

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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Meeting Date: March 11, 2008	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
	<input type="checkbox"/> Ordinance	<input 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: **A)** ratify staff recommendations to establish a hobby breeder permit fee in the amount of \$150.00; and **B)** adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida amending Resolution No. R2007-2119 to: establish a hobby breeder permit fee, establish fines for violation of Section 28 and Section 29 of the Animal Care and Control Ordinance, and reduce the fee for an electronic microchip i.d. implant from \$20 to market cost plus 10%.

Summary: On February 5, 2008, the Board of County Commissioners adopted amendments to the Animal Care and Control Ordinance that established Section 28, "Sterilization Program for Dogs and Cats", and Section 29, "Hobby Breeder Permits". This Resolution establishes the \$150 hobby breeder permit, as presented and recommended by staff on January 15, 2008 and again on February 5, 2008 in the attachment entitled "Narrative Highlights of the Ordinance."

Countywide (SF)

Background and Justification: On February 5, 2008, the Board of County Commissioners adopted amendments to the Animal Care and Control Ordinance that established Section 28, "Pet Overpopulation Reform", and Section 29, "Hobby Breeder Permits". It is, therefore, necessary to adopt an annual hobby breeder permit fee and a fine for violation of Section 28 and Section 29, respectively. A \$150 hobby breeder permit fee is established to offset the costs of administering the permit program. A violation of Section 28, "Sterilization Program for Dogs and Cats", will be a category I offense punishable by a fine of \$50 for the first offense, \$100 for the second offense, and \$250 for the third or subsequent offense. A violation of Section 29, "Hobby Breeder Permits", will be a Category III Offense punishable by a fine of \$100 for the first offense, \$250 for the second offense, and \$500 for the third or subsequent offense. In an effort to encourage all owners to microchip their animals, the fee for an electronic microchip implant is decreased from \$20 to costs plus ten percent.

Attachments:

1. Resolution including three (3) schedules of fees/fines
2. Copy of Narrative Highlights of Ordinance presented on 01/15/08 and 02/05/08

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Recommended & Approved By:		2/25/08
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	20_09	20_10	20_11	20_12
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
No. ADDITIONAL FTE N/A POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes _____ No XXX
Budget Account No.: Fund _____ Department _____ Unit _____
Object _____ Reporting Category _____

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

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

The estimates of the new breeder fee revenue can not be determined at this time.

Atwillhite 2.29.08
OFMB
2/28/08
CN
2/21/08

Jim J. Jacoby
Contract Dev. and Control
3/3/08
3/3/08

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director

RESOLUTION NO. R-2007-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. R2007-2119, A SCHEDULE OF FEES FOR ANIMAL SHELTERING AND SERVICES AND FINES FOR VIOLATION OF THE ANIMAL CARE AND CONTROL ORDINANCE.

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

WHEREAS, Section 125.02, Florida Statutes, authorizes the Board of County Commissioners of Palm Beach County to adopt ordinances and resolutions necessary for the exercise of its powers and to prescribe fees for services and fines and penalties for the violation of ordinances; and

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

WHEREAS, the Ordinance imposes certain fines for noncompliance and provides that the Board of County Commissioners shall by resolution establish the amount of such fines;

WHEREAS, the Division of Animal Care and Control imposes certain fees for sheltering and services; and

WHEREAS, the Board of County Commissioners has approved a schedule of fees and fines to be utilized by the Division of Animal Care and Control, and it has become necessary to amend such schedule.

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

A. An annual Hobby Breeder Permit fee in the amount of \$150 is established.

B. Violation of Animal Care and Control Ordinance 98-22, as amended, Section 28, "Sterilization Program for Dogs and Cats", shall be a Category I Offense punishable by a fine of \$50 for the first offense, \$100 for the second offense, and \$250 for the third or subsequent offense.

C. Violation of Animal Care and Control Ordinance 98-22, as amended, Section 29, "Hobby Breeder Permits", shall be a Category III Offense punishable by a fine of \$100 for the first offense, \$250 for the second offense, and \$500 for the third or subsequent offense.

D. The Electronic Microchip I.D. Implant fee is set at cost plus 10 percent.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Commissioner Addie L. Greene, Chairperson -
- Commissioner Jeff Koons, Vice Chair -
- Commissioner Karen T. Marcus -
- Commissioner Robert J. Kanjian -
- Commissioner Mary McCarty -
- Commissioner Burt Aaronson -
- Commissioner Jess R. Santamaria -

The Chairperson thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2008.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

By: _____ Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

Schedule 1 Rabies/License Tag Fees Palm Beach County Animal Care and Control Division		
Description	Current Fee	Proposed Fee
License Tag Costs		
a) Guide Dogs	No Charge	Same
b) Sterilized Police Dogs (Active in municipal police department or Sheriff's office)	No Charge	Same
c) Sterilized Dogs or Cats	\$15	Same
d) Non-Sterilized Dogs or Cats	\$75	Same
e) Dangerous Dog Tag	\$150	Same
f) Handling Fee for Veterinarians Selling Rabies Tags	\$2.00	Same
g) Lost Tag Replacement	\$3	Same
h) Guard Dog	\$75	Same
i) Late Penalty	\$10	Same
Note: Senior citizens 65 years of age or older may receive a discount of twenty-five percent (25%) for all regular dog and cat license tags purchased. Discount does not apply to "guard" dogs.		

