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**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

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Meeting Date: June 23, 2015

[] Consent [] Regular
[] Ordinance [X] Public Hearing

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

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 4 (ORDINANCE 98-22, AS AMENDED BY ORDINANCES 2001-065, 2003-27, 2005-44, 2008-004, 2009-019 and 2011-005) PERTAINING TO ANIMAL CARE AND CONTROL, AMENDING SECTION 4-2 (DEFINITIONS), AMENDING SECTION 4-4 (DOG AND CAT CONTROL); AMENDING SECTION 4-5 (ANIMALS CREATING NUISANCES); AMENDING SECTION 4-8 (KEEPING/ADOPTING STRAY ANIMALS AND MAINTAINING FERAL CATS); AMENDING SECTION 4-11 (DOG AND CAT RABIES/LICENSE TAGS); AMENDING SECTION 4-12 (REDEMPTION AND ADOPTION); AMENDING SECTION 4-13 (ADOPTION FEES AND STERILIZATION REQUIREMENTS FOR DOGS AND CATS); AMENDING SECTION 4-16 (ANIMAL BITES AND QUARANTINING); DELETING SECTION 4-17 (PLACEMENT AND IMPOUNDMENT OF HONEYBEE HIVES); AMENDING SECTION 4-18 (GUARD DOGS); AMENDING SECTION 4-19 (EVICTIONS, JAIL TERMS, COMMUNITY SERVICES ADJUDICATIONS, AND OTHER INVOLUNTARY OCCURENCES; EFFECT ON ANIMALS); AMENDING SECTION 4-21 (LIVESTOCK); AMENDING SECTION 4-22 (NUMBER OF ANIMALS; ACREAGE RESTRICTIONS/EXCESS ANIMAL HABITATS); AMENDING SECTION 4-23 (KENNEL, EXCESS ANIMAL HABITAT, COMMERCIAL BREEDER, PET DEALER, PET SHOP, GROOMING PARLOR, AND COMMERCIAL STABLE PERMITS); AMENDING SECTION 4-24 (ANIMAL CARE; MANNER OF KEEPING); AMENDING SECTION 4-27 (AGGRESSIVE DOGS, DANGEROUS DOGS AND VICIOUS DOGS); AMENDING SECTION 4-28 (STERILIZATION PROGRAM FOR DOGS AND CATS); AMENDING SECTION 4-29 (HOBBY BREEDER PERMITS); AMENDING SECTION 4-30 (ANIMAL CARE AND CONTROL SPECIAL MASTER HEARINGS); AMENDING SECTION 4-32 (VIOLATIONS, CIVIL INFRACTIONS, CIVIL PENALTIES); ADDING SECTION 4-35 (COMMUNITY CATS); ADDING SECTION 4-36 (ELECTRONIC ANIMAL IDENTIFICATION DEVICE IMPLANTATION FOR ALL CATS); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary (continued on Page 3)

Attachments:

1. Summary of the Substantive Changes to the ACC Ordinance
 2. Proposed ACC Ordinance (with additions/deletions noted)
 3. Proposed ACC Ordinance (without delineations).
- =====

Recommended by:

Stephane Segre
for Department Director

6/4/15
Date

Approved By:

Stephane Segre
for Assistant County Administrator

6/4/15
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
Net Fiscal Impact	0				

ADDITIONAL FTE

POSITIONS (Cumulative)	0	0	0	0	0
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Is Item Included In Current Budget? Yes No

Budget Account Exp No: Fund ____ **Department** ____ **Unit** ____ **Object** ____
Rev No: Fund ____ **Department** ____ **Unit** ____ **RevSc** ____

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

The fiscal impact is indeterminable at this time.

