



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					

**NET FISCAL IMPACT**      \*

**No. ADDITIONAL FTE POSITIONS (Cumulative)**

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

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

**C. Departmental Fiscal Review:** Stephanie Lepoha

**III. REVIEW COMMENTS**

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

\* Fiscal impact from the proposed permit fees, is indeterminable at this time but expected to be minimal.

[Signature] 2/9/11  
 OFMB  
 sd/11  
 2/9/11  
 2/10/11

[Signature] 2/9/11  
 Contract Dev. and Control

**B. Legal Sufficiency:**

[Signature]  
 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 Amendment requires all pet shops and pet dealers in Palm Beach County to inform consumers of the name and address of the breeder of each puppy and kitten sold, to provide consumers with detailed health information pertaining to each puppy and kitten sold, and to warrant the fitness of each puppy and kitten sold. Pet shops and pet dealers will be required to maintain detailed individual records on each puppy and kitten sold and to provide those records to the Division of Animal Care and Control. Pet shops and pet dealers that fail to comply with the ordinance will be issued a citation and may ultimately have their permit revoked.

In 2010, the Division received a number of complaints concerning guard dogs. Investigations performed by the Division discovered that guard dogs are often being maintained in substandard or inhumane living conditions. This Amendment requires each guard dog service and guard dog owner to obtain a permit from the Division, to register each guard dog with the Division, to have each guard dog examined by a veterinarian at least twice a year, and to inform the Division about the whereabouts of each guard dog. In addition, minimum cage size requirements and minimum manner of keeping requirements are established for guard dogs. These revisions are designed to ensure that the Division has sufficient information about the whereabouts of all guard dogs to inspect the dogs' living conditions and to ensure that the dogs are provided a humane existence.

In 2010, the Division received and responded to numerous cruelty complaints concerning tethered animals. Tethering is especially a problem in Palm Beach County for dogs; however, other animals such as horses are often tethered as a means of confinement. Tethering animals while an owner is not present poses various dangers to an animal. Officers from the Division often find tethered dogs with leashes that have become tangled on nearby objects to the point where dogs cannot move or reach their water. Tethering prevents animals from moving freely, exposes them to attacks by other loose animals, and prevents animals from finding shelter to escape Florida's extreme weather. Consequently, the Division no longer supports tethering as a proper means of confining animals.

This Amendment also provides that a dog maintained outside must be provided a minimum of 100 square feet of living space and that an additional 50 square feet of living space shall be provided for each additional dog. Providing such minimum cage size/space requirements is necessary to prevent people from maintaining dogs in cages that allow the dog to do little more than stand up and sit down. This Amendment also incorporates a number of state statutes by reference and makes other changes concerning the manner of keeping animals.

This Amendment also revises certain definitions in the Ordinance; expands the definitions of nuisance animals; provides additional requirements to be followed during hearings before a special master and replaces the nonrefundable appeal filing fee with a refundable appeal bond; amends certain provisions and appeal procedures pertaining to dangerous and vicious dogs; and revises the term of hobby breeder permits from a calendar year to a one-year permit that expires one year after the date issued.

In 2009, the County amended the Ordinance to provide that a dog will be declared a dangerous dog if it severely injures or kills a domestic animal one time. The Fourth District Court of Appeal recently held that such an ordinance conflicts with the statutory definition of a dangerous dog, i.e. a dog that severely injures or kills a domestic animal more than one time. Based on the ruling, the County must adopt the state's definition of a dangerous dog. This Amendment creates a classification for an aggressive dog if a dog severely injures or kills another domestic animal one time and requires such dogs to be sterilized, muzzled, and microchipped. The state statute does not contain a classification for aggressive dogs. Therefore, this Amendment will create an additional category of aggressive dogs not regulated under state law.

ORDINANCE NO. 2011-\_\_\_\_\_

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 ORDINANCES 2001-065, 2003-27, 2005-44, 2008-004, AND 2009-019), AMENDING SECTION 4-2 (DEFINITIONS); AMENDING SECTION 4-5 (ANIMALS CREATING NUISANCES); AMENDING SECTION 4-18 (GUARD DOGS); AMENDING SECTION 4-23 (KENNEL, EXCESS ANIMAL HABITAT, PET SHOP, GROOMING PARLOR, AND COMMERCIAL STABLE PERMITS); AMENDING SECTION 4-24 (ANIMAL CARE; MANNER OF KEEPING); AMENDING SECTION 4-27 (DANGEROUS DOGS AND VICIOUS DOGS); AMENDING SECTION 4-29 (HOBBY BREEDER PERMITS); AMENDING SECTION 4-30 (ANIMAL CARE AND CONTROL HEARING BOARD); AMENDING SECTION 4-32 (VIOLATIONS, CIVIL INFRACTIONS, CIVIL PENALTIES); 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, it is necessary to amend the dangerous dog ordinance to define a dangerous dog as defined by state statute in ordinance to comply with a recent court ruling; and

WHEREAS, regulations concerning guard dogs have not been revised since 1998; and

WHEREAS, it is necessary to enact additional regulations concerning the use and manner in which guard dogs are kept to ensure that such animals are provided a humane existence; and

**WHEREAS**, pet shops sell many puppies and kittens to consumers in Palm Beach County, and it is believed that most of those puppies and kittens are bred by out of state breeders; and

**WHEREAS**, the Board of County Commissioners believes that in order to make an informed decision about purchasing a puppy or kitten, consumers are entitled to know the name and address of the breeder, the puppy or kitten's medical history, and other pertinent information; and

**WHEREAS**, the Board of County Commissioners finds that it has a responsibility to encourage best practices in the breeding and selling of companion animals and that additional regulations on pet shops and pet dealers is a step towards accomplishing that goal; and

**WHEREAS**, the Board of County Commissioners believe that in order to provide animals with a safe and humane existence, animals should not be tethered to stationery objects as a means of confinement; and

**WHEREAS**, it is necessary to amend this Ordinance to provide additional regulations to ensure that all animals in Palm Beach County are provided a safe and humane existence, to implement regulations to improve the living conditions of guard dogs, to amend regulations pertaining to pet shops, to regulate pet dealers, to amend certain definitions used in the Ordinance, to amend certain provisions relating to dangerous and vicious dogs, to amend certain provisions relating to hobby breeder permits, to amend provisions related to hearings before special masters, and to amend certain provisions related to violations.

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

**SECTION 1. PALM BEACH COUNTY CODE, CHAPTER 4, SECTION 2 ENTITLED "DEFINITIONS" IS AMENDED TO ADD THE FOLLOWING DEFINITIONS:**

Aggressive dog shall mean any dog that according to the records of the division has severely injured or killed a domestic animal while off the owner's property.

\* \* \*

Animal establishment shall mean a kennel, commercial breeder, pet dealer, pet shop, grooming parlor, mobile grooming unit, excess animal habitat or commercial stable operating in Palm Beach County.

\* \* \*

Commercial breeder shall mean any person who engages in the sale or breeding of more than two (2) litters of dogs or cats or twenty (20) dogs or cats, whichever is greater, per one-year period.

\* \* \*

Dangerous dog shall mean any dog that according to the records of the division, meets at least one (1) of the following:

- (1) Has aggressively bitten, attacked, endangered or has inflicted severe injury on a human being on public or private property.
- (2) Has more than once severely injured or killed a domestic animal while off the owner's property.
- (3) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting.
- (4) Has, when unprovoked ~~and while off the owner's property~~, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one (1) or more persons and dutifully investigated by the division.

\* \* \*

Electronic animal identification device (EAID) shall mean a microchip with a frequency used and approved by the division.

\* \* \*

Guard dog service shall mean any person, business, or corporation that trains, sells, rents, or leases guard dogs for the purpose of defending, patrolling, or protecting property or life at any nonresidential establishment in Palm Beach County.

\* \* \*

*Hobby breeder* shall mean any person who intentionally or unintentionally causes or allows the breeding or studing of a dog or a cat or engages in the breeding of up to two (2) litters of dogs or cats or nineteen (19) dogs or cats per household or premises per one-year period ~~calendar year, whether or not such animal(s) are made available for sale, adoption, or other placement.~~

\* \* \*

~~Injury shall mean any physical injury that results in breaking the skin, a bite, or a laceration of the skin.~~

\* \* \*

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

\* \* \*

Pet dealer shall mean any person who engages in the sale of more than two (2) litters of dogs or cats or twenty (20) dogs or cats, whichever is greater, per calendar year, but who does not engage in breeding dogs or cats. This definition excludes humane societies, private not for profit animal shelters, and government animal control shelters.

Pet shop shall be held to include any place or business where pet/companion animals (including small animals intended for use as reptile food) are kept for retail or wholesale purchase. Excluded are those animals regulated and controlled by the state fish and wildlife conservation commission, game and fresh water fish commission.

\* \* \*

Psittacine bird means any member of the Psittacidae family of birds including but not limited to parrots, parakeets, and macaws.

Quarterly basis means the calendar quarters ending March 31, June 30, September 30, and December 31 each calendar year.

\* \* \*

**SECTION 2. PALM BEACH COUNTY CODE, CHAPTER 4, SECTION 5 ENTITLED "ANIMALS CREATING NUISANCE" IS AMENDED AS FOLLOWS:**

(a) The owner having control or custody of any dog, or cat or psittacine bird that ~~which~~:

(1) Habitually barks, whines, howls, squawks or causes other objectionable oral noise resulting in a serious annoyance to a reasonable person, shall be deemed to be committing an act in violation of this section; or

(2) Disturbs the peace by habitually or repeatedly destroying, desecrating or soiling public or private property, chasing persons, livestock, cars or other vehicles, running at large, or other behavior that interferes with the reasonable use and enjoyment of the property, shall constitute a public nuisance.

\* \* \*

**SECTION 3. PALM BEACH COUNTY CODE, CHAPTER 4, SECTION 18 ENTITLED "GUARD DOGS" IS DELETED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING:**

**(a) Guard Dog Permit**

(1) Any person seeking to operate a guard dog service or who owns a dog that such person is seeking to use for the purpose of defending, patrolling or protecting property or life at any nonresidential establishment in Palm Beach County shall obtain a guard dog permit.

(2) A guard dog permit is valid for a period of twelve months from the date of issuance and must be renewed annually. Renewal applications for permits shall be made at least thirty (30) days prior to expiration.

(3) A guard dog permit is not transferable, assignable, or refundable.

(4) The guard dog permit fee shall be established by the board by resolution.

**(b) Obtaining a guard dog permit.**

(1) A person seeking a guard dog permit shall apply to the division on a form approved by the division.

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

a. The name, address and telephone number of the applicant and a description of the location(s) at which guard dogs will be maintained;

b. A statement as to whether the applicant or any officer or employee of the guard dog service has ever been convicted of an offense involving cruelty to animals or has had a final judgment entered against that person under F.S. § 828.073 or any other statute prohibiting animal neglect or mistreatment;



c. The breed, sex, age, color(s), guard dog license tag number, and electronic animal identification device (EAID) number of each dog that will be used as a guard dog;

d. If applicable, a complete list containing the name, address, and telephone number of every customer procuring the use of a guard dog and the physical location of every guard dog (identified by license tag number), if different than the customer's address;

e. The name, address and telephone number of the applicant's veterinarian(s);

f. The name, address and telephone number(s) of the person(s) responsible for training and/or providing food, water, exercise and care to each guard dog; and

g. If applicable, proof of business tax receipt from the Palm Beach County tax collector.

(3) The permit applicant shall complete an application, supply all information requested by the division, and pay the applicable permit fee established by the board by resolution. No application shall be deemed complete and reviewable until the permit fee is paid.

(4) Permit applications shall be valid for thirty (30) days in order for applicants to make corrections to meet minimum compliance specifications.

(c) Permit denial, revocation, and suspension.

(1) By notice of adverse action, the division may deny, revoke or suspend any permit if it is determined by the division that:

a. There has been a material misstatement or misrepresentation in the permit application or in any information or documents required to be maintained or provided to the division;

b. The applicant/permit holder has been cited for at least two (2) violations of this chapter within a one (1) year period, each resulting in the imposition of a fine;

c. The applicant/permit holder has failed to pay a fine or to request a hearing in county court to answer the charges of a citation within thirty (30) days of issuance of the citation;

d. The applicant/permit holder, his/her employee, or an officer of the guard dog service has been convicted of a violation of law involving cruelty to animals or has had a final judgment entered against him/her pursuant to F.S. § 828.073; or

e. An animal under the care and responsibility of an applicant/permit holder has been found to be in need of immediate veterinary care that, if not treated, would result in suffering, pain or death.

(2) No permit fee shall be refunded for a permit that is denied, revoked, or suspended.

