Agenda Item #: 6D2
10:30 TIME CERTAIN

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

| Meeting Date: Ja | nuary 15, 2008 | [] | Consent | [X] | Regular |
|------------------|----------------|---------|-----------|-----|-----------------------|
| | | [] | Ordinance | [] | Public Hearing |
| Department: | | | | | 36 T |
| Submitted By: | Public Safety | | | | |
| Submitted For: | Animal Care an | d Contr | ol | | |

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: the preliminary reading and advertise for public hearing: ON FEBRUARY 5, 2008 at 9:30 A.M., AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 4 OF THE PALM BEACH COUNTY CODE (ORDINANCE 98-22, AS AMENDED BY ORDINANCE NO. 2003-27 AND ORDINANCE 2005-44) PERTAINING TO ANIMAL CARE AND CONTROL; AMENDING SECTION 4-2 OF THE PALM BEACH COUNTY CODE (DEFINITIONS); AMENDING SECTION 4-10 OF THE PALM BEACH COUNTY CODE (RABIES VACCINATIONS); AMENDING SECTION 4-11 OF THE PALM BEACH COUNTY CODE (DOG AND CAT RABIES/LICENSE TAGS); AMENDING SECTION 4-12 OF THE PALM BEACH COUNTY CODE (REDEMPTION AND ADOPTION); AMENDING SECTION 4-26 OF THE PALM BEACH COUNTY CODE (ANIMAL AGENCIES); CREATING A NEW SECTION 4-28 PROVIDING FOR A STERILIZATION PROGRAM FOR DOGS AND CATS; CREATING A NEW SECTION 4-29 PROVIDING FOR HOBBY BREEDER PERMITS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY: As a result of a workshop on October 23, 2007, to discuss Pet Overppulation in Palm Beach County, the Board directed staff to prepare an amendment to the animal care ordinance to implement a sterilization program for dogs and cats with reasonable exclusions and to implement a licensing program for hobby breeders. The proposed implementation date of the ordinance will be April 1, 2008.

Background and Justification: Palm Beach County Animal Care and Control Ordinance 98-22, as amended, provides the Division of Animal Care and Control with the authority to enforce animal related issues as established by the Board of County Commissioners. Each year approximately 20,000 unwanted/unadopted animals are euthanized by the Division, and the number of unwanted/unadopted animals increases annually. (Continued on page 4)

Attachments:

- 1. Ordinance Amendment
- 2. Narrative Highlights of the Ordinance

| ======================================= | | |
|---|--------------------------------|----------|
| Recommended by | | 3-1-5-08 |
| | Department Director | Date |
| Approved By: | Until Envert | 1/14/08 |
| | Assistant County Administrator | Date |

II. FISCAL IMPACT ANALYSIS

<u>2012</u>

| A. Five Year Summary of Fisc | cal Impact | | | |
|--|-------------------------|---------------|--------------|--------|
| Fiscal Years | 2008 | 2009 | 2010 | 2011 |
| Capital Expenditures Operating Costs | | - | | |
| External Revenues Program Income (County) In-Kind Match (County) | | | | |
| Net Fiscal Impact | | | | |
| # ADDITIONAL FTE POSITIONS (Cumulative) | 0 | | | |
| Is Item Included In Current Bu Budget Account No.: Fund | dget? Yes Department | No Unit | Object | |
| B. Recommended Sources of Full Implementation of the ord C. Departmental Fiscal Review | inance will have no | additional fi | scal impact. | · · |
| A. OFMB Fiscal and/or Contra | Λ | ol Comment | s: ^ | |
| SS OFMB 9/2 | N | Contract Ad | ministration | 111/08 |
| B. Legal Sufficiency: | | | | |
| Assistant County Attorne | ey | | | |
| C. Other Department Revie | w: | | | |

Department Director

Background and Justification: (continued from page 1)

This proposed amended ordinance provides for the implementation of a sterilization program for all dogs and cats with exceptions for permitted breeders, dogs/cats with documented medical exclusions including age, service dogs and/or service dogs in training, law enforcement dogs, and documented show dogs and/or cats. The proposed amended ordinance will provide an "Amnesty Period" to allow "Hobby-Breeders" to apply for, and provisionally receive, a permit for Hobby-Breeding purposes. This process would allow those Hobby-Breeders who apply for and obtain a permit during the Amnesty period to receive, at no charge a Hobby-Breeding permit and two (2) unaltered rabies tags each year. The proposed ordinance will also offer the same Amnesty period to new Hobby-Breeders moving into Palm Beach so long as the Hobby-Breeder permit is applied for within 90-days of moving to Palm beach County. The revised ordinance would allow this provision for Hobby-Breeders so long as compliance is met. The revised ordinance also provides for fines for violations of the spay/neuter provisions. The proposed ordinance provides for the ability to keep an animal intact so long as the owner signs an approved affidavit not to breed.

In order for this sterilization program to be successful, several components must be met including accessibility for low-cost sterilization, education and commitment from the agency responsible for enforcement. Palm Beach County currently offers spaying and neutering via the County's Spay Shuttle and plans to utilize the West County shelter as a clinic for free sterilization of dogs and cats whose owners or indigent and for spaying and neutering of feral cats for approved Trap, Neuter, Release (TNR) programs. The West County clinic services will be enhanced with the addition of a transport vehicle to accommodate pets of non-mobile elderly or indigent residents in the western community.

Animal Care and Control has long supported educational programs for humane care and ownership of animals and will continue to perform this service. Free obedience classes are offered for all adopters of dogs from the shelter and educational materials, including a DVD, are given to each adopter. Animal Care and Control has begun a poster campaign on spaying and neutering with the designs targeted to specific audiences. The Division continues to encourage the Palm Beach County School District to mandate animal welfare education within the public school system.

The Division is committed to reasonable and firm enforcement of sterilization reform through daily Officer/Field response, establishment of a Hot-Line for reports of unregulated breeding or animal abuse, creation of a Citizens Animal Patrol to assist in initial response and neighborhood education, and implementation of a "Fix It or Ticket" approach to individuals cited with unaltered, non-registered animals.