Departmental Fiscal Review: Stephanie Serio

III. REVIEW COMMENTS


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

Sherry Bm
KJ
6/8
OFMB
AK
6/8/15

D. J. Jacobus 6/9/15

Contract Administration
6-9-15 *B. Wheeler*

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

Department Director

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

Summary (continued from Page 1)

The most significant changes in the proposed amendment to the Animal Care and Control (ACC) Ordinance are the following: removal of the "voice command" to require dogs to be leashed when off an owner's/caregiver's property unless certain exceptions apply (i.e. dog parks, public beach, law enforcement dog); require all community cats to be sterilized, microchipped, vaccinated against rabies and ear-tipped for identification; require community cats to be maintained on private property with approval of the owner/property manager; require community cat caregivers to provide basic care to such cats and for food areas to be clean and sanitary; allow the ACC to seize/remove community cats if necessary to protect public health or safety; provide additional regulations with regard to trapping domestic animals; allow commercial trapper to trap cats for the purpose of TNVR (Trap, Neuter, Vaccinate, Return); and require all trapped community cats to be released onsite unless trapped for re-vaccination, medical care or because of a public health or safety concern; authorize the ACC to impound dogs during a vicious dog investigation/appeal if it believes that the owner is unable or unwilling to humanely, safely and securely confine the dog. Most of the language has been added to correlate with the Countdown to Zero Resolution that was adopted by the Board in February 2014. In addition, this proposed amendment will allow the ACC to apply for grants through non-profit agencies. This proposed amendment to the Palm Beach County Animal Care and Control Ordinance was presented to the League of Cities on April 22, 2015, and was unanimously approved. A summary of the substantive changes to the existing ACC Ordinance is attached to the agenda item. **COUNTYWIDE (SF)**

Background and Policy Issues: A summary of the substantive changes to the existing ACC Ordinance is attached. The Board approved the proposed Ordinance amendments at the first reading on May 19, 2015.

**SUMMARY OF SUBSTANTIVE
CHANGES TO THE ANIMAL CARE AND CONTROL ORDINANCE**

<u>Section</u>	<u>Page</u>	<u>Change and Justification</u>
Throughout	3,4,11,13,14,21, 25,26,37,38	Remove language pertaining to registration of feral cats and add provisions pertaining to community cats.
4.23 (h) (6) 4.29 (d) (5)	25, 36	Prohibit the sale of dogs or cats on roadsides or public right-of-ways.
4.27 (a) (6) & (d) (4)	27, 28, 32	Require all dogs classified as aggressive, dangerous or vicious to wear a leash and muzzle when off the owner's property pending resolution of any appeal.
4.27 (a) (6) & (d) (4)	28, 32	Revise the appeal provisions for dangerous and vicious dogs to be consistent with Chapter 767, F.S.
4.2	3,4,5	Revise definitions
4.4 (a)	6	Require dogs to be leashed when off an owner's/caregiver's property unless certain exceptions apply.
4.11 (a)	11	Remove obsolete Florida Administrative Code references pertaining to license tags.
4.12 (a) & (b)	12,13	Require all impounded dogs and those cats with identification to be held for 4 business days for redemption by owner and cats with no identification to be immediately processed for adoption, return to field, transfer to rescue or foster care or euthanasia as a last resort for cats that are suffering or for which no approved rescue will accept.
4.12 (d)	14	Allow the Division to decline a redemption or adoption to a person who has been convicted of animal cruelty, has had his/her animal removed because of neglect, has relinquished ownership of animals in the past year or on more than one occasion or owes fees, costs or fines to the Division.
4.16 (f)	16	Prohibit the intentional or unintentional feeding of raccoons.
4.16 (g)	16	Require that owners whose animals are quarantined at the Division for rabies quarantine pay a fee.
4.17	17	Remove regulations pertaining to placement and impoundment of honeybee hives.
4.18	17,18	Prohibit aggressive dogs from being used as guard dogs.
4.19	18	Reduce from 15 to 5 business days the amount of time that the Division is required to hold animals when the owner is evicted, incarcerated or otherwise involuntarily unavailable to care for his/her animal(s) and where no relative or personal representative will accept care or responsibility for the animal(s).
4.21 (c) & (d)	18,19, 20, 21	Remove regulations pertaining to impoundment of livestock and require a 3 business day hold for impounded livestock.

