



**EXECUTIVE REGULATORY OVERSIGHT COMMITTEE
ADMINISTRATION EAST BUILDING
2201 SECOND STREET, FORT MYERS, FL 33901
ROOM 118 (FIRST FLOOR)
WEDNESDAY, SEPTEMBER 10, 2025
2:00 P.M.**

AGENDA

1. Call to Order/Review of Affidavit of Publication
2. Approval of Minutes – May 14, 2025
3. Land Development Code Amendments
 - A. Dock and Shoreline Regulations (Boathouses and Dock Pavilions)

Sec. 26-41 (Definitions); Sec. 26-46 (Variances and Special Exceptions); Sec. 26-71 (Docking Facilities and Boat Ramps); Sec. 26-74 (Boathouses and Dock Pavilions); Sec. 34-174 (Authority to Approve Administrative Actions); Sec. 34-203 (Submittal Requirements for Administrative Action Applications); Sec. 34-622 (Use Activity Groups); and Sec. 34-1173 (Development Regulations).
4. Repealing and Replacing Ord. 14-22, Animal Control Ordinance
5. Adjournment – Next meeting scheduled for November 12, 2025.

To view a copy of the agenda, go to www.leegov.com/dcd/calendar

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**MINUTES REPORT
EXECUTIVE REGULATORY OVERSIGHT COMMITTEE
(EROC)**

**Wednesday, May 14, 2025
2:00 p.m.**

Committee Members Present:

Annette Carrasquillo
Scott Edwards
David Gallaher
Sam Hagan

Bob Knight
Randal Mercer, Chairman
Ian Moore

Excused / Absent:

Carl Barraco, Jr.
Bill deDeugd
Victor Dupont

Tracy Hayden, Vice-Chair
Michael Roeder

Lee County Staff Present:

Erika Garcia, DCD Administration
Janet Miller, DCD Planning

Amanda Swindle, Assistant County Attorney

AGENDA ITEM 1 - CALL TO ORDER/REVIEW OF AFFIDAVIT OF POSTING:

Mr. Randal Mercer, Chairman, called the meeting to order at 2:00 p.m. The meeting was held in the Community Development/Public Works Building, 1500 Monroe Street, Fort Myers, Florida, Conference Room 1B. Mr. Mercer stated we have a quorum and asked Ms. Amanda Swindle, Assistant County Attorney, if we had a legal meeting.

Ms. Amanda Swindle, County Attorney's Office, confirmed the Affidavit of Posting was legally sufficient and the meeting could proceed.

AGENDA ITEM 2 - APPROVAL OF MINUTES – March 12, 2025

Mr. Mercer asked if anyone had any comments or changes to the minutes from the March 12, 2025 meeting. There were none. He asked if there was a motion to approve.

Ms. Carrasquillo made a motion to approve the March 12, 2025 minutes, as written. The motion was seconded by Mr. Edwards. The Chair called the motion, and it passed 7-0.

AGENDA ITEM 3 – ORDINANCE AMENDING CHAPTER 20, PARKS AND RECREATION, ARTICLE II, PERTAINING TO SMOKING AND VAPING AT PUBLIC PARKS AND BEACHES

Ms. Swindle gave an overview of the Ordinance.

Mr. Knight referred to Item 1 on Page 2 that reads, "...with the exception of unfiltered cigars." He asked if this meant that people were allowed to smoke a cigar in a park.

Ms. Swindle stated that was correct. Unfiltered cigars are not included in this prohibition.

Mr. Gallaher asked why unfiltered cigars were exempted from this prohibition.

Ms. Swindle stated that as far as the rational basis for that exemption, she could not provide one, but there would be a logical reason for that exemption. She reviewed the staff analysis with the legislature and was unable to find what she would consider to be a rational justification for the exemption. She personally felt it was in order to get the bill passed.

Ms. Carrasquillo asked if unfiltered cigars were allowed on the state level.

Ms. Swindle stated that was correct. This language mirrors the state language.

Mr. Knight asked if the county was required to mirror the language exactly or if they could leave it out and see what happens as a result.

Ms. Swindle stated that to the extent that our park rangers enforce it against a patron with an unfiltered cigar, it would be contrary to state law because the general scheme is that regulations of smoking are preempted to the state. The counties' only authority has to be narrowly tailored to what we are provided with in the statute.

Ms. Carrasquillo asked for confirmation that regardless of the county's ordinance, the state dictates what you can or cannot do on public beaches or parks.

Ms. Swindle stated that was correct as far as smoking and vaping is concerned except for the narrow authority the state gives the counties.

Mr. Knight asked if the county then takes that and narrows it some more.

Ms. Swindle stated staff could draft a regulation that is less restrictive than the one provided for by the state, but they cannot draft one that is more restrictive than what is provided by the state.

Mr. Gallaher asked what the purpose was in prohibiting cigarettes and vaping but not cigars. He did not feel it made sense. Cigars are a health concern as well as the other items and the smoke from cigars is often more offensive to people than that of cigarettes and vaping. It seemed biased to him.

Ms. Swindle stated she did not disagree with that. The justifications for the prohibition in general are health, safety, and welfare. She could not find a rational justification for this exemption.

Mr. Gallaher stated there is a smaller crowd of people that smoke cigars than cigarettes and vaping.

Ms. Swindle stated that as a beach goer herself, she sees less people smoking cigars than vaping. Her opinion was that the bill would not have passed without that exemption written into it.

Ms. Carrasquillo asked for confirmation that even without this, if someone was smoking or vaping on a public beach, they could be removed or stopped.

Ms. Swindle stated that was incorrect. This amendment is needed.

Ms. Carrasquillo asked for confirmation that this amendment would be needed even though it already exists on the state level.

Ms. Swindle clarified that the prohibition does not exist on the state level. The authority of counties to create a prohibition exists on a state level.

Mr. Mercer asked about medicinal smoking and vaping. He asked if that was allowed.

Ms. Swindle stated this resolution only applies to any lighted tobacco products. This means that technically this amendment does not address anything other than a tobacco product.

Mr. Hagan asked if someone is allowed to smoke on the beach now.

Ms. Swindle stated there is no prohibition against outdoor smoking at any of our parks or beaches.

Mr. Hagan asked if the commissioners were the ones to suggest that we extend the prohibition to the outdoor areas.

Ms. Swindle stated that was correct. It was brought up as a commissioner item by Commissioner Hamman and it was unanimously voted on by the Board to bring forward. She noted that the park rangers already enforce the indoor smoking prohibition but now that it is outdoors, it will take some education efforts. This is how the park rangers usually handle changes like this. They do not initially cite people. Initially, they give people warnings.

Mr. Gallaher asked what the penalty was for this.

Ms. Swindle stated it is a first, second, and third offense with fines of \$100, \$200, and \$300 dollars.

Mr. Gallaher asked what would happen after a third offense.

Ms. Swindle stated that after a third offense, the county would trespass the person.

Mr. Knight stated that the reason this committee is asking so many questions is because once this goes to the public, the questions this committee has will be nothing in comparison to the feedback that will be received by the public. He asked if there was a way to make this more understandable.

Ms. Swindle stated this committee was welcome to suggest other clarifying language.

Ms. Carrasquillo asked what the reason was behind Commissioner Hamman bringing this item forward.

Ms. Swindle stated that the City of Fort Myers adopted a similar ordinance a year ago. She explained that after the 2019 amendment came forward, different counties and cities started adopting an ordinance. She believed health, safety, and welfare were probably the primary motivation.

Mr. Gallaher stated that most likely the only resistance that would be received would be from those who smoke.

Ms. Swindle stated there are also many people who are against government regulation in general, and they voice their opinions at County Commission meetings.

Mr. Hagan stated that he planned to vote against this item because he felt badly for people who smoke.

Mr. Knight made a motion to approve the ordinance as written. Mr. Gallaher seconded the motion. The motion passed 6-1. Mr. Hagan was opposed.

AGENDA ITEM 4 - Adjournment

The next meeting is scheduled for Wednesday, July 9, 2025.

Mr. Mercer announced that he would be out of town for the July 9th meeting, but the Vice Chair would be in attendance.

There was no further business.

The meeting adjourned at 2:15 p.m.

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

**TO: Executive Regulatory Oversight
Committee (EROC)**

DATE: August 27, 2025

**FROM: Adam Mendez
Principal Planner**

**RE: Land Development Code (LDC) Amendments
Dock and Shoreline Structures**

The attached Land Development Code (LDC) amendments, scheduled for consideration at the September 10, 2025 meeting, propose changes to dock and shoreline regulations pertaining to boathouses and dock pavilions.

Staff seeks input and a recommendation as to whether the Board of County Commissioners should adopt the proposed amendments.

Background and Summary

On June 17, 2025, the BoCC directed staff to review and present a proposed ordinance to the Board at a future meeting intended to eliminate inefficiencies and reduce redundancies with respect to the permitting of boathouses and related residential dock accessory structures. The Board directed staff to simplify the permitting process as it relates to these types of structures.

Consistent with BoCC direction, staff proposes amendments to LDC Chapters 26 and 34 to:

- Establish new processes to allow boathouses and dock pavilions exceeding established regulatory maximums to be permitted by right or through an administrative zoning action, thereby eliminating permitting inefficiencies related to these structures;
- Maintain the path for approval of a special exception for departures from established regulatory maximums in instances where these structures cannot be permitted by right or through an administrative zoning action;
- Revise accessory structure regulations to allow boathouses and dock pavilions to be constructed prior to the construction of a principal structure consistent with how docks are regulated; and
- Correct scrivener's errors from prior LDC changes, revise terminology for clarity and consistency, and update cross-references resulting from proposed substantive changes to these regulations.

Land Development Code Advisory Committee (LDCAC) August 8, 2025

The LDCAC committee heard presentation remarks by staff and unanimously approved the proposed language as written.

Local Planning Agency (LPA) August 25, 2025

The LPA committee received a staff presentation, followed by a discussion focused on Jet Ski slip equivalencies. Staff clarified that the scope of the amendments did not address changes to permitted watercraft slips. The LPA unanimously approved the proposed language as written.

Attachments

EROC Ordinance Evaluation Guidelines
Draft LDC Amendments

EROC ORDINANCE EVALUATION GUIDELINES

Proposed Ordinance: Land Development Code (LDC) Amendments (Dock and Shoreline Structures)

1. What is the public interest that the Ordinance is designed to protect?

The proposed regulations are intended to:

- Create streamlined processes to permit boathouses and dock pavilions by right or administratively, reducing permitting delays.
- Retain special exceptions for cases that don't qualify for streamlined approval.
- Update rules to allow boathouses and dock pavilions before a principal structure, aligning with current dock regulations; and
- Fix previous clerical errors, clarify terminology, and update cross-references to reflect proposed changes.

2. Can the identified public interest be protected by means other than legislation (e.g., better enforcement, education programs, administrative code in lieu of ordinance, etc.)? If so, would other means be more cost effective?

