/or utilizing any guard dog in Polk County:

(1) All animals in the care, custody or control of a business or individual must be treated in a humane manner at all times.

(2) All guard dogs shall have current vaccinations, valid Polk County licenses, and be implanted with an RFID microchip.

(3) Records must be maintained and kept current for each animal in the care, custody or control of the business or individual which include, at a minimum, the following information:

(a) The name, address, and telephone number of the legal owner of the animal;

(b) Current vaccination records;

(c) The name, address, and telephone number of the attending veterinarian;

(d) Records of any medications administered to the animal that includes the date, time, and dosage amount;

(e) The animal's photograph and corresponding RFID microchip number.

SECTION 15: **RESTRICTIONS ON COMMERCIALLY SUPPLIED GUARD DOGS; INABILITY TO USE DANGEROUS OR VICIOUS DOG; REQUIREMENTS OF USERS**

(a) Every commercial guard dog business supplying guard dogs in Polk County shall comply with the following requirements:

(1) Every guard dog shall be examined by a veterinarian on an annual basis and certified to be healthy, free from internal and external parasites, and physically fit for service as a guard dog. It is the commercial guard dog owner's responsibility to provide this information to the Animal Control Authority, upon request.

(2) Newly acquired guard dogs owned, possessed, and or utilized in Polk County must be properly vaccinated and records maintained in accordance with Section 14 of this ordinance.

(b) In the event a guard dog is transferred to another owner, allegedly bites or attacks a human being or another animal, dies, or disappears, the guard dog business shall immediately notify the Animal Control Authority.

(c) Any vehicle used to commercially transport guard dogs must be clearly marked and must be maintained and arranged to ensure maximum ventilation and protection for the animals.

(d) Any guard dog previously declared or classified as a dangerous or vicious dog in accordance with this ordinance or 767, Florida Statute shall be ineligible to serve as a guard dog.

SECTION 16: **REQUIREMENTS OF PERSONS UTILIZING GUARD DOG**

(a) Any person who owns, possesses, and/or utilizes a guard dog in Polk County must provide proper fencing to secure the guard dog(s) and prevent the animal(s) from digging, jumping, or escaping the confines of the property.

(b) If the guard dog is confined to an area that does not allow for sufficient exercise, the guard dog must be provided with minimum daily exercise, unless a veterinarian issues a written medical exception.

(c) At each entry point, and at 100 foot intervals along the fence perimeter, a sign shall be posted that includes the words "DANGER - GUARD DOG".

(d) Each entry point must have a sign posted with the telephone number of the guard dog's trainer, handler, and/or owner in case of an emergency.

(e) CONFISCATION – Any guard dog found, while working in its official capacity, to be in violation of any section of this ordinance shall be immediately confiscated and held by the Animal Control Authority for a maximum of 10 business days. At the conclusion of the 10 day period if not redeemed, by the guard dog owner, said dog will be subject to the disposition options outlined in this ordinance.

(f) Property owners, renters, or lessees' of said guard dogs shall not hold liable the Animal Control Authority, Polk County or the Board of County Commissioners, individually or in their official capacity, and all members of the Animal Control Authority, individually and in their official capacity, and all of their employees, appointees, contractors, sub-contractors, and agents from any and all liability, for any and all claims, causes of action, demands or damages, and costs (to include reasonable attorney's fees) present, past and future, contingent or otherwise, arising from the confiscation of said guard dog.

SECTION 17: **PENALTIES FOR GUARD DOG VIOLATION**

(a) For any violation of this ordinance as it pertains to guard dogs, the Animal Control Officer shall issue a citation for a fine in the amount of one hundred dollars (\$100.00) for the first offense per animal, per occurrence. The second offense occurring within three (3) years shall require a fine in the amount of three hundred dollars (\$300.00) per animal,

per occurrence. Subsequent offenses occurring within three (3) years of the previous occurrence shall be punishable by such monetary penalty as the court may impose, not to exceed five hundred dollars (\$500.00) per animal, per occurrence.

(b) Citations relevant to this ordinance, excluding section 15, shall be issued to the person(s) possessing or utilizing the guard dog. Citations relevant to section 15 of this ordinance shall be issued to the commercial guard dog business supplying the guard dog.

SECTION 18: CLASSIFICATION OF DOGS AS DANGEROUS OR VICIOUS

(a) "Dangerous dog" means any dog that, according to the records of the Animal Control Authority: (1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;

(2) Has more than once severely injured or killed a domestic animal while off the 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 appropriate authority.