Schedule 2 Service Fees Palm Beach County Animal Care and Control Division		
Description	Current Fee	Proposed Fee
1. Daily Board Fee (Excluding Livestock)	\$15	Same
2. Impoundment/Redemption Fee (Excluding Livestock)		
Sterilized Dogs/Cats		
First Offense	\$30	Same
Second Offense	\$60	Same
Third Offense	\$100	Same
Non-Sterilized Dogs/Cats	\$300	Same
Other Small Animals	\$30	Same
Note: First, second and third offenses are determined by the owner's name, not by each pet, within a twelve month period. Impoundment fees are applicable to all animals redeemed/claimed, including but not limited to animals claimed from bite quarantine and at-large animals picked up. Impound fees may be imposed for animals impounded pursuant to s. 828.073, Florida Statutes.		
3. Electronic Microchip ID Implant for Dog/Cat	\$20	Cost + 10%
4. Rabies Vaccination Fee		
Upon redemption of impounded animal	\$15	Same
Owned animal	\$15	Same
Note: During Alerts/Emergencies Fees set at Director's Discretion.		
5. Beehives		
Impoundment Fee (per Apiary)	\$50	Same
Daily Monitoring/Maintenance	\$15	Same
Beekeeper Expenses	Per Actual Expense	Same
6. Dead Animal Disposal		
Small Animal (0 – 20 lbs)	\$50	Same
Medium Animal (21 – 50 lbs)	\$75	Same
Large Animal (51 – 150 lbs)	\$100	Same
Livestock (151+ lbs)	\$200	Same
7. Animal Euthanasia Fees – Dogs/Cats		
Private (General Public)	\$30	Same
Unwanted Rabies Quarantine Animal	\$30	Same

**Schedule 2
Service Fees
Palm Beach County
Animal Care and Control Division**

Description	Current Fee	Proposed Fee
8. Commercial Animal Establishment Annual Operating Permit Fee a) Kennel/Breeder, Pet Shop with no dogs/cats, Grooming Parlor or Commercial Stable b) Excess Animal Habitat c) Pet Shop with dogs/cats d) Mobile Grooming Parlors (Inspected on Grounds of Animal Care and Control) e) Reapplication Fee for commercial animal establishment whose permit was revoked or denied f) Appeal fee for denial, revocation or suspension of permit g) Hobby Breeder h) Feral Cat Colony Registration j) Dog Day Care Operator j) Pet Sitter Operator k) Other Pet/Animal Related Services (cremation, cemetery, waste removal, trappers, petting zoos, pony rides, traveling exhibits etc)	\$400 \$50 \$400 \$225 \$100 \$50 N/A \$10 \$100 \$50 \$100	Same Same Same Same Same Same \$150 Same Same Same Same
9. Guard Dog Registration Fee (one time assessment per dog)	\$125	Same
10. Dangerous/Vicious Dog a) Appeal Process Fee for Classification of a Dog as Dangerous or Vicious (non-refundable) b) Dangerous Dog Tag (owner in full compliance during previous year) c) Dangerous Dog Tag (owner not in full compliance during previous year) d) Sign (Available only from Animal Care & Control) e) Dangerous/Vicious Dog Investigation/Classification Fee f) Dangerous Dog Tattoo Fee	\$50 \$100 \$200 \$10 \$100 \$20	Same Same Same Same Same Same
Note: See also Animal Bite Investigation and Quarantine Fees for applicable fees.		
	\$20 week \$4 day \$30 week \$5 day \$20	Same Same Same Same Same