Attachment # 1

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<u>Section</u>	<u>Page</u>	<u>Change and Justification</u>
4.22 (b)	22	Provide that dogs and cats older than 4 months of age shall be included in the dogs/cats counted in restrictions on the number of animals per acre.
4.23 (b) (9)	22	Require zoning approval prior to approval of any animal establishment permit.
4.24	25,26	Provide additional regulations with regard to trapping domestic animals.
4.24	25	Allow commercial trapper to trap cats for the purpose of TNVR.
4.24	26	Require all trapped community cats to be released onsite unless trapped for re-vaccination, medical care or because of a public health or safety concern.
4.27 (b) (1)	29	Prohibit dogs that have been classified as aggressive from being brought to a dog park, public park or public beach.
4.27 (c) (2) c.	29	Increase the outdoor enclosure size for dangerous dogs.
4. 27 (d) (3) a.	30,31	Authorize the Division to impound dogs during a vicious dog investigation/appeal if it believes that the owner is unable or unwilling to humanely, safely and securely confine the dog.
4.28 (b) (1)	32	Provide that every dog 6 months of age and every cat 4 months of age shall be spayed or neutered unless exceptions apply.
4.29 (a) (2) e.	36	Require hobby breeders to notify the Division quarterly if no animals are sold.
4.32	37	Delete obsolete provisions pertaining to citations.
4.35 (a) (1)	37	Require community cat caregivers to obtain property owner or managers permission when feeding Community Cats.
4.35 (a) (2)	38	Require all community cats to be sterilized, microchipped, vaccinated against rabies and ear-tipped for identification.
4.35 (a) (3)	38	Require community cat caregivers to provide basic care to such cats and for food areas to be clean and sanitary.
4.35 (d)	38	Allow the Division to seize/remove community cats if necessary to protect public health or safety
4.36	38,39	Require all cats to be microchipped.

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ORDINANCE NO. 2015-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 4 (ORDINANCE 98-22, AS AMENDED BY ORDINANCES 2001-065, 2003-27, 2005-44, 2008-004, 2009-019 and 2011-005) PERTAINING TO ANIMAL CARE AND CONTROL, AMENDING SECTION 4-2 (DEFINITIONS), AMENDING SECTION 4-4 (DOG AND CAT CONTROL); AMENDING SECTION 4-5 (ANIMALS CREATING NUISANCES); AMENDING SECTION 4-8 (KEEPING/ADOPTING STRAY ANIMALS AND MAINTAINING FERAL CATS); AMENDING SECTION 4-11 (DOG AND CAT RABIES/LICENSE TAGS); AMENDING SECTION 4-12 (REDEMPTION AND ADOPTION); AMENDING SECTION 4-13 (ADOPTION FEES AND STERILIZATION REQUIREMENTS FOR DOGS AND CATS); AMENDING SECTION 4-16 (ANIMAL BITES AND QUARANTINING); DELETING SECTION 4-17 (PLACEMENT AND IMPOUNDMENT OF HONEYBEE HIVES); AMENDING SECTION 4-18 (GUARD DOGS);AMENDING SECTION 4-19 (EVICTIONS, JAIL TERMS, COMMUNITY SERVICES ADJUDICATIONS, AND OTHER INVOLUNTARY OCCURENCES; EFFECT ON ANIMALS); AMENDING SECTION 4-21 (LIVESTOCK); AMENDING SECTION 4-22 (NUMBER OF ANIMALS; ACREAGE RESTRICTIONS/EXCESS ANIMAL HABITATS); AMENDING SECTION 4-23 (KENNEL, EXCESS ANIMAL HABITAT, COMMERCIAL BREEDER, PET DEALER, PET SHOP, GROOMING PARLOR, AND COMMERCIAL STABLE PERMITS); AMENDING SECTION 4-24 (ANIMAL CARE; MANNER OF KEEPING); AMENDING SECTION 4-27 (AGGRESSIVE DOGS, DANGEROUS DOGS AND VICIOUS DOGS); AMENDING SECTION 4-28 (STERILIZATION PROGRAM FOR DOGS AND CATS); AMENDNG SECTION 4-29 (HOBBY BREEDER PERMITS); AMENDING SECTION 4-30 (ANIMAL CARE AND CONTROL SPECIAL MASTER HEARINGS); AMENDING SECTION 4-32 (VIOLATIONS, CIVIL INFRACTIONS, CIVIL PENALTIES); ADDING SECTION 4-35 (COMMUNITY CATS); ADDING SECTION 4-36 (ELECTRONIC ANIMAL IDENTIFICATION DEVICE IMPLANTATION FOR ALL CATS); 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.

Attachment # 2

Stricken text indicates deletions.

Underlined text indicates additions.