(b) "Vicious dog" shall be defined as any dog that, according to the records of the Animal Control Authority, has severely injured or killed a domestic animal while off the owner's property.

(c) For purposes of this section:

"Unprovoked" shall mean 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.

"Severe injury" shall be defined as any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

"Proper enclosure of a dangerous or vicious dog" shall mean, while on the owner's property, a dangerous or vicious 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.

(d) The Animal Control Authority shall investigate reported incidents involving any dog that may be dangerous or vicious and shall, if possible, interview the owner and require a sworn affidavit from any person, including any Animal Control Officer or enforcement

officer, desiring to have a dog classified as dangerous or vicious. Any animal that is the subject of a dangerous or vicious dog investigation, that is not impounded with the Animal Control Authority, shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the dangerous or vicious dog classification. The address of where the animal resides shall be provided to the Animal Control Authority. No dog that is the subject of a dangerous or vicious dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous or vicious dog classification. In the event that a dog is to be destroyed, the dog shall not be relocated or ownership transferred.

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

(f) After the investigation, the Animal Control Authority shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous or vicious and shall afford the owner an opportunity for a hearing prior to making a final determination. The Animal Control Authority 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, Florida Statutes, relating to service of process. The owner may file a written request for a hearing within 7 calendar days from the date of receipt of the notification of the sufficient cause finding and, if requested, the hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than 5 days after receipt of the request from the owner. If a hearing is requested, it will be conducted before a hearing officer and pursuant to section 21 of this ordinance. An owner's failure to request a hearing within 7 calendar days from the date of receipt of the notification of the sufficient cause finding will result in the finding becoming a final determination, and the dog will be classified as dangerous or vicious.

(g) Once a dog is classified as a dangerous or vicious dog, the Animal Control Authority shall provide written notification to the owner by registered mail, certified hand delivery or service, 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 or vicious dog classification and must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal. Appeals shall be conducted pursuant to section 22 of this ordinance.

(h) Within 14 days after a dog has been classified as dangerous or vicious by the Animal Control Authority or a dangerous or vicious dog classification is upheld by the county court on appeal, the owner of the dog must obtain a certificate of registration for the dog from the Animal Control Authority serving the area in which he or she resides, and the certificate shall be renewed annually. Animal Control authorities are authorized to issue such certificates of registration, and renewals thereof, only to persons who are at least 18 years of age and who present to the Animal Control Authority sufficient evidence of:

- (1) A current certificate of rabies vaccination for the dog.
 - (2) A proper enclosure to confine a dangerous or vicious dog and the posting of the premises with a clearly visible warning sign at all entry points that clearly informs both children and adults of the presence of a dangerous or vicious dog on the property. The sign must be at a minimum one foot wide by one foot tall and resistant to weather.
 - (3) Implantation of a RFID microchip to identify the dog; and
 - (4) Spay or neuter dangerous animals within 30 days of Declaration.
- (i) Annual fee for the issuance of certificates of registration shall be determined by the Animal Control Authority.
- (j) The owner shall immediately notify the appropriate Animal Control Authority when a dog that has been classified as dangerous or vicious:
- (1) Is loose or unconfined;
 - (2) Has bitten a human being or attacked another animal;
 - (3) Is to be sold, given away, moved to another address, or if the dog dies.
- (k) Prior to a dangerous or vicious dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the Animal Control Authority. The new owner must comply with all of the requirements of this act and implementing local ordinances, even if the animal is moved from one local jurisdiction to another within the state. The owner of a dog classified as dangerous or vicious must notify the Animal Control Officer that the dog is in his or her jurisdiction.
- (l) It is unlawful for the owner of a dangerous or vicious dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must 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 his or her sight and only members of the immediate household or persons 18 years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.
- (m) Hunting dogs are exempt from the provisions of this section when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from the provisions of this section when engaged in any legal procedures. However, such dogs at all other times in all other respects shall be subject to this and local laws. Dogs that have been classified as dangerous shall not be used for hunting or sporting purposes.

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

(o) Any person who violates any provision of this section is guilty of a non-criminal infraction, punishable by a fine not exceeding \$500.

(p) The Animal Control Authority may confiscate any dog classified as dangerous for euthanasia as a result of the owner's failure to comply with any or all requirements of the Ordinance. Should the Animal Control Authority confiscate any dog under this section, notice of sufficient cause to confiscate the animal shall be provided in writing to the owner in accordance with the Ordinance. The animal shall be held for 10 business days after the owner is provided this written notice and thereafter destroyed in an expeditious and humane manner. This 10 day time period shall allow the owner to request a hearing under this section.