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Schedule 2 Service Fees Palm Beach County Animal Care and Control Division		
Description	Current Fee	Proposed Fee
12. Adoption Fees a) Adult Dog b) 2 weeks since spay/neuter c) 4 weeks since spay/neuter d) Puppies e) 2 weeks since spay/neuter f) 4 weeks since spay/neuter g) Cats h) 2 weeks since spay/neuter i) 4 weeks since spay/neuter Note: Adoption fees include spay/neuter, initial dewormings, initial vaccines, medical testing, rabies vaccination, county rabies/license tag and permanent microchip ID. Medical tests and vaccines for dogs include fecal check, parvovirus, distemper, hepatitis, leptospirosis, kennel cough and occult heartworm test. Medical tests and vaccines for cats include fecal check, calici and panleukopenia, and feline leukemia test.	\$58 \$40 \$20 \$67 \$40 \$20 \$54 \$40 \$20	Same Same Same Same Same Same Same Same Same
13. "Other Adoptions" – Pocket pets, Birds and Livestock	Market Value	Same
14. Adopted Dog/Cat Surgery Deposit Fee (Refundable upon proof of sterilization)	\$50	Same
15. Transportation Fee (unwanted animals)	\$30	Same
16.. Nuisance Fees a) Investigation Fee (per complaint) b) Affidavit Filing Fee (per complaint)	\$20 \$5	Same Same

Schedule 2 Service Fees Palm Beach County Animal Care and Control Division		
Description	Current Fee	Proposed Fee
17. Animal Bite Investigation and Quarantine Fees a) Bite incident information w/out officer investigation. b) Field Officer Fee – Necessary bite information unobtainable from owner and an officer is dispatched to secure of obtain information. c) Quarantine Pick-Up – Owner of bite animal has failed to quarantine animal at an approved quarantine facility within 24 hours of notification of incident and an officer is dispatched to transport the animal to the division. d) Quarantine Release Fee – Owner fails to notify the division that the bite animal is alive and healthy.	50 \$60 \$60 \$30	Same Same Same Same
Note: See also Dangerous/Vicious Dog Fees for applicable fees.		
18. Livestock at Large Fees Impound Fee Daily Board Up to 10 pounds Over 10 pounds up to 100 pounds Over 100 pounds Notice Service/Advertising Personnel Time 7 am – 11 pm (Hourly rate) 11 pm – 7 am (Hourly rate) (Determine by hourly rate to the nearest 15 minutes from time dispatched to return to shelter. The above hourly rate is used no matter how many employees were required to apprehend or impound an animal.) Mileage, per mile for each animal (\$10 minimum) Medical expenses (Per veterinarian costs and procedures performed by Animal Care and Control.)	75 \$5 \$15 \$25 \$30 \$50 \$1 Per Actual Expense	Same Same Same Same Same Same Same Same

Schedule 2 Service Fees Palm Beach County Animal Care and Control Division		
Description	Current Fee	Proposed Fee
19. Retail Item Fees Staff will set costs of retail items to be sold through Animal Care and Control. Profit “mark up” will usually range from 10 to 100 per cent. Items will include collars, leashes, bowls, harnesses, pet carriers, traps, external parasite controls, etc.	Same	Same

Schedule 3 Citation Fines Palm Beach County Animal Care and Control Division		
Description	Current Court Costs	Proposed Court Costs
Category I Offenses		
Section 8 - Keeping/Adopting Stray Animal and Maintaining Feral Cats		
Section 9 – Animal Waste		
Section 10 – Rabies Vaccinations		
Section 11 – Dog and Cat Rabies/License Tags		
Section 18 – Guard Dogs		
Section 28 – Sterilization Program		
First Offense	\$50	Same
Second Offense	\$100	Same
Third and Subsequent Offense	\$250	Same
Category II Offenses		
Section 3 - Females in Heat		
Section 4 - Dog and Cat Control (On first offense allows for citation to be dropped if unaltered animal is sterilized within 15 days)		
Section 7 – Injured Animals, Action required		
Section 22 – Number of Animals; Acreage Restrictions/Excess Animal Habitat		
Section 25 – Dogs and Cats offered for sale; Health requirements		
Section 26 – Animal Agencies		
First Offense		
Second Offense	\$75	Same
Third and Subsequent Offense	\$150	Same
	\$300	Same

Schedule 3 Citation Fines Palm Beach County Animal Care and Control Division		
Description	Current Court Costs	Proposed Court Costs
Category III Offenses		
Section 5 - Animals Creating Nuisances		
Section 6 – Scientific Experimentation		
Section 13 – Adoption Fees and Sterilization Requirements for Dogs and Cats		
Section 16 – Animal Bites and Quarantining		
Section 17 – Placement and Impounding of Honeybees		
Section 20 – Disposal of bodies of Dead Animals		
Section 21 – Livestock		
Section 23 – Kennel, Excess Animal Habitat, Pet Shop, Grooming Parlor and Commercial Stable Permits		
Section 24 – Animal Care; Manner of Keeping		
Section 27 – Dangerous Dogs and Vicious Dogs		
Section 29 - Hobby Breeder Permits		
Section 31 – Interference with Enforcement		
First Offense	\$100	Same
Second Offense	\$250	Same
Third and Subsequent Offense	\$500	Same

ATTACHMENT 2

Attachment 2
Page 1

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.
 - Law Enforcement dogs. No charge for annual tag.
 - 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