(d) Appeal process.

(1) Any applicant or permit holder who has been denied a permit or whose permit has been revoked or suspended may appeal the adverse action to a special master by filing a written notice of appeal and appeal bond with the division within ten (10) days of issuance of the notice of adverse action. The board of county commissioners is hereby authorized to establish the amount of the appeal bond by resolution. The appeal bond shall be remitted to the division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the county.

(2) The appeal will be heard by a special master within thirty (30) calendar days after the applicant or permit holder has submitted a notice of appeal. 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.

(3) Unless otherwise provided herein, the hearing before the special master shall be governed as provided in section 4-30, Animal care and control special master hearing.

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

(e) Requirements following notice of adverse action and/or appeal process.

(1) If the notice of denial, revocation or suspension of a guard dog permit is not appealed within ten (10) days after the notice of adverse action is issued, the applicant or permit holder shall immediately cease and desist operation of a guard dog service or use of a guard dog for the purpose of defending, patrolling or protecting property or life at any nonresidential establishment in Palm Beach County.

(2) Any person whose permit has been revoked may not reapply for a period of one (1) year.

(3) Each reapplication for a permit shall be accompanied by a fee to be established by the board by resolution.

(4) Any person with a guilty adjudication of animal cruelty within the past five (5) years may not hold a permit to operate a guard dog service in the county.

(f) Registration of Guard Dogs.

(1) Guard dog services and guard dog owners shall annually register each guard dog owned or used in Palm Beach County with the division. The registration shall include the following for each dog:

a. Name, address and telephone number of the owner and/or manager;

b. The breed, sex, weight, age and color(s) of the guard dog;

c. A color photograph of the guard dog;

d. Other distinguishing physical features of the guard dog;

e. Certification of rabies vaccination;

f. The guard dog license tag number;

g. The guard dog's electronic animal identification device number (EAID);

h. Proof of ownership (i.e., bill of sale, receipt or notarized affidavit) including the name and address of the person from whom the dog was obtained;

i. A notarized affidavit signed by the previous owner acknowledging that the dog will be used as a guard dog. This requirement may be waived if the dog has been previously registered to the guard dog owner for more than one (1) year in the county.

j. A current certification from a veterinarian who is licensed in Florida stating that the guard dog has been examined and is healthy and physically fit to perform service as a guard dog. The owner shall obtain the certification form from the division and shall provide it to the examining veterinarian for completion.

(2) At least every six months, each guard dog shall be examined by a veterinarian who is licensed in Florida to determine whether the dog is healthy and physically fit to

perform service as a guard dog. The owner shall obtain the certification form from the division, shall provide it to the examining veterinarian for completion, and, upon completion, shall provide it to the division.

(3) Newly acquired dogs shall be immediately vaccinated against rabies, tagged and registered with the division as a guard dog before being used as a guard dog.

(4) The fee to register a guard dog with the division shall be established by the board by resolution.

(5) A guard dog license tag shall be an annual requirement. The guard dog license tag is available only through the division. The fee for a guard dog license tag shall be established by the board by resolution. The guard dog tag shall be worn at all times or shall be fastened to each guard dog's enclosure when the guard dog is inside it.

(6) No dog shall be used as a guard dog unless and until the dog has been registered with the division.

(7) No dog shall be registered or used as a guard dog if a veterinarian deems that the dog is physically unfit to perform service as a guard dog.

(8) No dog shall be used as a guard dog while it is pregnant or lactating.

(9) If any dog is used as a guard dog prior to being registered, a double registration fee shall be imposed to register the guard dog.

(10) Each guard dog must be implanted with an EAID used and approved by the division.

(11) *Maintenance of guard dog registration system; transfer, death, disappearance, and rabies inoculation as affecting registration system.* The division shall maintain a guard dog registration system which shall contain all data required by the division. Immediately upon transfer of ownership, death or disappearance of a guard dog, the guard dog service or guard dog owner shall notify the division. Upon receipt of the information, the appropriate entry shall be made in the guard dog registration system. If the dog has disappeared, an entry should be made to reflect the location of such disappearance.

(g) Inspection/records.

(1) It shall be a condition of the issuance of any guard dog permit and guard dog registration that officers of the division shall at any reasonable time, unannounced, have the right to enter the premises and inspect:

a. All dogs and all premises where such dogs are trained, in use, or kept.

b. All records for each guard dog including but not limited to vaccination, veterinary, and medical treatment records.

c. All records concerning the training, sale, or use of a guard dog.

(2) Refusal to allow inspection of a guard dog, premises, or records shall be a violation of this chapter.

(3) Guard dog services shall require any customer that procures the use of a guard dog to sign an agreement authorizing officers of the division to perform unannounced inspections of any guard dog and premises where the guard dog is being used as a guard dog.

(4) Guard dog services shall maintain records identifying the name, address, and telephone number of each customer procuring the use of a guard dog and the physical location of each guard dog (with registration number), if different than the customer's address.

(5) On a bi-weekly basis, guard dog services shall provide the division with complete records identifying the name, address, and telephone number of every customer procuring the use of a guard dog and the physical location of every guard dog (with license tag number).

(6) Guard dog services and guard dog owners shall immediately notify the division in writing when a guard dog is temporarily or permanently removed from service due to sickness, injury, a medical condition, or death.

(7) Guard dog services and guard dog owners shall maintain records of the acquisition, transfer of ownership, death, or disappearance of a guard dog.

(8) The records required to be maintained herein shall be maintained for a period of at least two (2) years from the date of creation and shall be provided to the division upon request unless otherwise provided herein.

(h) Transportation of guard dog.

(1) Every vehicle transporting a guard dog must be clearly marked, showing that it is transporting a guard dog. A compartment separate from the driver is required and shall be arranged to ensure maximum ventilation for the dog.

(2) No guard dog shall be transported in the trunk of a car. No guard dog shall be transported in the open bed of a truck unless the guard dog is inside a sturdy well ventilated crate that is large enough for the dog to comfortably stand up and lie down and is securely fastened within the bed of the truck to prevent movement of the crate.

(3) No guard dog shall be transported in violation of section 4-24(h), Animal care; manner of keeping.

(i) General requirements for guard dogs.

(1) Guard dog enclosures shall be a minimum of 100 square feet if one dog is present and 150 square feet if two dogs are present. No more than two (2) dogs shall be maintained in an enclosure.

(2) Only compatible dogs may be kept in the same enclosure.

(3) Unaltered dogs of the opposite sex shall not be maintained in the same enclosure unless the guard dog service or guard dog owner has an appropriate breeding permit issued by the division.

(4) The guard dog enclosure shall be made of chain link or similar material with a solid roof over the entire enclosure. The enclosure shall contain a shelter inside the enclosure large enough to allow all dogs present to comfortably stand up, turn around and lie down in the shelter simultaneously. The shelter within the enclosure shall provide protection from the direct rays of the sun and direct effect of the wind and rain, a wind and rain break and ventilation. The shelter shall be raised off the ground at least six inches, have a solid roof, have flooring made of a nonporous easily cleanable surface, have at least three (3) covered sides and an opening large enough for each guard dog to access the shelter, have adequate ventilation with windows or openings to allow air to circulate, and have fans or an air conditioning unit as required by this chapter. Enclosures or shelters that are covered on all sides in a manner that prevents ventilation are prohibited.

- (5) The shelter shall have clean, dry bedding or a reasonably soft comfortable surface for each dog to lie down on to prevent a dog from getting calluses or pressure sores.
- (6) When the outdoor temperature rises above eighty-five (85) degrees Fahrenheit guard dogs must be provided air conditioning or, at minimum, one (1) twenty (20) inch fan in the enclosure and one (1) twenty (20) inch fan in the shelter. When the temperatures fall below forty (40) degrees Fahrenheit, guard dogs must be moved indoors or provided adequate heating in their enclosure and shelter to maintain temperatures above forty (40) degrees Fahrenheit.
- (7) Guard dog enclosures and the area immediately surrounding the enclosures shall be cleaned at least once a day to remove any excrement and to sanitize all surfaces coming into contact with a guard dog. All excrement and waste shall be removed from the property.
- (8) Guard dogs shall have access to clean fresh water at all times. Each guard dog enclosure shall be checked three (3) times a day to ensure that clean fresh water is available.
- (9) Each guard dog shall be examined daily for signs of illness or injury. Any guard dog that is sick, injured, lame, or diseased shall be immediately examined by a licensed veterinarian and removed from use as a guard dog until deemed healthy by the veterinarian. If, during an inspection, the division determines that a guard dog on commercial premises is sick, injured, lame, or diseased, the dog shall be immediately impounded by the division and may be redeemed in accordance with section 4-12, Redemption and adoption, unless a petition is filed under section 828.073, F.S.
- (10) Guard dogs maintained in an enclosure shall have at least one-half (1 ½) hour of exercise within each twelve (12) hours of confinement. Guard dog services and guard dog owners shall maintain a daily record identifying each guard dog by license tag number and providing the date, time, location, and name of the person who exercised the guard dog.
- (11) Guard dogs must be given a humane existence, and shall at all times be maintained in accordance with section 4-24, Animal care; manner of keeping, unless otherwise specified in this section.

(12) Any person who uses the service of a guard dog shall be responsible to assure that the guard dog is provided a humane existence in accordance with section 4-24, Animal care; manner of keeping, unless otherwise specified in this section, and shall immediately contact the division to report any guard dog that is sick, diseased or injured.

(13) Any guard dog on commercial premises that is not registered as a guard dog shall be impounded by the division and may be redeemed in accordance with section 4-12, Redemption and adoption.

(14) Each person or business that rents or uses a guard dog to patrol the premises after that business's operating hours shall provide adequate fencing or some other confining structure to keep the guard dog within the premises.

(15) Each person or business that rents or uses a guard dog on commercial premises shall at each entry point and at fifty (50) foot intervals along the property's fence perimeter, post a readily visible sign including the words "Guard Dog."

(16) Entry points of commercial premises that use a guard dog shall have a sign posted with the telephone number of the guard dog's trainer, handler and/or owner in case of an emergency.

(17) Each person or business that rents or uses a guard dog on commercial premises shall at each entry point and on the guard dog enclosure post a readily visible sign that notifies members of the public to report guard dog complaints to the division. Such signs will be available through the division for a fee set by the board by resolution.

(18) No dog that has been classified as "dangerous" by the division shall be used as a guard dog.

**SECTION 4. PALM BEACH COUNTY CODE, CHAPTER 4, SECTION 23 ENTITLED "KENNEL, EXCESS ANIMAL HABITAT, PET SHOP, GROOMING PARLOR, AND COMMERCIAL STABLE PERMITS" IS AMENDED AS FOLLOWS:**

**Sec 4-23. KENNEL, EXCESS ANIMAL HABITAT, COMMERCIAL BREEDER, PET DEALER, PET SHOP, GROOMING PARLOR, AND COMMERCIAL STABLE PERMITS.**

**(a) Permit requirements Applicability of this Chapter and other laws.**



(1) In addition to this chapter, all licensees must comply with: Florida Statutes, Ch. 588, "Livestock at Large"; Florida Statutes, Ch. 585, "Animal Industry"; Florida Statutes, Ch. 828, "Cruelty to Animals"; Florida Department of Health and Rules and Regulations Chapter ~~10-D-3~~ 64D-3 Florida Administrative Code, Control of Communicable Diseases and Conditions Which May Significantly Affect Public Health"; No. ~~10-D-9.21~~, "~~Basic Principles No. 13~~"; No. ~~10-D-9.22-123~~, "~~Sewage~~"; Unified Land Development Code of Palm Beach County as adopted by Ordinance 92-20, as amended; Palm Beach County Ordinance No. 72-7, as amended, "Business Taxes" "Licenses, Taxation and Miscellaneous Business Regulations"; and any and all other applicable rules and regulations, policies and laws.

(2) This section shall not be interpreted to require a permit from a veterinary clinic/hospital; establishment working under the direct authority and control of a veterinary clinic/hospital, humane society, government animal control shelter, hobby breeder or private stable. All other animal establishments as defined in this chapter are required to secure a permit.

(b) *Permit procedures and requirements.*

(1) No person shall operate, solicit business, or advertise an animal establishment—~~a kennel, pet shop, grooming parlor, excess animal habitat or commercial stable~~ without first obtaining an operational permit (hereinafter, "permit") issued by the division.

(2) A permit shall be issued only after the division completes an inspection and determines that the minimum requirements and standards, as set forth herein have been met. After approval, a permit shall be issued upon payment of the applicable fee. The permit shall be prominently displayed on the premises where animals are located. The cost of a permit and other related fees shall be established by the board by resolution.

