

Agenda Item No. 6A
TIME CERTAIN: 2:30 P.M.

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

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Meeting Date:	February 5, 2008	<input type="checkbox"/>	Consent	<input type="checkbox"/>	Regular
		<input type="checkbox"/>	Ordinance	<input checked="" type="checkbox"/>	Public Hearing

Department:
Submitted By: Public Safety
Submitted For: Animal Care and Control

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: 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: On January 15, 2008, the Board of County Commissioners voted 6 -1 to approve a proposed ordinance to implement a sterilization program for dogs and cats with reasonable exclusions and to establish a licensing program for hobby breeders. The proposed implementation date of the ordinance will be April 1, 2008. Countywide (SF)

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 3)

Attachments:

1. Ordinance Amendment
2. County Attorney's Office proposed revisions
3. Narrative Highlights of the Ordinance
4. Memo from City and County of Denver re: Spay/Neuter Ordinance

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Recommended by:		1/25/08
	Department Director	Date

Approved By:		1/31/08
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Capital Expenditures					
Operating Costs	<u>615,000</u>	<u>672,000</u>	<u>688,000</u>	<u>704,000</u>	<u>710,000</u>
External Revenues					
Program Income (County)	<u>(115,000)</u>	<u>(172,000)</u>	<u>(188,000)</u>		
In-Kind Match (County)					
Net Fiscal Impact	<u>500,000</u>	<u>500,000</u>	<u>500,000</u>	<u>704,000</u>	<u>710,000</u>
# ADDITIONAL FTE					
POSITIONS (Cumulative)	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>

Is Item Included In Current Budget? Yes X No _____
 Budget Account No.: Fund 0001/1420 Department 660 Unit 2220/2240 Object var

B. Recommended Sources of Funds/Summary of Fiscal Impact:

The \$500,000 voucher program will be a continuing program. The additional veterinarian position and spay/neutering costs estimated at \$167,000 annually will be absorbed from Spay Shuttle Fund. There are sufficient funds to absorb these costs at least the next 3 years.

The administration costs of Voucher Sterilization, Citizens Animal Patrol, Humane Education and West County No-Cost Spay/Neuter Clinic programs will be absorbed within the current Animal Care budget.

C. Departmental Fiscal Review: _____.

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

OFMB 1/28/08 1-29-08 01/15/08 Contract Administration 1/30/08
1/30/08

B. Legal Sufficiency:

 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

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 a 90-day grace 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 first 90 days after implementation of the ordinance 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 90-day 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, the Board has approved several enhancement programs designed to offer accessibility for low-cost and/or sterilization. These programs include: a) \$500.00 voucher program to assist low-income residents with sterilization of pets; b) Opening a "Free Spay/Neuter clinic in the western community and provide transport for pets of elderly or non-mobile residents in this geographical area; c) Expand the days/hours of operation of the Spay Shuttle; d) Encourage education in the public school system; e) Offer a minimum of 3 annual events to sterilize cats at no charge (Op Around the Clock); e) Create a "Citizens Animal Patrol" to assist with Field Services education.

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, and implementation of a "Fix It or Ticket" approach to individuals cited with unaltered, non-registered animals.

ORDINANCE NO. 20_____-_____

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.

WHEREAS, the Florida Legislature in Chapter 69-1432, Laws of Florida, granted to Palm Beach County the responsibility for animal control in Palm Beach County; and

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners of Palm Beach County to adopt ordinances to protect the health, safety, and welfare of the citizens and animals of Palm Beach County; and

WHEREAS, pursuant to its authority, the Board of County Commissioners enacted Palm Beach County Animal Care and Control Ordinance 98-22, as amended; and

WHEREAS, the Board of County Commissioners has determined that the unintended or uncontrolled breeding of dogs and cats within the county leads to many dogs, cats, puppies, and kittens being unwanted, becoming strays, suffering privation and death, being impounded and euthanized at great expense to the community, and constituting a public nuisance and public health hazard; and

WHEREAS, in 2007, the Palm Beach County Division of Animal Care and Control sheltered nearly 28,000 animals and euthanized ~~18,248 animals~~ 16,288 dogs and cats, most of which were adoptable 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 **Part 1.** Chapter 4, Section 2 of the Palm Beach County Code entitled *Definitions* is hereby
11 amended by adding the following definitions and amending the existing definitions as follows:

12 *Adult dog or cat* shall mean any dog or cat that is six (6) ~~four (4)~~ months of age or older
13 ~~for the purpose of the rabies vaccinations/tags.~~

14 *Altered animal* shall mean any animal that has been spayed or neutered.

15 *Animal* shall mean any living vertebrate other than a human being. ~~every living dumb~~
16 ~~creature both domestic and wild.~~

17 *Advertising* shall mean any statement made in connection with the solicitation of an
18 animal service, animal business, and/or the sale of an animal and includes without limitation,
19 statements and representations made in a newspaper or other publication, on the radio,
20 television, or internet or contained in any notice, handbill, business card, sign, catalog,
21 billboard, brochure, poster or letter.

22 *Breeding* shall mean sexual intercourse or artificial insemination of an animal, the result
23 of which may be offspring.

24 *Director* shall mean the Director of the Palm Beach County Division of Animal Care
25 and Control.

26 *Guide dog or service animal* shall mean any guide dog, signal dog, or other animal
27 individually trained and utilized to do work or perform tasks for the benefit of an individual
28 with a disability, including but not limited to guiding an individual with impaired vision,
29 alerting an individual with impaired hearing to intruders or sounds, providing minimal
30 protection or rescue work, pulling a wheelchair, or fetching dropped items (as stated in
31 Americans With Disabilities Act Rules and Regulation Regarding Service Animals, 28 Code of
32 Federal Regulation (CFR) Part 36, Subpart A-General 36.104 Definitions).