SECTION 19: **ATTACK OR BITE BY A DANGEROUS OR VICIOUS DOG;
PENALTIES; CONFISCATION; DESTRUCTION**

(a) If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the owner is guilty of a misdemeanor of the first degree, punishable as provided in Section 775.082 or 775.083, Florida Statutes. If a dog has previously been declared vicious attacks or bites a person or a domestic animal without provocation, the owner is guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or 775.083, Florida Statutes. In addition, the dangerous dog shall be immediately confiscated by an Animal Control Authority, placed in quarantine, if necessary, for the proper length of time, or impounded and held for 10 business days after the owner is given written notification under section 18 of the ordinance and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under section 18 of this ordinance. 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.

A vicious dog may be confiscated, quarantined, or impounded and disposed of in the same manner, and with the same due process considerations.

(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 an Animal Control Authority, placed in quarantine, if necessary, for the proper length of time or held for 10 business days after the owner is given written notification under section 18 of this ordinance, and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under section 18 of this ordinance. 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 775.083, Florida Statutes.

(c) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner is guilty of a felony of the third degree, punishable as provided in sections 775.082, 775.083, or 775.084, Florida Statutes. In addition, the dog shall be immediately confiscated by an Animal Control Authority, placed in quarantine, if necessary, for the proper length of time or held for 10 business days after the owner is given written notification under section 18 of this ordinance, and thereafter destroyed in an expeditious and humane manner. This 10-day time period shall allow the owner to request a hearing under 18 of this ordinance. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

(d) If the owner files a written appeal under section 18 of this ordinance or this section, the dog must be held and may not be destroyed while the appeal is pending.

(e) If a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner is not guilty of any crime specified under this section

SECTION 20: BITE BY POLICE OR SERVICE DOG; EXEMPTION FROM QUARANTINE

Any dog that is owned, or the service of which is employed, by a law enforcement agency, or any dog that is used as a service dog for blind, hearing impaired, or disabled persons, and that bites another animal or human is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination that was administered by a licensed veterinarian.

SECTION 21: DANGEROUS OR VICIOUS DOG HEARING PROCEDURES

(a) A hearing officer appointed by the BOCC shall impartially preside over the hearing.

(b) Each case before the hearing officer shall be presented by an Animal Control Officer who will have the burden of presenting evidence that the dog is dangerous or vicious and should be classified as such. If the evidence indicates that the dog is dangerous or vicious, the burden is on the owner to present evidence that the dog is not dangerous or vicious. At the hearing the owner may question witnesses presented by the Animal Control Officer, call witnesses, present evidence, and examine evidence.

(c) All testimony shall be under oath and shall be recorded. The hearing officer shall hear testimony from the Animal Control Officer (s), the owner(s) of the dog, and any witnesses for either side. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(d) At the conclusion of the hearing, the hearing officer shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order classifying the dog as dangerous or vicious, or an order stating that there is insufficient cause to declare the dog dangerous or vicious.

(e) Nothing in this section shall prohibit a hearing officer from taking a case under advisement or continuing a hearing in the interest of justice.

SECTION 22: APPEALING THE DANGEROUS OR VICIOUS DOG CLASSIFICATION

An appeal of the dangerous or vicious dog classification shall be made to the county court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the hearing officer.

Upon remand by the appellate court, the matter will be brought to hearing before a hearing officer in no less than 5, nor more than 21 days from the date of the appellate court's written order.

SECTION 23: SURRENDER OF ANIMAL BY OWNER

An animal may be surrendered into the Animal Control Authority, and when surrendered it will immediately become the property of the Animal Control Authority to be disposed of as they see fit.

SECTION 24: DUTIES AND AUTHORITY OF OFFICERS

It shall be the duty of all Animal Control Officers, Deputy Sheriffs, or local Police Officers to enforce this ordinance and its amendments, if any. An Animal Control Officer is hereby authorized to issue citations and notices to appear for the violation of this ordinance when, based upon personal investigation, the officer has reasonable and probable grounds to believe that a violation of this ordinance has occurred.