ATTACHMENT 1

but were not adopted; and

| 1 | WHEREAS, the Board of County Commissioners of Palm Beach County hereby |
|----------------|--|
| 2 | declares it to be the public policy of Palm Beach County that every feasible means of reducing |
| 3 | the number of unwanted dogs, cats, puppies, and kittens be encouraged; and |
| 4 | WHEREAS, it is now necessary to amend the Palm Beach County Animal Care and |
| 5 | Control Ordinance in order to implement a comprehensive licensing and permitting program |
| 6 | designed to reduce pet overpopulation and to amend the sections pertaining to definitions, |
| 7 | rabies vaccinations, rabies/license tags, redemption and adoption, and animal agencies. |
| 8 | NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY |
| 9 | COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: |
| 10 11 12 | <u>Part 1</u> . Chapter 4, Section 2 of the Palm Beach County Code entitled <i>Definitions</i> is hereby amended by adding the following definitions and amending the existing definitions as follows: |
| 13 14 | Adult dog or cat shall mean any dog or cat that is $\underline{\text{six (6)}}$ four (4) months of age or older for the purpose of the rabies vaccinations/tags. |
| 15 | Altered animal shall mean any animal that has been spayed or neutered. |
| 16 | Animal shall mean any living vertebrate other than a human being, every living dumb |
| 17 | ereature both domestic and wild. |
| . 18 | Advertising shall mean any statement made in connection with the solicitation of an |
| 19 | animal service, animal business, and/or the sale of an animal and includes without limitation, |
| 20 | statements and representations made in a newspaper or other publication, on the radio, |
| 21 | television, or internet or contained in any notice, handbill, business card, sign, catalog, |
| 22 | billboard, brochure, poster or letter. |
| 23 | Breeding shall mean sexual intercourse or artificial insemination of an animal, the result |
| 24 | of which may be offspring. |
| 25 | Director shall mean the Director of the Palm Beach County Division of Animal Care |
| 26 | and Control. |
| 27 | Guide dog or service animal shall mean any guide dog, signal dog, or other animal |
| 28 | individually trained and utilized to do work or perform tasks for the benefit of an individual |
| 29 | with a disability, including but not limited to guiding an individual with impaired vision, |
| 30 | alerting an individual with impaired hearing to intruders or sounds, providing minimal |
| 31 | protection or rescue work, pulling a wheelchair, or fetching dropped items (as stated in |

- 1 Americans With Disabilities Act Rules and Regulation Regarding Service Animals, 28 Code of
- 2 Federal Regulation (CFR) Part 36, Subpart A-General 36.104 Definitions).
- 3 Harborer or caregiver shall mean any person who or entity, that provides which
- 4 performs acts of providing care, shelter, protection, restraint, refuge, food or nourishment to an
- 5 animal or undertakes the responsibility to do so, in such a manner as to control an animal's
- 6 activities.
- 7 Hobby breeder shall mean any person who intentionally or unintentionally causes or
- 8 allows the breeding or studding of a dog or a cat or engages in the breeding of up to two (2)
- 9 <u>litters of dogs or cats or nineteen (19) dogs or cats per household or premises per calendar year,</u>
- 10 whether or not such animal(s) are made available for sale, adoption, or other placement. breeds
- and/or raises, on his/her property, purebred dogs or cats capable of registration with a national
- 12 or international dog or cat registry. Individuals must demonstrate commitment to responsible
- 13 animal husbandry practices, refrain from the purposeful breeding of animals with genetic faults,
- 14 and demonstrate knowledge of the species of animal they own and/or breed.
- 15 (1) Such commitment must include:
- 16 a. Agreement to take back at any time for any reason, any animal which he/she has either
- 17 bred, sold or placed.
- 18 b. Agreement to spay and neuter prior to sale, or sell with a written spay/neuter agreement,
- 19 those animals deemed by the breeder to be genetically unsuitable for breeding purposes.
- 20 c. Agreement to provide with each animal sold an official certificate of veterinary inspection
- 21 as required by Florida Statutes, Ch. 828. Such certificate will also include verification of all
- 22 required age appropriate vaccines and anthelmintics.
- d. No convictions for animal cruelty or animal fighting under Florida Statutes, Ch. 828.
- 24 (2) Such commitment may also include:
- 25 a. Verifiable current membership in a local, regional or national animal club.
- 26 b. Verifiable participation in a minimum of five (5) animal performance events per calendar
- 27 year, sponsored by an animal club or a national or international registry organization.
- 28 c. Verifiable assistance with the Division as breed representatives. Such assistance may
- 29 include:
- Assistance in the rescue and/or placement of purebred dogs or cats which have come under

31 the custody of the Division.