1 *Harboring or caregiver* shall mean any person who ~~or entity, that provides which~~
2 ~~performs acts of providing care, shelter, protection, restraint, refuge, feed or nourishment to an~~
3 ~~animal or undertakes the responsibility to do so. in such a manner as to control an animal's~~
4 ~~activities.~~

5 *Hobby breeder* shall mean any person who intentionally or unintentionally causes or
6 allows the breeding or studing of a dog or a cat or engages in the breeding of up to two (2)
7 litters of dogs or cats or nineteen (19) dogs or cats per household or premises per calendar year,
8 whether or not such animal(s) are made available for sale, adoption, or other placement. breeds
9 and/or raises , on his/her property, purebred dogs or cats capable of registration with a national
10 or international dog or cat registry. Individuals must demonstrate commitment to responsible
11 animal husbandry practices, refrain from the purposeful breeding of animals with genetic faults,
12 and demonstrate knowledge of the species of animal they own and/or breed.

13 ~~(1) Such commitment must include:~~

14 ~~a. Agreement to take back at any time for any reason, any animal which he/she has either~~
15 ~~bred, sold or placed.~~

16 ~~b. Agreement to spay and neuter prior to sale, or sell with a written spay/neuter agreement,~~
17 ~~those animals deemed by the breeder to be genetically unsuitable for breeding purposes.~~

18 ~~c. Agreement to provide with each animal sold an official certificate of veterinary inspection~~
19 ~~as required by Florida Statutes, Ch. 828. Such certificate will also include verification of all~~
20 ~~required age appropriate vaccines and anthelmintics.~~

21 ~~d. No convictions for animal cruelty or animal fighting under Florida Statutes, Ch. 828.~~

22 ~~(2) Such commitment may also include:~~

23 ~~a. Verifiable current membership in a local, regional or national animal club.~~

24 ~~b. Verifiable participation in a minimum of five (5) animal performance events per calendar~~
25 ~~year, sponsored by an animal club or a national or international registry organization.~~

26 ~~c. Verifiable assistance with the Division as breed representatives. Such assistance may~~
27 ~~include:~~

28 ~~1. Assistance in the rescue and/or placement of purebred dogs or cats which have come under~~
29 ~~the custody of the Division.~~

30 ~~2. Assistance in the identification of purebred dogs or cats that have come under the custody~~
31 ~~of the Division, or assistance in the education of Division personnel in breed recognition.~~

1 ~~The hobby breeder shall not engage in the sale to the public, during a consecutive twelve-~~
2 ~~month period, of more than two (2) litters or twenty (20) dogs or cats, whichever is greater, and~~
3 ~~will not be included in the definition of a kennel/cattery or pet shop. Any person who breeds~~
4 ~~and/or raises on his/her property during a consecutive twelve-month period more than two (2)~~
5 ~~litters or twenty (20) dogs or cats, whichever is greater, and engages in the sale of such animals,~~
6 ~~will be included in the definition of a kennel/cattery and bound by the sections of this chapter~~
7 ~~pertaining thereto.~~

8 *Kennel/cattery or pet dealer or commercial breeder* shall mean any place of business at
9 which dogs or cats are kept for sale, breeding, boarding, training, rental, or other use for hire or
10 any person who engages in the breeding of more than two (2) litters of dogs or cats or twenty
11 (20) dogs or cats, whichever is greater, per calendar year, whether or not such animals are made
12 available for sale, adoption or other placement.

13 *Owner* shall mean any person, firm, corporation, organization, who owns keeps, harbors
14 or controls an animal and includes a harborer/caregiver humane society, public or private
15 nonprofit organization, harborer, or caregiver who owns, keeps, harbors, possesses, or has
16 control or custody of an animal. If the person purporting to own an animal is a minor as defined
17 by the Florida Statutes, the minor's parent(s) or legal guardian shall be deemed the owner of an
18 animal for the purposes of this Ordinance.

19 *Person* shall mean any natural person, society, firm, corporation, partnership,
20 association, humane society, public or private nonprofit organization, other legal entity, public
21 or private institution, municipal corporation, unit of local government or other business unit
22 and every officer, agent, or employee ~~thereof~~ of such business unit. If the person is a minor as
23 defined by the Florida Statutes, the minor's parent(s) or legal guardian shall be deemed the
24 owner of an animal for the purposes of this Ordinance.

25 *Sterilized* shall refer to an animal permanently incapable of reproduction.

26 *Stray* (noun) shall mean any animal that does not appear, upon reasonable inquiry, to
27 have an owner.

28 *Unaltered* shall mean an animal that has not been spayed or neutered.

29 **Part 2.** Chapter 4, Section 10 of the Palm Beach County Code entitled *Rabies Vaccinations* is
30 hereby amended as follows:

31 (a) Every person who is the owner of any dog or cat shall have such animal vaccinated against
32 rabies with a vaccine approved by the United States Department of Agriculture by ~~three (3)~~

1 months of age, but no later than four (4) six (6) months of age. The duration of the vaccination
2 shall be according to the approved label accompanying the vaccine as it applies to the particular
3 species and age of the dog or cat.