No. Legislative amendments are the most effective and cost-efficient means to streamline the identified scenarios. Alternative approaches would not adequately address the regulatory inefficiencies.

3. Is the regulation required by State or Federal law? If so, to what extent does the County have the authority to solve the problem in a different manner?

No.

4. Does the regulation duplicate State or Federal programs? If so, why?

No.

5. Does the regulation contain market-based incentives? If not, could that be used effectively?

No.

6. Is the regulation narrowly drafted to avoid imposing a burden on persons or activities that are not affecting the public interest?

Yes.

7. Does the regulation impose a burden on a few property owners for the benefit of the public as a whole? If so, does it provide any form of compensation?

No.

8. **Does the regulation impact vested rights?**
No.
9. **Does the regulation provide prompt and efficient relief mechanisms for exceptional cases?**
Yes.
10. **Even though there is an interest to be protected, is it really worth another regulation?**
Yes. Streamlining and clarifying the regulatory process is worthwhile, and the Board of County Commissioners has directed staff to pursue these amendments.
11. **Has this approach been tried in other jurisdictions? If so, what was the result? If not, what are the reasons?**
To staff's knowledge, these changes are unique to Unincorporated Lee County. Comparable approaches have not been identified in other jurisdictions.
12. **If this regulation is enacted, how much will it cost on an annual basis, both public and private? If this regulation is not enacted, what will be the public and private cost?**
There are no costs associated with enacting these regulations.

AMENDMENT SUMMARY

- Issue: (1) Current LDC regulations allow personal docks to be built prior to construction of a principal residential use on a buildable lot, but do not allow weather protection/shade structures on the docks until establishing a principal use. (2) Current LDC regulations require boathouses greater than 1,000 square feet to obtain approval through a time-consuming special exception process.
- Solution: (1) Adopt LDC amendments in Chapters 26 and 34 to permit the residential accessory uses of boathouses and dock pavilions prior to establishing a one or two-family residential dwelling type on a buildable lot. (2) Adopt LDC amendments that provide a by-right approval for boathouses in exceedance of the current cap if the property owner obtains letters of no objection from abutting property owners and establish an administrative approval pathway to consider exceedances.
- Outcome: (1) Allow for weather protection/shade structures on personal docks permitted prior to establishing a residential principal use and (2) streamline permitting processes.

Sec. 26-41. Definitions.

Staff note: Revise definition of single-family dock for clarity and consistency. Clarify that single-family docks containing more than two slips are subject to Manatee Protection Plan (MPP) evaluation pursuant to LDC section 26-71.

The following words, terms and phrases, when used in this article, will have the following meanings unless the context clearly indicates a different meaning:

Single-family dock means a fixed or floating structure, including moorings, used for berthing buoyant vessels, ~~that is an accessory use to an existing or proposed single-family residence on property which permits residential uses, with no more than two boat slips per residence when located in a waterway. Notwithstanding, a shared~~ Shared single-family docks ~~dock~~ approved in accordance with this Code may contain up to four boat slips. A ~~single~~ Single-family docks ~~dock may contain~~ containing more than two slips ~~additional slips as provided in Section~~ are subject to section 26-71(a).

Sec. 26-46. Variances, special exceptions, and administrative approvals.

Staff note: Revise section to provide reference to specific standards for departures and new approval processes as set forth in section 26-74. Remove reference to special exception approval process consistent with process change and remove reference to principal structure requirement for consistency with section 34-1173, as amended.

Sections (a) and (b) remain unchanged.

- (c) Specified departures from the roofed area and height standards contained in ~~Section~~ section 26-74 may be requested through the ~~special exception approval processes~~ process in accordance with set forth in section 26-74, Section 34-145(c). A permit authorizing development approved by special exception may not be issued prior to the issuance of a building permit for a principal structure. The principal structure must be either existing or concurrently constructed with any approved departure from the standard regulations contained herein.

Sec. 26-71. Docking facilities and boat ramps.

Staff note: Revise section to correct scrivener's error adopted by Ordinance 22-24.

Docking facilities will be permitted in accordance with the following regulations:

- (a) *Number of slips.*

- (1) ~~No more than single-family docks containing more than two slips must comply with the Manatee Protection Plan boat facility siting criteria.~~

Remainder of section unchanged.

Sec. 26-74. Boathouses and dock pavilions.

Staff note: Revise section to establish a new approval process for boathouses and dock pavilions exceeding 1,000 square feet in area or boathouses exceeding 20 feet in height. Boathouses exceeding the established size or height standards, or dock pavilions proposed to exceed the established size standard, are proposed to be permitted by right where letters of no objection from abutting property owners are provided at time of building permit. Where no letters of no objection are provided, a property owner may pursue an administrative zoning action to allow a structure (or structures) to exceed the 1,000-square-foot roofed area maximum, subject to compliance with the criteria for a special exception established in the LDC. Where an administrative approval request is denied for lack of compliance with these approval criteria as determined by the Director, an applicant will have the right to pursue the request through the special exception process.

The following regulations apply to all boathouses and dock pavilions associated with ~~private single-family docks residential uses~~, except where specifically superseded by other provisions of this article:

Subsections (a) and (b) remain unchanged.

(c) *Design criteria.*

- (1) Maximum roofed area. The total roofed area of a boathouse, dock pavilion, or any combination thereof may not exceed 1,000 square feet of roofed area unless approved in accordance with one of the following approval processes:

- a. Dock and shoreline permit. A boathouse, dock pavilion, or any combination thereof exceeding 1,000 square feet of roofed area may be constructed pursuant to the requirements of this code where the property owner or their authorized agent obtains letters of no objection from all adjacent property owners, except those separated from the subject property by any waterbody, right-of-way, or easement. Letters of no objection required under this subsection must be notarized and must include the site plan and construction plans presented for building permit approval that clearly identify the total roofed area of the boathouse, dock pavilion, or combination thereof.
- b. Administrative approval. Where letters of no objection are not provided in accordance with subsection a., the property owner or their authorized agent may file an application for administrative approval in accordance with sections 26-46 and 34-174.
- c. Special exception. Where an application for administrative approval filed in accordance with subsection b. is denied for failure to meet the criteria for administrative approval established in section 34-174, the property owner or their authorized agent may file an application for a special exception in accordance with sections 26-46 and 34-145(c).
 - i. ~~A boathouse may not encompass more than 500 square feet of roofed area, except where two boathouses are permitted on an individual property, one boathouse exceeding 500 square feet in roofed area, up to 1,000 square feet, may be constructed in lieu of two individual boathouses. No more than 1,000 square feet of roofed area may be permitted on an individual property unless approved by special exception in accordance with Section 26-46(c).~~
 - ii. ~~A maximum of one dock pavilion may be permitted on a single-family property in lieu of one boathouse and may not encompass more than 250 square feet of roofed area over decking, except where a shared-use docking facility is permitted the dock pavilion may not exceed 300 square feet.~~

- (2) *Height.*

- i-a. **Boathouses.** The maximum height of a boathouse is 20 feet above mean high water, as measured from mean high water to the highest point of the boathouse. A boathouse with a maximum height of 35 feet may be approved in accordance with one of the following approval processes: ~~A special exception may be requested in accordance with Section 26-46(c) for a boathouse height up to 35 feet above mean high water.~~
 - i. **Dock and shoreline permit.** A boathouse exceeding 20 feet but not 35 feet in height may be constructed pursuant to the requirements of this code where the property owner or their authorized agent obtains letters of no objection from all adjacent property owners, except those separated from the subject property by any waterbody, right-of-way, or easement. Letters of no objection required under this subsection must be notarized and must include the site plan and construction plans presented for building permit approval that clearly identify the height of the boathouse.
 - ii. **Administrative approval.** Where letters of no objection are not provided in accordance with subsection i., the property owner or their authorized agent may file an application for administrative approval in accordance with sections 26-46 and 34-174.
 - iii. **Special exception.** Where an application for administrative approval filed in accordance with subsection ii. is denied for failure to meet the criteria for administrative approval established in section 34-174, the property owner or their authorized agent may file an application for a special exception in accordance with sections 26-46 and 34-145(c).
- ii-b. **Dock pavilions.** The maximum height of a dock pavilion is 20 feet above mean high water, as measured from mean high water to the highest point of the dock pavilion; or 12 feet above the grade of the dock to the highest point of the dock pavilion, whichever is lower. The roof of a dock pavilion is prohibited from containing an upper-story deck or guardrails.

Remainder of section unchanged.

Sec. 34-174. Authority to approve administrative actions.

Staff note: Revise section to provide reference to new administrative approval process referenced in Chapter 26. Renumber section accordingly.

(a) through (j) remain unchanged.

(k) Administrative approval of boathouses and dock pavilions.

- (1) Authority.** The Director is authorized to administratively approve increases in (1) roofed area and height of boathouses; and (2) roofed area of dock pavilions associated with a single-family dock authorized under section 26-74.
- (2) Findings/review criteria.** Before approving an increase in the roofed area or height of a boathouse, the Director must find the criteria for approval of a special exception established in section 34-145(c)(3)a. and e. are satisfied.

(*) (l) Decisions of Director.

- (1) The Director may administratively approve a request in accordance with the provisions above with conditions as necessary for the protection of the health, safety, and welfare of the general public. Conditions must be reasonably necessary to effectuate the intent and purpose of this Code and other applicable regulations.
- (2) Decisions by the Director pursuant to this section are discretionary and may not be appealed in accordance with Section 34-145(a).
- (3) If the County determines that an administrative action was approved based on inaccurate or misleading information or if the approval did not comply with this Code when the decision was

rendered, then, at any time, the Director may issue a modified approval that complies with the Code or revoke the administrative approval.

- (4) If a request for an administrative action is denied, revoked, or an applicant disagrees with the conditions imposed, the applicant must seek approval by filing an application for public hearing in accordance with ~~Section 34-373~~ Article II or Article IV of this chapter.

Sec. 34-203. Submittal requirements for administrative action applications.

Staff note: Revise section to incorporate submittal requirements for administrative zoning actions pertaining to boathouses and dock pavilions. These documents are currently required to support applications for special exceptions in accordance with current LDC requirements.

Subsection (a) remains unchanged

- (b) *Additional submittal requirements.* In addition to the application requirements provided in subsection (a) above, the following submittal requirements apply, as specified.

Subsections (1) through (5) remain unchanged

(6) Boathouses and dock pavilions.

- a. A dimensioned plan view of the structures subject to the request.
- b. A benthic species survey assessment, as defined in section 26-41, if the proposed location of the boathouse abuts or is located within a natural body of water.
- c. Scaled architectural elevations demonstrating the proposed height above mean high water.
- d. A site plan prepared in accordance with the requirements of sections 34-203(a)(8) and 26-45(b)(6).

Sec. 34-622. Use activity groups.

Staff note: Revise section to provide reference to “docks, single-family” for consistent terminology. Complete other clean-up for grammatical consistency.

