

**RESOLUTION
NUMBER 2020-____**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA, AMENDING RESOLUTION 2016-028; PROVIDING FOR APPEALS OF DETERMINATIONS OF THE DIRECTOR OF THE ANIMAL SERVICES DEPARTMENT REGARDING ACTIONS OF DOGS THAT HAVE BEEN DECLARED DANGEROUS; PROVIDING FOR APPEALS OF DETERMINATIONS OF THE DIRECTOR OF THE ANIMAL SERVICES DEPARTMENT TO STERILIZE AN ANIMAL PURSUANT TO CHAPTER 14, LEVY COUNTY CODE; PROVIDING FOR THESE ADDITIONAL APPEALS TO BE HEARD BY THE ANIMAL SERVICES COMMITTEE; PROVIDING FOR FEES; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on May 17, 2016, the Board of County Commissioners (“Board”) adopted Resolution 2016-028, repealing the prior Resolution 2008-05, establishing the Animal Services Committee (hereinafter sometimes “Committee”), providing for the organization and operations of that Committee, and providing for appeals of dangerous dog classifications and related penalties to be heard by that Committee; and

WHEREAS, Resolution 2016-028 was adopted prior to the Board’s adoption of extensive and comprehensive regulations governing animal control, animal welfare, and animal cruelty, including regulations regarding dangerous dogs and classifications and penalties related thereto; and

WHEREAS, on [REDACTED], 2020, the Board adopted Ordinance 2020-[REDACTED], amending Chapter 14 of the Levy County Code to provide for extensive and updated regulations governing animal control, animal welfare, and animal cruelty; and

WHEREAS, the provisions of Ordinance 2020-[REDACTED] added a new Section 14-46, Levy County Code (herein “Section 14-46”), which provides for the conduct of hearings of appeals of determinations of the Director made pursuant to authority granted in other sections of Chapter 14, Levy County Code; and

WHEREAS, the provisions of Ordinance 2020-[REDACTED] added a new Section 14-42, Levy County Code (herein “Section 14-42”), which provides for determinations by the Director that there is sufficient cause to classify a dog as a dangerous dog or the appropriate penalty related to such determination pursuant to Section 767.12, Fla. Stat., and provides for the conduct of hearings of the Director’s determinations regarding such classification or related penalties, which hearings are to be held before the Committee, also as previously provided in Resolution 2016-028; and

WHEREAS, the provisions of Ordinance 2020-[REDACTED] added a new Section 14-44(a), Levy County Code (herein “Section 14-44(a)”), which provides for determinations by the Director for confiscation and expeditious and humane destruction of a dog that has previously been declared dangerous and attacks or bites a person or domestic animal without provocation pursuant to Section 767.13, Fla. Stat., and provides for the request for and conduct of hearings of the Director’s determination related to the destruction of such dog, which hearings are to be held before the Committee; and

WHEREAS, the provisions of Ordinance 2020-[REDACTED] added a new Section 14-44(b), Levy County Code (herein “Section 14-44(b)”), which provides for determinations by the

Director for confiscation and expeditious and humane destruction of a dog that has previously been declared dangerous and attacks and causes severe injury or death to any human pursuant to Section 767.13, Fla. Stat., and provides for the request and conduct of hearings of the Director's determination related to the destruction of such dog, which hearings are to be held before the Committee; and

WHEREAS, the provisions of Ordinance 2020- [REDACTED] added a new Section 14-44(c), Levy County Code (herein "Section 14-44(c)"), which provides for determinations by the Director for confiscation and expeditious and humane destruction of a dog that not been declared dangerous, but that attacks and causes the death of a human pursuant to Section 767.135, Fla. Stat., and provides for the conduct of hearings related to the destruction of the dog, which hearings are to be held before the Committee, also as previously provided in Resolution 2016-028; and

WHEREAS, it is appropriate and in the best interests of the citizens of the County to amend Resolution 2016-028 to specifically cite the provisions of Sections 14-42 and 14-44(c) related to the hearings of appeals of the Director's determinations made pursuant to those code sections, and to include hearings of appeals of the Director's determinations made pursuant to Sections 14-44(a) and 14-44(b) and Section 767.13, Fla. Stat., in the provisions of Resolution 2016-028,; and

WHEREAS, pursuant to Ordinance 2020- [REDACTED], a new Section 14-9(g), Levy County Code (herein "Section 14-9(g)"), which provides for determinations by the Director to sterilize fertile dogs or cats that have been impounded on three (3) or more occasions, upon posting or delivery of notice to the dog or cat owner; and

WHEREAS, Section 14-9(g) also provides that a dog or cat owner may request a hearing regarding the sterilization of the owner's dog or cat, if request for a hearing is submitted within the time frame set in Section 14-9(g); and

WHEREAS, it is appropriate and in the best interests of the citizens of the County Resolution 2016-028 be amended to include hearings of appeals of an owner of a dog or cat of the Director's determination regarding the sterilization of the owner's dog or cat pursuant to Section 14-9(g); and

WHEREAS, the Board desires to adopt this resolution to amend Resolution 2018-026 to provide for the conduct and procedures related to hearings of appeals of determinations of the Director made in accordance with the various sections of Chapter 14, Levy County Code, as described herein, and to provide for citation to the applicable sections of the Levy County Code;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA, that:

1. All of the recitals above and those contained in Resolution 2016-028 are adopted herein as though they were restated in their entirety.