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

4 **WHEREAS**, pursuant to its authority, the Board of County Commissioners (the
5 “Board”) enacted Palm Beach County Animal Care and Control Ordinance 98-22, as amended
6 (“Ordinance”); and

7 **WHEREAS**, the vast majority of cats impounded at the Division of Animal Care and
8 Control (the “Division”) arrive with no identification within which to locate the owner, are
9 never reclaimed by an owner and are not adopted once released into the adoption program,
10 which results in the euthanasia of such cats; and

11 **WHEREAS**, the Board has determined that microchipping every cat will facilitate
12 reuniting lost cats with their owners or returning community cats to the field, which will reduce
13 the euthanasia of such cats and the expense to the community of holding such cats for
14 redemption or adoption; and

15 **WHEREAS**, in order to reduce the overpopulation of cats, which are euthanized every
16 year at alarming rates, the Board has determined that all cats must be spayed or neutered by
17 four months of age unless certain exemptions apply; and

18 **WHEREAS**, spaying and neutering all cats by four months of age, before they are
19 sexually mature and able to reproduce, will prevent unintended breeding and unwanted litters
20 of kittens; and

21 **WHEREAS**, the Board recognizes the need for innovation in addressing the issues
22 presented by the overpopulation of cats and, to that end, it recognizes that there are often
23 community members providing care for cats that have no apparent owner and that trapping,
24 neutering, vaccinating, microchipping, ear tipping and returning to the field healthy obviously
25 cared for cats (i.e. community cats) may be part of the solution to the unnecessary euthanasia of
26 cats; and

27 **WHEREAS**, the Board wishes to embrace the concept of trap, neuter, vaccinate, return
28 to the field (TNVR) as one strategy to address cat overpopulation; and

29 **WHEREAS**, the Board has determined that dogs must be controlled by a leash or
30 otherwise confined when off the owner’s property to protect the health, safety and welfare of
31 the community; and

1 **WHEREAS**, the Board finds that it has a responsibility to encourage best practices in
2 the sale and purchase of companion animals and that such animals should not be sold on
3 roadsides and right-of-ways; and

4 **WHEREAS**, it is necessary to amend the Ordinance to provide for consistency with
5 state law; to amend certain definitions; to delete obsolete provisions; to reduce hold times for
6 impounded animals; to provide restrictions on the redemption of animals; to remove regulations
7 pertaining to honeybee hives; to ensure that all animal establishments operate in conjunction
8 with zoning laws; to ensure that all dogs deemed aggressive, dangerous or vicious are walked
9 on a leash and muzzle pending any appeal; to ensure that aggressive dogs are not used as guard
10 dogs; to amend language pertaining to livestock; to amend provisions related to hearings before
11 special masters; to shorten the time in which the Division must hold an animal impounded
12 when an owner is involuntarily unable to care for the animal; to amend regulations pertaining
13 to trapping animals and to make other changes necessary for the efficient operation of the
14 Division and in the best interest of the citizens and animals of the county.

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

17
18 **SECTION 1. CHAPTER 4 (ANIMALS) OF THE PALM BEACH COUNTY CODE IS**
19 **HEREBY AMENDED AS FOLLOWS:**

20 **Sec. 4-2. Definitions.**

21 ***

22 ~~*Adult dog or cat shall mean any dog or cat that is six (6) months of age or older*~~

23 ***

24 *Commercial trapper shall mean any person or business receiving compensation for*
25 *trapping animals.*

26 *Community cat shall mean any un-owned free-roaming cat that has been sterilized,*
27 *vaccinated against rabies, ear-tipped, implanted with an EAID and returned to field and may be*
28 *cared for by one or more residents of the immediate area who is/are known or unknown.*

29 *Community cat caregiver means a person who provides food, water and/or other care for*
30 *one or more community cats but who does not own, harbor, keep or have custody, control or*
31 *charge of such cats.*

32 ***

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1 Ear-tipping means removing approximately a quarter-inch off the tip of a cat's left ear
2 while the cat is anesthetized for sterilization. An Ear-tip on the left ear shall be presumptive
3 evidence that a cat has been vaccinated against rabies, implanted with an EAID, sterilized and
4 returned to the field.

