

ORDINANCE NO. 12-36

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA; AMENDING CHAPTER 4 OF THE OSCEOLA COUNTY CODE OF ORDINANCES RELATING TO ANIMALS; AMENDING SECTION 4-41, "DOG OWNERSHIP LIMITATIONS"; AMENDING SECTION 4-43, "DISPOSITION OF IMPOUNDED LIVESTOCK"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Osceola County Board of County Commissioners (the "Board") adopted Ordinance Number 03-03 on October 20, 2003, amending and restating in its entirety Chapter 4, Article II, of the Osceola County Code of Ordinances relating to Animal Control; and

WHEREAS, Section 4-41 relating to dog ownership limitations refers to the Osceola County Land Development Code for limitations by zoning district category; and

WHEREAS, the Board desires to move the animal limitation language from the Land Development Code to the Code of Ordinances; and

WHEREAS, Section 4-43 relating to disposition of impounded livestock is modeled after Chapter 588 of the Florida Statutes; and

WHEREAS, the State law requires an auction for livestock found to be at large or straying, but Section 4-43 does not limit the auction requirement to only livestock found at large or straying; and

WHEREAS, the Board desires to clarify the language in Section 4-43 to apply only to livestock found to be at large or straying.

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

SECTION 1. AMENDMENT TO SECTION 4-41. Section 4-41 of the Osceola County Code of Ordinances, entitled Dog ownership limitations, is hereby amended to read as follows:

Sec. 4-41. ~~Dog~~Animal ownership limitations.

The number and type of animals ~~dogs, exclusive of puppies under four (4) months of age,~~ which may be owned and/or possessed in unincorporated Osceola County is limited ~~as follows:~~by the zoning district categories set forth in the Osceola County Land Development Code.

(a) In all residential zoning districts inside the Urban Growth Boundary, as defined in the Osceola County Comprehensive Plan, domesticated animals such as dogs, cats, ferrets, potbellied pigs (Vietnamese or Asian), rabbits, pigeons, and horses are permitted, but the following animals are specifically prohibited: roosters, quacking ducks, geese, pea fowl, game birds, cows, goats, sheep, swine, hogs, or the presence or use of animals for commercial purposes unless otherwise provided for in the Osceola County Land Development Code.

(1) Domesticated animals are limited to not more than twelve (12) in total per residence. The number of dogs shall not exceed four (4). The number of cats shall not exceed eight (8). The number of potbellied pigs shall not exceed two (2).

(2) One horse or other equine shall be permitted for each two (2) contiguous acres, and one (1) additional horse or other equine shall be permitted for every one (1) contiguous acre thereafter.

(3) Pigeon coops shall be permitted when accessory and incidental to the principal structure and must comply with all other applicable laws and regulations. The coop setback shall be a minimum of twenty-five (25) feet from rear and side property boundaries, and the height of the coop shall not exceed six (6) feet. A coop is not permitted within the front yard.

(b) References to domesticated animals shall mean domesticated animals that have been weaned. Domesticated animals are not counted toward the animal limitations until they have been weaned.

- (c) The limitations and restrictions herein do not apply to any animal that can be shown by the owner to have been permanently and lawfully residing in the County at the time of passage of this ordinance.
- (d) Service animals are exempt from these requirements and are not counted toward the total number of animals permitted.
- (e) The raising of hogs, sheep, goats, cattle, horses and poultry by 4-H or Future Farmers of America members for exhibitions, fairs, or the like, is permitted and is not subject to the requirements or limitations herein.

SECTION 2. AMENDMENT TO SECTION 4-43. Subsection (a) of Chapter 4, Article II, Section 4-43 of the Osceola County Code of Ordinances is hereby amended as follows:

**Sec. 4-43. Impoundment of livestock running at large or straying;
Disposition of ~~impounded~~such livestock.**

(a) The department shall impound any livestock found to be running at large or straying. Upon the impoundment of any at large or straying livestock into the animal control facility, the director shall have the owner of same served with written notice, advising the owner of the location or place where the livestock is being held and impounded, the amount due by reason of such impounding, and that unless the subject livestock is removed within three (3) days from the date of receipt of the notice, same will be offered for sale.

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SECTION 3. SEVERABILITY. If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 4. CONFLICT. Any ordinance, resolution, or part thereof, in conflict with this Ordinance, or any part hereof, is hereby repealed to the extent of such conflict.

SECTION 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed in the Department of State by the Clerk of the Board of County Commissioners within ten days after enactment. This Ordinance shall take effect immediately upon filing with the Florida Department of State.

DULY ENACTED this ___ day of _____, 2012.

OSCEOLA COUNTY, FLORIDA

By: _____
Chairman/Vice Chairman
Board of County Commissioners

ATTEST:

Clerk/Deputy Clerk to the Board

(SEAL)