(3) The permit is valid for a period of one (1) year from the date of issue, unless otherwise stated or revoked. The permit shall be renewed annually. Said permit is not transferable, assignable or refundable. Renewal applications for permits shall be made within at least thirty (30) days prior to the expiration date. The board shall by resolution establish late fees for untimely permit renewal applications. Failure to timely apply for a permit renewal may result in a lapse in the permit.

(4) A new animal establishment shall use its initial permit issue date as the anniversary date for the purposes of permit expiration and renewal.

(5) Each separate place of business or property shall be required to have a permit. Each individual mobile grooming unit shall be subject to inspection and shall be required to have a separate permit.

(6) If there is a change in ownership of any animal establishment, ~~kennel, pet shop, grooming parlor, mobile grooming unit, excess animal habitat, or commercial stable,~~ the new owner shall obtain a permit pursuant to paragraphs (2) and (3) herein.

(7) It shall be a condition of the issuance of any permit that the division shall be allowed, at any reasonable time, to inspect without notice, all domestic animals, and all premises where animals are kept, all records pertaining to such animals, and all records pertaining to the business.

(8) No permit shall be renewed hereunder if an applicant has had its permit revoked by the hearing board within two ~~(2)~~ years of the date of application, or has outstanding and unsatisfied civil penalties imposed due to violations of this chapter.

(9) No permit shall be issued or renewed without proof of a current business tax receipt issued by the county tax collector in accordance with Palm Beach County Ordinance No. 72-7, as amended.

~~(c) Violations.~~

~~(1) For new animal establishments, failure to apply for a permit prior to opening a kennel, pet shop, grooming parlor, excess animal habitat or commercial stable shall constitute a violation.~~

~~(2) For existing animal establishments, failure to reapply for a permit within thirty (30) days of receiving written notification from the division, shall constitute a violation.~~

(103) An animal control officer may conduct an investigation of any complaint concerning any defined animal establishment within the county.

(114) ~~After~~ If an inspection of an animal establishment has revealed noncompliance with this chapter, an animal control officer may issue a citation, setting forth the name of the establishment being cited, to owners or managers of an animal establishment. Said citation shall be issued in the name of the animal establishment's owner and also state the name of the person signing for the owner of the animal establishment.

(125) By notice of adverse action, the division may deny, revoke or suspend any permit if it is determined that:

- a. There has been a material misstatement or misrepresentation in the permit application;
- b. The permit holder ~~owner~~ has been cited for at least two (2) ~~three (3)~~ violations within a one (1) year ~~two-year~~ period, each resulting in the imposition of a fine;
- c. The permit holder ~~owner~~ has failed to pay a fine or to request a hearing in county court to answer the charges of a citation within ~~ninety~~ thirty (30) days of issuance of the violation;
- d. The permit holder or any of his agents have been convicted of a violation of law involving cruelty to animals;
- e. An animal under the care and responsibility of a permit holder has been found to be in need of immediate veterinary care that, if not treated, would result in ~~unnecessary~~-suffering, pain or death; or
- f. The permit holder and/or their employees/agents, refuses to allow the inspection of the premises.

(d) *Appeal process.*

(1) Any person who has been denied a permit or whose permit has been revoked or suspended may appeal this action to a special master within the ten (10) day period after the division originates the adverse action. A written notice of appeal and appeal bond ~~appropriate filing fee~~ must be filed with the division within ten (10) days of the notice of adverse action. The board of county commissioners is hereby authorized to establish the amount of the appeal bond ~~filing fee~~ by resolution. The appeal bond shall be remitted to the division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the county.

(2) The appeal must be heard by a special master within thirty (30) calendar days after the owner has submitted a notice of appeal. The appeal may be delayed by the division, the special master, or the permit applicant or permit holder beyond the thirty (30)

calendar days for good cause shown. ~~beyond the thirty (30) calendar days if the division experiences extenuating circumstances beyond its control.~~

(3) The person receiving the notice of adverse action shall, until final disposition of the appeal, take whatever positive measures are necessary to prevent any future violations of this chapter incidents from occurring.

(4) Unless otherwise provided herein, the hearing before the special master shall be governed as provided in section 4-30, Animal care and control special master hearing.

~~(5)~~ (4) The denial, revocation or suspension of the permit shall be upheld or revoked by the special master.

~~(5) All decisions by the special master shall be final.~~

~~(6) The special master shall provide the permittee with written notice of his/her decision.~~

(e) *Owner requirements following notice of adverse action and/or appeal process.*

(1) If the notice of adverse action of denial, revocation or suspension of a permit ~~for a kennel, pet shop, grooming parlor, excess animal habitat or commercial pasture~~ stable issued under this section is not appealed, ~~or upon appeal, the adverse action is upheld by the special master,~~ the animal establishment shall be required to humanely dispose, by means of returning to owner, sale, ~~auction,~~ gift, euthanasia performed by a licensed veterinarian or other humane method, all animals in its possession, within ten (10) days after the deadline to appeal has passed the appeal hearing. If the notice of adverse action of denial, revocation, or suspension of a permit issued under this section for a kennel, pet shop, grooming parlor, excess animal habitat or commercial stable is upheld on appeal, the animal establishment shall be required to humanely dispose, by means of returning to owner, sale, gift, euthanasia performed by a licensed veterinarian or other humane method, all animals in its possession, within ten (10) days after the appeal hearing unless otherwise ordered by the special master. The permit applicant or permit holder shall provide the division must receive with written notification of the disposition and location of each animal, including the name, address, and telephone number of each new owner. If after ten (10) days the animals have not been humanely disposed of, as described above, the division shall attempt to notify owner(s), if

~~applicable, and may seize and impound any animals found to be housed or kept in violation of this chapter and/or Florida Statutes, Ch. 828.027. Such animals shall be held~~ may be redeemed in accordance with sec. 4-12., Redemption and adoption. ~~for fifteen (15) days and may then be sold or humanely disposed of at the discretion of the division. The total expense of harboring and treating such animals by the division shall be the responsibility of the revoked permit holder or applicant. No part of the permit fee shall be refunded.~~

(2) ~~Any person who has been denied a permit upon initial application may not reapply for a period of thirty (30) days.~~ Permit applications shall be valid for thirty (30) days in order for applicants to make corrections to meet minimum compliance specifications.

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

(4) Any person with a guilty adjudication of animal cruelty within the past five (5) years may not hold a permit to operate an animal establishment in the county.

(f) *Inspection procedures.*

(1) An inspection form shall be used as a guideline for the inspecting officer and the animal establishment.

(2) Inspections of ~~kennel, pet shop, grooming parlor, excess animal habitat or eommercial stable~~ animal establishments shall be made without notice, during normal business hours or at any reasonable time during daylight hours. All inspections shall be made in the presence of the owner, manager or person in charge of the establishment whenever possible.

(3) The inspecting officer will complete the inspection form by marking unsatisfactory items. Instructions and comments will be made at the bottom of the inspection form.

(4) Whenever deficiencies are noted or the division receives a complaint from the public, a follow-up inspection of the establishment may be initiated by the division.

(5) After the inspection is complete, the owner, manager or person in charge of the animal establishment shall sign the inspection form whereupon a copy of the completed form will be given to the owner or manager. If the owner or manager is not present, a

copy of the form will be mailed to the owner or manager and the original copy will be kept by the division.

(6) The owner or manager of the animal establishment shall correct or initiate corrections within seven (7) days, unless otherwise stated by the inspecting officer.

(g) *Minimum general operational standards.*

(1) Each animal establishment will prominently display a current, valid county animal care and control operational permit.

(2) Each animal establishment which accepts privately owned animals into its custody, shall report to the division, any obvious case of neglect or animal abuse pursuant to this chapter; or Florida Statutes, Chapter 828, "Cruelty to Animals." The division's phone number shall be posted in a prominent location visible to both employees and customers.

(3) Each animal establishment shall meet all fire safety requirements in accordance with the local fire and zoning regulations. A posted plan and diagram to evacuate all animals in case of fire shall be provided in a prominent location.

(4) Each animal establishment shall have a working telephone available at all times in case of an emergency. The name of the establishment's veterinarian and the veterinarian's phone number shall be posted and made available to all employees and customers.

(5) Every owner or manager of an animal establishment must provide for adequate rodent and insect control.

(6) Each animal establishment shall have sufficient lighting to permit routine inspection and cleaning of the facility, and clear observation of the animals. Animal areas must be lighted for at least eight (8) hours a day, by either natural or artificial light, corresponding to the natural period of daylight. If only artificial light, such as florescent light is provided, it must provide full-spectrum illumination. Animal enclosures must be placed so as to protect animals from excessive light.

(7) All areas of each animal establishment shall be clean, orderly and free of garbage, unused food, standing water, litter or refuse. Garbage shall be kept in garbage cans with lids and disposed of daily. (Commercial stables refer to requirements in paragraph (k)).

- (8) Animal excrement shall be removed by spot cleaning regularly throughout the work day. (Commercial stables refer to requirements in paragraph (k)).
- (9) All cleaning solutions and disinfectants shall be stored and used in accordance with the manufacturer's instructions, properly labeled as to content, and shall be stored so as to not come into any contact with animals.
- (10) All equipment, buildings, appurtenances, plumbing, electrical wiring and electrical appliances/equipment shall be in good repair and appropriate for intended use.
- (11) Wherever animals are housed or cared for, floors, moldings, walls, shelves and work areas shall be of a nonporous material impervious to fecal matter and urine that ~~and which~~ can be easily swept, wiped, mopped and disinfected daily. Carpeting as a flooring or wall covering shall not be used wherever animals are housed or maintained. Notwithstanding the foregoing, the division may in writing approve the use of alternative materials when the animal establishment provides a written plan for keeping all surfaces in the animal enclosure clean and properly disinfected and demonstrates compliance with such plan. (Stables refer to requirements in paragraph (k)).
- (12) All aisles shall be kept clear to provide safe, free access throughout the animal establishment.
- (13) Animal establishments which fail to obtain licensed veterinary care or show proof of same, for any sick or injured animal found in the animal establishment's ~~their~~ custody may ~~will~~ be charged for violating section 4-24, Animal care; manner of keeping, of this chapter or Florida Statutes, Ch. 828, "Cruelty to Animals." Proof of adequate, timely, veterinary care must be provided to the inspecting officer upon request.
- (14) Bodies of dead animals must be disposed of according to this chapter and any and all other applicable county and state regulations, policies and laws.
- (15) All animals in an animal establishment must be given a humane existence, and shall at all times be maintained in accordance with section 4-24, Animal care; manner of keeping.
- (16) A commercial breeder's permit number shall be included in all advertisements offering a dog or cat for sale.

(h) *Minimum operational standards for kennels, commercial breeders, pet dealers and excess animal habitats (EAH).*

(1) *Record keeping--Kennels, commercial breeders and excess animal habitats.*

- a. Kennels, commercial breeders and excess animal habitats shall keep records on all animals currently bred, born, boarded, housed and/or being trained. These records shall be maintained on each animal individually.
- b. The information in these records shall include but not be limited to rabies vaccination, all other inoculations and prescription or medical treatment administered. In addition, kennels shall be required to obtain the owner's name, address, emergency telephone number, proof of owner's identification, and name and telephone number of owner's veterinarian. Excess animal habitats shall also include records indicating where the animal was obtained. The above information shall be available to the inspecting officer upon request.
- c. A medical release must be obtained from the owner or his designee, for each animal and shall become part of the animal's record so that emergency treatment can be given if the animal shows signs of illness or is injured while in the care and custody of the kennel.
- d. Commercial breeders shall comply with section 4-25, Dogs and cats offered for sale; health requirements, and shall maintain a separate file for each dog and cat containing all Official Certificate of Veterinary Inspection's (OCVI) and medical records for each individual dog and cat. Such records ~~Veterinarian inspection certificates~~ shall be kept on file at all times on the premises and available to the inspecting officer upon request ~~for all animals available for sale. These certificates shall be maintained on file for one (1) year.~~ Such records shall be maintained for a period of two (2) years after an animal is sold or otherwise disposed of.
- e. All dogs housed at a kennel for training purposes shall have a training contract. The training contract shall state that the dog is housed specifically for training. The dog shall be housed in an enclosure appropriate for its breed and size to stand or sit erect, lie down in a comfortable normal position, stretch out



and turn about freely. The contract shall include notice that the dog will be interacting with other pets in training classes. The contract shall be signed by the dog's owner.

f. Commercial breeders shall maintain records of each litter of puppies and kittens born. Such records shall include the date of birth, number of puppies or kittens in the litter, and license tag number of the parents.

g. On a quarterly basis, commercial breeders shall provide the division with the name, address, and telephone number of the new owner of any puppy or kitten placed in the county.