5 ***

6 ~~Direct control shall mean immediate and continuous physical control of an animal~~
7 ~~(excluding herding dogs, dogs in the process of hunting, police dogs, dogs participating in a~~
8 ~~registered field trial, obedience trial, and confirmation show and/or match) at all times such as~~
9 ~~by means of a fence, leash, cord or chain of sufficient strength to restrain the animal. When an~~
10 ~~animal is specifically trained to immediately respond to oral or visual commands, direct control~~
11 ~~shall include oral or visual control if the controlling person is at all times clearly and fully~~
12 ~~within unobstructed sight and hearing of the animal, but in no case to exceed one hundred (100)~~
13 ~~feet. Oral control shall at all times prevent the animal from running at large or otherwise~~

14 ***

15 ~~Feral cat shall mean any cat that has no apparent owner or identification and is apparently~~
16 ~~wild, untamed, unsocialized, unmanageable and unable to be approached or handled.~~

17 Free-roaming shall mean any cat found outdoors regardless of the cat's appearance,
18 behavior or ownership status.

19 ***

20 Humane society shall mean an incorporated organization that has a nonprofit status with
21 the Internal Revenue Service for which the central purpose is to provide for the protection of
22 animals. ~~A humane society accepts members from the public at large and the controlling board~~
23 ~~is elected by the general membership.~~ A humane society operates from a business facility on
24 commercially appropriately zoned property and has advertised and set hours for public access.

25 ***

26 ~~Juvenile dog or cat shall mean any dog or cat that is at least two (2) months of age but~~
27 ~~younger than four (4) months of age for the purposes of rabies vaccinations/tags.~~

28 ***

29 Owner shall mean any person, firm, corporation, organization, humane society, public or
30 private nonprofit organization, harborer, or caregiver, other than a community cat caregiver,
31 who owns, keeps, harbors, possesses, or has control or custody of an animal. If the person

1 purporting to own an animal is a minor as defined by the Florida Statutes, the minor's parent(s)
2 or legal guardian shall be deemed the owner of an animal for the purposes of this chapter.

3 ***

4 *Private animal nonprofit organization* shall mean an incorporated organization that has a
5 nonprofit status with the Internal Revenue Service for which the central purpose ~~any person,~~
6 ~~group or corporation which is registered as a nonprofit organization according to state law and~~
7 is sheltering, adopting, fostering, providing rescue or old age homes for dogs and/or cats or
8 TNVR for cats. "Rescue" shall include legally receiving dogs and/or cats from shelters or
9 owners, and providing medical or behavioral rehabilitation for placement into new homes.
10 Breeding of rescue dogs or cats is prohibited.

11 ***

12 *Return to field* shall mean return to the place of origin, the vicinity of the place of origin or,
13 as a last resort, to an alternative location if all reasonable options of return to the place of origin
14 have been exhausted.

15 ***

16 *Sterilization* shall mean ~~dogs and cats rendered~~ rendering an animal permanently incapable
17 of reproduction by surgical or chemical alteration, implantation of a device or other physical
18 means, or ~~permanently incapable of reproduction~~ because of physiological sterility, but only
19 where sterilization ~~the neutered or spayed condition~~ has been certified by a veterinarian
20 licensed in any state. The term sterilization is equivalent to the term spay for female animals or
21 neuter for male animals.

22 ***

23 *TNVR*, also known as trap, neuter, vaccinate, return, shall mean a program whereby a free-
24 roaming cat is humanely trapped, spayed or neutered, implanted with an EAID, vaccinated
25 against the threat of rabies, ear-tipped and returned to field.

26 ***

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

29 Attachment # 2
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1 **Sec. 4-4. Dog and cat control.**

2 (a) *Dogs.*

3 (1) It shall be unlawful for any dog to be off the owner's property (which property is
4 exclusive to the owner ~~and does not include common areas~~) unless the dog is under the
5 restraint or control of a person by means of a ~~chain~~, leash or other device such as a
6 cage, crate or vehicle in accordance with section 4-24, Animal care; manner of
7 keeping, or is sufficiently near its handler to be under his direct control and is obedient
8 to that handler's commands or is caged/crated. Dogs shall be exempted from the
9 provisions of this subsection when:

- 10 i. being used by law enforcement to perform law enforcement services;
11 ii. performing services as a service animal, when necessary to be off leash to
12 perform such services;
13 iii. within a public space designated for dogs to be off-leash such as a dog park
14 or public beach that allows dogs, provided the handler adheres to all rules
15 instituted for such space; or
16 iv. engaged in herding, hunting, registered field trials, obedience trials or an
17 American Kennel Club or other similarly recognized show or competition.