4

5 **Part 3.** Chapter 4, Section 11 of the Palm Beach County Code entitled *Dog and Cat*
6 *Rabies/License Tag* is hereby amended as follows:

7 (a) *Adult dogs and cats.*

8 ***

9 (6) Every person who owns an adult dog or cat in the county shall be required to secure a dog
10 or cat rabies/license tag pursuant to the following schedule:

11 a. On or before the date the a dog or cat is six (6) months of age; ~~or Within thirty (30)~~
12 ~~calendar days after becoming an adult; or~~

13 b. ~~Within thirty (30) calendar days after a juvenile tag expires; or~~

14 b. e. Within thirty (30) calendar days of acquiring a dog or cat; or

15 c. ~~d.~~ Within thirty (30) calendar days after a dog or cat enters entering the jurisdiction
16 covered by this Ordinance. ~~of this chapter.~~

17 ~~(b) Juvenile dogs and cats.~~

18 ~~(1) Every person or entity that is the owner of a juvenile dog or cat shall secure a juvenile~~
19 ~~license tag from the Division, an authorized veterinarian/clinic or an authorized representative.~~
20 ~~The Division shall provide suitable juvenile tags for sale through an authorized~~
21 ~~veterinarian/clinic or authorized representatives.~~

22 ~~(2) Every person or entity that obtains a juvenile license tag shall have the dog or cat~~
23 ~~vaccinated against rabies by three (3) months of age, but no later than four (4) months of age.~~
24 ~~The juvenile tag shall expire fourteen (14) months from the date of issuance if the owner~~
25 ~~obtains a rabies vaccination before the animal becomes an adult. Failure to obtain a rabies~~
26 ~~vaccination before four (4) months of age will void the juvenile tag after the dog or cat is an~~
27 ~~adult. In such cases, the owner must obtain an adult license. After the fourteen-month period,~~
28 ~~all owners of dogs and cats with juvenile license tags must comply with the adult license tag~~
29 ~~requirements.~~

30 ~~(3) No person shall be issued a juvenile tag for any animal over four (4) months of age.~~

1 ~~(4) Failure to secure and purchase a new adult tag within thirty (30) calendar days after the~~
2 ~~juvenile tag expires will result in a late penalty. The Board is hereby authorized to establish by~~
3 ~~resolution the cost for the late penalty.~~

4 ~~(5) All authorized veterinarians/clinics and authorized representatives shall have county~~
5 ~~juvenile license tags available for purchase by dog and cat owners or their agents.~~

6 ***

7 (e) *General license tag requirements for adult ~~and juvenile~~ dogs and cats.*

8 ***

9 (2) Any changes of ownership of any dog or cat, be it by sale, transfer or otherwise, shall be
10 reported in writing to the Division by the ~~original or~~ and new owner within thirty (30) calendar
11 days after ownership changes.

12

13 **Part 4.** Chapter 4, Section 12 of the Palm Beach County Code entitled *Redemption and*
14 *Adoption* is hereby amended as follows:

15 (a) All animals ~~which~~ that have been impounded ~~and are not so injured or diseased as to~~
16 ~~appear useless or in a suffering condition~~ shall be held for redemption by the owner for a
17 minimum of five (5) business days that the Division is open for public access, except that cats
18 shall be held for redemption by the owner for a minimum of three (3) calendar days if the
19 Director determines that insufficient space exists to hold such animals. Notwithstanding the
20 foregoing, whenever an animal is so injured or diseased as to appear to be suffering and it
21 reasonably appears that such animal is imminently near death or cannot be cured or rendered fit
22 for service and the Division makes a reasonable and concerted, but unsuccessful, effort to
23 locate the owner of the animal or the owner's agent, then the Division, acting in good faith and
24 upon reasonable belief, may humanely euthanize the animal upon the advice of a veterinarian
25 licensed to practice in the State of Florida. If the Division locates the owner or the owner's
26 agent, the Division shall notify him or her of the animal's location and condition and such
27 person shall either immediately redeem and provide care for the animal or relinquish the animal
28 to the Division. The Division shall be required to attempt to contact the owner of any animal
29 impounded wearing a tag, exhibiting a recognizable tattoo, or implanted with an electronic
30 animal identification device (EAID). Those animals not claimed within five (5) business days
31 (that the Division is open for public access) by the owner shall become the property of the
32 county and may be placed for adoption or disposed of in a humane manner. Impounded

1 animals that have no tag, recognizable tattoo, EAID or other identification of ownership and
2 that are infected with a contagious disease that poses a threat to the animals or staff at the
3 shelter or to the public shall be immediately humanely euthanized.

4 ***

5 (c) Impounded animals shall be released ~~to the owner~~ when the following conditions have been
6 satisfied:

7 ***

8 (3) *Electronic animal identification device (EAID).* No dog or cat ~~that has completed rabies~~
9 ~~quarantine~~ shall be released to the owner unless it has been implanted with an electronic animal
10 identification device (EAID) at the owner's expense. No dog or cat shall be released for
11 adoption unless it has been implanted with an EAID.

12 (4) *Fees and costs.* The owner of an impounded animal shall pay all impoundment fees, daily
13 boarding costs, medical expenses and other costs related to such impoundment prior to release
14 of the animal. These fees shall be established by the Board. Notwithstanding the foregoing, if
15 the owner of an unaltered dog or cat agrees to have the animal spayed or neutered prior to
16 release from the Division, the owner shall pay the impoundment/redemption fee established by
17 the Board for sterilized animals.

18 (d) The Division shall have the authority of final approval for the adoption and release of any
19 animal in its custody or responsibility. At its discretion, the Division may refuse an adoption ~~or~~
20 the release of an animal if it is determined that the adoption ~~or release~~ is not in the best interest
21 of the animal or the health, safety and general welfare of the public. Factors to be considered
22 may include, but are not limited to the following:

23 ***

24 (3) Previous or current reported animal offenses or citations.

25 ***

26

27 **Part 5.** Chapter 4, Section 26 of the Palm Beach County Code entitled *Animal Agencies* is
28 hereby amended as follows:

29 (a) *Humane society requirements.*

30 ***

31 (6) Shall assure that animals kept longer than twenty-four (24) hours are maintained in animal
32 enclosures ~~which~~ that are consistent with subsection 4-23(h).