Subsections (a) and (b) remain unchanged.

- (c) *Use activity groups.* Use activity groups are as follows:

Subsections (1) through (41) remain unchanged.

- (42) *Residential accessory uses (Article VII, Division 2 of this section).* This group includes uses customarily accessory to residences provided all property development regulations of the zoning district in which located are complied with.

Carports and garages
Decks, gazebos, patios and screen enclosures
Docks, single-family personal (see Section sections 26-41 and 34-1863)
Excavations for ponds that are accessory to a single-family residence are permitted subject to the regulations set forth in Section 10-329(c).
Fences (Section 34-1741 et seq.)
Garage or yard sales, limited to not more than one week in duration, with sales limited to two garage or yard sales per year
Garden sheds
Recreational facilities, personal, such as pools, spas, jacuzzis, hot tubs, swings, sand boxes and similar equipment

Sec. 34-1173. Development regulations.

Staff note: Revise subsection (a)(2)d to allow boathouses and dock pavilions to be constructed in conjunction with single-family docks without a principal structure. Currently, only dock structures are permitted to be constructed without a principal structure. Change reference from “dock, personal” to “dock, single-family” for consistency in terminology throughout LDC. Provide reference to lot of record standards to recognize that legally created lots of record, as defined in the LDC, are permitted to be developed with docks, boathouses, and dock pavilions.

- (a) *Permitted structures and uses.* Unless specifically indicated to the contrary, accessory uses, buildings and structures that are customarily recognized as clearly incidental and subordinate to the principal use of the property, are permitted by right when located on the same lot or parcel and in the same zoning category as the principal use, provided that:
- (1) All uses, buildings and structures must comply with all applicable development regulations and Building Codes.
 - (2) Accessory buildings or structures may be built concurrently with a principal building or structure but, except as provided herein, no accessory use, building or structure may be commenced, erected, placed or moved onto a lot or parcel prior to the principal use, building or structure.
- Exceptions are as follows:
- a. Agricultural accessory structures in the AG District.
 - b. Fences or walls when in compliance with Section 34-1741 et seq.
 - c. Seawalls or retaining walls (see Section 34-1863).
 - d. Docks, ~~single-family personal~~, boathouses, and dock pavilions (see ~~Section~~ sections 26-41 and 34-1863). Only permitted if the lot meets the minimum lot size and dimensions required for a principal use, including lots that conform to lot of record standards in section 34-3272, ~~except that lots~~ lots created prior to September 27, 1993, which contain submerged lands and which are located on islands without vehicular access to the mainland are exempt from this requirement.
- (b) *Attachment to principal building.* Authorized accessory buildings or structures may be erected as part of the principal building or may be connected to it by a roofed porch, patio or breezeway, or similar structure, or they may be completely detached, provided that:
- (1) Any accessory building or structure which is structurally a part of the principal building shall comply in all respects with the regulations for a principal building.
 - (2) Any accessory building or structure not structurally made a part of the principal building shall comply with the location requirements set forth in Section 34-1174.

LEE COUNTY ORDINANCE ~~N~~NO. 25-__

~~AN ORDINANCE REPEALING ANIMAL CONTROL ORDINANCE 14-04; PROVIDING FOR ANIMAL CONTROL IN UNINCORPORATED LEE COUNTY, FLORIDA AND THOSE MUNICIPALITIES BY INTERLOCAL AGREEMENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR ESTABLISHMENT OF A COUNTY ANIMAL SHELTER; PROVIDING FOR AN ANIMAL CONTROL ENFORCEMENT AGENCY; PROVIDING FOR PROHIBITIONS AGAINST CRUELTY TO ANIMALS; PROVIDING FOR ADOPTION BY REFERENCE FLORIDA STATE STATUTES RELATING TO ANIMAL CONTROL, ANIMAL WELFARE AND ANIMAL CRUELTY, PROHIBITION AGAINST ANIMAL CRUELTY; IMPOUNDMENT OF ANIMALS FOUND IN DISTRESS; FIGHTING OR BAITING OF ANIMALS, STERILIZATION OF DOGS AND CATS RELEASED FROM ANIMAL SHELTER FACILITY; PROHIBITION AGAINST ALLOWING ANIMALS TO BECOME A NUISANCE, MUSCOVY DUCKS AS NUISANCES, CONCEALMENT OF ANIMALS, PROHIBITING ANIMALS FROM RUNNING AT LARGE; PROHIBITION AGAINST ALLOWING ANIMALS TO DISPLAY THREATENING AND MENACING BEHAVIOR, FAILURE TO EXERCISE CONTROL OVER DANGEROUS ANIMALS; FAILING TO CONFINES FEMALE DOGS AND CATS IN SEASON; PROHIBITING OPPOSING AN ANIMAL CONTROL OFFICER, DAMAGING ANIMAL SHELTER FACILITY, RELEASING ANIMALS; PROVIDING FOR ENFORCEMENT OF VIOLATIONS, REDEMPTION AND DISPOSITION OF UNWANTED AND IMPOUNDED ANIMALS, IMPOUNDING FEES; REPORTING OF PERSONS BITTEN OR SCRATCHED BY ANIMALS AND THE QUARANTINE OF ANIMALS FOR RABIES OBSERVATION; PROHIBITING THE KILLING OR REMOVAL FROM LEE COUNTY OF RABID ANIMALS; PROVIDING FOR THE SURRENDER OF THE CARCASSES OF RABID ANIMALS; PROVIDING FOR THE REGISTRATION OF GUARD DOGS; PROVIDING FOR LICENSING AND FOR VACCINATION REQUIREMENT, ANIMAL IDENTIFICATION REQUIREMENTS FOR DOGS, CATS, FERRETS, AND LICENSE FEES; INSPECTION OF ANIMAL ESTABLISHMENTS, DISPOSAL OF BODIES OF DEAD OWNED ANIMALS, SETTING RESTRICTIONS ON CONFINING ANIMALS IN MOTOR VEHICLES; PROVIDING FOR TREATMENT OF ANIMALS IN A HUMANE MANNER;~~

~~PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.~~

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, REPEALING AND REPLACING IN THE ENTIRETY LEE COUNTY ORDINANCE NO. 14-22, RELATING TO ANIMAL SERVICES, CODE OF ORDINANCES CHAPTER 4, ARTICLE II; PROVIDING FOR CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Board of County Commissioners acknowledges the enjoyment derived from pet ownership; and

WHEREAS, the Board of County Commissioners further appreciates the need to protect all animals from themselves, from other animals and from humans; and

WHEREAS, the Board of County Commissioners realizes the importance of maintaining control of communicable diseases transmitted to and from non-human life forms.

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

This Ordinance is entitled the Lee County Animal Control Ordinance.

SECTION ONE: PURPOSE, RESTATEMENT AND REPEALER

It is the intent of this Ordinance to repeal and replace in the entirety Lee County Ordinance No. 14-~~04 is~~ 22. Accordingly, upon adoption of this Ordinance, Lee County Ordinance No 14-22 are hereby duly repealed and ~~of no further force and effect~~ replaced.

SECTION TWO: DEFINITIONS

The following definitions are established for purposes of and apply to this ordinance:

ABANDON: To give up possession of, to neglect, to forsake an animal entirely or to refuse to provide or perform the legal obligations for care and support of an animal by its owner or owner's agent.

ADEQUATE FOOD: Uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the individual animal's age and condition.

ADEQUATE WATER: A continual access to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, and in sufficient amounts to maintain good health. Such water will be provided in a secure manner so that the container cannot be overturned.

ADEQUATE SHELTER: A structurally sound, properly ventilated, sanitary and weather-proof shelter suitable for the species, condition and age of the animal, which provides access to shade from direct sunlight and protection from exposure to inclement weather. Structure must be sufficient to prevent an animal from running at large. The minimum area for each animal must be configured so to as to provide each animal sufficient room to move about freely, stand, turn around and lie down without touching the sides of the perimeter fencing. It must also include a solid top or covered area and bottom to protect an animal from the direct rays of the sun, wind or rain, and it must be free from unsanitary conditions, including bodily waste, stagnant water and/or stale food, odor and parasites, including fleas, ticks and rodents.

ADEQUATE ~~HEALTH~~VETERINARY CARE: The provision to each animal of all immunizations and preventative care required to maintain good health; and the provision to each sick, diseased or injured animal of veterinary care or humane death.

ANIMAL: Every living dumb creature.

ANIMAL FACILITY: Any pet shop, animal grooming shop, flea market, department store, guard dog training facility, riding school, any type of kennel, cattery, zoological park, circus or a performing animal exhibition; or any other premises or property where animals are kept as part of an entity. This excludes government entities but includes both for profit and not for profit entities.

ANIMAL ROAMING AT LARGE: Any animal not under the restraint, confinement or direct control of the owner or his agent, as defined further herein.

ANIMAL CARE FACILITY: Any person, group or business that provides for the care, sustenance, housing, maintenance or other necessary care of an animal, usually but not necessarily for a fee. Including, but are not limited to, veterinary facilities, boarding facilities, groomers, animal sitters/foster care, rescues, shelters and pet stores.

ANIMAL SERVICES: An entity composed of persons and officers which have full and complete authority to enforce the provisions, regulations and requirements of this ordinance and applicable laws of the State of Florida relating to animals and animal cruelty.

ANIMAL CONTROL OFFICER: Any person employed or appointed by Lee County who is authorized to investigate, pursuant to law, civil infractions or criminal offenses relating to Animal Control or animal cruelty, and to issue citations as provided in this ordinance, and to file charges based on such investigation.

~~**AUCTION:** Any facility or place where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this ordinance. This section does not apply to individual sale of animals by owners.~~

BAITING: To attack with violence, to provoke or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. "Baiting" also means the use of live animals in the training of racing greyhounds or dogs used in "Hog Dog Rodeos", or any other performing animal exhibition.

BOARD: The Board of County Commissioners of Lee County, Florida; (or "BOCC").

CITATION: The form used to cite owners or agents for any violations of this Ordinance, or of the applicable laws of the State of Florida.

~~**COMMERCIAL ANIMAL ESTABLISHMENT:** Any pet shop, animal grooming shop, flea market, department store, guard dog training facility, riding school, any type of kennel, cattery, zoological park, circus or a performing animal exhibition; or any other premises or property where animals are kept as part or whole of a business concern. *Bonafide commercial agricultural animal establishments are excluded from this definition, with the exception of cruelty to animal investigations as authorized in Section XXVI.A of this ordinance.~~

CRUELTY TO ANIMALS: As defined in Chapter 828, Florida Statutes, as it may be amended from time to time.

DANGEROUS ANIMAL: Any animal that bites, scratches or attacks in a menacing fashion, or otherwise injures humans, domesticated or other animals without provocation, or which because of temperament, conditioning or training has a history of attacking, biting or injuring humans or any domesticated or other animals.

