

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Amendment to Chapter 20, Seminole County Code

DEPARTMENT: Public Safety **DIVISION:** Animal Services

AUTHORIZED BY: [Signature] **CONTACT:** Michael Wittmer **EXT.** 5202

Agenda Date 8/24/04 Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>
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MOTION/RECOMMENDATION:

BCC adoption of the proposed changes to Chapter 20, Seminole County Code. (Michael Wittmer)

BACKGROUND:

Chapter 20 of the Seminole County Code, Section 20.16 speaks to cruelty to animals, to include the deprivation of shelter and protection.

The proposed amendment requires the provision of adequate shelter to allow a confined or tethered animal to remain dry and protected from the elements, and for the provision of natural or artificial shade when sunlight is likely to cause overheating, serious injury or death to the animal. The proposed amendment also requires that if the shelter is an enclosure, the enclosure allows for adequate ventilation. The proposed amendment also requires the availability of potable water at all times, either free flowing or in a clean receptacle.

The Animal Control Board recommends adopting the proposed amendment.

Reviewed by: Co Atty: <u>[Signature]</u> DFS: _____ Other: _____ DCM: <u>[Signature]</u> CM: <u>[Signature]</u> File No.: PH130PSAS01
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AN ORDINANCE AMENDING SECTION 20.16 "CRUELTY TO ANIMALS", CHAPTER 20, SEMINOLE COUNTY CODE, BY ADDING REQUIREMENTS FOR ADEQUATE SHELTER FOR CONFINED OR TETHERED ANIMALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 20.16, Seminole County Code, prohibits cruelty to animals and sets forth action that constitutes such cruelty; and

WHEREAS, given the heat and weather conditions prevalent in Florida, particularly during the summer months, it is necessary to provide adequate shelter for animals to mitigate those conditions to which, if exposed, constitute cruelty to animals; and

WHEREAS, an Economic Impact Statement has been prepared and made available in accordance with the requirements of the Seminole County Home Rule Charter,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Section 20.16, Seminole County Code, is hereby amended by adding a new Part 10, which will read as follows:

Sec. 20.16. Cruelty to animals.

It shall be unlawful for any animal owner or person to cruelly deprive food, water, shelter, and protection to any animal under his control and/or custody, or to abandon, poison, cruelly beat, cruelly whip or kill any animal under his, another's or no one's control and/or custody, or to mutilate, overdrive, overload, overwork, torment, torture or otherwise cruelly ill-use any animal. Adequate shelter shall be provided to allow the confined

or tethered animal to remain dry and protected from the elements at all times, and shall provide either natural or artificial shade that gives relief from direct sunlight, when sunlight is likely to cause overheating, serious injury, or death of the animal. If the shelter is an enclosure, the enclosure shall allow for adequate ventilation so as to prevent stress or discomfort to the animal. Potable water shall be available at all times, either free flowing, or in a clean receptacle. This section shall not apply to wild animals killed in the hunt by customary and nonbrutal methods nor to wild rats, mice, insects, fish, arthropods or vermin; nor shall this section apply to medical research organizations duly licensed and/or otherwise recognized or supported by state or federal law.

Section 2. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 3. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code and the word "Ordinance" may be changed to "Section," "Article," or other appropriate word or phase and that the sections of this Ordinance may be renumbered or relettered to accomplish such

intention; provided, however, that Sections 2, 3, and 4 shall not be codified.

Section 4. Effective Date. This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ADOPTED this ___ day of _____, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
DARYL G. MCLAIN, Chairman

AC/gn 5/10/04
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