SECTION 25: INTERFERENCE WITH OFFICERS

No individual shall interfere with an Animal Control Officer while in the legal performance of his or her duties. This includes but is not limited to, striking or attempting to strike the Animal Control Officer; providing the Animal Control Officer with false information; taking or attempting to take any animal from any Animal Control Officer in the legal performance of his or her duties, from any official vehicle used by the Animal Control Authority to transport animals, or from the Animal Control Authority Facility without proper authority; or to taking or damaging any county property used in conjunction with the legal performance of the Animal Control Officer's duties. In addition to constituting a violation of this Ordinance, such action may be punishable pursuant to Section 838.021, Florida Statutes.

SECTION 26: PENALTIES FOR VIOLATION

Except where specified under certain sections of this ordinance, violation of any provision in this ordinance, and its amendments, if any, is a civil infraction.

(a) For violation of the section relevant to vaccination and tags, the Animal Control Officer shall have the discretion to issue a Notice of Violation with no civil penalty or

issue a citation for a fine in the amount of sixty dollars \$(60.00) for the first offense. The second offense occurring within three (3) years, whether the first offense resulted in a Notice of Violation or a fine, shall require a fine in the amount of one hundred dollars (\$100.00). Subsequent offenses occurring within three (3) years of the previous occurrence shall be punishable by such monetary penalty as the court may impose, not to exceed five hundred dollars (\$500.00) per animal. Fines will be assessed per animal found in violation of the section of the ordinance relevant to vaccination and tags. Issuance of a citation or Notice of Violation to an adult member of the household in which an animal resides shall be deemed an offense, and knowledge of the citation or Notice of Violation will be imputed on all the members of the household.

(b) For violation of the section of this ordinance relevant to nuisance, the Animal Control Officer shall issue a Notice of Violation with no civil penalty for the first offense. The first offense after the Notice of Violation will result in a citation being issued with a fine in the amount of seventy five dollars (\$75.00) per animal. The second offense after the Notice of Violation, occurring within three (3) years, shall require a fine in the amount of one hundred seventy five dollars (\$175.00) per occurrence. Subsequent offenses shall be punishable by such monetary penalty as the court may impose, not to exceed five hundred dollars (\$500.00) per occurrence or by imprisonment in the county jail for a period not to exceed 60 days, or by both a fine and imprisonment. For animals on land zoned for agricultural purposes, the maximum possible penalty shall be five hundred dollars (\$500.00) only.

(c) For violation of the section of this ordinance relevant to duties of owner or custodian, running at large, or falsely identifying an unaltered animal as altered, the Animal Control Officer shall have the discretion to issue a Notice of Violation with no civil penalty or issue a citation for a fine in the amount of seventy-five dollars (\$75.00) per occurrence for the first offense for an altered animal; two hundred fifty dollars (\$250.00) per occurrence for an unaltered animal. The second offense occurring within three (3) years, whether the first offense resulted in a Notice of Violation or a fine, shall require a fine of one hundred-fifty dollars (\$150.00) per occurrence for an altered animal; five hundred dollars (\$500.00) per occurrence for an unaltered animal. Subsequent offenses occurring within three (3) years of the previous occurrence shall be punishable by such monetary penalty as the court may impose, not to exceed five hundred dollars (\$500.00) per occurrence. If the owner presents proof that the animal is altered, within five (5) days of the offense, or within five (5) days of the quarantine release date, the owner shall pay the altered animal fine (This provision does not apply where the owner or custodian of the animal falsely identified the animal as altered.). The issuance of a citation for falsely identifying an unaltered animal as altered, does not preclude issuance of a citation for allowing the falsely identified animal to run at large.

(d) For violation of the section of this ordinance relevant to interference with any Animal Control Officer, the civil penalty shall be in the amount of two hundred and fifty dollars (\$250.00), per officer, for the first offense. Subsequent offenses occurring within three (3) years of the last offense shall be punishable by a fine not to exceed five hundred dollars (\$500.00) per officer.

(e) If an animal scratches, bites, or physically injures any person while running at large, not properly vaccinated, not properly tagged, the offense shall require a fine of two hundred dollars (\$200.00), in addition to any other applicable fine for a first offense. The subsequent offenses occurring within three (3) years shall be punishable by a fine not to exceed five hundred dollars (\$500.00) per occurrence.

(f) All fines may be changed by resolution of the board.