1 ***

2 (8) Shall comply with Section 4-24, Animal care; manner of keeping.

3 (9) Shall provide for the sterilization of every adopted dog and cat. Every dog and cat shall be
4 sterilized prior to release, unless a veterinarian licensed to practice in the State of Florida
5 certifies in writing that the dog or cat has a medical condition that would be substantially
6 aggravated by such procedure or would likely cause the dog or cat's death. A dog or cat may be
7 temporarily released to a potential adopter if the adopter agrees in writing to sterilize the dog or
8 cat as soon as deemed safe by a veterinarian licensed to practice in the State of Florida. An
9 adoption shall not be deemed final until the dog or cat is sterilized, unless a veterinarian
10 licensed to practice in the State of Florida certifies in writing that, due to the severity or nature
11 of the medical condition, it is not and will never be safe to sterilize the dog or cat.

12
13 (b) *Private nonprofit animal organization requirements.*

14 ***

15 (3) Shall provide dogs and cats released to owners or new adopters with:

16 ***

17 (4) Shall provide for the sterilization of ~~all~~every adopted dogs and cats. Every dog and cat
18 shall ~~Animals will be~~ sterilized prior to release, unless a veterinarian licensed to practice in the
19 State of Florida certifies in writing that the dog or cat has a medical condition that would be
20 substantially aggravated by such procedure or the procedure would likely cause the dog or cat's
21 death. ~~or the dog or cat is not yet sexually mature.~~ A dog or cat may be temporarily released to
22 a potential adopter if the adopter agrees in writing to sterilize the dog or cat as soon as deemed
23 safe by a veterinarian licensed to practice in the State of Florida. ~~An adoption shall not be~~
24 deemed final until the dog or cat is sterilized, unless a veterinarian licensed to practice in the
25 State of Florida certifies in writing that, due to the severity or nature of the medical condition, it
26 is not and will never be safe to sterilize the dog or cat. ~~_____~~ or no later than thirty (30) days after
27 the agency receives the animal, except for those that are a surgical risk as determined by a
28 veterinarian.

29 ***

30 (c) All animal agencies (county and municipal animal control agencies, humane societies, and
31 private nonprofit animal organizations) that ~~which~~ accept animals from any member of the

public will be required to have such person sign ~~an agency~~ a written statement detailing the reclaim, adoption and euthanasia policies.

Part 6. Chapter 4, Section 28 of the Palm Beach County Code entitled *Animal Care and Control Hearing Board* is renumbered as Section 30. A new Section 28, entitled *Pet Overpopulation Reform Sterilization Program for Dogs and Cats* is hereby created as follows:

(a) Purpose.

The Board has determined that the unintended or uncontrolled breeding of dogs and cats within the county leads to many dogs, cats, puppies, and kittens being unwanted, becoming strays, suffering 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 public policy of Palm Beach County that every feasible means of reducing the number of unwanted dogs, cats, puppies, and kittens be encouraged.

(b) Spaying, neutering of dogs and cats.

(1) No person may own, keep, or harbor a dog or cat six (6) months of age or older that has not been spayed or neutered unless such person holds an unaltered license tag for each unaltered dog or cat, unless the dog or cat is otherwise exempt under this Ordinance.

(2) An owner of an unaltered dog or cat will be allowed to maintain the unaltered animal in Palm Beach County if any of the following criteria is met:

a. The dog or cat is registered with a national or international club, association, or registry recognized by the Division, and the owner certifies in writing to the Division that the animal is being used, trained, or considered for use in a show(s), sporting competition(s), or other similar competitive event(s) held by one or more national or international clubs, associations, or registries. For a dog or cat that is not spayed or neutered due to current use as a show or competition dog or cat as provided herein, the license tag fee established by the Board for unsterilized dogs or cats shall apply.

b. A veterinarian licensed in the State of Florida certifies in writing that a specific dog or cat is medically unfit to undergo the required spay or neuter procedure because of a medical condition, including but not limited to age, that would be substantially aggravated by such procedure or would likely cause the dog or cat's death. The writing must state the date by which the dog or cat may be safely spayed or neutered. The Division may extend the time for spaying

1 or neutering a dog or cat or may exempt such dog or cat from the spay/neuter requirement
2 based upon the written medical recommendation of a licensed veterinarian. For a dog or cat
3 that is not spayed or neutered due to a health condition as provided herein, the license tag fee
4 established by the Board for sterilized dogs or cats shall apply. As soon as the medical
5 condition that prevents a dog or cat from being spayed or neutered ceases to exist, it shall be
6 the duty of the owner of such dog or cat to promptly comply with this Section.

7 c. The dog is currently used by a law enforcement agency for law enforcement
8 purposes. For a dog that is not spayed or neutered due to current use by a law enforcement
9 agency for law enforcement purposes as provided herein, the license tag fee established by the
10 Board for police dogs shall apply.

11 d. The dog or cat is a qualified guide dog or service animal as defined in Section 2 of
12 this Ordinance or is part of a recognized guide/service animal breeding program approved by
13 the Division and is currently being bred or evaluated to produce guide/service animals. For a
14 dog or cat that is not spayed or neutered due to current use as a qualified guide dog or service
15 animal as provided herein, the license tag fee established by the Board for such animals shall
16 apply.

17 e. The owner wishes to keep the dog or cat unsterilized and certifies in writing to the
18 Division that the dog or cat will not be bred or used for stud purposes unless an appropriate
19 breeder permit is first obtained from the Division. For a dog or cat that is not spayed or
20 neutered but will not be used for breeding or stud purposes, the license tag fee established by
21 the Board for unsterilized animals shall apply.