(2) *Animal housing requirements- Kennels and excess animal habitats.*

a. For ~~boarding~~-kennels, dogs must be separated by a wall at least four (4) feet high or one (1) foot higher than the top of each dog's head (excluding the ears), when the dog is standing on all four (4) feet. ~~Previously licensed establishments with walls less than four (4) feet high will be exempt from these restrictions; however, additions or renovations to existing kennels shall be completed in compliance with this chapter. New kennels must be constructed to comply with this chapter.~~

b. ~~For kennels,~~ a Animals shall be confined and not allowed to run at large on the premises, except when housed for training and a training contract has been signed by the owner as stated in paragraph (h)(1)e of this section.

c. Animals housed in ~~boarding~~ kennels shall be separated in individual cages in the following manner:

1. Dogs from cats.
2. Unsterilized Males from females.
3. Nursing mothers with their young from all others.
4. Boarding dogs from registered guard dogs.

By special request of the owner, as noted in the record, animals from the same household may be boarded together and may be allowed to interact with other animals during supervised play periods.

d. Animals having a known or suspected communicable animal-to-human or animal-to-animal disease shall be maintained in individual cages in an isolated location where they cannot directly or indirectly come into contact with any other animals or the public.

e. Applicable county and state health regulations must be followed when caring for any animal harboring an animal-to-human disease.

f. Dogs kenneled for a period longer than three (3) months shall be afforded protective measures. ~~Boarding~~ Kennel operators shall notify the division regarding all dogs maintained at their kennel for longer than three (3) months and shall comply with the following requirements:

1. Arrange for a professional behaviorist or trainer to visit once every three (3) months for the purpose of evaluation, therapeutic or obedience training.

2. A veterinarian examination prior to the fourth month of confinement, and every ninety (90) days thereafter. Dogs not maintained on a heartworm preventative program shall be given an occult heartworm test and started on preventative or treated for same.

3. Each week a minimum of fifty (50) minutes for play, interaction, grooming and/or training. This may be done by volunteers, however, dogs with medical conditions prohibiting play or training sessions shall be excluded from this requirement upon written certification of the medical condition by a licensed veterinarian.

4. Records shall be kept at the ~~boarding facility~~ kennel evidencing compliance with the above.

~~5. Failure to comply with any of these requirements or defeating the requirements for these protective measures is a violation of this chapter. Transferring a dog among boarding facility kennels or veterinary offices in excess of a total of three (3) months consecutively or cumulatively within a twelve-month period or by transferring ownership or control of the dog to another person or entity is a violation of this chapter.~~

(3) *Physical facility requirements—Kennels, commercial breeders, pet dealers and excess animal habitats.*

a. Floors and ~~kennel/cage~~ walls of all animal enclosures shall be made of nonporous material impervious to fecal matter and urine that and which can be easily disinfected. The floors shall slope toward the drains or troughs.

Notwithstanding the foregoing, the division may in writing approve the use of alternative materials when the animal establishment provides a written plan for keeping all surfaces in the animal enclosure clean and properly disinfected and demonstrates compliance with such plan.

b. The premise shall have drainage and plumbing adequate to handle the heavy load of daily cleaning.

c. Indoor/outdoor housing facilities. Indoor and outdoor housing facilities shall be maintained in accordance with section 4-24, Animal care; manner of keeping.

~~1. Heating, cooling and temperature:~~

~~A. The indoor part of indoor/outdoor housing facilities for dogs and cats must be sufficiently heated and cooled to protect the dogs and cats from cold and hot temperatures and to provide for their health, comfort and well-being.~~

~~B. When animals are present, the ambient temperature in the facility must not fall below forty (40) degrees Fahrenheit (four and one half (4.5) degrees C) for animals not acclimated to lower temperatures. Such animals would include those species which cannot tolerate lower temperatures without stress or discomfort (i.e., short haired breeds, sick, aged, young, infirm dogs and cats, and small domestic animals).~~

~~2. Ventilation:~~

~~A. The enclosed or sheltered part of housing facilities for dogs and cats must be sufficiently ventilated when dogs or cats are present to provide for their health, comfort and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation.~~

~~B. Air, preferably fresh air, must be provided through windows, doors, vents, fans or air conditioning.~~

~~C. Auxiliary ventilation, such as exhaust fans or air conditioning, must be provided when the ambient temperature is ninety (90) degrees Fahrenheit (thirty-two and one-half (32.5) degrees C) or higher.~~

~~d. Outdoor housing facilities.~~

~~1. Shelter from the elements. Shelters in outdoor facilities for dogs and cats shall:~~

~~A. Provide the dogs and cats with adequate protection and shelter from the cold and heat;~~

~~B. Provide the dogs and cats with protection from the direct rays of the sun and the direct effect of wind and rain;~~

~~C. Be provided with a wind break and rain break at the entrance;~~

~~D. Contain clean, dry, bedding material;~~

~~E. When the outdoor temperature falls below forty (40) degrees Fahrenheit (four and one-half (4.5) degrees C), all cats, small domestic animals and those dogs which cannot tolerate such temperatures without stress or discomfort (i.e., short haired breeds, sick, aged, young and infirm), must be either moved indoors or adequate heating must be provided to maintain the temperature above the forty (40) degrees Fahrenheit (four and one-half (4.5) degrees C) range.~~

~~F. Animals must be protected from the elements at all times.~~

~~e. Individual beds or an appropriate platform is recommended to prevent animals from lying directly on the floor. This requirement is optional whenever the animal rejects the bed or platform.~~

d. f. Animal enclosures.

1. General requirements.

A. Animal enclosures must be designed and constructed of suitable materials so they are structurally sound. The animal enclosures must be kept in good repair.

B. Animal enclosures must be constructed and maintained so they:

- i. Have no sharp points or edges which could injure the dogs and cats;
- ii. Protect the dogs and cats from injury;
- iii. Keep predators and unauthorized individuals from accessing the enclosure;
- iv. Enable the dogs and cats to remain dry and clean;
- v. Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs and cats;
- vi. Are shaded to shelter all the dogs and cats housed in the animal enclosure;
- vii. Provide the dogs and cats with easy and convenient access to clean food and water;
- viii. Enable all surfaces in contact with the dogs and cats to be readily cleaned and disinfected; and
- ix. Have floors which are constructed in a manner that protects the dogs' and cats' appendages from injury, and that ~~if of mesh or slatted construction,~~ will not allow the dogs' and cats' appendages to pass through any openings in the floor.

C. Airline type containers normally used for shipping and transporting animals shall not be used to permanently house animals, ~~except for training and sleeping purposes. Such containers shall allow sufficient space for each animal, appropriate to its species, breed and size to stand erect, lie down in a comfortable, normal position, stretch out and to turn about freely. Those dogs housed for training shall not be kept longer than eight (8) hours unless space requirements are met as required in paragraph d. herein. These containers may be used in temporary situations for animals with medical, mental or~~

~~behavioral problems stipulated and certified by a State of Florida licensed veterinarian. All requirements of this section and section 4-24, Animals care; manner of keeping, must be met.~~

D. Space requirements for dogs housed ~~more than eight (8)~~ hours:

i. Indoor/outdoor enclosures for extra large dogs over seventy-five (75) pounds shall be at least thirty-two (32) square feet, per dog.

~~ii. Guidelines for minimum sizes for Indoor/outdoor dog runs enclosures for large dogs~~ fifty-one (51) pounds to seventy-five (75) ~~over fifty (50) pounds shall be at least~~ twenty-four (24) square feet, per dog.

~~iii. Guidelines for minimum sizes for Indoor/outdoor dog runs enclosures for medium dogs~~ thirty-six (36) to fifty (50) pounds shall be at least twenty (20) square feet, per dog.

~~iv iii. Guidelines for minimum sizes for Indoor/outdoor dog runs enclosures for small dogs~~ twenty-one (21) to thirty-five (35) pounds shall be at least twelve (12) square feet, per dog.

~~iv. Guidelines for minimum sizes for Indoor/outdoor dog runs enclosures for dogs~~ eleven (11) to twenty (20) pounds shall be at least eight (8) square feet, per dog.

~~vi. Guidelines for minimum sizes for Indoor/outdoor dog runs enclosures for dogs~~ ten (10) pounds and under shall be at least six (6) square feet, per dog.

~~vii. The interior height of an indoor/outdoor dog run enclosure~~ must be at least one (1) foot ~~six (6) inches~~ higher than the highest point of the body (normally the

ears) of the dog in the enclosure when it is in a normal standing position.

~~vii. The provisions of this chapter and any amendments hereto, relating to kennel/run sizes, shall not affect the validity of any existing permitted kennel prior to the effective date of this chapter.~~

E. Space requirements for cats.

i. Each cat ~~(including weaned kittens)~~ that is housed in any animal enclosure must be provided minimum vertical space and floor space as follows:

(a) Each animal enclosure housing cats or kittens must be at least twenty-four (24) inches high;

~~(b) Cats up to and including nine (9) pounds~~  
Adult cats and kittens over four months old must  
be provided with at least ~~three (3)~~ four (4) square feet, per cat; and

~~(c) Cats over nine (9) pounds must be provided with at least four (4) square feet.~~

ii. Compatibility.

(a) All cats housed in the same animal enclosure must be compatible and have the same owner.

~~(b) No more than twelve (12) adult cats may be housed in the same animal enclosure.~~

~~(b) (c)~~ (e) Queens in heat may not be housed in the same animal enclosure with any mature males, except for breeding purposes, unless an appropriate breeding permit has been obtained.

~~(c) (d)~~ Queens with litters may not be housed in the same animal enclosure with other adult cats.

~~(d)~~ ~~(e)~~ Kittens under four (4) months of age may not be housed in the same animal enclosure with adult cats.

~~(e)~~ ~~(f)~~ Cats with a vicious or aggressive disposition must be housed separately.

iii. Cat litter.

(a) In all animal enclosures, a receptacle containing sufficient clean litter must be provided to contain excreta and body wastes.

(b) Litter pans shall be cleaned and changed daily or more often when necessary.

iv. Resting surfaces (perches).

(a) Each animal enclosure housing cats shall contain a solid resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants of the animal enclosure at the same time comfortably.

(b) The resting surfaces must be elevated, impervious to moisture and able to be easily disinfected, or easily replaced when soiled or worn.

(c) The resting surfaces shall not be considered part of the minimum floor space.

(4) *Food and water requirements: Dogs and cats—Kennels, commercial breeders, pet dealers and excess animal habitats.*

a. Food shall be stored in rodent, pest and moisture proof containers with lids. Containers shall be clearly and properly labeled as to contents.

b. Fresh water shall be available to all animals at all times and shall be maintained in a container in such a manner that animals cannot turn the container over.



c. Food and water shall be fresh, appropriate and free from contamination.

(5) *Cleaning procedures for ~~kennels runs and cages~~ (animal enclosures) --Kennels, commercial breeders, pet dealers and excess animal habitats.*

a. All ~~kennels runs and cages~~ animal enclosures including floors, walls and doors shall be cleaned, disinfected and dried daily.

b. Dogs and cats shall not be directly exposed to water or disinfectant and shall be removed from animal enclosures during cleaning procedures.

c. Drains and walkways adjacent to all animal enclosures ~~kennels runs and cages~~ shall be hosed and disinfected daily.

d. All animal enclosures ~~kennels/runs/cages~~ shall be spot cleaned as necessary to remove animal excrement throughout the day.

e. Food dishes and water bowls shall be cleaned and disinfected daily.

f. Appropriate cleaning methods shall ~~insure~~ be used to ensure that fumes from excreta and urine do not adversely affect the lungs of animals or humans.

(i) *Minimum operational standards for pet shops and pet dealers.*

(1) *general requirements for pet shops and pet dealers.*

For the purpose of this section, the word dog means a dog of any age and the word cat means a cat of any age.

a. For each dog and cat transported into the county from outside of the State of Florida for sale, the tests, vaccines, and anthelmintics required by this ordinance must be administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the Official Certificate of Veterinary Inspection (OCVI). The tests, vaccines, and anthelmintics must be administered no more than thirty (30) days and no less than fourteen (14) days before the dog or cat's entry into the State of Florida. An OCVI certifying compliance with this ordinance must accompany each dog and cat transported into the State of Florida for sale.

b. No dog or cat imported into the State of Florida for sale shall be offered for sale without an OCVI issued by a veterinarian licensed in the state of origin.

c. The following tests, vaccines, and anthelmintics must be administered to each dog before the dog is offered for sale in the county, unless a licensed, accredited veterinarian certifies on the OCVI that to inoculate or deworm the dog is not in the best medical interest of the dog, in which case the vaccine or anthelmintic may not be administered to that particular dog:

1. Canine distemper.

2. Leptospirosis.

3. Bordetella (by intranasal inoculation or by an alternative method of administration if deemed necessary by the attending veterinarian and noted on the health certificate, which must be administered in this state once before sale).