| 1 | 2. Assistance in the identification of purebled dogs of cats that have come under the custody |
|----|--|
| 2 | of the Division, or assistance in the education of Division personnel in breed recognition. |
| 3 | The hobby breeder shall not engage in the sale to the public, during a consecutive twelve- |
| 4 | month period, of more than two (2) litters or twenty (20) dogs or cats, whichever is greater, and |
| 5 | will not be included in the definition of a kennel/cattery or pet shop. Any person who breeds |
| 6 | and/or raises on his/her property during a consecutive twelve month period more than two (2) |
| 7 | litters or twenty (20) dogs or cats, whichever is greater, and engages in the sale of such animals, |
| 8 | will be included in the definition of a kennel/cattery and bound by the sections of this chapter |
| 9 | pertaining thereto. |
| 10 | Kennel/cattery or pet dealer or commercial breeder shall mean any place of business at |
| 11 | which dogs or cats are kept for sale, breeding, boarding, training, rental, or other use for hire or |
| 12 | any person who engages in the breeding of more than two (2) litters of dogs or cats or twenty |
| 13 | (20) dogs or cats, whichever is greater, per calendar year, whether or not such animals are made |
| 14 | available for sale, adoption or other placement. |
| 15 | Owner shall mean any person, firm, corporation, organization who owns keeps, harbors |
| 16 | or controls an animal and includes a harborer/caregiver humane society, public or private |
| 17 | nonprofit organization, harborer, or caregiver who owns, keeps, harbors, possesses, or has |
| 18 | control or custody of an animal. If the person purporting to own an animal is a minor as defined |
| 19 | by the Florida Statutes, the minor's parent(s) or legal guardian shall be deemed the owner of an |
| 20 | animal for the purposes of this Ordinance. |
| 21 | Person shall mean any natural person, society, firm, corporation, partnership, |
| 22 | association, humane society, public or private nonprofit organization, other legal entity, public |
| 23 | or private institution, municipal corporation, unit of local government or other business unit |
| 24 | and every officer, agent, or employee thereof of such business unit. If the person is a minor as |
| 25 | defined by the Florida Statutes, the minor's parent(s) or legal guardian shall be deemed the |
| 26 | owner of an animal for the purposes of this Ordinance. |
| 27 | Sterilized shall refer to an animal permanently incapable of reproduction. |
| 28 | Stray (noun) shall mean any animal that does not appear, upon reasonable inquiry, to |
| 29 | have an owner. |
| 30 | Unaltered shall mean an animal that has not been spayed or neutered. |
| 31 | |

Stricken text indicates deleted text.

Underlined text indicates new text.

The use of "***" indicates that text is omitted.

| 1 | Part 2. Chapter 4, S | Section 10 of t | he Palm Beach | County Code | e entitled Rabies | Vaccinations is |
|---|----------------------|-----------------|---------------|-------------|-------------------|-----------------|
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- 2 hereby amended as follows:
- 3 (a) Every person who is the owner of any dog or cat shall have such animal vaccinated against
- 4 rabies with a vaccine approved by the United States Department of Agriculture by three (3)
- 5 months of age, but no later than four (4) six (6) months of age. The duration of the vaccination
- 6 shall be according to the approved label accompanying the vaccine as it applies to the particular
- 7 species and age of the dog or cat.

- 9 Part 3. Chapter 4, Section 11 of the Palm Beach County Code entitled Dog and Cat Rabies/License Tag is hereby amended as follows:
- 11 (a) Adult dogs and cats.
- 12 ***
- 13 (6) Every person who owns an adult dog or cat in the county shall be required to secure a dog 14 or cat rabies/license tag pursuant to the following schedule:
- a. On or before the date the <u>a dog</u> or cat is six (6) months of age; or Within thirty (30)
 calendar days after becoming an adult; or
- b. Within thirty (30) calendar days after a juvenile tag expires; or
- b. e. Within thirty (30) calendar days of acquiring a dog or cat; or
- 19 c. d. Within thirty (30) calendar days <u>after a dog or cat enters</u> entering the jurisdiction
- 20 covered by this Ordinance. of this chapter.
- 21 (b) Juvenile dogs and cats.
- 22 (1) Every person or entity that is the owner of a juvenile dog or cat shall secure a juvenile
- 23 license tag from the Division, an authorized veterinarian/clinic or an authorized representative.
- 24 The Division shall provide suitable juvenile tags for sale through an authorized
- 25 veterinarian/clinic or authorized representatives.
- 26 (2) Every person or entity that obtains a juvenile license tag shall have the dog or cat
- 27 vaccinated against rabies by three (3) months of age, but no later than four (4) months of age.
- 28 The juvenile tag shall expire fourteen (14) months from the date of issuance if the owner
- 29 obtains a rabies vaccination before the animal becomes an adult. Failure to obtain a rabies
- 30 vaccination before four (4) months of age will void the juvenile tag after the dog or cat is an
- 31 adult. In such cases, the owner must obtain an adultlicense. After the fourteen month period, all

- 1 owners of dogs and cats with juvenile license tags must comply with the adult license tag
- 2 requirements.
- 3 (3) No person shall be issued a juvenile tag for any animal over four (4) months of age.
- 4 (4) Failure to secure and purchase a new adult tag within thirty (30) calendar days after the
- 5 juvenile tag expires will result in a late penalty. The Board is hereby authorized to establish by
- 6 resolution the cost for the late penalty.
- 7 (5) All authorized veterinarians/clinics and authorized representatives shall have county
- 8 juvenile license tags available for purchase by dog and cat owners or their agents.
- 9 ***
- 10 (e) General license tag requirements for adult and juvenile dogs and cats.
- 11 ***
- 12 (2) Any changes of ownership of any dog or cat, be it by sale, transfer or otherwise, shall be
- 13 reported in writing to the Division by the original or and new owner within thirty (30) calendar
- days after ownership changes.
- 15
- 16 Part 4. Chapter 4, Section 12 of the Palm Beach County Code entitled Redemption and
- 17 adoption is hereby amended as follows:
- 18 (a) All animals which that have been impounded and are not so injured or diseased as to
- 19 appear useless or in a suffering condition shall be held for redemption by the owner for a
- 20 minimum of five (5) business days that the Division is open for public access, except that cats
- 21 shall be held for redemption by the owner for a minimum of three (3) calendar days if the
- 22 Director determines that insufficient space exists to hold such animals. Notwithstanding the
- 23 foregoing, whenever an animal is so injured or diseased as to appear to be suffering and it
- 24 reasonably appears that such animal is imminently near death or cannot be cured or rendered fit
- 25 for service and the Division makes a reasonable and concerted, but unsuccessful, effort to
- 26 locate the owner of the animal or the owner's agent, then the Division, acting in good faith and
- 27 upon reasonable belief, may humanely euthanize the animal upon the advice of a veterinarian
- 28 <u>licensed to practice in the State of Florida</u>. If the Division locates the owner or the owner's
- 29 agent, the Division shall notify him or her of the animal's location and condition and such
- 30 person shall either immediately redeem and provide care for the animal or relinquish the animal
- 31 to the Division. The Division shall be required to attempt to contact the owner of any animal