~~**DESIGNEE:** Person designated to fulfill the role in the absence of the Public Safety or Animal Control Director.~~

DIRECT CONTROL: Shall mean immediate and continuous physical control of an animal at all times; such as by means of a fence, leash not to exceed 8 feet in length, cord, or chain of sufficient strength to restrain said animal (excluding herding dogs, dogs in process of hunting, police dogs, dogs participating in a registered field trial, obedience training or trial, or on its owner's property).

DISTRESS: A condition in which an animal is in a harmful environment or situation without proper care or supervision where health, safety and well-being is at risk.

DOMESTIC ANIMAL: Any animal kept for enjoyment and/or companionship rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent upon people for food, shelter and survival.

~~**DOWNER:** Any animal that is non-ambulatory.~~

EUTHANASIA: The humane and painless putting to death of an animal that is hopelessly sick, injured or ultimately unclaimed. In the case of dogs and cats, by injection of sodium pentobarbital as defined in Chapter 828, Florida Statutes, as it may be amended, from time to time.

FERAL ANIMAL: Any animal that is not socialized to humans and is not approachable, nor able to be handled, and/or is unpredictable in its behavior due to fear.

GROOMING SHOP: Any commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

GUARD DOG: Any type of dog used primarily for the purposes of defending, patrolling or protecting property or life.

GUARD DOG REGISTRATION: The process of presenting a guard dog to the Animal Control Agency for purposes of documenting pertinent data of the dog, which shall include name, address and telephone number of the guard dog service, the service's manager, the owner (if other than the service), and/or the handler; the dog's breed, sex, color, microchip registration number (if applicable); certification of rabies vaccination; any other distinguishing physical characteristics of the animal, and any "stop attack/release" commands.

GUARD DOG SERVICE: Any person, firm or corporation which trains, sells, rents, leases or loans guard dogs for the purpose of defending, patrolling or protecting properties or persons.

~~**GUIDE DOG:** A properly trained dog certified by a licensed seeing-eye, hearing-ear-dog, or helper dog agency, and actually being used by a visually/hearing impaired or handicapped person.~~

EXOTIC SPECIES: Any animal whose natural habitat is outside the continental United States, excluding non-venomous reptiles and fish.

HEALTH DEPARTMENT: Lee County Health Department.

~~**HOBBY BREEDER:** A person owning and breeding purebred dogs or cats, whose primary purpose is for exhibition and improvement of their specific breed, and not for financial gain.~~

HUMANE CAPTURE METHODS: Use of control poles, muzzles, nets, humane traps and tranquilizer equipment.

HUMANE MANNER: A manner consistent with the physical and behavioral needs of a species; including but not limited to adequate heat, ventilation and sanitary shelter, wholesome food and water consistent with the normal requirements and feeding habits of the particular animal according to its size, species and breed; including necessary veterinary care.

HUMANE METHOD: (A) A method of slaughter whereby the animal is rendered insensible to pain by mechanical, electrical, chemical or other means that are rapid and effective, before being shackled, hoisted, thrown, cast or cut, or; (B) A method of slaughter in accordance with ritual requirements of any religious faith whereby the animal suffers loss of consciousness by anemia of the brain, caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument; as defined in Florida Statutes.

HUMANE TRAP: A device used to capture animals, which does not cause injury to the animal upon capture or confinement.

~~**IMPLIED OWNER:** Any person who is harboring an animal without ownership being openly or directly expressed.~~

KENNEL OR CATTERY: Any premises where animals are kept for profit rather than enjoyment, by boarding, grooming, buying, training, selling, letting-for-hire or offering of stud services. Animal hospitals maintained by a Florida licensed veterinarians, shelters operated by the Board of County Commissioners or tax exempt animal care facility shall not be considered commercial kennels or catteries.

LICENSE: A document and/or tag issued by the Animal Control Agency indicating that the animal described on the license is owned, kept or boarded by the individual named thereon.

LIVESTOCK: As defined in §828.23, F.S. (as it may be amended), means all animals of the bovine, equine, or swine class and also includes goats, sheep, mules, horses, hogs, and domesticated poultry, or any other animal used in and for utility or preparation of meat or meat products.

NUISANCE ANIMAL:— Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to reasonable enjoyment of life or property.

OFFICIAL HEALTH RECORD: A certificate signed by a licensed veterinarian that shows the age, sex, breed, name, description and health record of an animal; as well as the name, address and phone number of the owner or agent of the owner.

OWNER: Any person or entity owning, keeping, harboring or having control of one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for ten (10) or more consecutive days. ~~Any implied owner will also be construed as being the owner of an animal. An animal~~ An owner is responsible for keeping their animals under direct control at all times and will be held accountable for any violation of this ordinance.

OWNER'S AGENT: A person or entity capable of acting or empowered to act for and on behalf of the owner.

PERSON: A natural person or persons, firm, association, corporation or any other entity, legal or otherwise, as defined in Chapter 828, Florida Statutes, (as it may be amended).

PET SHOP: A store, person, partnership, corporation or franchise operation whether operated separately or in connection with another business enterprise that buys, sells, or boards any species of animal for a fee or reimbursement.

~~**PET LICENSE:** A document and/or tag issued by the Animal Control Agency indicating that the animal described on the license is owned, kept or boarded by the individual named thereon.~~

PROVIDER: Any person or entity that provides for the sustenance, medical care, housing, or other essential items/care to any animal. Florida Licensed Veterinarians are exempt from this definition while providing care for an animal owned by a client, customer, or shelter.

~~**PROBABLE CAUSE:** Exists where the facts and circumstances within the Officer's knowledge and of which the Officer has reasonably accurate information sufficient in themselves to lead a reasonable person to believe that an offense has been or is being committed.~~

PUBLIC NUISANCE: For the purposes of this ordinance, means any animal that unreasonably annoys the community, injures the health of citizens in general or other animals, or substantially interferes with the rights of other persons to the quiet enjoyment of life or property.

PUBLIC PROPERTY: Lands and improvements owned, leased or controlled by the Federal Government, the State, the County, or a municipality, and includes sovereignty submerged lands located adjacent to the County or municipality, buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, right-of-ways, and other similar property.

QUARANTINE: The strict indoor confinement, isolation and observation of an animal for symptoms of rabies. Such confinement must prevent the animal from coming into unplanned contact with any other animal or human being for a period of ten (10) days from the date of the bite.

~~**RECOGNIZED NATIONAL, REGIONAL OR LOCAL DOG/CAT CLUB:** Any National, Regional or Local Dog or Cat Club which is Chartered, Organized, and has by-laws, Directors and Members.~~

RESCUE- is generally a registered, non-profit organization dedicated to protecting and rehoming domestic animals. These organizations are typically registered with the Florida Department of State and operate as charitable organizations under the IRS's 501(c)(3) code. They serve to alleviate overcrowding in traditional shelters and provide medical care, training, and socialization to animals in need of new, permanent homes.

SANITARY: Clean and free from infectious or deleterious influences.

SECURE ENCLOSURE: Confinement of an animal in a building or other enclosure that renders such animal inaccessible to any other animal or people.

TETHERING: means the restraining of an animal by the tying of it to any object or structure, without limitation, a house, tree, fence, post, garage, shed or weighted object of any kind, by means of rope, cord, lash, leash, running line or other attachment, without limitation; but does not include a leash when same is used to walk or exercise the animal.

THREATENING & MENACING BEHAVIOR: Any aggressive behavior toward a human or another animal, whether by barking, growling or charging, without provocation, where such action on the part of the aggressor creates a reasonable apprehension of immediate injury. This does not include an animal that is secured on its own property.

TWENTY-FOUR (24) HOUR NOTICE: An animal control agency— form left upon a property in an attempt to notify an owner or owner's agent of an existing violation or an abandoned animal, and that they have 24 hours in which to contact Animal Control Agency.

UNATTENDED ANIMAL: An animal on its own property that is not securely confined and no owner or owner's agent is present, and where that animal is at liberty to come and go freely from its own property.

VETERINARY CARE: Medical treatment by a licensed veterinarian having as its purpose the mitigation of disease, suffering and/or injury.

WARNING NOTICE: An animal control agency form served on an owner or owner's agent advising them of an existing violation of this ordinance.

WILD ANIMAL: Any non-domesticated member of the animal kingdom, including those born or raised in captivity that are not dependent upon human beings for survival.

ZOOLOGICAL PARK: Any facility operated by a person, partnership, corporation or government agency other than a pet shop or kennel, displaying or exhibiting one or more species of animal.

SECTION THREE:

1. **ESTABLISHMENT OF A COUNTY ANIMAL SHELTER.** There is hereby established and created, an animal shelter to provide Animal Control services for Lee County. The shelter shall be of adequate size and design for the safe confinement of animals.
2. **ANIMAL CONTROL ENFORCEMENT AGENCY.** Lee County Animal Services hereafter referred to as "Animal Services" is hereby established as the official animal control authority and enforcement agency for Lee County and those municipalities with which the Agency may enter into interlocal agreements. It shall employ qualified persons who shall be invested with full and complete authority to enforce the provisions, requirements and regulations set forth herein and to discharge the duties of the office. Those persons designated as Animal Control Officers, are duly appointed as code enforcement officers in accordance with Chapter §162.21(2) Florida Statutes (~~2004~~2025) (as amended), of Lee County shall have the authority to issue citations and to enforce this Ordinance and the Laws of the State of Florida relating to animals.
3. **ADOPTION BY REFERENCE: FLORIDA STATE STATUTES RELATING TO ANIMAL CONTROL, ANIMAL WELFARE AND ANIMAL CRUELTY.**

The Board hereby adopts by reference, as a part of this ordinance, all Laws of the State of Florida relating to Animal Control, Animal Welfare and Animal Cruelty.

4. **CRUELTY TO ANIMALS.**

- ~~A.~~
- A. No owner, keeper or agent of an animal shall fail to provide the animal with adequate food, water, shelter or veterinary care; or restrain the animal by any means other than those defined in this Ordinance.
- ~~B.~~
- B. No animal shall be kept in unsanitary conditions, or in areas where there is vermin-harboring debris or other material which can provide an opportunity for injury or a danger to the animal's health or welfare.
- ~~C.~~
- C. No person shall neglect, beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse or unnecessarily mutilate or kill any animal, or cause the same to be done.

~~D.~~ D. It shall be unlawful for any person or owner, or group of persons, to abuse, cause bloodletting or death of an animal.

~~E.~~ E. It shall be unlawful for any person to molest or penetrate an animal or use the body parts of an animal for sexual gratification.

~~F.~~ F. It shall be unlawful to procure an animal for the purposes set forth in Sections D. and E.

~~G.~~ G. No person other than a licensed veterinarian shall crop the ears or dock the tail of any dog.

~~1.~~ 1. A person commits an offense if he crops or cuts off or causes or procures to be cropped or cut off, the whole or part of the ear, ears or tail of a dog.