22 (3) A dog or cat that meets the following criteria shall be exempt from the unaltered license tag
23 requirements provided in this Section:

24 a. A dog or cat temporarily harbored within this jurisdiction for less than thirty (30)
25 days within any calendar year. ~~The burden of proving such temporary harboring shall be upon~~
26 the person harboring the animal

27 b. The dog or cat is being harbored by a pound, shelter, humane society, or similar
28 organization, whether public or private, whose principal purpose is securing the adoption of
29 dogs or cats or offering sanctuary for dogs or cats, provided that the dog or cat is spayed or
30 neutered prior to being placed for adoption or transferred by such organization.

1 c. A feral cat in a feral cat colony registered with the Division in accordance with
2 Section 8 of this Ordinance and maintained in compliance with all requirements provided
3 therein. A person who registers a feral cat colony shall not have to obtain an unaltered license
4 tag for any cat in the colony provided such cat(s) remain feral and the colony registration is
5 renewed annually. Every cat in a feral cat colony must be spayed/neutered as provided in
6 Section 8.

7 If a person owns an unaltered dog or cat that is not specifically exempted from the requirements
8 provided herein, such person shall obtain an unaltered license tag for the dog or cat, and if such
9 person intends to use any such unaltered dog or cat for breeding or studing purposes, a hobby
10 breeder permit, kennel permit, or other applicable permit issued under this Ordinance is
11 required in addition to an unaltered license tag for each dog or cat.

12 (c) *Unaltered dog/cat license requirements.*

13 (1) An owner of an unaltered dog or cat six (6) months of age or older must obtain an annual
14 unaltered license tag for the dog or cat. The Division will issue an unaltered license tag if the
15 owner complies with the requirements set forth in this Section, pays the license tag fee
16 established by the Board, and signs a written statement certifying that the dog or cat will not be
17 used for breeding or stud purposes unless an appropriate permit is first obtained from the
18 Division. The Board is hereby authorized to establish by resolution a schedule of fees for all
19 license tags, late fees for failure to timely renew, and fines for failure to comply with such
20 requirements.

21 (2) An unaltered license tag is valid for a period of twelve (12) months.

22 (3) Every person who owns an adult unaltered dog or cat in the county shall be required to
23 secure an unaltered license tag pursuant to the following schedule:

- 24 a. On or before the date the dog or cat is six (6) months of age; or
25 b. Within thirty (30) calendar days of acquiring a dog or cat; or
26 c. Within thirty (30) calendar days after a dog or cat enters the jurisdiction covered by
27 this Ordinance.

28 (4) The address of the owner shall be presumed to be the residence of the dog or cat. All
29 changes of address must be reported to the Division within thirty (30) calendar days following
30 such change.

1 (5) Any change of ownership of any dog or cat, be it by sale, transfer or otherwise, shall be
2 reported in writing to the Division by the original and new owner within thirty (30) calendar
3 days after ownership changes.

4 (6) Any person who fails to pay an unaltered license tag fee when it is due shall, in addition to
5 paying any past due license fees, also pay a late penalty.

6 (d) License denial or revocation and appeal process.

7 If an unaltered license tag has been denied or revoked by the Division, a person may appeal
8 such action by the Division by following the appeal process provided in Section 29(f) of this
9 Ordinance.

10 (ed) Counterfeiting or destroying a license tag.

11 It shall be a violation of this Ordinance to counterfeit a license tag, to maliciously destroy a
12 license tag or to fraudulently obtain a license tag.

13 (fe) Forfeiture.

14 Any puppy or kitten born to an unaltered dog or cat that is not the subject of a hobby breeder
15 permit, kennel permit, or other applicable permit shall be subject to forfeiture to the Division,
16 unless or until an appropriate permit is immediately applied for and obtained.

17
18 **Part 7.** Chapter 4, Section 29 of the Palm Beach County Code entitled *Interference with*
19 *Enforcement* is renumbered as Section 31. A new Section 29 entitled *Hobby Breeder Permits*
20 is hereby created as follows:

21 (a) Hobby breeder permits.

22 (1) No person shall breed a dog or cat or offer a dog or cat for breeding or stud purposes
23 without first obtaining an appropriate breeding permit issued by the Division. The cost of the
24 permit and other related fees shall be established by the Board by resolution.

25 ~~(2) Encouraging the breeding of dogs or cats within the County is prohibited except when~~
26 ~~expressly permitted by the issuance of a current breeding permit, as provided herein.~~

27 (23) Hobby breeders shall:

28 a. Not breed more than two litters or more than nineteen (19) dogs, cats, puppies, or
29 kittens during a calendar year;

30 b. Not offer for sale, sell, trade, receive any compensation for or give away more than
31 two litters or more than nineteen (19) dogs, cats, puppies, or kittens during a calendar year;