- 1 impounded wearing a tag, exhibiting a recognizable tattoo or implanted with an electronic
- 2 animal identification device (EAID). Those animals not claimed within five (5) business days
- 3 (that the Division is open for public access) by the owner shall become the property of the
- 4 county and may be placed for adoption or disposed of in a humane manner. <u>Impounded</u>
- 5 animals that have no tag, recognizable tattoo, EAID or other identification of ownership and
- 6 that are infected with a contagious disease that poses a threat to the animals or staff at the
- 7 shelter or to the public shall be immediately humanely euthanized.
- 8 ***
- 9 (c) Impounded animals shall be released to the owner when the following conditions have been
- 10 satisfied:
- 11 ***
- 12 (3) Electronic animal identification device (EAID). No dog or cat that has completed rabies
- 13 quarantine shall be released to the owner unless it has been implanted with an electronic animal
- 14 identification device (EAID) at the owner's expense. No dog or cat shall be released for
- 15 adoption unless it has been implanted with an EAID.
- 16 (4) Fees and costs. The owner of an impounded animal shall pay all impoundment fees, daily
- boarding costs, medical expenses and other costs related to such impoundment prior to release
- of the animal. These fees shall be established by the Board. Notwithstanding the foregoing, if
- 19 the owner of an unaltered dog or cat agrees to have the animal spayed or neutered prior to
- 20 release from the Division, the owner shall pay the impoundment/redemption fee established by
- 21 the Board for sterilized animals.
- 22 (d) The Division shall have the authority of final approval for the adoption and release of any
- 23 animal in its custody or responsibility. At its discretion, the Division may refuse an adoption or
- 24 <u>the release of an animal</u> if it is determined that the adoption <u>or release</u> is not in the best interest
- of the animal or the health, safety and general welfare of the public. Factors to be considered
- 26 may include, but are not limited to the following:
- 27 ***
- 28 (3) Previous or current reported animal offenses or citations.
- 29 ***

- 1 Part 5. Chapter 4, Section 26 of the Palm Beach County Code entitled Animal Agencies is
- 2 hereby amended as follows:
- 3 (a) Humane society requirements.
- 4 ***
- 5 (6) Shall assure that animals kept longer than twenty-four (24) hours are maintained in animal
- 6 enclosures which that are consistent with subsection 4-23(h).
- 7 ***
- 8 (8) Shall comply with section 4-24, Animal care; manner of keeping.
- 9 (9) Shall provide for the sterilization of every adopted dog and cat. Every dog and cat shall be
- 10 sterilized prior to release, unless a veterinarian licensed to practice in the State of Florida
- certifies in writing that the dog or cat has a medical condition that would be substantially
- 12 aggravated by such procedure or would likely cause the dog or cat's death. A dog or cat may be
- 13 temporarily released to a potential adoptor if the adoptor agrees in writing to sterilize the dog or
- 14 cat as soon as deemed safe by a veterinarian licensed to practice in the State of Florida. An
- 15 adoption shall not be deemed final until the dog or cat is sterilized, unless a veterinarian
- licensed to practice in the State of Florida certifies in writing that, due to the severity or nature
- of the medical condition, it is not and will never be safe to sterilize the dog or cat.
- 18
- (b) Private nonprofit animal organization requirements.
- 20 ***
- 21 (3) Shall provide dogs and cats released to owners or new adopters with:
- 22 ***
- 23 (4) Shall provide for the sterilization of allevery adopted dogs and cats. Every dog and cat
- 24 shall Animals will be sterilized prior to release, unless a veterinarian licensed to practice in the
- 25 State of Florida certifies in writing that the dog or cat has a medical condition that would be
- 26 substantially aggravated by such procedure or the procedure would likely cause the dog or cat's
- 27 death or the dog or cat is not yet sexually mature. A dog or cat may be temporarily released to a
- 28 potential adoptor if the adoptor agrees in writing to sterilize the dog or cat as soon as deemed
- 29 safe by a veterinarian licensed to practice in the State of Florida. An adoption shall not be
- deemed final until the dog or cat is sterilized, unless a veterinarian licensed to practice in the
- 31 State of Florida certifies in writing that, due to the severity or nature of the medical condition, it
- 32 <u>is not and will never be safe to sterilize the dog or cat.</u> or no later than thirty (30) days after

Stricken text indicates deleted text.

- 1 the agency receives the animal, except for those that are a surgical risk as determined by a
- 2 veterinarian.
- 3 ***
- 4 (c) All animal agencies (county and municipal animal control agencies, humane societies and
- 5 private nonprofit animal organizations) that which accept animals from any member of the
- 6 public will be required to have such person sign an agency a written statement detailing the
- 7 reclaim, adoption and euthanasia policies.
- 8 ***

- 10 Part 6. Chapter 4, Section 28 of the Palm Beach County Code entitled Animal Care and
- 11 Control Hearing Board is renumbered as Section 30 and Section 28, entitled Pet
- 12 Overpopulation Reform hereby created as follows:

- 14 (a) Purpose.
- 15 The Board has determined that the uncontrolled breeding of dogs and cats within the county
- leads to many dogs, cats, puppies, and kittens being unwanted, becoming strays, suffering
- 17 privation and death, being impounded and euthanized at great expense to the community, and
- constituting a public nuisance and public health hazard. It is, therefore, declared to be the
- 19 public policy of Palm Beach County that every feasible means of reducing the number of
- 20 unwanted dogs, cats, puppies, and kittens be encouraged.
- 21 (b) Spaying, neutering of dogs and cats.
- 22 (1) No person may own, keep, or harbor a dog or cat six (6) months of age or older that has not
- 23 been spayed or neutered unless such person holds an unaltered license tag for each unaltered
- 24 dog or cat, unless the dog or cat is otherwise exempt under this Ordinance.
- 25 (2) An owner of an unaltered dog or cat will be allowed to maintain the unaltered animal in
- 26 Palm Beach County if any of the following criteria is met:
- 27 a. The dog or cat is registered with a national or international club, association, or
- 28 registry recognized by the Division, and the owner certifies in writing to the Division that the
- 29 animal is being used, trained, or considered for use in a show(s), sporting competition(s), or
- 30 other similar competitive event(s) held by one or more national or international clubs,
- 31 associations, or registries. For a dog or cat that is not spayed or neutered due to current use as a