~~2.~~ 2. The possession by any person of a dog with an ear or ears cut off or cropped, or tail docked, and with the wound resulting therefrom unhealed, or any such dog being found in the charge or custody of any person, or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation of this Section, unless the cropping or docking has been carried out by a licensed veterinarian.

~~H.~~ H. It shall be unlawful for any person to leave or deposit any poison or any substance containing poison in any common street, road, alley, lane or thoroughfare of any kind, or in any yard or enclosure other than that person's own yard or enclosure, for the purpose of inflicting injury or killing any animal.

~~I.~~ I. The humane slaughter of either domestic or wild animals for food purposes (as defined in Chapter 828.23 Florida Statutes (~~2004~~2025)) (as it may be amended from time to time) (including but not limited to all lawful hunting activities) is exempt from the provisions of this section.

J. 1. No owner or agent of an animal shall abandon any animal in any public or private place.

~~2.~~ 3. If an Animal Control Officer suspects that an animal has been abandoned, but such animal does not appear to be in immediate distress or danger, the Officer may leave notices posted in a conspicuous place informing the owner or agent to contact said Officer within 24 hours. Failure to do so will result in the animal being removed by the Animal Control Officer. The animal will become the property of the Lee County Animal Control Agency if not

redeemed within five (5) days. The Officer may issue citations if the owner or agent is subsequently located.

~~K.~~

K. SUPERVISION, CONFINEMENT, CAGING AND TETHERING

~~1.~~

1. No person shall fasten, chain, tether, or otherwise tie an animal to any inanimate objects such as trees, buildings, fences, posts or other stationary or highly immobile objects by means of rope, chain, cable, leash, lead, strap or other physical restraint for the purposes of restraining an animal.

~~2.~~

2. Animals must wear a specifically manufactured and properly fitted collar or harness for purposes of attended, temporary tethering for recreational purposes. A leash or lead may not be attached directly to the animal's neck in lieu of a manufactured collar or harness. Chain, choke or prong collars are prohibited during tethering of an animal.

~~3.~~

3. Perimeter property fencing, a kennel or a run may be used to restrain a domestic animal provided it is sufficient to prevent an animal from running at large. The minimum area for each animal must be configured so to as to provide each animal sufficient room to move about freely, stand, turn around and lie down without touching the sides of the perimeter fencing. It must also include a solid top or covered area and bottom to protect an animal from the direct rays of the sun, wind or rain, and it must be free from unsanitary conditions, including bodily waste, stagnant water and/or stale food, odor and parasites, including fleas, ticks and rodents.

~~4.~~

4. A structure in which an animal is housed must be well ventilated with fresh air by means of windows, doors, vents or fans.

~~5.~~

5. An electronic confinement system will be deemed an acceptable enclosure if the equipment is properly installed and maintained in continuous working order and the animal being contained wears the appropriate electronic collar when within the system perimeter.

~~6.~~

6. This section does not apply to animal owners using a leash or lead (including a retractable leash or lead) for the purposes of supervised recreational or outdoor enjoyment with their pet ~~or caretakers of registered TNR colonies.~~

~~7. Owners will be provided 30 days from the date of the citation issued to comply with this Section of the Ordinance.~~

5. **IMPOUNDMENT OF ANIMALS FOUND IN DISTRESS.**

A. Authority. Animal Control Officers ~~shall have the authority to impound and~~ Law Enforcement Officers may take immediate custody of any animal ~~found to be cruelly treated or in obvious distress. Any animal so impounded may be taken to a veterinarian without the owner's consent or may become in~~ distress, to prevent further harm, including arranging emergency care and transport to an approved facility.

B. Law Enforcement Requests for ~~examination and/~~Impoundment. Upon request from law enforcement, Animal Control may impound animals found:

- At scenes involving arrest, incarceration, or ~~treatment, if necessary.~~
- The incapacitation of the owner;
- As evidence in a criminal investigation; or
- Otherwise at risk if left unattended.

C. Notice. When the owner is known, written notice of impoundment and reclaim procedures shall be provided. Return of the animal may be subject to court order.

D. ~~said animal shall be liable~~ Enforcement. Persons responsible for animals found in distress are subject to civil citation, criminal prosecution, and payment of all related costs ~~incurred.~~ of care.

E. Any ~~animal~~animals impounded under the provisions of this ordinance and not redeemed by its owner/ agent after five (5) consecutive days shall become the property of the Animal Control Agency.

6. **ANIMAL FIGHTING OR BAITING.** It shall be unlawful for any person to promote, allow or permit any animal to engage in animal fighting or baiting for amusement or gain, including:

A. A. Knowingly owning, managing or operating a facility kept or used for fighting or baiting any animal.

~~B.~~

B. B. Owning, possessing, keeping, training, promoting, purchasing or knowingly selling any animal for animal fighting or baiting.

~~C.~~

C. C. Promoting, staging, advertising, wagering or charging an admission fee to a fight (baiting) between two or more animals.

D. Paying for admission to an animal fight/baiting or attending a fight/baiting as a spectator.

7. **STERILIZATION OF DOGS AND CATS RELEASED FROM ANIMAL SHELTER FACILITY.**

~~A.~~

A. No unclaimed dog or cat shall be released from a public or private animal shelter, humane organization, or an animal control agency for adoption without being sterilized ~~prior to entering the new home. Animal Control Officers are authorized to issue citations for failure to sterilize any cat or dog adopted from the animal shelter.~~

B. _____

B. Sterilization may be deferred only on the written recommendation of a licensed veterinarian.

~~Any person who adopts an unaltered animal shall be required to leave a cash spay/neuter deposit, which will be fully refunded upon proof that the sterilization has been accomplished.~~

~~C.~~

~~D.~~C. Any unsterilized animal impounded for a second or subsequent redemption that is reclaimed by the owner shall be sterilized at the expense of the owner prior to the animal being released from Animal Services. Sterilization may be deferred only on the written recommendation of a licensed veterinarian.

8. **NUISANCE ANIMALS.** It shall be unlawful for any owner or owner's agent to fail to care for or control an owned ~~animals, or to allow~~ animal, or ~~animals~~for the animal to become a nuisance.

A. It shall be unlawful for:

1. The owner of every animal ~~shall be responsible for the removal of any~~to fail to remove excreta deposited by the animal on public walks, recreation areas, private property, or any other place where such excreta deposits may create a nuisance injurious to the public health.

~~A. It shall be unlawful for:~~

~~2.~~ ~~1.~~ Any animal to make unreasonable disturbing noises, including, but not limited to: barking, howling, whining, screeching or other utterances causing annoyance, discomfort or disturbance of the peace or sleep of a reasonable person(s). Look into zoning regs RE ag property.

2

3. Any animal to roam at-large.

~~3~~

4. Any animal to damage the property of anyone other than its owner.

~~4.~~

5. Any animal to roam on school grounds or in the area of school transportation vehicles.

~~5.~~

6. Any animal to cause unsanitary conditions in enclosures or surroundings where the animal is kept or confined, as determined by Animal Services or the Health Department to be unsanitary.

~~6.~~

7. Any person to keep any animals that are dangerous to the public health, safety or welfare by virtue of the number or types of animals maintained.

7. _____

8. Any animal to disturb or turn over any garbage containers.

B. _____

C. No person shall offer a bounty for the collection or the elimination of any ~~animal~~ dog or cat determined to be a nuisance under the provision of this ordinance.

D. This section shall not apply to any nuisance as defined in Chapter 823.14, Florida Statutes (2025) (as amended from time to time).

9. **MUSCOVY DUCKS AS NUISANCES.**

A. _____

A. Animal Services is hereby given the authority to declare Muscovy ducks to be a public nuisance. If a public nuisance is determined to exist, Animal Services may break the eggs and humanely euthanize the ducks, or authorize other qualified individuals to do the same. Where a nuisance is created by a Muscovy duck or ducks, and the person responsible for the ducks can be determined, the person may be issued a citation for contributing to the creation of a public nuisance.

B. The possession of or feeding of Muscovy ducks on public property and private property zoned residential is hereby prohibited.

10. **SURRENDER OR NOTICE OF STRAY ~~ANIMALS~~ANIMAL TO ANIMAL CONTROL ENFORCEMENT AGENCY SERVICES**

~~Stray animals-~~

Any person that finds a stray animal shall ~~be released by the finder~~ either upload all required identifying information to Animal Services designated online portal or release the animal to Animal Services within twenty-four (24) hours of being found so as to provide the owners the opportunity to reclaim their animal during the stray holding period. A. If the owner of the stray animal is not located 72 hours after uploading the information to Animal Services designated online portal, the finder then has 24 hours to release the animal to Animal Services. If the animal is deemed adoptable, a finder may adopt the found animal if unclaimed by the owner at the expiration of the stray holding period with a completed and approved adoption application through Animal Services. Stray animals turned into Animal Services shall be considered impounded.

11. **CONCEALMENT OF ANIMALS.**

It shall be unlawful for any person to confine, hide or conceal any animal to which the person does not have legal title; or any animal which has been involved in a bite or scratch or rabies exposure incident for which formal investigation is pending, unless that person shall have reported possession of such animal to

Animal Control within twenty-four (24) hours after acquiring possession of the animal or within twenty-four (24) hours after making reasonable attempts to locate its owner; or to conceal any other animal that is subject to an investigation by the Animal Control Agency.

12. **PROHIBITING ANIMALS FROM RUNNING AT-LARGE.**

- A. 1. It shall be unlawful for any person owning or having possession, charge, custody or control of any animal, including but not limited to domestic, livestock, farm, wildlife or fowl raised in captivity, to permit the animal to stray, run, go or roam at-large in or upon any public street, sidewalk, school grounds, in the area of school vehicles, beaches, parks or on the private property of others without the consent of the owner of such property.
2. Any animal found in violation of this Section may be impounded.
3. Any property owner or tenant may seize an unrestrained animal, unattended animal, or animal at large on his or her property and turn said animal over to Animal Services for disposition. Any person seizing an unrestrained, or animal at large shall capture the animal in a safe and humane manner, and may employ certain humane traps for such purpose.

13. **THREATENING OR MENACING BEHAVIOR AND PHYSICAL VIOLENCE.**

~~A.~~

A. It shall be unlawful for the owner or agent of any animal to allow that animal to act in a threatening or menacing manner toward any other person or another animal not belonging to said owner or agent, ~~when that animal is not on the property of said owner or agent.~~ ~~This section shall not apply to animals which are securely enclosed, or contained in a secure enclosure, under the direct control of the owner/agent as defined in this Ordinance, or when the animal is on its owner's property.~~

~~B. It shall be unlawful for the~~

B. No owner or owner's agent of any animal ~~to allow that shall permit the animal to act in a threatening, either willfully or menacing manner toward any~~ through failure to exercise due care or control, to bite, attack or wound a human without provocation while such person ~~not~~ is in or on a public place or lawfully in or on a private place including the property of ~~said~~ the owner ~~or agent~~ of such animal.