4. Parainfluenza.

5. Hepatitis.

6. Canine parvo.

7. Rabies, provided the dog is over 3 months of age and the inoculation is administered by a licensed veterinarian.

8. Roundworms.

9. Hookworms.

If the dog is under four (4) months of age, the tests, vaccines, and anthelmintics required by this ordinance must be administered no more than twenty-one (21) days before sale within the county. If the dog is four (4) months of age or older, the tests, vaccines, and anthelmintics required by this ordinance must be administered at or after three (3) months of age, but no more than one (1) year before sale within the county.

d. The following tests, vaccines, and anthelmintics must be administered to each cat before the cat is offered for sale in the county, unless the licensed, accredited veterinarian certifies on the OCVI that to inoculate or deworm the cat is not in the best medical interest of the cat, in which case the vaccine or anthelmintic may not be administered to that particular cat:

1. Panleukopenia.

2. Feline viral rhinotracheitis.

3. Calici virus.

4. Rabies, if the cat is over 3 months of age and the inoculation is administered by a licensed veterinarian.

5. Hookworms.

6. Roundworms.

If the cat is under four (4) months of age, the tests, vaccines, and anthelmintics required by this section must be administered no more than twenty-one (21) days before sale within the state. If the cat is four (4) months of age or older, the tests, vaccines, and anthelmintics required by this section must be administered at or after three (3) months of age, but no more than one (1) year before sale within the state.

e. Every dog and cat offered for sale must be accompanied by a current OCVI at all times while being offered for sale within the county. The examining veterinarian must retain one copy of the OCVI on file for at least one (1) year after the date of examination.

f. Each dog and cat shall be examined by a veterinarian licensed to practice in Florida no more than thirty (30) days before the sale within the county. The examination must include, but not be limited to, a fecal test to determine if the dog or cat is free of internal parasites, including hookworms, roundworms, tapeworms, and whipworms. If the examination warrants, the dog or cat must be treated with a specific anthelmintic. In the absence of a definitive parasitic diagnosis, each dog or cat must be given a broad spectrum anthelmintic. At the conclusion of the examination, the veterinarian shall complete an OCVI, which shall remain current for a period of thirty (30) days. Each dog and cat in the possession of a pet shop or pet dealer shall be re-examined by a veterinarian every thirty (30) days and the pet shop or pet dealer shall ensure that a current OCVI is completed by the examining veterinarian.

g. Each dog over six (6) months of age must be tested by a veterinarian for heartworms before being offered for sale, and the results of the tests must be listed on the OCVI.

h. Each cat must be tested by a veterinarian for feline leukemia before being offered for sale, and the results of the tests must be listed on the OCVI.

i. Each dog and cat obtained by the pet shop or pet dealer for the purpose of sale shall be examined by a veterinarian licensed in Florida within two (2) business days of the day the pet shop or pet dealer obtains the dog or cat.

j. No pet shop or pet dealer shall possess, offer for sale, sell, transport, or arrange for the transportation of any dog or cat that is less than eight (8) weeks of age.

k. No pet shop or pet dealer shall import a dog into the United States in violation of 7 U.S.C. 2148, *Importation of live dogs*.

l. No pet shop or pet dealer shall obtain a dog or cat from any source, including but not limited to a breeder or dealer, if the source or an owner, operator or employee of the source:

1. has been convicted of cruelty to animals under any federal, state or local law.

2. has had a final judgment entered against it/him/her based upon a finding of animal neglect or mistreatment pursuant to section 828.073, Fla. Stat., or comparable statute.

3. has been temporarily or permanently enjoined from breeding, selling or dealing in dogs or cats by any court.

4. whose license/permit issued by any local government, state, or federal government to breed, sell or otherwise deal in dogs or cats is suspended or revoked.

5. does not hold a current license/permit to breed, sell or otherwise deal in dogs or cats as required by the applicable local, state, or federal law.

m. An OCVI must:

1. be signed on the date of examination by the examining veterinarian who is licensed by the state of origin and accredited by the United States Department of Agriculture and must include the veterinarian's license number.

2. show the age, sex, breed, color, and health record of the dog or cat examined.

3. contain the printed or typed names and addresses of the person or business from whom the dog or cat was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian.

4. for each dog or cat, list all tests performed, the results of all tests performed, all vaccines and deworming medications administered, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of administration thereof.

5. state that the examining veterinarian warrants that, to the best of his or her knowledge, the dog or cat has no sign of contagious or infectious diseases and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks.

6. state whether the examining veterinarian has detected any physical abnormalities in the dog or cat including but not limited to a heart murmur, an umbilical hernia, entropion, an inguinal hernia, and cryptorchidism.

An OCVI that does not meet the above-cited requirements shall not comply with this ordinance.

n. It shall be a violation of this ordinance to falsify any information provided in any OCVI.

o. All dogs and cats offered for sale and copies of OCVI's held by a pet shop, pet dealer or veterinarian are subject to inspection by any agent of the division, the Department of Agriculture and Consumer Services, any agent of the United States Department of Agriculture, any law enforcement officer, or any agent appointed under s. 828.03, Fla. Stat.

p. All dogs and cats offered for sale by a pet shop or pet dealer shall be implanted with an electronic animal identification device (EAID).

(2) Records

a. Each pet shop or pet dealer shall maintain the following written records on each dog and cat offered for sale for a period of not less than two (2) years after disposition of each dog and cat:

1. The name and address of the breeder of the dog or cat. If the breeder of the dog or cat is licensed by the United States Department of Agriculture, a state, or a local government to breed, sell or otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the license number, identification number, or other permit number.

2. The name and address of any other person who or business that owned or possessed the dog or cat from its birth to the point of sale. If such person or business is licensed by the United States Department of Agriculture, a state, or a local government to breed, sell or otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the license number, identification number, or other permit number.

3. The date the dog or cat was born and the date the pet shop or pet dealer received the dog or cat.

4. The breed, sex, color, and identifying marks of the dog or cat. If the breed is unknown or mixed, the record shall so indicate.

5. If the dog or cat is being sold as capable of registration, the names and registration numbers of the sire and dam and litter number.

6. A copy of each OCVI that has been completed for the dog or cat up to the point of sale.

7. A complete record of any medical treatment or medication provided to or recommended for each dog or cat by a veterinarian and any medical diagnosis made by a veterinarian concerning each dog or cat up to the point of sale. If such information is contained in an OCVI, the OCVI

shall be sufficient; if not, the pet shop or pet dealer shall obtain a copy of each dog or cat's medical records from the veterinarian.

8. A record of any known disease, illness, or congenital or hereditary condition that adversely affects the health of the dog or cat at the time of sale or is likely to adversely affect the health of the dog or cat in the future.

b. For a period of two (2) years from the disposition of each dog and cat, the pet shop or pet dealer shall maintain records specifying the date and nature of disposition of each dog and cat and the name, address, and phone number of the purchaser (or owner if different than the purchaser) of each dog or cat.

c. Once per month, each pet shop and pet dealer shall provide the division with records indicating the number of dogs and cats sold or disposed of during the previous month; the name and physical address (no p.o. boxes) of the breeder, dealer, or source from which each dog and cat was obtained; the date each dog and cat was obtained; and the date each dog and cat was sold or otherwise disposed of by the pet shop or pet dealer; and the name, physical address (no p.o. boxes), and telephone number of the purchaser or owner (if different from the purchaser) of each dog and cat sold during that month, including the EAID number, breed, color, sex, and age of each dog and cat.

d. If any dog or cat dies while in the possession of a pet shop or pet dealer, the pet shop or pet dealer shall maintain a record of the date of death and known or suspected cause of death. Any dog or cat that dies while being treated by a veterinarian or person at the request of the pet shop or pet dealer shall be considered in the possession of the pet shop or pet dealer at the time of death. The veterinarian shall specify the date of and known or suspected cause of death on the dog or cat's OCVI. Upon the death of a dog or cat, the pet shop or pet dealer shall provide the division with records reflecting the date and cause of the dog or cat's death. The pet shop or pet dealer shall maintain a copy of such record for a period of two (2) years from the date of the dog or cat's death.

e. Each pet shop and pet dealer shall maintain on the premises all records required by this ordinance and shall make such records available to the division upon request.

f. The failure to maintain complete records on each dog and cat as required by this ordinance shall constitute a separate violation as to each record missing or incomplete.

*(3) notices and disclosures to purchasers*

a. Each pet shop and pet dealer shall post conspicuously on the cage or enclosure of each dog and cat offered for sale a written notice in 12-point or greater type identifying the breed, sex, and date of birth of each dog and cat and the name and address of the sources that bred each dog and cat and sold each dog and cat to the pet shop.

b. Each pet shop and pet dealer shall post conspicuously in close proximity to the cages or enclosures where dogs and cats are offered for sale a notice in at least 50-point type containing the following:

“Notice to consumers: Before purchasing a dog or cat you may request information concerning each dog or cat’s health, medical history, and the source from which the dog or cat was obtained. Upon your request, the pet shop or pet dealer is required to show you these records before you purchase a dog or cat and to give you a copy of these records when you purchase a dog or cat.”

c. At the time of sale, each pet shop and pet dealer shall provide the purchaser with a written notice in 12-point or greater type stating:

Pursuant to the Palm Beach County Animal Care and Control Ordinance, every owner of a dog or cat is required to obtain a license tag for each dog and cat from the Palm Beach County Division of Animal Care and Control (“Division”) or an authorized veterinarian. The license tag must be renewed every year, and proof of an up to date rabies vaccination is required to obtain or renew a license tag.



The Palm Beach County Board of County Commissioners has determined that the unintended or uncontrolled breeding of dogs and cats leads to pet overpopulation at great expense to the community and that every feasible means of reducing the number of unwanted dogs and cats should be encouraged. The Board of County Commissioners has also determined that spaying and neutering every dog and cat is one of the best ways to reduce the number of unwanted pets. Therefore, every dog and cat in Palm Beach County must be spayed or neutered by the time the dog or cat is six (6) months old, unless certain exceptions apply.

Every owner of a dog or cat must obtain an annual unaltered license tag from the Division or a veterinarian for each dog or cat over the age of six (6) months that is not spayed or neutered. A dog or cat with an unaltered license tag cannot be bred unless an appropriate breeding permit is first obtained from the Division.

No person shall breed any dog or cat in Palm Beach County without first obtaining a breeding permit.

Contact the Division at (561) 233-1200 or [www.pbcgov.com/publicsafety/animalcare](http://www.pbcgov.com/publicsafety/animalcare) / with questions about regulations pertaining to your new dog or cat.

The division shall have the authority to establish an alternative written disclosure form that includes the essential elements of the written notice provided herein.

d. At the time of sale, each pet shop and pet dealer shall deliver to the purchaser of each dog and cat a written disclosure(s) containing the following:

1. The name and physical address (no p.o. boxes) of the breeder of the dog or cat. If the breeder of the dog or cat is licensed by the United States Department of Agriculture, a state, or a local government to breed,

sell or otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the license number, identification number, or other permit number.

2. The name and physical address (no p.o. boxes) of any other person who or business that owned or possessed the dog or cat from its birth to the point of sale. If such person or business is licensed by the United States Department of Agriculture, a state, or a local government to breed, sell or otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the license number, identification number, or other permit number.

3. The date the dog or cat was born and the date the pet shop or pet dealer received the dog or cat.

4. The breed, sex, color, and identifying marks of the dog or cat. If the breed is unknown or mixed, the record shall so indicate.

5. If the dog or cat is being sold as capable of registration, the names and registration numbers of the sire and dam and litter number.

6. A copy of each OCVI that has been completed for the dog or cat up to the point of sale.

7. A complete record of any medical treatment or medication provided to or recommended for the dog or cat by a veterinarian and medical diagnosis made by a veterinarian concerning the dog to cat up to the point of sale. If such information is contained in an OCVI, the OCVI shall be sufficient; if not, the pet shop or pet dealer shall obtain a copy of each dog or cat's medical records from the veterinarian.

8. A record of any known disease, illness, or congenital or hereditary condition that adversely affects the health of the dog or cat at the time or sale, or is likely to adversely affect the health of the dog or cat in the future.

A pet store or pet dealer shall provide all of the above-cited written disclosures to the prospective purchaser of each dog or cat for review prior to the purchase upon request.