| 2 | unsterilized dogs or cats shall apply. |
|----|---|
| 3 | b. A veterinarian licensed in the State of Florida certifies in writing that a specific dog |
| 4 | or cat is medically unfit to undergo the required spay or neuter procedure because of a medical |
| 5 | condition, including but not limited to age, that would be substantially aggravated by such |
| 6 | procedure or would likely cause the animal's death. The writing must state the date by which |
| 7 | the dog or cat may be safely spayed or neutered. The Division may extend the time for spaying |
| 8 | or neutering a dog or cat or may exempt such animal from the spay/neuter requirement based |
| 9 | upon the written medical recommendation of a licensed veterinarian. For a dog or cat that is |
| 10 | not spayed or neutered due to a health condition as provided herein, the license tag fee |
| 11 | established by the Board for sterilized dogs or cats shall apply. As soon as the medical |
| 12 | condition that prevents an animal from being spayed or neutered ceases to exist, it shall be the |
| 13 | duty of the owner of such animal to promptly comply with this section. |
| 14 | c. The dog is currently used by a law enforcement agency for law enforcement |
| 15 | purposes. For a dog that is not spayed or neutered due to current use by a law enforcement |
| 16 | agency for law enforcement purposes as provided herein, the license tag fee established by the |
| 17 | Board for police dogs shall apply. |
| 18 | d. The dog or cat is a qualified guide dog or service animal as defined in Section 2 of |
| 19 | this Ordinance or is part of a recognized guide/service animal breeding program approved by |
| 20 | the Division and is currently being bred or evaluated to produce guide/service animals. For a |
| 21 | dog or cat that is not spayed or neutered due to current use as a qualified guide dog or service |
| 22 | animal as provided herein, the license tag fee established by the Board for such animals shall |
| 23 | apply. |
| 24 | e. The owner wishes to keep the dog or cat unsterilized and certifies in writing to the |
| 25 | Division that the dog or cat will not be bred or used for stud purposes unless an appropriate |
| 26 | breeding permit is first obtained from the Division. For a dog or cat that is not spayed or |
| 27 | neutered but will not be used for breeding or stud purposes, the license tag fee established by |
| 28 | the Board for unsterilized animals shall apply. |
| 29 | (3) A dog or cat that meets the following criteria shall be exempt from the unaltered license tag |
| 30 | requirements provided in this Section: |

show or competition animal as provided herein, the license tag fee established by the Board for

| 1 | a. A dog or cat temporarily harbored within this jurisdiction for less than thirty (30) |
|----|--|
| 2 | days within any calendar year. The burden of proving such temporary harboring shall be upon |
| 3 | the person harboring the animal |
| 4 | b. The dog or cat is being harbored by a pound, shelter, humane society, or similar |
| 5 | organization, whether public or private, whose principal purpose is securing the adoption of |
| 6 | dogs or cats or offering sanctuary for dogs or cats, provided that the dog or cat is spayed or |
| 7 | neutered prior to being placed for adoption or transferred by such organization. |
| 8 | c. A feral cat in a feral cat colony registered with the Division in accordance with |
| 9 | Section 8 of this Ordinance and maintained in compliance with all requirements provided |
| 10 | therein. A person who registers a feral cat colony shall not have to obtain an unaltered license |
| 11 | tag for any cat in the colony provided such cat(s) remain feral and the colony registration is |
| 12 | renewed annually. Every cat in a feral cat colony must be spayed/neutered as provided in |
| 13 | Section 8. |
| 14 | If a person owns an unaltered dog or cat that is not specifically exempted from the requirements |
| 15 | provided herein, such person shall obtain an unaltered license tag for the dog or cat, and if such |
| 16 | person intends to use any such unaltered dog or cat for breeding or studding purposes, a hobby |
| 17 | breeder permit, kennel permit, or other applicable permit issued under this Ordinance is |
| 18 | required in addition to an unaltered license tag for each dog or cat. |
| 19 | (c) Unaltered dog/cat license requirements: |
| 20 | (1) An owner of an unaltered dog or cat six (6) months of age or older must obtain an annual |
| 21 | unaltered license tag for the dog or cat. The Division will issue an unaltered license tag if the |
| 22 | owner complies with the requirements set forth in this Section, pays the license tag fee |
| 23 | established by the Board, and signs a written statement certifying that the dog or cat will not be |
| 24 | used for breeding or stud purposes unless an appropriate permit is first obtained from the |
| 25 | Division. The Board is hereby authorized to establish by resolution a schedule of fees for all |
| 26 | license tags, late fees for failure to timely renew, and fines for failure to comply with such |
| 27 | requirements. |
| 28 | (2) An unaltered license tag is valid for a period of twelve (12) months. |
| 29 | (3) Every person who owns an adult unaltered dog or cat in the county shall be required to |
| 30 | secure an unaltered license tag pursuant to the following schedule: |
| 31 | a. On or before the date the dog or cat is six (6) months of age; or Stricken text indicates deleted text. 11 Underlined text indicates new text. The use of "***" indicates that text is omitted. |

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| 1 | h | Within | thirty | (30) | calendar | daye o | facoui | ring a | dog or | cat. or |
| 1 | U. | VV ILIIIII | unity | 1001 | Calcillai | uays | i acqui | illig a | uog oi | cat, or |

- 2 c. Within thirty (30) calendar days after a dog or cat enters the jurisdiction covered by
- 3 <u>this Ordinance.</u>
- 4 (4) The address of the owner shall be presumed to be the residence of the dog or cat. All
- 5 changes of address must be reported to the Division within thirty (30) calendar days following
- 6 such change.
- 7 (5) Any change of ownership of any dog or cat, be it by sale, transfer or otherwise, shall be
- 8 reported in writing to the Division by the original and new owner within thirty (30) calendar
- 9 days after ownership changes.
- 10 (6) Any person who fails to pay an unaltered license tag fee when it is due shall, in addition to
- 11 paying any past due license fees, also pay a late penalty.
- 12 (d) Counterfeiting or destroying a license tag.
- 13 It shall be a violation of this Ordinance to counterfeit a license tag, to maliciously destroy a
- license tag or to fraudulently obtain a license tag.
- 15 (e) Forfeiture.
- Any puppy or kitten born to an unaltered dog or cat that is not the subject of a hobby breeding
- 17 permit, kennel permit, or other applicable permit shall be forfeited to the Division, unless or
- until an appropriate permit is immediately obtained.