SECTION 27: FORM OF CITATION AND NOTICE

(a) Pursuant to section 828.27(1)(f), Florida Statutes, citations and notices to appear issued by an officer shall be in a form prescribed by the board of county commissioners and shall state, at a minimum, the following:

- (1) The date and time of issuance.
- (2) The name and address of the person.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting probable cause.
- (5) The ordinance 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 required under section 828.27(6), Florida Statutes.
- (8) The applicable civil penalty, pursuant to section 28 of this ordinance, for the violation.
- (9) If applicable, a 25% reduction in the civil penalty amount 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, the person shall be deemed to have waived his or her right to contest the citation and judgment may be entered against the person for an amount up to the applicable civil penalty as well as an additional late fee assessed by the clerk and recording fees.
- (11) A conspicuous statement that if the person is required to appear in court, as mandated by section 828.27(6), Florida Statutes, he or she does not have the option of paying a fine in lieu of appearing in court; nor is the person entitled to a 25% reduction in the civil penalty amount.

SECTION 28: PROCEDURE UPON CITATION

(a) Any person cited for violation of this ordinance shall be deemed charged with a non-

criminal infraction. Any person cited for an infraction under this ordinance shall sign and accept a citation acknowledging receipt of the citation and indicating a promise to appear in county court, if such person wishes to contest the charge(s). Failure to sign and accept the citation shall be punishable as provided in Section 828.27(5), Florida Statutes.

(b) The applicable fine shall be reduced by 25% if the person who has committed the civil infraction does not contest the citation. The payment must be postmarked or received by the clerk's office no later than thirty (30) calendar days from the date the citation was issued. If the person cited pays the applicable fine, he or she shall be deemed to have admitted the infraction and waived his or her right to a trial.

(c) In order to contest a citation, the person must deliver or send a copy of the citation along with a written request for a hearing to the Clerk's Office; such requests must be received or postmarked no later than thirty (30) calendar days from the date of the citation. Upon receipt of the request for hearing, the Clerk's Office will set a hearing date and send notice to the person contesting the citation.

(d) If a person fails to pay and fails to request a hearing within thirty (30) days of receipt of the citation, the Clerk's Office shall issue a Notice to Appear. The clerk shall assess a ten-dollar (\$10.00) fee for each penalty paid after the initial thirty (30) day period. The late fee will be retained by the clerk's office for the purpose of defraying operating expenses.

(e) If a person has failed to pay the fine and applicable late fee, and fails to appear in court to contest the citation, the court may issue an order to show cause upon the request of the Animal Control Authority. This order shall require such person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such an order fails to appear in response to the court's directive, that person may be held in contempt of court. In addition, failure to pay the civil penalty shall result in the recording of a lien in the amount of the civil penalty, late fee, and recording fees.

(f) In the event an animal is impounded for violation of this ordinance and the owner of the animal abandons or surrenders the animal to the Animal Control Authority, the owner remains liable for the civil penalties imposed for violation of this ordinance.

SECTION 29: CITATION CONSTITUTES WARNING TO HOUSEHOLD

Issuance of a citation, warning, or a Notice of Violation to an adult member of the household in which an animal resides shall be deemed notice of the citation, warning, or Notice of Violation to all members of the household.

SECTION 30: POLK COUNTY ORDINANCE 05-047 IS HEREBY REPEALED.

SECTION 31: SEVERABILITY

If any provision or application of this Ordinance is for any reason held invalid, such invalidity shall not affect the remaining provisions or applications of this Ordinance, which provision, or application and, to this end, the provisions of this Ordinance are

declared severable.

SECTION 32: EFFECTIVE DATE

A certified copy of this ordinance shall be filed with the Florida Department of State. This ordinance shall take effect upon the receipt of acknowledgment that the ordinance has been filed with the Department.

STATE OF FLORIDA)

COUNTY OF POLK)

I Richard M. Weiss, Clerk of the Board of County Commissioners of Polk County, Florida hereby certify that the foregoing is a true and correct copy of Ordinance No. 10-001 adopted by the Board on January 6, 2009.

WITNESS my hand and official seal of said Board this 21st day of January 2009.

**Richard M. Weiss
Clerk to the Board**

By Kathryn Courtney
**Kathryn Courtney
Deputy Clerk**





FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

January 21, 2010

Ms. Kathryn Courtney
Clerk of the Board
Polk County
Post Office Box 988
Bartow, Florida 33831-0988

Dear Ms. Courtney:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 19, 2010 and certified copies of Polk County Ordinance Nos. 10-001 through 10-004, which were filed in this office on January 20, 2010.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

RECEIVED

01-26-10

Clerk Of The Board

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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STATE ARCHIVES OF FLORIDA
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LEGISLATIVE LIBRARY SERVICE
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ADMINISTRATIVE CODE AND WEEKLY
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