

RESOLUTION NO. R00-131

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, ESTABLISHING A SCHEDULE OF FINES FOR ENFORCEMENT OF HILLSBOROUGH COUNTY ANIMAL ORDINANCE 2000- 00-26 ; ESTABLISHING DISCOUNTS FOR UNCONTESTED VIOLATIONS; PROVIDING FOR THE DISMISSAL OF CIVIL CITATIONS UPON PROOF OF COMPLIANCE; REPEALING RESOLUTION R98-062; AND PROVIDING FOR AN EFFECTIVE DATE.

Upon motion by Commissioner Hart,
seconded by Commissioner Wacksman, the
following Resolution was adopted by a vote of 7 to 0 ; Commissioner(s) _____
_____ voting "No".

WHEREAS, the legislature of the State of Florida has in Chapter 125, Florida Statutes, authorized local governments to adopt ordinances and regulations to promote the public health, safety and welfare of its citizens; and

WHEREAS, the Section 828.27, Florida Statutes, provides no County Ordinance relating to animal control or cruelty shall conflict with the provisions of Chapter 828, Florida Statutes, or any other State law; and

WHEREAS, the Section 828.27, Florida Statutes, does not prohibit any County from enacting an ordinance relating to animal control or cruelty which is identical to the provision of Chapter 828, Florida Statutes, or any other State law, except as to penalties; and

WHEREAS, the Section 828.27, Florida Statutes, provides authorization for enforcement of local animal control or cruelty ordinances by civil penalty not to exceed Five Hundred Dollars (\$500.00); and

WHEREAS, the Board of County Commissioners has adopted Hillsborough County Ordinance 200000-26, which provides for enforcement by civil penalty and authorizes the Board of County Commissioners to establish fines for violation of the Ordinance by resolution; and

WHEREAS, in order to implement Hillsborough County's civil citation program for enforcement of Hillsborough County Ordinance 200000-26, the schedule of fines should be established as appropriate; and

WHEREAS, the Board of County Commissioners has received the Department of Animal Services proposed Schedule of Fines for violation of the Ordinance and determine the same to be appropriate and reasonable.

WHEREAS, the Board of County Commissioners recognizes the need for judicial economy in enforcing this ordinance and;

WHEREAS, the Board of County Commissioners finds that an efficient method for encouraging judicial economy is the dismissal of certain citations upon receipt of satisfactory proof of compliance with the provisions of the Animal Ordinance within reasonable time periods; and

WHEREAS, the Board of County Commissioners finds that a discount of fifty percent for fines paid within a reasonable amount of time for certain violations is also an efficient method by which to foster judicial economy.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AT A REGULAR MEETING ASSEMBLED THIS 28TH DAY OF JUNE, 2000:

- (1) That pursuant to Hillsborough County Animal Ordinance 00-26, the following fines, uncontested discounts, and compliance dismissal time periods shall be established per animal per violation incident:

VIOLATION

A	Failure to vaccinate animal against rabies as required by Section 3.		
	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
	100	200	Mandatory Court Appearance
	<u>UNCONTESTED DISCOUNT</u>		
	None		
	<u>COMPLIANT DISMISSAL TIME PERIOD</u>		
	15 Days commencing on date of issuance		

VIOLATION

B	Failure to register vaccinated animal as required by Section 4.		
	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
	50	100	Mandatory Court Appearance
	<u>UNCONTESTED DISCOUNT</u>		
	None		
	<u>COMPLIANT DISMISSAL TIME PERIOD</u>		
	15 Days commencing on date of issuance		

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VIOLATION

C Quarantine Violation as prohibited by Section 5.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
200 400 Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
None

VIOLATION

D Failure to display tags or provide permanent identification as required by
Section 6.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
30 60 Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
None

VIOLATION

B Animal baiting as prohibited by Section 7(B).
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
Mandatory Court Appearance Mandatory Court Appearance Mandatory Court Appearance
UNCONTESTED DISCOUNT
None
COMPLIANT DISMISSAL TIME PERIOD
None

VIOLATION

F Improper confinement as prohibited by Section 7(C).
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
100 200 Mandatory Court Appearance
UNCONTESTED DISCOUNT
None
COMPLIANT DISMISSAL TIME PERIOD
None

VIOLATION

G Improper disposal of dead animal as prohibited by Section 7(D).
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
50 Mandatory Court Appearance Mandatory Court Appearance
UNCONTESTED DISCOUNT
None
COMPLIANT DISMISSAL TIME PERIOD
None