- 20 Part 7. Chapter 4, Section 29 of the Palm Beach County Code entitled Interference with
- 21 Enforcement is renumbered as Section 31 and Section 29 entitled Hobby Breeder Permits is
- 22 hereby created as follows:
- 23 (a) Hobby breeding permits.
- 24 (1) No person shall breed a dog or cat or offer a dog or cat for breeding or stud purposes
- 25 without first obtaining an appropriate breeding permit issued by the Division. The cost of the
- 26 permit and other related fees shall be established by the Board by resolution.
- 27 (2) Encouraging the breeding of dogs or cats within the County is prohibited except when
- 28 expressly permitted by the issuance of a current breeding permit, as provided herein.
- 29 (3) Hobby breeders shall:
- a. Not breed more than two litters or more than nineteen (19) dogs, cats, puppies, or
- 31 <u>kittens during a calendar year;</u>

| 1 | b. Not offer for sale, sell, trade, receive any compensation for or give away more than |
|----|---|
| 2 | two litters or more than nineteen (19) dogs, cats, puppies, or kittens during a calendar year; |
| 3 | c. Keep records for the duration of the hobby breeder permit and all permit renewals as |
| 4 | to the birth of each litter of puppies or kittens and shall make such records available for review |
| 5 | by the Division upon request; |
| 6 | d. Keep records including but not limited to records concerning rabies vaccinations, all |
| 7 | other inoculations and any medical condition(s) of each dog, cat, puppy or kitten intended to be |
| 8 | sold, given away, or otherwise conveyed; |
| 9 | e. On a quarterly basis, the name, address, and telephone number of the new owner of |
| 10 | any dog, cat, puppy or kitten sold or placed in the county shall be provided to the Division. |
| 11 | The term quarterly basis shall reflect the calendar quarters ending March 31, June 30, |
| 12 | September 30, and December 31; |
| 13 | f. Furnish to each new owner of a dog, cat, puppy or kitten the hobby breeder permit |
| 14 | number so the new owner has proof and assurance that the animal was legally bred; |
| 15 | g. Not offer a puppy or kitten under the age of eight weeks for sale, trade, other |
| 16 | compensation or free giveaway, with the exception of animals taken to an animal shelter; |
| 17 | h. Recommend to each new owner that any animal sold, transferred or given away be |
| 18 | examined by a licensed veterinarian within one week of the date of transfer and notify the new |
| 19 | owner of state requirements for rabies vaccinations; and |
| 20 | i. List the person's hobby breeder permit number on all advertisements and literature |
| 21 | concerning the sale or free giveaway of any dog, cat, puppy or kitten or the hobby breeder. |
| 22 | j. Adhere to minimum standards regarding the care and manner of keeping of animals |
| 23 | as provided in Section 24 - ANIMAL CARE; MANNER OF KEEPING. |
| 24 | k. Allow the Division to inspect the structure or premises wherein an animal that is the |
| 25 | subject of a hobby breeding permit is maintained or harbored and to view any animal that is the |
| 26 | subject of the permit. All reports of such inspections shall be in writing and maintained by the |
| 27 | <u>Division.</u> |
| 28 | (4) A hobby breeder permit is valid for a period of one calendar year and must be renewed |
| 29 | annually. Renewal applications for permits shall be made within thirty (30) days prior to |
| 30 | expiration. |
| 31 | (5) A hobby breeder permit is not transferable, assignable, or refundable. Stricken text indicates deleted text. 13 Underlined text indicates new text. The use of "***" indicates that text is omitted. |

- 1 (6) Each person owning an animal intended to be used for breeding or studding shall obtain a
- 2 hobby breeder permit prior to using any dog or cat for breeding or stud purposes. A hobby
- 3 breeder must obtain an unaltered license tag for each unaltered dog or cat covered under the
- 4 hobby breeder permit.
- 5 (b) Obtaining a Hobby Breeder Permit.
- 6 (1) A person seeking a hobby breeder permit shall apply to the Division on a form approved by
- 7 the Division.
- 8 (2) The permit application shall include but is not limited to the following information:
- a. The name, address and telephone number of the applicant;
- b. A statement as to whether the applicant has ever been convicted of the offense of
- cruelty to animals or had a final judgment entered against the applicant under Section 828.073,
- 12 Florida Statutes, or any other statute prohibiting animal neglect or mistreatment;
- c. A description (species, breed, sex, age, coloration) of each animal under the permit;
- 14 and
- d. A description of the activity for which the permit is requested.
- 16 (3) If the applicant withholds or falsifies any information on the application, no permit shall be
- 17 issued and any permit previously issued based on false or withheld information shall be
- 18 revoked.
- 19 (4) No person previously convicted of cruelty to animals or who has had a final judgment
- 20 entered against him/her pursuant to Section 828.073, Florida Statutes, shall be issued a hobby
- 21 breeder permit.
- 22 (c) Permit Procedures.
- 23 (1) Prior to issuance of a permit, the Division shall, as it deems necessary, perform an
- 24 inspection of the premises where hobby breeding activities will take place or where any dog or
- 25 cat that is the subject of a hobby breeding permit will be maintained.
- 26 (2) The permit applicant shall complete an application, supply all information requested by the
- 27 <u>Division</u>, and pay the applicable permit fee established by the Board by resolution.
- 28 (3) Permit applications shall be valid for thirty (30) days in order for applicants to make
- 29 corrections to meet minimum compliance specifications.
- 30 (d) Violations.