(4) Warranties for dogs and cats

a. A dog or cat that is purchased from a pet shop or pet dealer shall be considered unfit for purchase if any of the following apply:

1. Within fourteen (14) days following the sale of a dog or cat by a pet shop or pet dealer a licensed veterinarian of the purchaser's choosing certifies that, at the time of the sale, the dog or cat was unfit for purchase due to illness or disease, the presence of symptoms of a contagious or infectious disease, or the presence of internal or external parasites, excluding fleas and ticks.

2. Within one (1) year following the sale of a dog or cat, a licensed veterinarian of the purchaser's choosing certifies such dog or cat to be unfit for purchase due to a congenital or hereditary disorder that adversely affects the health of the dog or cat.

3. Within one (1) year following the sale of a dog or cat, the breed, sex, or health of such dog or cat is found to have been misrepresented to the purchaser.

b. If a dog or cat is unfit for purchase for any of the above-cited reasons, the pet shop or pet dealer shall afford the purchaser the right to choose one of the following options:

1. The right to return the dog or cat and receive a refund of the purchase price, including the sales tax, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for purchase pursuant to this ordinance and directly related to necessary emergency services and treatment undertaken to relieve suffering;

2. The right to return the dog or cat and receive an exchange dog or cat of the purchaser's choice of equivalent value, and reimbursement for

reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering; or

3. The right to retain the dog or cat and receive reimbursement for reasonable veterinary costs for necessary services and treatment related to the attempt to cure or curing of the dog or cat.

Reimbursement for veterinary costs may not exceed the purchase price of the dog or cat. The cost of veterinary services is reasonable if comparable to the cost of similar services rendered by other licensed veterinarians in proximity to the treating veterinarian and the services rendered are appropriate for the certification by the veterinarian.

c. The refund or exchange required by this ordinance shall be made by the pet shop or pet dealer not later than ten (10) business days following receipt of a signed veterinary certification as required in this chapter. The purchaser must notify the pet shop or pet dealer within a reasonable time after the veterinarian's determination that the animal is unfit and must provide the pet shop or pet dealer with a copy of the written certification of unfitness.

d. A dog or cat may not be determined unfit for sale on account of an injury sustained or illness contracted after the purchaser takes possession of the dog or cat. A veterinary finding of intestinal or external parasites is not grounds for declaring a dog or cat unfit for sale unless the dog or cat is clinically ill because of that condition.

e. If a pet shop or pet dealer wishes to contest a demand for veterinary expenses, refund, or exchange made by a purchaser under this section, the pet shop or pet dealer may require the purchaser to produce the dog or cat at a mutually agreed upon time and place for examination by a licensed veterinarian designated by the pet shop or pet dealer. Upon such examination, if the purchaser and the pet shop or pet dealer are unable to reach an agreement that constitutes one of the options set forth in this chapter within ten (10) business

days following examination by the pet shop or pet dealer's designated veterinarian, the purchaser may initiate an action in a court of competent jurisdiction to recover or obtain reimbursement of veterinary expenses, refund, or exchange.

f. No pet shop or pet dealer shall require or attempt to require a purchaser to sign a contract or agreement to waive any of the rights provided by this ordinance. Any contract or agreement in which a purchaser agrees to waive any rights provided under this ordinance shall be null and void and unenforceable.

g. This ordinance does not in any way limit the rights or remedies that are otherwise available to a purchaser under any other law.

h. Each pet shop and pet dealer shall provide the purchaser of a dog or cat at the time of sale with the written notice required by section 828.29(12), Florida Statutes, which shall be provided in 12-point or greater type.

i. No pet shop or pet dealer shall require the purchaser of a dog or cat to use the pet shop's veterinarian in order to receive a refund or exchange required by this chapter.

j. If a purchaser requests a refund or requests to return or exchange a dog or cat pursuant to this ordinance, each pet shop and pet dealer shall maintain all records related to the purchaser's request for a period of two (2) years from receipt of such records and shall deliver a copy of the purchaser's request to the division within seven (7) days of receipt.

~~(1) Record keeping—Pet shops.—~~

~~a. Pet shops shall maintain a reference file on all dogs and cats currently in the pet shop. The records in this file shall be maintained on each animal individually and shall include the animal's certificate of veterinary inspection (hereinafter, "certificate") pursuant to Florida Statutes, § 828.29, signed by the examining veterinarian licensed by the State of Florida, showing the age, sex, color and health record of the dog or cat.~~

~~b. For animals which are transported into the state, the certificate shall show the official assigned United States Department of Agriculture (USDA) number.~~

~~e. The certificate shall list the printed or typed names and addresses of the person(s) or business from whom the animal was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian and his/her license number. All dogs and cats must be examined by the pet shop's veterinarian after their arrival in the county.~~

~~d. The certificate shall list all vaccines and deworming medications administered to the dog or cat, including the manufacturer, vaccine, type, lot number, expiration date and the dates of administration thereof, and shall state that the examining veterinarian warrants that to the best of his/her knowledge, the dog or cat has no contagious or infectious diseases and has no internal or external parasites, including coccidiosis, ticks and ear mites, but excluding fleas.~~

~~e. The county requires that this certificate be revalidated every thirty (30) days by a state licensed veterinarian. This revalidation shall include the signature of the examining veterinarian and date.~~

~~f. Any dog or cat offered for sale within the county shall be accompanied by the certificate at all times while being offered for sale within the county. The examining veterinarian shall retain one copy of the certificate on file for at least one (1) year after the date of the last examination.~~

~~g. Pet shops shall also include on the certificate the medical diagnosis and/or required medical treatment as determined by the pet shop's veterinarian. The veterinarian may authorize designated personnel to administer medications and/or treatments. All medications and treatments must be logged on the certificate.~~

~~h. At the time of sale of the dog or cat, one (1) copy of the certificate shall be given to the buyer. The pet shop shall retain one (1) copy of the certificate for at least one (1) year after the date of sale.~~

~~i. Certificates of all deceased dogs and cats shall be kept for at least one (1) year from the date of death. The known or suspected cause of death shall be noted by the pet shop's veterinarian and the veterinarian's signature shall be affixed to the certificate.~~

~~j. All records shall be kept on the premises and made available to the inspecting officer upon request.~~

~~(5) (2)~~ *Animal housing requirements--Pet shops and pet dealers.*

a. Animals having a known or suspected communicable animal-to-human or animal-to-animal disease shall be maintained in individual cages in an isolated location where they cannot directly or indirectly come into contact with other animals or the public.

b. Animals with diseases ~~which~~ that can be airborne must be isolated in an area with independent ventilation.

c. ~~No animal shall be housed which~~ Any animal that cannot stand on its own or ~~which that~~ has a life threatening disease. ~~Such animals must be hospitalized, or~~ housed under the direct care of a veterinary hospital/clinic or humanely euthanized.

d. State and county health regulations must be followed when caring for any animal harboring an animal-to-human disease.

~~(6) (3)~~ *Animal care--Pet shops.*

a. Each animal shall be examined daily by store personnel for signs of illness or injury. Any suspected illness or injury shall be reported to the store owner or manager immediately. Any sick animal shall be immediately isolated from other animals. All ~~and~~ bedding material and feces in a sick animal's cage shall be removed and disinfected or discarded. Display areas, holding crates, cages or animal enclosures, trays and feeding equipment used by ~~the~~ a sick animal shall be disinfected immediately, ~~after every diagnosed/suspected sick or injured animal has been isolated.~~

~~b. A veterinarian shall be consulted immediately for sick or injured dogs and cats, and if possible, said animals shall be removed from the premises or placed in isolation. Any dog or cat having a suspected injury or communicable or infectious disease must be examined by a veterinarian within twenty four (24) hours.~~

~~eb.~~ Failure to obtain adequate, timely care from a licensed veterinarian for any diseased or injured animal dog or cat found in the custody of any establishment shall be a violation of this chapter and/or Florida Statutes, Chapter 828, "Cruelty to Animals." Proof of adequate and timely veterinary care must be provided to the division inspecting officer upon request.

~~ec.~~ All ~~dogs and cats shall be examined~~ seen, ~~within two (2) business days of arrival into the county, by a veterinarian licensed and practicing within the state.~~ All animals ~~which~~ that show signs or symptoms of injury, contagious or infectious disease shall be seen by a veterinarian within twenty-four (24) hours and at least one (1) other time prior to being sold to certify that they are free from illness or injury.

~~ed.~~ All ~~other small domestic animals~~ other than dogs and cats (i.e., rabbits, gerbils, hamsters, guinea pigs, and all other rodents, birds, and reptiles) shall be cared for pursuant to general guidelines and accepted animal husbandry standards for each species. ~~as set forth for rodent care. Individual record keeping and veterinary consultation are not required. Every animal housed in any animal enclosure, cage, aquarium, cubical or hutch shall be able to stand, sit up, turn around or stretch without touching the sides or each other. Sick animals must be removed/isolated from the other animals or humanely euthanized.~~

~~(7)~~ (4) *Physical facility requirements--Pet shops.*

\* \* \*

~~(8)~~ (5) *Food and water requirements--Pet shops.*

\* \* \*

~~(9)~~ (6) *Cleaning procedures; ~~dogs and cats~~--Pet shops.*

a. ~~Dogs and cats~~ Animals (other than water dependent species) shall not be directly exposed to water or disinfectant and shall be removed from animal enclosures during cleaning procedures. Water dependent species shall not be directly exposed to disinfectant and shall be removed from tanks during cleaning procedures.



- b. The entire cage of each dog and cat including top, sides, floor, grate, wall and door shall be cleaned with soap and disinfected, rinsed and dried daily.
- c. Drains and walkways adjacent to all cages and animal enclosures shall be cleaned with soap and disinfected daily.
- d. Runs and cages shall be spot cleaned as necessary to remove animal excrement throughout the day.
- e. Food dishes and water bowls/containers shall be cleaned and disinfected daily.
- f. Appropriate cleaning procedures shall be used to ensure that fumes from excreta and urine do not adversely affect the lungs of animals or humans.

\* \* \*

**SECTION 5. PALM BEACH COUNTY CODE, CHAPTER 4, SECTION 24 ENTITLED "ANIMAL CARE; MANNER OF KEEPING" IS AMENDED AS FOLLOWS:**

- (a) It shall be unlawful for any person keeping an animal to fail to provide for that animal:
  - (1) Clean, sanitary, safe and humane conditions;
  - (2) Sufficient quantities of appropriate food daily;
  - (3) Proper air ventilation and circulation;
  - (4) Adequate quantities of visibly clean and fresh water available at all times; and
  - (5) Medical attention and/or necessary veterinary care when an animal ~~it~~ is sick, diseased or injured. Upon request by the division, written proof of veterinary care must be provided.
- (b) It shall be unlawful for any person keeping an animal to fail to provide shelter for that animal.
  - (1) Shelter for dogs, cats and small domestic animals must:
    - a. Provide adequate protection from the cold and heat. When the outdoor temperature falls below forty (40) degrees Fahrenheit-F ~~(four and one-half (4.5) degrees-C)~~, all cats, small domestic animals and those dogs that cannot tolerate such temperatures without stress or discomfort (i.e., short-haired breeds, sick, aged, young or infirm), must be moved indoors or provided adequate heating to maintain temperature above forty (40) degrees Fahrenheit-F ~~(four and one-half (4.5) degrees-C)~~ range. When the outdoor temperature rises above eighty-five

~~(85) ninety (90) degrees Fahrenheit-F (twenty-seven (27) thirty two and one half (32.5) degrees C), then adequate ventilation must be provided such as exhaust fans or~~ all dogs, cats, and small domestic animals must be provided air conditioning or a minimum of one (1) twenty (20) inch electric fan to maintain the temperature in the shelter at or below eighty-five (85) degrees Fahrenheit;

b. Provide protection from the direct rays of the sun and the direct effect of wind and rain;

c. Provide a wind break and rain break;

d. Contain clean, dry, bedding material; and

e. Provide protection from the elements at all times;:

f. Provide sufficient space for each animal to comfortably stand up, sit down, lie down, and turn around in the shelter. If the shelter is used for more than one animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down and turn around simultaneously; and

g. Provide a solid roof.

(2) Shelter for equine, bovine, ovine and porcine normally maintained in outdoor areas must: ~~provide protection from direct sunlight.~~

a. Provide protection from the direct rays of the sun and the direct effect of wind and rain;

b. Provide a wind break and rain break;

c. Provide a solid roof;

d. Provide protection from the elements at all times; and

e. Provide space for each animal to comfortably stand up, sit down, lie down and turn around in the shelter. If the shelter is used for more than one animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down and turn around simultaneously.