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VIOLATION

H Cruelty to animals as prohibited by Section 8.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
300 Mandatory Court Appearance Mandatory Court Appearance
UNCONTESTED DISCOUNT
None
COMPLIANT DISMISSAL TIME PERIOD
None

VIOLATION

I Vicious animal as prohibited by Section 9(A).
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
200 400 Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
None

VIOLATION

J Dangerous dogs; non-compliance as required by Section 9(B).
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
Mandatory Court Appearance Mandatory Court Appearance Mandatory Court Appearance
UNCONTESTED DISCOUNT
None
COMPLIANT DISMISSAL TIME PERIOD
None

VIOLATION

K Dogs and cats at large as prohibited by Section 10.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
100 200 Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
None

VIOLATION

L Striking or interfering with a service animal as prohibited by Section 11.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
450 Mandatory Court Appearance Mandatory Court Appearance
UNCONTESTED DISCOUNT
None
COMPLIANT DISMISSAL TIME PERIOD
None

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VIOLATION

M Interference with an Animal Control Officer as prohibited by Section 12.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
450 Mandatory Court Appearance Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
None

VIOLATION

N Female in heat; improper confinement as prohibited by Section 13.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
150 Mandatory Court Appearance Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
None

VIOLATION

O Failure to remove animal waste as required by Section 14.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
50 100 Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
None

VIOLATION

P Animals creating nuisance as prohibited by Section 15.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
100 200 Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
None

VIOLATION

Q Failure to provide protection from contagious diseases as required by Section 16.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
100 Mandatory Court Appearance Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
None

VIOLATION

R Violating permit conditions as prohibited by Section 17.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
100 200 Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
30 Days commencing on date of issuance

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VIOLATION

S Failure to obtain a permit as required by Section 18.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
50 100 Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
30 Days commencing on date of issuance

VIOLATION

T Failure to maintain minimum permit standards as required by Section 19.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
50 100 Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
To be determined by the Director of the Department of Animal Services or his or her designee.

VIOLATION

U Violating restrictions on use of guard dogs as prohibited by Section 20.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
50 100 Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
30 Days commencing on date of issuance

VIOLATION

V Failure of veterinarian to provide information or to offer sale of tags as required by section 23.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
100 Mandatory Court Appearance Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
30 Days commencing on date of issuance

VIOLATION

W Failure to provide notice of consumer guarantee as required by Section 25.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
50 200 Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
None

VIOLATION

X Breach of adoption agreement as prohibited by Section 30.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
150 Mandatory Court Appearance Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
30 Days commencing on date of issuance

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VIOLATION

Y Improperly transporting animals in vehicle as prohibited by Section 31.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
50 100 Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
None

VIOLATION

Z Failure to post notice on sale of pet pigs as required by Section 32.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
50 100 Mandatory Court Appearance
UNCONTESTED DISCOUNT
50%
COMPLIANT DISMISSAL TIME PERIOD
30 Days commencing on date of issuance

VIOLATION

AA Refusal to sign and accept citation as prohibited by Section 35.
FIRST OFFENSE SECOND OFFENSE THIRD OFFENSE
200 400 Mandatory Court Appearance
UNCONTESTED DISCOUNT
None
COMPLIANT DISMISSAL TIME PERIOD
None

- (2) Uncontested civil citations paid prior to the scheduled hearing date shall be discounted by the percentage shown in item #1 of this Resolution.
- (3) First offense civil citations for certain violations, outlined in item #1 of this Resolution, shall be dismissed upon satisfactory proof of compliance being presented to the Department of Animal Services within the allotted amount of time commencing on the date of issuance of the citation.
- (4) Any provisions in Resolution Number R98-062, or any other previously adopted Resolution or Board Policy which is inconsistent with provisions herein are repealed upon adoption of this Resolution.
- (5) The provisions of this resolution shall become effective on January 1, 2001.

PASSED AND ADOPTED this 28TH day of JUNE, 2000.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of June 28, 2000 as the same appears of record in Minute Book 289 of the Public Records of Hillsborough County, Florida.

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JGT
6/28/00

WITNESS my hand and official seal this 5th day of July, 2000.

RICHARD AKE

By: Mildred K. Dejon
Deputy Clerk

Approved as to form
and legal sufficiency:

BY: Gennie Granahan Terr
County Attorney