- 1 (1) Failure to apply for a permit prior to operating as a hobby breeder shall constitute a
- 2 violation.
- 3 (2) Failure to reapply for a permit within thirty (30) days of expiration of the existing permit
- 4 shall constitute a violation.
- 5 (3) Refusal to allow an animal control officer to inspect an animal or the premises that is the
- 6 subject of a hobby breeder permit shall constitute a violation.
- 7 (4) The purposeful breeding of a dog or cat with a known genetic fault shall constitute a
- 8 violation.
- 9 (5) It shall be a violation of this Ordinance to counterfeit a hobby breeding permit or official
- 10 certificate of veterinary inspection or to maliciously destroy a hobby breeding permit.
- 11 (e) Permit denial, revocation, and suspension.
- 12 (1) By notice of adverse action, the Division may deny, revoke or suspend any permit if it is
- 13 <u>determined that:</u>
- a. There has been a material misstatement or misrepresentation in the permit
- 15 application;
- b. The applicant/permit holder has been cited for at least three (3) violations of this
- Ordinance within a two-year period, each resulting in the imposition of a fine;
- 18 c. The applicant/permit holder has failed to pay a fine or to request a hearing in county
- 19 court to answer the charges of a citation within ninety (90) days of issuance of the violation;
- d. The applicant/permit holder or any of his/her agents have been convicted of a
- 21 violation of law involving cruelty to animals or has had a final judgment entered against
- 22 <u>him/her pursuant to Section 828.073, Florida Statutes; or</u>
- e. An animal under the care and responsibility of an applicant/permit holder has been
- 24 found to be in need of immediate veterinary care that, if not treated, would result in
- 25 <u>unnecessary suffering, pain or death.</u>
- 26 (f) Appeal process.
- 27 (1) Any applicant or permit holder who has been denied a permit or whose permit has been
- 28 revoked or suspended may appeal this action to a special master within the ten-day period after
- 29 the Division originates the adverse action. A written notice of appeal and appropriate
- 30 nonrefundable filing fee must be filed with the Division within ten (10) days of the notice of

- 1 adverse action. The Board of County Commissioners is hereby authorized to establish the
- 2 amount of the filing fee by resolution.
- 3 (2) The appeal will be heard by a special master within thirty (30) calendar days after the
- 4 applicant or permit holder has submitted a notice of appeal. The appeal may be delayed by the
- 5 Division beyond the thirty (30) calendar days if it experiences extenuating circumstances
- 6 beyond its control.
- 7 (3) Upon receiving the notice of adverse action, the applicant or permit holder shall take
- 8 whatever positive measures are necessary to prevent any future incidents or violations from
- 9 occurring until final disposition of the appeal.
- 10 (4) The hearing before the special master will be informal and the rules of evidence will not
- be strictly observed. All testimony before the special master shall be under oath and shall be
- 12 recorded. The formal rules of evidence shall not apply, but fundamental due process shall be
- 13 observed and shall govern the proceedings. Upon determination of the special master,
- 14 <u>irrelevant, immaterial, unduly repetitions evidence may be excluded, but all other evidence of a</u>
- 15 type commonly relied upon by reasonable prudent persons in the conduct of their affairs shall
- be admissible, whether or not such evidence would be admissible in a trial in the courts of the
- 17 State of Florida. Any part of the evidence may be received in written form. The special master
- 18 may inquire of or question any witness present at the hearing. The applicant/permit holder or
- 19 his/her attorney and animal care officer(s) or the attorney representing the Division shall be
- 20 permitted to inquire of any witness present at the hearing. The special master may consider
- 21 testimony presented by the applicant/permit holder, animal care officer(s), or any other witness.
- 22 (5) The denial, revocation or suspension of the permit shall be upheld or reversed by the
- 23 special master.
- 24 (6) All decisions by the special master shall be final.
- 25 (7) The special master shall provide the applicant or permit holder with written notice of
- 26 <u>his/her decision</u>.
- 27 (g) Owner requirements following notice of adverse action and/or appeal process.
- 28 (1) If the notice of adverse action of denial, revocation or suspension of a hobby breeder
- 29 permit is not appealed, the applicant or permit holder shall come into compliance with this
- 30 Ordinance within ten (10) days after the notice of adverse action. If upon appeal the notice of
- 31 <u>adverse action of denial, revocation or suspension of a hobby breeder permit is upheld by the</u>
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| 1 | special r | naster. | the applic | ant or | nermit | holder | shall | come i | nto com | nliance | with | this | Ordinance |
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- 2 within ten (10) days after the appeal hearing. The applicant/permit holder may then file a
- 3 petition for writ of certiorari in the Palm Beach County Circuit Court.
- 4 (2) Any person who has been denied a permit upon initial application may not reapply for a
- 5 period for thirty (30) days.
- 6 (3) Any person whose permit has been revoked may not reapply for a period of one (1) year.
- Each reapplication for a permit shall be accompanied by a fee to be established by the Board by
- 8 resolution. No part of the reapplication fee shall be refunded.
- 9 (h) Fee Waiver.
- 10 The Division shall waive the annual hobby breeder permit fee for any person/applicant who
- applies for a hobby breeding permit on or before (date shall be within 90 days of passage) or
- 12 for any person who applies for a permit within ninety (90) days of moving into Palm Beach
- 13 County and provides acceptable proof to the Division of such relocation. For
- 14 persons/applicants who apply for a hobby breeder permit during this period, the Division shall
- 15 also annually waive the fee for two unaltered dog or cat license tags. The Fee Waiver shall
- 16 remain in effect for a hobby breeder so long as the hobby breeder remains in compliance with
- 17 Palm Beach County Ordinance and Chapter 828, Florida Statutes.