~~C.~~

C. Upon receipt of a report of any animal acting in this manner, Animal Services may investigate the incident. After investigation, Animal Services may order the owner or agent to keep the animal restrained or confined as defined in this Ordinance, and may issue a written warning or a citation and a notice ordering confinement.

~~D. Upon an owner's conviction under this section, the subject animal will be considered a dangerous animal for the purpose of Section Three, Part 14 as defined in this Ordinance. A record of the order to confine, the written warning, the citation with court results, and any supporting affidavits will be held on file at Animal Services.~~

E

D. An order to confine will be a written notice issued by an Animal Control Officer to a person who owns or harbors a dog that has acted in a threatening or menacing manner. One copy will be left with the owner of the animal and one copy will be kept on file at Animal Services. Such notice shall include name, address and telephone number of owner; sex, color, breed of dog; license and rabies vaccination registration numbers; time, date and nature of incident; signature of owner agreeing to confinement and signature of issuing Officer. The confinement must be completed within 24 hours of the notice being issued. The Officer conducting the investigation will check to ensure that the confinement has been completed.

~~F.~~
E. Failure or refusal to confine any animal in violation of this section may result in the animal being impounded and/or citations being issued.

~~G. EXCEPTION TO THREATENING OR MENACING BEHAVIOR. An animal that is secured on its own property cannot be found to be threatening or menacing.~~

14. **DANGEROUS ANIMALS.**

~~A.~~

A. The Director of Animal Services or Designee may declare that an animal is a dangerous animal, in accordance with applicable County Administrative Code.

~~B.~~

B. Any animal declared to be a dangerous animal shall be confined in a secure enclosure on the premises of the owner or keeper of such animal. No dangerous animal shall be allowed off the premises of the owner or keeper unless such animal remains:

~~1.~~

1. Inside a secure animal carrier, or

~~2.~~

2. Under the physical control of such owner or keeper, and securely muzzled and restrained by a chain with a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length; or

3. Subject to conditions established by the Director of Animal Services.

C. ~~C.~~ It is a violation of this ordinance for the owner or keeper of a dangerous animal to refuse or fail to confine or restrain such animal as required by this Section.

D. No dangerous animal impounded pursuant to this ordinance shall be released until:

~~1.~~

1. The owner or keeper of such dangerous animal presents proof to the Director of Animal Services that the animal will be confined as required by this section;

~~2.~~
2. The owner or keeper executes an affidavit acknowledging that the animal has been declared dangerous, agreeing to confine and restrain the animal, and recognizing the County's right to ownership and custody of the animal if it bites or injures a human or another animal after being declared dangerous.

~~3.~~
3. Provides proof that the animal has been electronically implanted, sterilized, vaccinated for rabies and has made payment of a one-time dangerous dog registration fee of \$1,500 with the acknowledgement of an additional annual registration fee of \$500 per year. This annual registration fee is in addition to the pet licensing fee required in Section 20 of this Ordinance.

~~4.~~
4. Posts warning signs with attached number identifying the dangerous animal, provided by Animal Services at owner's expense, on owner or keeper's premise stating "Dangerous Animal" on the property at all entry points to the property.

~~5.~~
5. If applicable, a notarized statement must be submitted to the Director of Animal Services by the landlord of said property that will house a dangerous animal including adherence to all posting regulations.

E. If a dangerous animal is sold or given away, the owner or keeper of a dangerous animal shall report, in writing, the names, addresses and telephone numbers of the new owner or keeper to the Director of Animal Services prior to the transfer of ownership or custody of such animal. It is a violation of this Ordinance not to report the name and address of the new owner. The owner or keeper shall update all relevant information with the national registry applicable to the microchip and shall provide Animal Services with confirmation that the microchip information has been updated. The new responsible party shall comply with all of the requirements of this Section even if the animal is later moved from the county to another county within the State of Florida. If an animal that has been designated by another jurisdiction as dangerous and is housed within Lee County, the owner or keeper shall immediately register the animal with Animal Services. If an animal is declared dangerous by another municipality, the animal will automatically be declared a dangerous animal in Lee County, requiring the owner or keeper to comply with Section 14 of this Ordinance.

F. The owner or keeper of a dangerous animal shall report in writing or by telephone the death of such animal to the Director of Animal Services immediately, and it is a violation of this ordinance not to do so. The death

of such animal shall be verified by a licensed veterinarian or an Animal Control Officer.

- G. 1. The owner or keeper of a dangerous animal, whether or not it has been declared dangerous, who permits, allows or causes such animal to run, stray or be uncontrolled or at large in or upon public or private property, shall be in violation of this ordinance if such dangerous animal bites, attacks or causes injury to any person or domestic animal.
2. It is a violation of this ordinance for any person convicted under this subsection to own, keep, possess, control or be in charge of any animal of the breed which caused the bite, attack or injury for which a conviction was rendered for a period of three (3) years from the date of conviction. No license certificate, license tag or other permit shall be issued for such type of animal to such person within three (3) years of such conviction.

H. EXCEPTION TO CLASSIFICATION UNDER SECTION 12 OR 13. No animal shall be classified as threatening or dangerous if the threat of injury was sustained by a person who, at the time, was committing or attempting to commit a crime upon the owner of the animal, or who was committing a willful trespass upon premises occupied by the owner of the animal, or who was teasing, tormenting, abusing or assaulting the animal or its owner.

I. Animal Services shall have the authority to make inspections as necessary to ensure that the owner or keeper of a dangerous animal is in compliance of county ordinance. Animals—

1. shall not be used as a guard dog.

~~2.~~ 2. shall not be used for the purposes of hunting.

~~J.~~

J. Upon declaration of euthanasia of a dangerous animal provided by Animal Services, Animal Services shall provide the owner of a classified dangerous animal written notice containing all costs and fees incurred by the department in the confiscation, maintenance, quarantine and euthanasia of the animal with a deadline not less than thirty (30) days from receipt of the notice of payment of the costs and fees.

15. FAILURE TO CONFINE FEMALE DOGS AND CATS IN SEASON.

A. It shall be unlawful for the owner or agent of any female dog or cat in season to fail to keep such animal confined in a building or secure enclosure, veterinary hospital, or boarding kennel to prevent such dog or cat coming

into contact with another dog or cat except for intentional breeding purposes. Confinement solely by a leash, chain or other similar restraint, or within a fence, open kennel, open cage or run, may be, but shall not be presumed to be, in compliance with this section.

~~B.~~

B. For the purposes of this Section, a fenced yard may not be considered a secure enclosure, and any female in season chained on any unfenced lot, tract, yard or parcel of land may be removed by an Animal Control Officer and confined at the Animal Control facility until the owner of said animal provides alternative confinement, or the animal's condition has ceased to exist. The owner or agent shall be liable for all fees incurred. Animal Services may issue citations for any violation of this Section.

C. Violations of the above shall be subject to the appropriate penalties as set out in Florida law for violations of County ordinances.

16. **OPPOSING AN ANIMAL CONTROL OFFICER.**

A. It shall be unlawful for any person to oppose, resist, obstruct, hinder or in any manner prevent an Animal Control Officer from performing lawful duties.

B. It shall be unlawful to tear down, burn, deface, destroy or otherwise damage any animal shelter, equipment or vehicle, or to release or remove any animal from the custody of an Animal Control Officer, Animal Services shelter or trap owned by Animal Services.

17. **ENFORCEMENT OF VIOLATIONS.**

A. 1. Animal Control Officers shall have the authority to impound any animal in violation of this ordinance by using recognized capture techniques and methods. Such methods and techniques may include but are not limited to: leashes, control poles, nets, humane traps and ~~recognized~~ tranquilizer equipment.

~~2.~~

2. If after a reasonable effort the seizure of any such unrestrained animal cannot be made, or should the animal be dangerous or have an injury or physical condition which causes the animal to suffer, the Animal Control Officer may incapacitate the animal by the most reasonable and humane means then available.

~~B.~~

B. Animal Control Officers, on determining that a violation of this Ordinance has occurred, may issue a citation or warning notice to the owner or his agent. The citation criteria as set forth in Chapter 828.27, Florida Statutes (~~2013~~2025) (as amended from time to time) are hereby adopted, and will be utilized.

~~C.~~
C. Any person who willfully refuses to sign and accept a citation issued by an Officer is guilty of a misdemeanor of the second degree, punishable as provided for in Florida Statutes.

D. Any duly sworn law enforcement officer in Lee County may enforce the provisions of this ordinance in any jurisdiction where this ordinance applies.

18. **SURRENDER OF CARCASS OF RABID ANIMAL.** Any person who, upon demand, does not surrender to the Animal Services or the Health Department the carcass of any dead animal exposed to rabies shall be guilty of a misdemeanor of the second degree, for each separate offense.

19. **VACCINATION REQUIREMENTS FOR DOGS, CATS AND FERRETS.**

A. Any person who owns, keeps, possesses, provides for or harbors within Lee County any dog, cat, or ferret four (4) months of age or older must have such animal vaccinated against rabies. Any person owning, keeping, possessing or harboring any dog, cat, or ferret without proof of a current valid vaccination shall be deemed to be violating this provision.

B. All dogs, cats, and ferrets 4 months of age or older must be vaccinated against rabies by a licensed veterinarian with a vaccine that is licensed for use in such species and in the following manner:

1. The animal must be revaccinated 12 months after the initial vaccination.-

~~1.~~

2. For subsequent vaccinations the interval between vaccinations shall conform to the vaccine manufacturer's directions.

3. Evidence of circulating rabies virus neutralizing antibodies shall not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations.

4. Any owner or agent doing a self-vaccination for rabies shall be deemed in violation of this Section.

5. A dog, cat, or ferret is only exempt from vaccination against rabies if a licensed veterinarian has examined the animal and has certified in writing that at the time vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. An exempt animal must be vaccinated against rabies as soon as its health permits. ~~A county license valid exemption must be purchased regardless of provided to the exemption from the rabies vaccination.~~ animal control authority and renewed every year.

~~5.~~

- C. A licensed veterinarian shall provide the owner of the animal a rabies vaccination certificate at the time of the vaccination. Similarly, the licensed veterinarian shall provide Animal Services a copy of the actual rabies certificate within thirty (30) days of the vaccination or immediately upon ~~demand for investigations, public safety or other reasons of enforcement~~request by Animal Services.

1. Each veterinarian shall use the "Rabies Vaccination Certificate," of the National Association of State Public Health Veterinarians (NASPHV) or an equivalent form approved by the ~~local government.~~ ~~(See Appendix "A" for a copy of the County approved form that may be used in lieu of the NASPHV form.)~~ Animal Services Director.
- 4.
2. Failure to provide the rabies vaccination certificate as required by this section shall be deemed a separate and distinct violation for each certificate not issued or provided to Animal Services.