- 1 c. Keep records for the duration of the hobby breeder permit and all permit renewals as
2 to the birth of each litter of puppies or kittens and shall make such records available for review
3 by the Division upon request;
- 4 d. Keep records including but not limited to records concerning rabies vaccinations, all
5 other inoculations and any medical condition(s) of each dog, cat, puppy or kitten intended to be
6 sold, given away, or otherwise conveyed;
- 7 e. On a quarterly basis, the name, address, and telephone number of the new owner of
8 any dog, cat, puppy or kitten sold or placed in the county shall be provided to the Division.
9 The term quarterly basis shall reflect the calendar quarters ending March 31, June 30,
10 September 30, and December 31;
- 11 f. Furnish to each new owner of a dog, cat, puppy or kitten the hobby breeder permit
12 number so the new owner has proof and assurance that the animal was legally bred;
- 13 g. Not offer a puppy or kitten under the age of eight (8) weeks for sale, trade, other
14 compensation or free giveaway, with the exception of animals taken to an animal shelter;
- 15 h. Recommend to each new owner that any animal sold, transferred or given away be
16 examined by a licensed veterinarian within one (1) week of the date of transfer and notify the
17 new owner of state requirements for rabies vaccinations;
- 18 i. List the person's hobby breeder permit number on all advertisements and literature
19 concerning the sale or free giveaway of any dog, cat, puppy or kitten of the hobby breeder;
- 20 j. Adhere to minimum standards regarding the care and manner of keeping of animals
21 as provided in Section 24 – ANIMAL CARE; MANNER OF KEEPING; and
- 22 k. Allow the Division to inspect the ~~structure or~~ premises wherein an animal that is the
23 subject of a hobby breeder permit is maintained or harbored and to view any animal that is the
24 subject of the permit, if the Division has a reasonable basis to believe that a violation of Section
25 24 – ANIMAL CARE; MANNER OF KEEPING exists. Such inspection will be limited to that
26 necessary to ascertain compliance with Section 24 – ANIMAL CARE; MANNER OF
27 KEEPING. If a hobby breeder refuses to allow the Division to perform an inspection as
28 provided herein, the Division may apply for a warrant pursuant to Chapter 933, Florida
29 Statutes. All reports of such inspections shall be in writing and maintained by the Division.

1 | (34) A hobby breeder permit is valid for a period of one (1) calendar year and must be renewed
2 | annually. Renewal applications for permits shall be made within thirty (30) days prior to
3 | expiration.

4 | (45) A hobby breeder permit is not transferable, assignable, or refundable.

5 | (56) Each person owning an animal intended to be used for breeding or studing shall obtain a
6 | hobby breeder permit prior to using any dog or cat for breeding or stud purposes. A hobby
7 | breeder must obtain an unaltered license tag for each unaltered dog or cat covered under the
8 | hobby breeder permit.

9 | *(b) Obtaining a hobby breeder permit.*

10 | (1) A person seeking a hobby breeder permit shall apply to the Division on a form approved by
11 | the Division.

12 | (2) The permit application shall include but is not limited to the following information:

13 | a. The name, address and telephone number of the applicant;

14 | b. A statement as to whether the applicant has ever been convicted of the offense of
15 | cruelty to animals or had a final judgment entered against the applicant under Section 828.073,
16 | Florida Statutes, or any other statute prohibiting animal neglect or mistreatment;

17 | c. A description (species, breed, sex, age, coloration) of each animal under the permit;
18 | and

19 | d. A description of the activity for which the permit is requested.

20 | (3) If the applicant withholds or falsifies any information on the application, no permit shall be
21 | issued and any permit previously issued based on false or withheld information shall be
22 | revoked.

23 | (4) No person previously convicted of cruelty to animals or who has had a final judgment
24 | entered against him/her pursuant to Section 828.073, Florida Statutes, shall be issued a hobby
25 | breeder permit.

26 | *(c) Permit procedures.*

27 | ~~(1) Prior to issuance of a permit, the Division shall, as it deems necessary, perform an~~
28 | ~~inspection of the premises where hobby breeding activities will take place or where any dog or~~
29 | ~~cat that is the subject of a hobby breeding permit will be maintained.~~

30 | (12) The permit applicant shall complete an application, supply all information requested by
31 | the Division, and pay the applicable permit fee established by the Board by resolution.

- 1 | (23) Permit applications shall be valid for thirty (30) days in order for applicants to make
2 | corrections to meet minimum compliance specifications.
- 3 | (d) Violations.
- 4 | (1) Failure to apply for a permit prior to operating as a hobby breeder shall constitute a
5 | violation.
- 6 | (2) Failure to reapply for a permit within thirty (30) days of expiration of the existing permit
7 | shall constitute a violation.
- 8 | (3) Refusal to allow an animal control officer to inspect an animal or the premises that is the
9 | subject of a hobby breeder permit shall constitute a violation as provided in Section 29(a)(2)k.
10 | shall constitute a violation.
- 11 | (4) The purposeful breeding of a dog or cat with a known genetic fault shall constitute a
12 | violation.
- 13 | (54) It shall be a violation of this Ordinance to counterfeit a hobby breeder permit or official
14 | certificate of veterinary inspection or to maliciously destroy a hobby breeder permit.
- 15 | (e) Permit denial, revocation, and suspension.
- 16 | (1) By notice of adverse action, the Division may deny, revoke or suspend any permit if it is
17 | determined that:
- 18 | a. There has been a material misstatement or misrepresentation in the permit
19 | application;
- 20 | b. The applicant/permit holder has been cited for at least three (3) violations of this
21 | Ordinance within a two-year period, each resulting in the imposition of a fine;
- 22 | c. The applicant/permit holder has failed to pay a fine or to request a hearing in county
23 | court to answer the charges of a citation within ninety (90) days of issuance of the violation;
- 24 | d. The applicant/permit holder or his/her agent has been convicted of a violation of law
25 | involving cruelty to animals or has had a final judgment entered against him/her pursuant to
26 | Section 828.073, Florida Statutes; or
- 27 | e. An animal under the care and responsibility of an applicant/permit holder has been
28 | found to be in need of immediate veterinary care that, if not treated, would result in
29 | unnecessary suffering, pain or death.
- 30 | (f) Appeal process.

1 (1) Any applicant or permit holder who has been denied a permit or whose permit has been
2 revoked or suspended may appeal this action to a special master within the ten-day period after
3 the Division originates the adverse action. A written notice of appeal and appropriate
4 nonrefundable filing fee must be filed with the Division within ten (10) days of the notice of
5 adverse action. The Board of County Commissioners is hereby authorized to establish the
6 amount of the filing fee by resolution.