(c) It shall be unlawful for any person maintaining equine or ovine to fail to keep hooves trimmed so as to prevent lameness and extreme overgrowth causing deformities.

(d) No person shall tether an animal to a stationary or inanimate object as a means of confinement or restraint unless such person is with the animal and the animal is at all times

visible to such person. Choke or prong type collars shall not be used on an animal while such animal is tethered. As used in this chapter, tether means to restrain an animal by tying the animal to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include using a leash or lead to walk an animal. Animals maintained on a tether must be in an area free of objects that may cause entanglements. All tethers must be a minimum of six (6) feet in length and longer if appropriate for the breed (i.e., Irish Wolfhound, Borzoi, Great Dane, St. Bernard, etc.). Choke type or prong type collars shall be used only while the animal is under the handler's direct control. Between the hours of 10:00 a.m. and 5:00 p.m., animals shall not be on a tether outdoors.

(e) Any dog maintained outdoors for all or part of the day in a fenced yard or other type of enclosure shall be provided a minimum of one hundred (100) square feet of open space. An additional fifty (50) square feet shall be required for each additional dog kept in the same enclosed area. Each dog shall be provided sufficient shelter within the enclosed area. Any enclosed area where a dog is confined shall be kept free of objects that may injure the dog and shall be cleaned regularly to remove feces. Dogs shall not be maintained outdoors during periods of extreme weather including but not limited to hurricanes, tropical storms, and tornados.

(f)(e) Animals must be given appropriate daily exercise.

(g)(f) No humane slaughter of animals as defined in Florida Statutes, §§ 828.22 and/or 828.23 shall be done within earshot or view of the public.

(h)(g) It shall be unlawful for any person to tease or molest any animal.

(i)(h) It shall be unlawful for any person to:

(1) Leave an animal in any unattended motor vehicle; or

(2) Transport an animal in any motor vehicle without adequate ventilation; or in unsanitary conditions; or

(3) Subject or cause an animal to be subjected to otherwise under such circumstance as to prevent the animal from being subjected to extreme temperatures which that adversely affect it's the animal's health and or safety.

(j) ~~(h)~~ It shall be unlawful to transport any animal on a public road in any vehicle unless the animal is safely and humanely restrained (at a minimum by a harness with double tethering for dogs) so that the animal is unable to jump or fall out of the vehicle. When animals are transported in a pickup truck with a metal bed, the animals shall be provided protection from the metal bed.

(k) ~~(j)~~ Animals shall not be allowed on any median or in any roadway, highway or street intersection for any purpose other than crossing same.

(l) ~~(k)~~ Any person trapping an animal must:

(1) Use a humane trap;

(2) Provide protection from the direct rays of the sun and direct effect of wind, rain and irrigation/sprinkler system;

(3) Provide fresh water in the trap;

(4) Remove the trapped animal within twenty-four (24) hours of capture. All trapped dogs and cats must be returned to their rightful owner, or to a governmentally operated animal shelter or humane society in the county; and

(5) Make every attempt to locate the offspring of any lactating/nursing mother.

No trapped animal shall be killed in any manner other than a method approved in the American Veterinary Medical Association Guidelines on Euthanasia, as may be amended from time to time.

(m) To the extent not inconsistent with this Ordinance the following portions of the Florida Statutes, in their current form and as subsequently amended, are hereby adopted and incorporated by reference except as to penalty, shall be part of this section as if they were set out in full and shall be punishable as civil infractions:

(1) Section 828.058, Florida Statutes;

(2) Section 828.065, Florida Statutes;

(3) Section 828.08, Florida Statutes;

(4) Section 828.12, Florida Statutes;

(5) Section 828.121, Florida Statutes;

(6) Section 828.122, Florida Statutes;

(7) Section 828.123, Florida Statutes;

(8) Section 828.1231, Florida Statutes;

(9) Section 828.125, Florida Statutes;

(10) Section 828.13, Florida Statutes;

(11) Section 828.14, Florida Statutes;

(12) Section 828.16, Florida Statutes;

(13) Section 828.161, Florida Statutes;

(14) Section 828.22, Florida Statutes;

(15) Section 828.23, Florida Statutes;

(16) Section 828.24, Florida Statutes; and

(17) Section 828.252, Florida Statutes.

(n) No person, for the purpose of that person's sexual gratification, may:

(1) Engage in a sexual act with an animal;

(2) Coerce any other person to engage in a sexual act with an animal;

(3) Use any part of the person's body or an object to sexually stimulate an animal;

(4) Videotape a person engaging in a sexual act with an animal; or

(5) Kill or physically abuse an animal.

**SECTION 6. PALM BEACH COUNTY CODE, CHAPTER 4, SECTION 27 ENTITLED  
"DANGEROUS DOGS AND VICIOUS DOGS" IS AMENDED AS FOLLOWS:**

**Sec 4-27. AGGRESSIVE DOGS, DANGEROUS DOGS AND VICIOUS DOGS.**

*(a) Classification of dogs as aggressive and dangerous.*

(1) The division shall investigate reported incidents involving any dog that may be aggressive or dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, animal control officer, or enforcement officer desiring to have a dog classified as aggressive or dangerous. In the event that any animal control officer has sufficient cause to believe that a dog is aggressive or dangerous and that the owner is unable or unwilling to humanely, safely and securely confine the dog, the officer may impound the dog pending the investigation if deemed necessary to protect the public. The owner shall be responsible for payment of all boarding costs and other fees required for the division to care for the dog pending the outcome of the investigation and resolution of any hearing related to the aggressive or dangerous dog

classification. An owner's refusal to surrender a dog for impoundment pending the investigation shall constitute a violation of this chapter. At the discretion of the division, a dog that is the subject of a an aggressive or dangerous dog investigation may be confined at a licensed facility approved by the division or at the residence of the owner if the division is given adequate assurance by the owner that the dog can be humanely, safely, and securely confined pending the investigation without posing a danger to the public. If the dog remains with the owner pending the outcome of ~~the~~ a dangerous dog investigation and resolution of any hearings related to the dangerous dog classification, the dog shall be at all times maintained in a securely fenced or enclosed area to prevent the dog from escaping or coming into contact with any person or domestic animal other than a person or domestic animal in the immediate household of the owner. If the dog remains with the owner pending the outcome of an aggressive dog investigation and resolution of any hearings related to the aggressive dog classification, the dog shall be at all times maintained in a securely fenced or enclosed area to prevent the dog from escaping or coming into contact with any domestic animal other than a domestic animal in the immediate household of the owner. No dog that is the subject of a an aggressive or dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a an aggressive or dangerous dog classification. The owner shall provide the division with the address of where the dog will be maintained pending an investigation and any related hearings.

\* \* \*

(4) After its investigation, the division shall make an initial determination as to whether there is sufficient cause to classify the dog as aggressive or dangerous. The division shall provide written notification of sufficient cause finding, to the owner, by registered mail, certified hand delivery (signed receipt) or service of process. The owner shall be afforded an opportunity for a hearing before a special master prior to a final determination of the classification. If the owner decides to appeal the initial determination, the owner shall file a written request with the division for a hearing before the special master within seven (7) calendar days from the date of receipt of the

notification of the sufficient cause finding and if requested, the hearing shall be held as soon as possible, no sooner than five (5) calendar days and not more than twenty-one (21) calendar days after receipt of the request from the owner. Said written request must be accompanied by an appeal bond ~~the appropriate filing fee~~ and any applicable fees for the care and boarding of said dog (due through the fifth day following the date of the request for hearing), ~~as well as the cost of the investigation.~~ The ~~filing fee~~ appeal bond and any other applicable fees shall be established by the board by resolution ~~and are nonrefundable.~~ The appeal bond shall be remitted to the division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the county. The division shall provide notice of the hearing to the owner by U.S. mail, electronic mail, facsimile, certified mail or certified hand delivery. If the owner after seven (7) calendar days from the delivery of the "notice of intent to classify/sufficient cause notice," has not filed a written request for a hearing, the process will proceed and the dog shall be classified as dangerous.

(5) Once a hearing date is set, failure to appear before the special master may, at the special master's discretion, result in the dismissal of the hearing with prejudice. In such instances, the process will proceed and the dog shall be classified as aggressive or dangerous.

(6) Once a dog is classified as aggressive or dangerous, the division shall provide written notification to the owner by registered mail, certified hand delivery (signed receipt) or service of process. The owner may then file a ~~written request for hearing in the county court~~ petition for certiorari in the Circuit Court of the Fifteenth Judicial Circuit Court to appeal the classification within thirty (30) ~~ten (10)~~ business days after receipt of a written determination of aggressive or dangerous dog classification. If the division allows the owner to maintain possession of the dog during ~~the a dangerous dog~~ appeal, the owner must confine the dog in a securely fenced or enclosed area to prevent the dog from escaping or coming in contact with any person or domestic animal other than a person or domestic animal in the immediate household of the owner, pending a resolution of the appeal. If the division allows the owner to maintain possession of the dog during an aggressive dog appeal, the owner must confine the dog in a securely

fenced or enclosed area to prevent the dog from escaping or coming in contact with any domestic animal other than a domestic animal in the immediate household of the owner, pending a resolution of the appeal.

(b) Aggressive dog mandates and responsibilities. Within fourteen (14) days after a dog has been classified as aggressive or an aggressive dog classification is upheld on appeal, the aggressive dog shall be implanted with an approved electronic animal identification device (EAID) at the owner's sole expense and the aggressive dog shall be spayed/neutered unless a licensed veterinarian has examined the dog and certified in writing, that at such time spaying/neutering the classified dog will endanger its health because of infirmity, disability, illness or other medical consideration. However, the dog will be spayed/neutered as soon as its health permits. If there is a disagreement concerning the health status for sterilizing an aggressive dog, the division may have the animal care and control staff/contract veterinarian examine the dog to determine its eligibility for sterilization. If the disagreement cannot be resolved, the division and the owner shall agree on a third veterinarian to examine the animal for sterilization eligibility. The cost of the third veterinarian shall be split evenly between the division and the owner. The opinion of the third veterinarian shall govern.

(1) Responsibilities for owner. An aggressive dog shall at all times wear a muzzle when it is off the owner's property and must be restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or domestic animal.

(c) ~~(b)~~ Dangerous dog mandates and responsibilities.

\* \* \*

(2) Responsibilities for owner.

- a. The owner shall immediately notify the division when a dangerous dog:
  1. Is loose, unconfined or lost/stolen;
  2. Has bitten a human being or attacked another domestic animal;
  3. Is sold, given away, or dies; or
  4. Is moved to another address.



- b. Prior to a dangerous dog being sold or given away, the owner shall provide the name, address and phone number of the new owner to the division. The new owner shall execute a document to be supplied by the division, acknowledging that the owner is aware of the dangerous dog classification, and that the owner shall comply with the requirements of this section. The new owner must comply with all of the requirements of this chapter. If the animal is moved out of the county to another jurisdiction within the state, the owner is required to abide by F.S. ch. 767. The animal control authority at the new location must be notified by the owner of a dog classified as dangerous, that the dog is in its jurisdiction.
- c. While on the owner's property, a dangerous dog must be securely confined indoors or securely confined outdoors in an enclosed and locked structure, suitable to prevent the entry of any person other than adult members of the immediate household and constructed to prevent the dog from escaping. The structure must have minimum dimensions of four (4) feet by ten (10) feet. Such structure shall have secure sides and a secure top and bottom to prevent the dog from escaping over, under or through the structure. The enclosure shall provide a humane existence for the dog and protection from the elements.
- d. When being transported, a dangerous dog must wear a muzzle and be safely and securely restrained within a vehicle.
- e. The owner shall prominently display a sign to be provided by the division at the owner's expense, on his/her premises at all entry points warning children and adults that there is a dangerous dog on the property. The fee for this sign shall be established by the board by resolution.
- f. A dangerous dog shall at all times wear a muzzle when it is not securely confined indoors or securely confined outdoors in an enclosed and locked structure on the owner's property. A dangerous dog may be off the owner's premises or out of its enclosure if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a competent person. The muzzle must be made in a manner that will not cause

injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or domestic animal.

g. A dangerous dog shall not be used as a guard dog as defined in this chapter.

h. Dogs that have been classified as dangerous shall not be used for hunting purposes.

i. Dogs that have been classified as dangerous shall not be brought to a dog park or public park or public beach that allows dogs.

j. When any person or domestic animal other than the owner or a person or domestic animal in the immediate household of the owner visits the premises where the dangerous dog is maintained, the owner shall secure the dangerous dog in an enclosed and locked structure to prevent such person or domestic animal from coming into contact with the dangerous dog.

k. Dogs that have been classified as dangerous shall not be brought to any ~~commercial~~ nonresidential establishment other than a veterinary office or other facility where the dangerous dog is being treated, trained or boarded.

l. Notwithstanding the foregoing, a dangerous dog may be cared for at a boarding facility or by a pet sitter if the boarding facility or pet sitter acknowledges in writing that the dog is a dangerous dog and agrees to comply with this chapter.