Any²⁰ . ~~**LICENSE REQUIREMENTS FOR DOGS, CATS AND FERRETS.**~~

- D. ~~A.~~ ~~Beginning upon adoption, any~~ veterinarian vaccinating dogs, cats or ferrets in Lee County shall only issue the County vaccination/license tag ~~{(along with the proper rabies certificate requirements described above)}~~ as proof of vaccination. One-year license shall only be issued with a one-year rabies vaccination and a three-year license shall only be issued with a three-year rabies vaccination. No veterinarian, clinic, shelter or provider shall issue any tag or object that may be thought by a reasonable person to be the equivalent of the required County rabies/license tag. Each individual tag or object issued shall be deemed a violation.-

~~B.~~

- E. The license tag may be issued by a licensed veterinarian or other entity approved by the Director of Animal Services to issue rabies license tags upon being shown a current vaccination certificate from any licensed veterinarian.

- F. All veterinarians must inform the public in writing of the rabies and license requirements within Lee County. Such information must include the cost of the license and how a license may be obtained (including information on getting a license through the mail, website or in person at Animal Services). To satisfy the information requirement the facility may post a sign or provide an informational brochure or provide the written information in a manner easily accessible and understandable.

20 . **LICENSE REQUIREMENTS FOR DOGS, CATS AND FERRETS.**

- A. Any person who owns, keeps, possesses, provides for or harbors within Lee County any dog, cat or ferret four (4) months of age or older must have such

animal ~~licensed~~ vaccinated against rabies. The license must be attached to a collar or harness on the animal at all times. Dogs, cats, and ferrets that have a microchip registered to the owner with the current name, address, and phone number shall be exempt from the requirement that the license tag must be attached to the animal.

1. Excluded from this license requirement are shelters operated by or under contract with the Board of County Commissioners. Additionally exempt from this requirement ~~are rescues, private animal facilities, approved pet placement partners. Not exempt are greyhound or other sporting dog facilities, breeders, and other animal care facilities.~~ is any dog, cat or ferret that is being housed at rescues and animal facilities for the purposes of adoption.
 2. ~~The County license must be attached to a collar or harness on the animal at all times. Cats and ferrets that have a microchip registered to the owner with current name, address, and phone number shall be exempt from the requirement that the license tag must be attached to the animal.~~
- ~~C. No license shall be issued unless the dog, cat or ferret has been vaccinated against rabies and has a valid certificate of vaccination issued by a licensed veterinarian except for animals exempt from rabies vaccination due to medical condition in accordance with section 18(B)(5) above. One-year license shall only be issued with a one-year rabies vaccination and a three-year license shall only be issued with a three-year rabies vaccination.~~
- ~~D.~~
- B. Owners of animals who visit Lee County or reside in Lee County for less than thirty (30) days per year are exempt from the license requirement provided that they have proof of a valid current rabies vaccination.
- ~~E.~~
- C. No license tag issued for one animal shall be considered valid for any other animal. Any person that owns, keeps, harbors, provides for or possesses an animal wearing the license tag of another animal shall be in violation this ordinance even if the animal has a valid license of its own.
- ~~F. The license tag may be issued by a licensed veterinarian or other entity approved by the Director of Animal Services to issue County license tags upon being shown a current vaccination certificate from any licensed veterinarian.~~
- ~~G.~~
- D. All ~~veterinarians~~, clinics, shelters, pet stores and other outlets where cats, dogs, and/or ferrets are available, sold or vaccinated against rabies must inform the public in writing of the rabies and license requirements within Lee County. Such information must include the cost of the license and how a license may be obtained (including information on getting a license through the mail, website or in person at Animal Services). To satisfy the information requirement the facility may post a sign or provide an informational brochure

or provide the written information in a manner easily accessible and understandable.

21. **ANIMAL IDENTIFICATION REQUIREMENTS FOR DOGS, CATS AND FERRETS.**

A. _____

A. All dogs, cats and ferrets must have ~~some form~~ one of the following forms of identification ~~indicating~~ which includes the owner's name and current telephone number ~~at all times. Examples of:~~

B. This is the recommended method microchip. A microchip is an implanted microchip identification meeting device registered to the requirements owner of this section: the animal with a current name, address, and telephone number.

1. A current, valid County license/rabies tag attached to the collar or harness of a pet.

~~4.2.~~ Any commercially available tag imprinted with the appropriate information attached to the collar or harness of a pet.

~~2.1. CA current, valid County license/rabies tag attached to the collar or harness of a pet.~~

~~3. An implanted microchip identification device registered to the owner of the animal and with a current name, address, and telephone number.~~

B. No one is permitted to remove the collar and/or tag of an animal for the purpose of preventing or falsifying the identification of an animal. Cats are not exempt from this provision. During a recognized breed show, the owner of the dog, cat or ferret shall retain the license tag and/or rabies certificates, and shall produce the same if called upon to verify that any cat, dog or ferret has the required license and vaccination.

22. **LICENSE FEE.**

A. The Board of County Commissioners shall set the fee by Resolution.

B. The fee is payable to the authorized agency or the authorized veterinarian. License fees collected must be properly documented and funds remitted to Animal Services within forty-five (45) days of the sale of the tag. The Director of Animal Services may provide for an extension of the deadline, in writing, for special circumstances.

C. Authorized Sellers of the Lee County license must sell the license at the fee levels approved by the Board and must keep complete and accurate records of tags sold and on hand as inventory. All theft or loss must be

reported immediately to the proper authority, and a copy of the official law enforcement report must be provided to Animal Services. Unexplained shortages/losses of tags or sales of tags at the incorrect prices are the responsibility of the seller.

- D. Authorized sellers of the Lee County license tags may charge a reasonable administrative fee to cover costs of providing that service per license issued. The maximum allowable administrative fee shall be set by the Board through the external fees Administrative Code. Any authorized seller that charges an administrative fee must inform the client that such a fee is charged by that establishment/provider and that license tags are available through the County with no additional charge. Any such fees may not be added to the cost of a license but must be listed separately on any invoice/receipt.

~~E. License fees are not required for governmental police dogs, or certified dogs, trained to assist the physically handicapped; but such animals must be licensed and must have received their rabies vaccination. In order to receive these license tags at no charge, the owner must have the animal licensed through Animal Services, no other outlet is authorized to issue these license tags.~~

~~F.~~

E. If an owner fails to obtain a valid license each year it is required, fees may be assessed for previous years' licenses for a period of up to three years.

23. **ANIMALS IN MOTOR VEHICLES.**

- A. The owner or operator of a motor vehicle shall not place or confine an animal, nor allow an animal to be placed or confined in an unattended motor vehicle without sufficient ventilation or under conditions which may endanger the health or well-being of the animal due to heat, lack of water or any other circumstances which may cause suffering, disability or death.

B. ~~It~~ No operator of a motor vehicle shall ~~be unlawful to~~ transport ~~any or~~ keep an animal in or on any ~~vehicle, if such motor~~ vehicle ~~is of open design,~~ unless the animal is safely ~~and humanely restrained~~ enclosed within the vehicle or protected by a container, cage, cross tethering or other device that will prevent the animal from falling, being thrown or jumping from the motor vehicle.

~~C.~~

C. Any Animal Control Officer or law enforcement officer who observes an animal in a motor vehicle in obvious danger or distress may enter the motor vehicle by any means necessary to remove and impound the animal or take the animal to a veterinarian if necessary. If the owner of said animal cannot be contacted, the Animal Control Officer or law enforcement officer shall leave in a prominent place in or upon the vehicle a written notice as to the

reason for removal of the animal. The owner of the animal and the owner of the motor vehicle are responsible for any costs incurred.

- D. Any person violating the provisions of this Section shall upon conviction be guilty of a misdemeanor of the second degree, punishable as provided for in Florida ~~Statues~~[Statutes](#).

24. **HUMANE TREATMENT OF ANIMALS.**

- A. It is unlawful for any person to dye or artificially color any animal or fowl, including but not limited to rabbits, baby chickens and ducklings, or to bring any dyed or colored animal or fowl into this County exempt from this section, dyes approved for animal use.
- B. It is unlawful for any person to sell, offer for sale, or give away as merchandising premiums, baby chickens, ducklings, or other fowl under 4 weeks of age, or rabbits under 2 months of age, to be used as pets, toys or retail premiums. [This includes the sale of dogs and cats under 8 weeks of age and/or without a valid health certificate issued by a licensed veterinarian.](#)
- C. Any person violating the provisions of this Section shall upon conviction be guilty of a misdemeanor of the second degree, punishable as provided for in Florida ~~Statues~~[Statutes](#).

25. **REDEMPTION AND DISPOSITION OF IMPOUNDED AND UNWANTED ANIMALS.**

~~A. Any dog impounded under the provisions of this ordinance and not redeemed by its owner after three (3) consecutive days shall become the property of the Animal Services. Any cat, ferret, small mammal shall have a zero (0) day hold before becoming the property of Animal Services.~~

A. Any stray animal that possesses a valid County license and/or microchip shall be held for five (5) consecutive days before becoming the property of Animal Services. ~~The~~

B. [Any dog impounded under the provisions of this ordinance and not redeemed by its owner after three \(3\) consecutive days](#) ~~period~~ [shall become the property of Animal Services. Any cat, ferret, or small mammal shall have a one \(1\) day hold before becoming the property of Animal Services. This](#) does not apply to sick, injured, [or](#) ~~or~~ [diseased](#) ~~or orphaned sucklings, or wild animals regulated by state wildlife agencies.~~ Litters of animals or individual members of a litter of animals, including the nursing mother and unweaned animals, that do not possess a valid County license and/or microchip may be transferred immediately upon impoundment to a ~~private sheltering agency,~~ rescue group or [qualified](#) individuals for the purpose of adoption. Individual members of litters of animals who are at least six weeks of age,

including the mother, may be ~~adopted~~dispositioned immediately upon impoundment.

~~B~~

C.

This time period may be ~~extended or~~ reduced at the discretion of Animal Services to relieve animal suffering or to limit disease contagious to humans or other animals.

~~C~~

D.

Animal Services may utilize the services of a veterinarian to treat sick, injured or diseased animals. The owner shall be responsible for all such costs incurred.

~~D~~

E.

Any person seeking to redeem or reclaim an animal impounded under the provisions of this ordinance ~~shall~~is required to pay the impoundment fees, boarding fees, license fees and all other fees resulting from impounding and caring for the animal. Any animal to be released from Animal Services must have a rabies vaccination and license or a license and rabies vaccination must be obtained by the owner. ~~If a rabies vaccination is not available at the shelter for any reason, the person seeking to redeem or reclaim the animal must pre-pay the license fee, the animal will be released to its owner or his designee, who then must have the animal vaccinated for against rabies by a licensed veterinarian.~~ The certificate of vaccination must be provided to Animal Services as a prerequisite to issuance of the license.

~~E~~

F.