19

Part 8. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provisions of this Ordinance are

21 hereby repealed to the extent of such conflict.

22

23

Part 9. SAVINGS CLAUSE:

Notwithstanding anything herein to the contrary, all provisions of Palm Beach County

Ordinance No. 98-22, as amended by Ordinances 2003-29 and 2005-44, and all licenses,

permits, enforcement orders and ongoing enforcement actions issued thereunder are

17

27 specifically preserved and remain in full force and effect.

28

| 1 | Part 10. SEVERABILITY: |
|----------------|--|
| 2 | If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any |
| 3 | reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, |
| 4 | such holding shall not affect the remainder of this Ordinance. |
| 5 | |
| 6 | Part 11. INCLUSION IN THE CODE OF LAWS AND ORDINANCES: |
| 7 | The provisions of this Ordinance shall become and be made a part of the Palm Beach |
| 8 | County Code. The sections of this Ordinance may be renumbered or relettered to accomplish |
| 9 | such, and the word "ordinance" may be changed to "section," "article," or other appropriate |
| 10 | word. |
| 11 | ### ### ### ### ### ### ### ### ### ## |
| 12 | Part 12. ENFORCEMENT: |
| 13 | This Ordinance is enforceable by all means provided by law. Additionally, the County |
| 14 | may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm |
| 15 | Beach County. |
| 16 | |
| 17 | Part 13. PENALTY: |
| 18 | Any violation of any portion of this Ordinance shall be punishable as provided by law. |
| 19 | The contract of the contract o |
| 20 | Part 14. CAPTIONS: |
| 21 | The captions, section headings, and section designations used in this Ordinance are for |
| 22 | convenience only and shall have no effect on the interpretation of the provisions of this |
| 23 | Ordinance. |
| 24 | Part 15. EFFECTIVE DATE: |
| 25 | The provisions of this Ordinance shall become effective upon filing with the |
| 26 | Department of State. |
| 27 | |
| 28 | APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach |
| 29 | County, Florida, on this theday of, 20 |
| 30 31 32 | SHARON R. BOCK, CLERK PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS |

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ATTACHMENT 2

Narrative Highlights of Sterilization Ordinance

Animal Care and Control Public Safety Department January 15, 2008 – Agenda Attachment 2

The Division of Animal Care and Control is proposing a revision to the County's existing animal ordinance that would encourage residents to spay and neuter cats and dogs. The purpose of the proposed revisions would be to reduce the number of unwanted animals born each year and subsequently euthanized. The ordinance revisions will offer pet owners a clear choice on sterilization with the knowledge that ownership of an unaltered cat or dog will incur higher fees for the owner.

Each year approximately 20,000 unwanted animals are euthanized in Palm Beach County. Historically, Palm Beach County has lead the way in implementation of unique initiatives in the interest of improving animal welfare. To reduce unwanted animals the County has spent hundreds of thousands of dollars in humane education, dedicated a mobile surgical unit for spaying and neutering, implemented free spaying and neutering of pit bull dogs, and spent more than \$500,000.00 annually for the last 5 years to assist animal welfare organizations with sheltering and sterilization efforts.

With these efforts in mind, the number of animals sheltered and euthanized at the Division continues to rise. As such, Animal Care and Control is proposing revisions to the animal care ordinance to strongly encourage sterilization of pets. It is estimated to take 5 years for the Division to begin to see a significant decline in animal intake and euthanasia.

Highlights of the ordinance revisions are as follows:

- Sterilization of an owned cat or dog is a choice
- Hobby-Breeders (as defined in the ordinance revisions) must apply for and obtain a permit in order to breed. The permit cost is proposed at \$150.00.
- Hobby Breeders who apply for and obtain a permit within 90 days of passage of the revised ordinance will be exempt from the annual permit fee of \$150.00 AND will receive, at no charge, 2 "unaltered" tags each year. The fee waiver and 2 free tags shall remain in effect so long as the Hobby-Breeder is in compliance with the ordinance.
- Owners who do not want to have their pet spayed or neutered, but are not
 considered a Hobby-Breeder, may keep their animal intact so long as an affidavit
 is signed that the dog or cat will not be bred. The tag fee for unaltered animals
 will apply.

• Exemptions to the sterilization ordinance are:

- Dogs or cats with a veterinary documented medical condition in which sterilization would pose a risk. This would include geriatric animals. Dogs or cats in this category (medical/age) will be allowed to purchase tags at a reduced rate.
- Show or competition dogs and/or cats or dogs/cats intended for show or competition. The tag fee for unaltered animals would apply.
- Dogs/Cats of registered Hobby-Breeders. The unaltered tag fee will apply for any additional unsterilized animals not included in the "2 free tags" issued annually with permit.
- o Law Enforcement dogs. No charge for annual tag.
- o Service dogs or service dogs-in-training. No charge for annual tag.

Program Enhancements for the revised ordinance are:

- Implement "voucher" program for low income residents to receive free sterilization for their pets
- Expanding hours of operation of Spay Shuttle
- Establish free sterilization clinic in West County and transportation will be provided for dogs/cats for sterilization if owner meets requirements set by Division (low income/elderly)
- Continuation of free obedience classes for dogs adopted from shelter, educational DVD's for each new adopter, school tours, and free educational materials on sterilization, sterilization access, and responsible pet ownership to any organization or school that makes a request.
- Implement Citizens Animal Patrol to issue materials on sterilization and/or perform public education as a part of Field Services.
- Expand Humane Education Program by working in public schools through Palm Beach County School Board to implement an animal welfare program in elementary schools and to encourage community service for a public or private animal shelter for graduating students
- Work with Public Affairs and Channel 20 to develop and launch a series of programs on animal care, enforcement and pet overpopulation
- Conduct quarterly 24-Hour "Op Around the Clock" clinics (potential 400 sterilizations per event) for owned and/or feral cats and encourage local veterinarians to participate and support these events