7 (2) The appeal will be heard by a special master within thirty (30) calendar days after the
8 applicant or permit holder has submitted a notice of appeal. The initial hearing on the appeal
9 may be continued by the Division, the special master, or the applicant or permit holder beyond
10 the thirty (30) calendar days for good cause shown. ~~The appeal may be delayed by the Division~~
11 ~~beyond the thirty (30) calendar days if it experiences extenuating circumstances beyond its~~
12 ~~control.~~

13 ~~(3) Upon receiving the notice of adverse action, the applicant or permit holder shall take~~
14 ~~whatever positive measures are necessary to prevent any future incidents or violations from~~
15 ~~occurring until final disposition of the appeal.~~

16 (34) The hearing before the special master will be informal ~~and the rules of evidence will not~~
17 ~~be strictly observed.~~ All testimony before the special master shall be under oath and shall be
18 recorded. The formal rules of evidence shall not apply, but fundamental due process shall be
19 observed and shall govern the proceedings. Upon determination of the special master,
20 irrelevant, immaterial, unduly repetitious evidence may be excluded, but all other evidence of a
21 type commonly relied upon by reasonable prudent persons in the conduct of their affairs shall
22 be admissible, whether or not such evidence would be admissible in a trial in the courts of the
23 State of Florida. Any part of the evidence may be received in written form. The special master
24 may inquire of or question any witness present at the hearing. The applicant/permit holder or
25 his/her attorney and animal care officer(s) or the attorney representing the Division shall be
26 permitted to inquire of any witness present at the hearing. The special master may consider
27 testimony presented by the applicant/permit holder, animal care officer(s), or any other witness.

28 (45) The denial, revocation or suspension of the permit shall be upheld or reversed by the
29 special master.

30 (56) All decisions by the special master shall be final and reviewable by writ of certiorari to
31 Palm Beach County Circuit Court.

1 | (67) The special master shall provide the applicant or permit holder with written notice of
2 | his/her decision.

3 | (g) Owner requirements following notice of adverse action and/or appeal process.

4 | (1) If the notice of adverse action of denial, revocation or suspension of a hobby breeder
5 | permit is not appealed, the applicant or permit holder shall come into compliance with this
6 | Ordinance within ten (10) days after the notice of adverse action. If upon appeal the notice of
7 | adverse action of denial, revocation or suspension of a hobby breeder permit is upheld by the
8 | special master, the applicant or permit holder shall come into compliance with this Ordinance
9 | within ten (10) days after the appeal hearing. The applicant/permit holder may then file a
10 | petition for writ of certiorari in the Palm Beach County Circuit Court.

11 | (2) Any person who has been denied a permit upon initial application may not reapply for a
12 | period of thirty (30) days.

13 | (3) Any person whose permit has been revoked may not reapply for a period of one (1) year.
14 | Each reapplication for a permit shall be accompanied by a fee to be established by the Board by
15 | resolution. No part of the reapplication fee shall be refunded.

16 | (h) Fee waiver.

17 | The Division shall waive the annual hobby breeder permit fee for any person/applicant who
18 | applies for a hobby breeder permit on or before (date certain to be added) or for any person
19 | who applies for a permit within ninety (90) days of moving into Palm Beach County and
20 | provides acceptable proof to the Division of such relocation. For persons/applicants who apply
21 | for a hobby breeder permit during this period, the Division shall also annually waive the fee for
22 | two (2) unaltered dog or cat license tags. The fee waiver shall remain in effect for a hobby
23 | breeder so long as the hobby breeder remains in compliance with this Ordinance and Chapter
24 | 828, Florida Statutes.

25 |
26 | **Part 8. REPEAL OF LAWS IN CONFLICT:**

27 | All local laws and ordinances in conflict with any provisions of this Ordinance are
28 | hereby repealed to the extent of such conflict.

1 **Part 9. SAVINGS CLAUSE:**

2 Notwithstanding anything herein to the contrary, all provisions of Palm Beach County
3 Ordinance No. 98-22, as amended by Ordinances 2003-29 and 2005-44, and all licenses,
4 permits, enforcement orders, and ongoing enforcement actions issued thereunder are
5 specifically preserved and remain in full force and effect.
6

7 **Part 10. SEVERABILITY:**

8 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
9 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void,
10 such holding shall not affect the remainder of this Ordinance.
11

12 **Part 11. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

13 The provisions of this Ordinance shall become and be made a part of the Palm Beach
14 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish
15 such, and the word "ordinance" may be changed to "section," "article," or other appropriate
16 word.
17

18 **Part 12. ENFORCEMENT:**

19 This Ordinance is enforceable by all means provided by law. Additionally, the County
20 may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm
21 Beach County.
22

23 **Part 13. PENALTY:**

24 Any violation of any portion of this Ordinance shall be punishable as provided by law.
25

26 **Part 14. CAPTIONS:**

27 The captions, section headings, and section designations used in this Ordinance are for
28 convenience only and shall have no effect on the interpretation of the provisions of this
29 Ordinance.
30

31 **Part 15. EFFECTIVE DATE:**

32 The provisions of this Ordinance shall become effective upon filing with the
Department of State.

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APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
County, Florida, on this the ____ day of _____, 20____.

SHARON R. BOCK, CLERK **PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

By: _____ By: _____
Deputy Clerk ***, Chairperson***

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the ____ day of
_____, 20____.