An owner whose animal has been impounded more than one time shall be charged increasing fees ~~for each subsequent impoundment. Fees shall be established by the BOCC in the external fees manual.~~

~~F.~~

~~When the ownership of an animal is deemed questionable, Animal Services may require proof of ownership.~~

G.

Proof of ownership for claiming a pet may include valid County license, veterinary records, registered microchip identification or other reliable, verifiable documentary evidence. If ownership cannot be proven by the required information ~~the animal in question must be adopted rather than redeemed;~~ the person ~~claiming unproven ownership~~ may be afforded the opportunity to adopt the animal ~~prior to the public~~ at the discretion of Animal Services.

~~G~~

H.

Prior to release from Animal Services' shelter, all dogs, cats and ferrets must be microchipped; with the microchip being registered to the pet owner.

~~H~~

I.

Exotic invasive animal species found at large and brought to the animal services shelter shall be humanely euthanized. The only exceptions to this provision is if the animal is released to an educational facility for study to assist in the control and removal of the species or if the animal is to be used for educational purposes to inform the public of the dangers of invasive exotic animal species.

26. **PROVIDING FOR THE REPORTING OF PERSONS BITTEN OR SCRATCHED BY ANIMALS AND QUARANTINE OF ANIMALS FOR RABIES OBSERVATION.**

- A. Any ~~stray~~owned dog, cat or ferret that bites or scratches a person ~~shall~~may be impounded by Animal Services and held in quarantine for a minimum period of ten (10) days from the date of bite or scratch for rabies observation or humane euthanasia and sent to the State Board of Health for pathological examination after the expiration of the stray holding period. ~~Animals not redeemed within the ten (10) day quarantine period shall be considered abandoned and may be euthanized.~~
- B. Owned dogs, cats or ferrets that have bitten a human may be permitted to be quarantined at home for a minimum period of ten (10) days from the date of bite or scratch for rabies observation. Information regarding the animal's description; current rabies vaccination date; owner's name, address and telephone number; the name of the animal; the address and telephone number of person bitten or scratched; and location of wound, shall be reported to the Department of Health. An owner whose animal has bitten or scratched a human shall comply fully with Chapter 64D-3 Florida Administrative Code (Control of Communicable Diseases & Conditions Which May Significantly Affect Public Health).
- C. It shall be a violation of this Ordinance for any person to refuse to surrender any animal for quarantine.
- D. No owner of an animal placed under a Home Quarantine Agreement for rabies observation shall violate the Home Quarantine Agreement in any manner.
- E. Any dog, cat or ferret that dies or is humanely euthanized while under quarantine shall undergo pathological examination performed by the State Board of Health. It shall be a violation of this Ordinance for any person to refuse to surrender the body of a deceased animal while under quarantine.
- F. It is a violation of this Ordinance for anyone to kill or remove from Lee County, Florida, without the ~~express written~~ consent of Animal Services or the Health Department any of the following:
1. Any rabid animal;
 2. Any animal suspected of rabies or any other infectious or contagious disease;
 3. Any animal ~~exhibiting unusual behavior;~~
 4. ~~Any animal~~ which scratches or bites a person, or
 5. ~~Any animal~~

4. Any animal under quarantine.

- G. Any person violating the provisions of this Section shall, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided for in Florida Statutes.
- H. It shall be the duty of any person having knowledge that an animal has bitten or otherwise exposed a person or any animal to rabies, to report the incident immediately to the Department of Health.
- I. Any person who, upon demand, does not surrender to Animal Services or the Health Department the carcass of any dead animal exposed to rabies shall be guilty of a misdemeanor of the second degree, for each separate offense.

27. **INSPECTION OF COMMERCIAL ANIMAL ESTABLISHMENTS FACILITIES.**

- A. Animal Services shall have the authority to enter and inspect any ~~commercial~~ animal ~~establishment~~ facility that houses, breeds, trains, cares for, sells, rehomes, or transfers ownerships or possessions of any animal in Lee County during reasonable hours, for the purpose of ascertaining violations of this Ordinance or of Florida State Statutes. ~~Bonafide commercial agricultural animal establishments which includes livestock as defined herein, are specifically exempt from the provisions of this sub-paragraph A.~~ _
- B. Any owner, agent, volunteer, manager or staff person upon demand of an Animal Control Officer must produce any and all records pertaining to place of origin, sale or purchase of animals, veterinary care, rabies certification, health certification, ~~feed receipts~~, business or exhibitors licenses or permits, relating to each animal on the premises.

C.

LOCATION OF SALE OF DOGS AND CATS:

- 1. Any advertisement, sale, exchange, or transfer of possession or ownership to another person or entity of dogs and cats, to include puppies and kittens, are prohibited on any public or private streets and rights-of-way, within fifty (50) feet of any right-of-way or private parking.
- 2. The Animal Services Director shall establish written guidelines for the issuance of permits.
- 3. Government agencies are exempt from subsection one (1).

- D. Standards of care required to be maintained at all ~~commercial~~ animal establishments in Lee County must include, but are not limited to:

1. All animals must be given adequate food, water, shelter and veterinary care, as defined in this Ordinance.
2. All cages, kennels, stalls or enclosures shall be cleaned daily. Any bedding provided must be clean.
3. In shops or kennels, room temperature shall be maintained at a level that is healthful for every species of animals kept on the premises. Adequate ventilation shall be maintained.
4. All buildings and sheds used for stabling animals shall be well ventilated and provide adequate protection from the elements.
5. Each animal shall have sufficient space to stand up, lie down, and turn around in a natural position, without touching the sides or top of the cage, stall, kennel or enclosure. Overcrowding will be determined by the inspecting officer.
6. Any animal that appears to be sick must be quarantined away from other animals to avoid the spread of disease and examined by a licensed veterinarian before being placed back with other animals or sold.

~~D~~
E. Each animal found in violation of this Section shall be deemed a separate offense.

28. **GUARD DOGS.**

- A. Any person utilizing a dog for the purpose of guarding a business shall register all dogs used in their business with Animal Services. The registration shall include name, address and telephone number of the service's manager; the breed, sex, weight, age, color, ~~tattoo-registration number~~ of the guard dog, and other distinguishing physical features of the dog; and certification of rabies vaccination.-
- B. Guard dogs newly acquired shall be vaccinated for rabies and registered with Animal Services no later than seventy-two (72) hours after acquisition.
- C. The fee for registration of a guard dog will be listed in the Lee County Administrative Codes.
- D. Each guard dog will be issued with ~~a registration~~an identification number which will be obtained from Animal Services. This number will be posted at the entrance of any property using that guard dog service. At the time

of registration, each dog will be Micro chipped and receive ~~an I.D.~~ a county tag that must be affixed to the dog at all times.

- E. The Animal Services shall maintain a guard dog register which shall contain all data required by this section. Immediately upon transfer of ownership, death, disappearance or annual rabies inoculation of a guard dog, each guard dog service or owner shall notify Animal Services. Upon receipt of the information, the appropriate entry shall be made in the register. If the guard dog has disappeared, an entry should be made to reflect the locale and reason of such disappearance.
- F. An Animal Control Officer shall have the right to enter and inspect all kennels housing guard dogs and other premises where such dogs are in use for determination of owner registration compliance.
- G. It shall be unlawful for any person, firm or corporation to own or harbor any guard dog in the county that has not been inoculated, and registered ~~and tattooed~~ as provided by this Section.

~~H. TRANSPORTATION OF GUARD DOGS: The vehicle of every guard dog service transporting any guard dog must be clearly marked, showing that it is transporting a guard dog. A compartment separate from the driver and separating each dog is required, which shall be arranged to ensure maximum ventilation for the animal.~~

~~†~~

H. REQUIREMENTS OF BUSINESS USING GUARD DOGS:

1. Persons who hire or use a guard dog service to patrol the premises shall provide adequate fencing or some other confining structure to keep the guard dog within the enclosed area.
2. Persons who hire or use a guard dog service to patrol the premises during that business' operating hours shall have said dog confined in such a manner so as not to pose a danger to the public.
3. At each appropriate location and entry point, and at 50 -foot intervals along the fence perimeter, if applicable, a sign shall be posted including the words "Bad Dog" or "Guard Dog", with a dog picture.
4. All entry points shall be posted with the guard dog registration number.
5. Dogs used for guarding businesses must be given a humane existence, including adequate shelter, food, water and exercise.
6. No dog which has been classified as dangerous or dangerous by Animal Services shall be used as a guard dog.

↓
1. Failure to comply with this section is a violation of this ordinance.

29. **DISPOSAL OF DEAD BODIES OF OWNED ANIMALS.** Upon the death of an animal, the owner shall be responsible for disposing of the carcass by burial at least two (2) feet below the surface of the ground. The approved alternative method of disposal is cremation at a Lee County approved licensed crematory. Nothing in this Section prohibits the disposal of animal carcasses to rendering companies licensed to do business in this state. It is unlawful to dispose of the carcass of any domestic animal by dumping the carcass on public property, road or right-of-way, pursuant to Chapter 823.041, Florida Statutes (~~1975~~2025) (as amended).
30. **FINES AND FEES.**
- A. All fines and fees, including licensing fees, are set by Resolution of the Board of County Commissioners and are included in the External Fees Manual.
 - B. Fee to Animal Care Trust Fund. In addition to any penalty ordered to be paid by a court for a violation of this Ordinance, either with or without an adjudication of guilt, a violator must also pay \$25.00 to the Lee County Animal Services Animal Care Trust Fund. This is a mandatory payment. The payment will be collected by the Clerk of the Court and paid over to the County's Animal Care Trust Fund at the same time and in the same manner as other funds so transferred.
 - C. Surcharge. Animal Services may impose and collect the maximum surcharge as set forth in §828.27(4)(b), F.S., upon each civil penalty imposed for a violation of an ordinance relating to animal control or cruelty. The proceeds from such surcharge will be used to pay the costs of training animal control officers for Lee County.
31. **APPLICABILITY.** This ordinance is applicable Countywide. However, any duly adopted municipal ordinance covering the same topic will prevail in the respective municipality to the extent of any conflict.

SECTION FOUR: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of other lawfully adopted ordinances or statutes, the most restrictive requirements will apply.

SECTION FIVE: SEVERABILITY

If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, it is the Board's intention that such portion will become a separate provision and will not affect the remaining provisions of the ordinance. The Board further declares that this ordinance would have been adopted if such unconstitutional provision was not included.

SECTION SIX: CODIFICATION AND SCRIVENER'S ERRORS

The Board intends that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

SECTION SEVEN: MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION EIGHT: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner ____ made a motion to adopt the foregoing ordinance, seconded by Commissioner _____. The vote was as follows:

Kevin Ruane	_____
Cecil L Pendergrass	_____
David Mulicka	_____
Brian Hamman	_____
Mike Greenwell	_____

DULY PASSED AND ADOPTED this ____ day of _____ 2025.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Kevin Ruane, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

County Attorney's Office

CAO Draft 8/26/2025