2. Section 4 of Resolution 2016-028 will be amended as follows (additions shown as underlined, deletions shown as ~~stricken through~~):

4. Functions, powers and duties of the Committee. The functions, powers and duties of the Committee shall be as follows:

a. Conduct any hearing of an appeal of a determination made by the Levy County Animal Services Department Director that there is sufficient cause to classify a dog as a dangerous dog or of the appropriate penalty related to such determination, which hearing has been requested in writing by the owner of the dog, in accordance with Section 767.12, Fla. Stat., and Sections 14-42 and 14-46, Levy County Code ~~in accordance with any subsequent ordinance or regulations~~

~~that may be adopted by the Board governing animal control.~~

b. Conduct any hearing of an appeal of a determination made by the Levy County Animal Services Department Director that a dog shall be euthanized in an expeditious and humane manner when such dog has previously been classified as dangerous and has attacked or bitten a person or domestic animal without provocation, in accordance with Section 767.13(1), Fla. Stat., and Sections 14-44(a) and 14-46, Levy County Code.

c. Conduct any hearing of an appeal of a determination made by the Levy County Animal Services Department Director that a dog shall be euthanized in an expeditious and humane manner when such dog has previously been classified as dangerous and has attacked and caused severe injury to or death of any human, in accordance with Section 767.13(2), Fla. Stat., and Sections 14-44(b) and 14-46, Levy County Code.

d. Conduct any hearing of an appeal of a determination made by the Levy County Animal Services Department Director that a dog shall be euthanized in an expeditious and humane manner when such dog has not been classified as dangerous and has attacked and caused death to a human, in accordance with Section 767.135, Fla. Stat., and in accordance with any subsequent ordinance or regulations that may be adopted by the Board governing animal control Sections 14-44(c) and 14-46, Levy County Code.

e. Conduct any hearing of an appeal of a determination made by the Levy County Animal Services Department Director that a fertile dog or cat shall be sterilized after that dog or cat has been impounded on three (3) or more occasions, which sterilization will occur prior to the release of the dog or cat to the owner, in accordance with Sections 14-9(g) and 14-46, Levy County Code.

fe. Any other duties assigned by the Board.

3. Section 5.d. of Resolution 2016-028 will be amended as follows (additions shown as underlined, deletions shown as ~~stricken through~~), with the remainder of Section 5. remaining unchanged:

d. The Director may also present testimony and/or evidence relating to the events surrounding the Director's initial determination that is the subject of the hearing, or any other information which might indicate; the dangerous propensity of a subject dog or supporting a determination to euthanize a dog if the hearing relates to an appeal pursuant to Section 14-42 or Sections 14-44(a), 14-44(b) or 14-44(c), and Section 14-46, Levy County Code, as also provided in Section 767.12, Fla. Stat., or Section 767.13, Fla. Stat., or Section 767.135, Fla. Stat., as applicable, or to the propensity of a subject dog or cat to be impounded while

fertile supporting a determination to sterilize a dog or cat if the hearing relates to an appeal pursuant to Sections 14-49(g) and 14-46, Levy County Code .

4. Section 12 of Resolution 2016-028 will be amended as follows (additions shown as underlined, deletions shown as ~~stricken through~~):

12. Fees. The owner of a dog or cat that is the subject of a dangerous dog investigation, or that is the subject of any hearing on a finding determination of by the Director as provided in this Resolution ~~that there is sufficient cause to classify the dog as dangerous or on a finding by the Director regarding related penalties, or that is the subject of any hearing on a final order classifying the dog as dangerous and imposing the related penalty,~~ shall be responsible for payment to the County of all boarding costs and other fees as may be required to humanely and safely keep the dog or cat during the dangerous dog investigation or any of the applicable hearing or appeal procedures related to the Director's determination that is being appealed.

5. All other provisions of Resolution 2016-028 that are not changed by this resolution shall remain in full force and effect.

6. Effective Date. This resolution shall take effect immediately upon adoption by the Board of County Commissioners of Levy County, Florida.

PASSED AND DULY ADOPTED this ____ day of _____, 2020.

**BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

ATTEST: Clerk of the Circuit
Court and Ex Officio Clerk to the
Board of County Commissioners

Matt Brooks, Chair

Danny J. Shipp

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Anne Bast Brown, County Attorney