The division shall have the authority to make whatever inspections are deemed necessary to ensure that the provisions cited herein are complied with.

An owner of a dangerous dog shall have the option to have said dog humanely euthanized at his/her sole expense by the division or licensed veterinarian if the owner is unable to comply with the requirements cited herein.

(3) *Violations.*

a. The division is responsible for investigating alleged violations of ~~subsection (2) this section herein~~ after a dog is classified as aggressive or dangerous. A citation may be issued to the owner of any aggressive or dangerous dog alleged to be in violation of ~~subsection (2) this section~~. The investigating officer may issue such citation upon the receipt of one (1) sworn affidavit of complaint. This

affidavit shall specify the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the owner, if known, and a description of the dog. In the event that a third or subsequent citation is issued to the owner for violation of this section ~~subsection (2)~~, the owner shall be required to appear in court.

b. An animal care and control officer may impound a dangerous dog if the owner fails to comply with the dangerous dog mandates and responsibilities cited herein. A dangerous dog impounded under this section may be redeemed by the owner upon the owner's compliance with the dangerous dog mandates and responsibilities and payment of any boarding fees, impound fees, or other applicable fees established by the board by resolution. If the owner does not comply with the dangerous dog mandates and responsibilities and redeem the dangerous dog within fourteen (14) days of the date the dog was impounded, the dog shall become the property of the county ~~be humanely euthanized~~.

(d) ~~(e)~~ *Vicious dog.*

\* \* \*

(3) *Vicious dog classification process.*

a. The division shall investigate any incident involving any dog that may be vicious and shall, if possible, interview the owner and require a sworn affidavit from any person, animal control officer, or enforcement officer desiring to have a dog classified as vicious. The division shall provide written notification of sufficient cause finding, to the owner, by registered mail, certified hand delivery (signed receipt) or service of process. The ten (10) business day time period from date of notification, shall allow the owner to file a written request for a hearing before a special master prior to a final determination of the vicious classification. The hearing shall be held no sooner than five (5) calendar days and not more than twenty-one (21) calendar days after receipt of the request from the owner. The appeal bond ~~appropriate filing fee~~, any applicable fees for the care and boarding of said dog (due through the fifth day following the date

of the request for hearing), and the cost of the investigation must accompany the owner's written request. ~~None of these fees are refundable.~~ The appeal bond and fees shall be established by the board by resolution. The appeal bond shall be remitted to the division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the county. The division shall provide notice of the hearing to the owner by U.S. mail, electronic mail, facsimile, certified mail or certified hand delivery. If the owner fails to appeal within the ten (10) business day period, the dog shall be humanely euthanized.

\* \* \*

(4) *Notice of appeal.* If within the thirty (30) ~~ten (10)~~ business day period after written notification of the special master's decision is received, the owner files a petition for certiorari in the Circuit Court of the Fifteenth Judicial Circuit Court ~~written appeal with the county court~~, the dog must be held by the division and may not be destroyed while the appeal is pending.

**SECTION 7. PALM BEACH COUNTY CODE, CHAPTER 4, SECTION 29 ENTITLED "HOBBY BREEDER PERMITS" IS AMENDED AS FOLLOWS:**

(a) *Hobby breeder permits.*

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

(2) Hobby breeders shall:

- a. Not breed more than two (2) litters or more than nineteen (19) dogs, cats, puppies, or kittens during a one (1) year period ~~calendar year~~;
- b. Not offer for sale, sell, trade, receive any compensation for or give away more than two (2) litters or more than nineteen (19) dogs, cats, puppies, or kittens during a one (1) year period ~~calendar year~~;
- c. Keep records for the duration of the hobby breeder permit and all permit renewals as to the birth of each litter of puppies or kittens and shall make such records available for review by the division upon request;

- d. Keep records including but not limited to records concerning rabies vaccinations, all other inoculations and any medical condition(s) of each dog, cat, puppy or kitten intended to be sold, given away, or otherwise conveyed;
- e. On a quarterly basis, the name, address, and telephone number of the new owner of any dog, cat, puppy or kitten placed in the county shall be provided to the division. ~~The term quarterly basis shall reflect the calendar quarters ending March 31, June 30, September 30, and December 31;~~
- f. Furnish to each new owner of a dog, cat, puppy or kitten the hobby breeder permit number so the new owner has proof and assurance that the animal was legally bred;
- g. Not offer a puppy or kitten under the age of eight (8) weeks for sale, trade, other compensation or free giveaway, with the exception of animals taken to an animal shelter;
- h. Recommend to each new owner that any animal sold, transferred or given away be examined by a licensed veterinarian within one (1) week of the date of transfer and notify the new owner of state requirements for rabies vaccinations;
- i. List the person's hobby breeder permit number on all advertisements and literature concerning the sale or free giveaway of any dog, cat, puppy or kitten of the hobby breeder;
- j. Adhere to minimum standards regarding the care and manner of keeping of animals as provided in section 4-24, animal care; manner of keeping; and
- k. 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 4-24, animal care; manner of keeping, exists. Such inspection will be limited to that necessary to ascertain compliance with section 4-24, 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 F.S. ch. 933. All reports of such inspections shall be in writing and maintained by the division.

(3) A hobby breeder permit is valid for a period of one (1) ~~calendar~~ year from the date of issuance and must be renewed annually. Renewal applications for permits shall be made at least ~~within~~ thirty (30) days prior to expiration.

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

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

\* \* \*

(d) *Violations.*

(1) Failure to apply for a permit prior to operating as a hobby breeder shall constitute a violation.

(2) Failure to reapply for a permit at least ~~within~~ thirty (30) days of expiration of the existing permit shall constitute a violation.

(3) Refusal to allow an animal control officer to inspect an animal or the premises as provided in section 4-29(a)(2)k. shall constitute a violation.

(4) It shall be a violation of this chapter to counterfeit a hobby breeder permit or official certificate of veterinary inspection or to maliciously destroy a hobby breeder permit.

(e) *Permit denial, revocation, and suspension.*

(1) By notice of adverse action, the division may deny, revoke or suspend any permit if it is determined that:

a. There has been a material misstatement or misrepresentation in the permit application;

b. The applicant/permit holder has been cited for at least three (3) violations of this chapter within a two-year period, each resulting in the imposition of a fine;

c. The applicant/permit holder has failed to pay a fine or to request a hearing in county court to answer the charges of a citation within thirty (30) ~~ninety (90)~~ days of issuance of the violation;

d. The applicant/permit holder or his/her agent has been convicted of a violation of law involving cruelty to animals or has had a final judgment entered against him/her pursuant to F.S. § 828.073; or

e. An animal under the care and responsibility of an applicant/permit holder has been found to be in need of immediate veterinary care that, if not treated, would result in ~~unnecessary~~-suffering, pain or death.

(f) *Appeal process.*

(1) Any applicant or permit holder who has been denied a permit or whose permit has been revoked or suspended may appeal this action to a special master within the ten-day period after the division originates the adverse action. A written notice of appeal and appeal bond ~~appropriate nonrefundable filing fee~~ must be filed with the division within ten (10) days of the notice of adverse action. The board of county commissioners is hereby authorized to establish the amount of the appeal bond ~~filing fee~~ by resolution. The appeal bond shall be remitted to the division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the county.

(2) The appeal will be heard by a special master within thirty (30) calendar days after the applicant or permit holder has submitted a notice of appeal. 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.

(3) Unless otherwise provided herein, the hearing before the special master shall be governed as provided in section 4-30, Animal care and control special master hearing.

~~The hearing before the special master will be informal. All testimony before the special master shall be under oath and shall be recorded. The formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Upon determination of the special master, irrelevant, immaterial, unduly repetitious evidence may be excluded, but all other evidence of a 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 state. Any part of the evidence may be received in written form. The special master may inquire of or question any witness present at the hearing. The applicant/permit holder or his/her~~

~~attorney and animal care officer(s) or the attorney representing the division shall be permitted to inquire of any witness present at the hearing. The special master may consider testimony presented by the applicant/permit holder, animal care officer(s), or any other witness.~~

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

(5) All decisions by the special master shall be final and reviewable by writ of certiorari to the county circuit court.

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

\* \* \*

**SECTION 8. PALM BEACH COUNTY CODE, CHAPTER 4, SECTION 30 ENTITLED "ANIMAL CARE AND CONTROL HEARING BOARD" IS AMENDED AS FOLLOWS:**

**Sec. 4-30. ANIMAL CARE AND CONTROL HEARING BOARD SPECIAL MASTER HEARINGS.**

(a) The board of county commissioners shall appoint special masters who shall make decisions relating to any hearings that have been initiated ~~concerning dangerous dogs or vicious dogs and appeals relating to permits for a kennel, stable (private or public), pet shop, excess animal habitat, grooming establishment or private animal non-profit organization as provided for in section 4-23, kennel, excess animal habitat, pet shop, grooming parlor, commercial stable permits, of this chapter as provided in this ordinance.~~

(b) An assistant county attorney shall serve as the prosecuting attorney for the division.

~~(e) The board of county commissioners shall make reasonable rules and regulations for operational procedures of the special masters.~~

(c) Upon request of the division, or at such other times as may be necessary, a hearing before a special master may be convened. A record shall be kept of all special master hearings and all hearings shall be open to the public.

(d) At the hearing, the burden of proof shall be upon the division to show by a preponderance of the evidence that a violation of this ordinance has occurred.



(e) The division shall provide notice of any hearing before a special master to the alleged violator by U.S. Mail, electronic mail (with delivery receipt), facsimile (with delivery receipt), certified mail, or hand delivery.

(e) All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. Upon determination of the special master, irrelevant, immaterial or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonably 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 State of Florida. Any part of the evidence may be received in written form.

(f) The Special Master may inquire of or question any witness present at the hearing. The alleged violator, his/her attorney, the division or attorney representing the division shall be permitted to inquire of or question any witness present at the hearing. The special master may consider testimony presented by the division, the alleged violator or any other witnesses.

(g) At the conclusion of the hearing, the special master shall orally render his or her decision based on evidence entered into the record. The decision shall then be transmitted to the alleged violator in the form of a written order including findings of fact, and conclusions of law consistent with the record. All decisions of the special master shall be final. Unless otherwise provided in this ordinance, the order may include a notice that it must be complied with by a specified date.

(h) Any person may appeal a final order of a special master within thirty (30) days by filing a petition for writ of certiorari in the Circuit Court of the Fifteenth Judicial Circuit Court.

(i) The special master shall have the power to:

(1) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by a Sheriff or other authorized persons consistent with Rule 1.410(d),

Florida Rules of Civil Procedure upon request by the Special Master.

(2) Subpoena records and other documentary materials.

(3) Take testimony under oath.

(4) Issue orders having the full force and effect of law to command whatever steps are necessary to bring a violation into compliance.

(5) Issue orders requiring an owner to reimburse the county for any costs incurred to care for an animal.

(j) If the county prevails in any hearing before the special master, the alleged violator's appeal bond shall be forfeited, in whole or in part, to the county to the extent necessary to cover the cost of the special master.

**SECTION 9. PALM BEACH COUNTY CODE, CHAPTER 4, SECTION 32 ENTITLED "VIOLATIONS, CIVIL INFRACTIONS, CIVIL PENALTIES" IS AMENDED AS FOLLOWS:**

\* \* \*

(o) Failure to comply with any provision of this chapter shall constitute a separate and distinct violation.

(p) Each day a violation of any provision of this chapter exists shall constitute a separate and distinct violation.

**SECTION 10. REPEAL OF LAWS IN CONFLICT:**

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

**SECTION 11. SAVINGS CLAUSE:**

Notwithstanding anything herein to the contrary, all provisions of Palm Beach County Ordinance No. 98-22, as amended by Ordinances 2003-29, 2005-44, 2008-004, and 2009-019 and all licenses, permits, enforcement orders, and ongoing enforcement actions issued thereunder are specifically preserved and remain in full force and effect.

**SECTION 12. SEVERABILITY:**

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

**SECTION 13. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

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

**SECTION 14. ENFORCEMENT:**

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

**SECTION 15. PENALTY:**

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

**SECTION 16. CAPTIONS:**

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

**SECTION 17. EFFECTIVE DATE:**

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

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: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Karen Marcus, Chair

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

By: \_\_\_\_\_  
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.