MEMORANDUM

DATE: January 24, 2008

TO: The Honorable Addie L. Greene, Chairperson
Members of the Board of County Commissioners

THRU: Denise M. Nieman, County Attorney

FROM: Shannon Fox, Assistant County Attorney *SF*

RE: Proposed Revisions to the Amendment to the Animal Care and Control Ordinance

The proposed Amendment to the Animal Care and Control Ordinance has been revised since the first reading of the Amendment on January 15, 2008. This errata sheet notes all recent revisions that have been made to the Amendment, which are shown in color on the attached amended Ordinance.

On page 1 lines 39-40, the words “unintended or” are added before the word “uncontrolled”.

On page 1 line 45, the reference to the number of animals euthanized in 2007 is revised to read: “16,288 dogs and cats, . . .”

On page 6 line 10, the words “original or and” (formerly “original or” and then “original and”) are deleted.

On page 8, the sentence starting on line 8 is deleted, and the sentence starting on line 23 is deleted.

On page 9 lines 6-7, reference to *Pet Overpopulation Reform* is revised to read: *Sterilization Program for Dogs and Cats*.

On page 9 line 10, the words “unintended or” are added before the word “uncontrolled”.

On page 10, the sentence starting on line 25 is deleted.

On page 12 line 2, the words “original and” are deleted.

On page 12 line 6, the following is added: *(d) License denial or revocation and appeal process.* If an unaltered license tag has been denied or revoked by the Division, a person may appeal such action by the Division by following the appeal process provided in Section 29(f) of this Ordinance.

On page 12, lines 14-16 are revised to read: Any puppy or kitten born to an unaltered dog or cat that is not the subject of a hobby breeding permit, kennel permit, or other applicable permit shall be subject to forfeiture to the Division, unless an appropriate permit is immediately applied for and obtained.

On page 12, lines 25-26 are deleted.

On page 13 line 8, the words “sold or” are deleted.

On page 13, lines 22-29 are revised to read: Allow the Division to inspect the premises wherein an animal that is the subject of a hobby breeder permit is maintained and to view any animal that is the subject of the permit, if the Division has a reasonable basis to believe that a violation of Section 24 – ANIMAL CARE; MANNER OF KEEPING exists. Such inspection will be limited to that necessary to ascertain compliance with Section 24 – ANIMAL CARE; MANNER OF KEEPING. If a hobby breeder refuses to allow the Division to perform an inspection as provided herein, the Division may apply for a warrant pursuant to Chapter 933, Florida Statutes. All reports of such inspections shall be in writing and maintained by the Division.

On page 14, lines 27-29 are deleted.

On page 15, lines 8-10 are revised to read: Refusal to allow an animal control officer to inspect an animal or the premises as provided in Section 29(a)(2)k. shall constitute a violation.

On page 15, lines 11-12 are deleted.

On page 16, the sentence starting on line 8 is revised to read: The initial hearing on the appeal may be continued by the Division, the special master, or the applicant or permit holder beyond the thirty (30) calendar days for good cause shown.

On page 16, lines 13-15 are deleted.

On page 16, line 16 is revised to read: The hearing before the special master will be informal.

On page 16, lines 30-31 are revised to read: All decisions by the special master shall be final and reviewable by writ of certiorari to Palm Beach County Circuit Court.

On page 17, the sentence starting on line 6 is deleted.

Narrative Highlights of Sterilization Ordinance

Animal Care and Control
Public Safety Department
February 5, 2008 – Agenda Attachment 3

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.

Attachment 3
Page 2

- **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.
 - Law Enforcement dogs. No charge for annual tag.
 - Service dogs or service dogs-in-training. No charge for annual tag.

Enhancements for the revised ordinance are:

- Proposed "voucher" system for low income residents to receive free sterilization for their pets
- Expanding hours of operation of Spay Shuttle
- Free sterilization clinic in West County
- Transport of 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.
- Citizens Animal Patrol to issue materials on sterilization and/or perform public education as a part of Field Services.



JOHN W. HICKENLOOPER
MAYOR

CITY AND COUNTY OF DENVER

DEPARTMENT OF ENVIRONMENTAL HEALTH

Nancy J. Severson, Manager

DIVISION OF ANIMAL CARE & CONTROL

Doug Kelley, Director

678 SOUTH JASON STREET
DENVER, CO 80223
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City and County of Denver Spay and Neuter Ordinance

Executive Summary

For the past 12 years, the City and County of Denver has had an ordinance requiring dogs and cats over the age of six months to be spayed or neutered. This ordinance was passed to address the extensive dog and cat overpopulation in Denver where, in 1990 – 1992, 75% of the animals impounded at the Denver Municipal Animal Shelter were euthanized.

After the ordinance passed in 1995, the euthanasia rate at the shelter dropped 20% in five years. After Denver Animal Care & Control started actively emphasizing the ordinance in 2000 through education, compliance, and enforcement, the euthanasia rate dropped to an average of 36% from 2000 through 2006 - an incredible drop in the incidence of euthanasia, and one of the lowest euthanasia rates in a public animal shelter in the country.

Denver Animal Care & Control works with the Denver-area Veterinary Medical Society to provide vouchers for a free spay or neuter to individuals and families that meet low-income guidelines. Other resources exist to provide low-cost spay and neuters, including mobile spay and neuter clinics, that provide a source for referral when an individual is mandated to comply with the ordinance.

The incidence of euthanasia in Denver Metropolitan shelters, in an area consisting of over 3 million people, has decreased more than 60% since 1990. Although overpopulation still exists, Denver's spay and neuter ordinance was a crucial tool to substantially reduce the population of stray dogs and cats. Denver Municipal Animal Shelter now adopts out nearly 100% (99.9% of dogs and 98.7% of cats in 2006) of adoptable (healthy and friendly) dogs and cats.