18 (2) ~~It shall be unlawful for an owner to tie, chain, tether or confine by electronic/radio~~
19 ~~device a dog on the owner's property within five (5) feet of public property, public~~
20 ~~access, easements, common grounds or the property of another without the consent of~~
21 ~~the owner of such property.~~

22 (b) ~~Cats. Unsterilized cats must be confined to the owner's property. Unsterilized cats off the~~
23 ~~owner's property must be restrained or confined humanely to prevent them from running at~~
24 ~~large and to protect them from injury and disease.~~

25 (b)(e) A fine schedule for violations of this section shall be established by the board by
26 resolution. As a means to encourage more owners to sterilize dogs/eats, the following
27 additional procedure has been implemented: When a first offense citation is issued to an
28 owner of an unsterilized dog ~~or eat~~ for violating paragraph (a) above ~~and/or paragraph (b)~~
29 ~~herein~~, the division is authorized to hold the citation for fifteen (15) working days,
30 allowing time for the owner to have said dog animal sterilized. If proof of sterilization is

1 presented to the division in this time period, the citation shall not be processed through the
2 county court system, thus waiving the citation fine for the owner. If the division is not
3 presented proof of sterilization within fifteen (15) working days, the citation will be
4 processed.

5 ~~(d) Registered feral cat colonies in compliance with section 4-8, Keeping/adopting stray~~
6 ~~animals and maintaining feral cats, are exempt from this section.~~

7 (c) Any dog found off the owner's property in violation of this section may be impounded by
8 the division and held for possible redemption in accordance with section 4-12, Redemption
9 and adoption.

10 (d) Any dog or cat that has bitten, attacked or threatened to bite or attack a human being or
11 domestic animal while off the owner's property (which property is exclusive to the owner)
12 may be impounded by the division and held for possible redemption in accordance with
13 section 4-12, Redemption and adoption. Such dog or cat may be removed from the owner's
14 property and impounded unless confined in a humane manner within a secure building or
15 enclosure and unable to come into contact with any person(s).

16 * * *

17 **Sec. 4-5. - Animals creating nuisances.**

18 ***

19 ~~(d) It is declared by the board that animals which bite, attack or threaten to bite human beings~~
20 ~~constitute a public nuisance.~~

21 ~~(1) Any animal which has bitten, attacked or threatened to bite or attack a human being~~
22 ~~while off the property of the owner may be impounded by the division. Such animal~~
23 ~~may be removed from the owner's property and impounded unless the animal is under~~
24 ~~the direct control of its owner or confined in a humane manner within a secure~~
25 ~~building or enclosure unable to come into contact with any person(s).~~

26 ~~(2) Any costs incurred by the division related to any animal impoundment pursuant to this~~
27 ~~section shall be reimbursed to the division prior to release of the impounded animal.~~

28 ~~(3) The owner of any animal impounded pursuant to paragraph (d)(1) herein shall be~~
29 ~~mailed notice of said impoundment by certified mail or notified by personal service by~~

Attachment # 2

1 ~~an animal control officer before the end of the following business day of the~~
2 ~~impoundment, unless the owner has claimed the impounded animal.~~

3 ~~(4) If the address of the owner of any animal impounded pursuant to paragraph (d)(1)~~
4 ~~herein is unknown to the division, or the addressee of a certified letter mailed pursuant~~
5 ~~to paragraph (d)(3) herein fails to claim an impounded animal within five (5) days of~~
6 ~~the mailing of the certified letter, or receipt of personal service, the division shall~~
7 ~~cause notice of the animal's impoundment to be published once in a newspaper of~~
8 ~~general circulation within the county informing any concerned person of the~~
9 ~~impoundment between six (6) and fifteen (15) days of the impoundment.~~

10 ~~(5) If an animal impounded pursuant to paragraph (d)(1) herein is not claimed within~~
11 ~~fifteen (15) calendar days from the impoundment, the impounded animal may be~~
12 ~~disposed of in a manner according to law.~~

13 * * *

14 **Sec. 4-8. - Keeping/adopting stray animals and maintaining feral cats.**

15 (a) It shall be unlawful for any person in the county to harbor, ~~feed and/or~~ keep any stray or
16 apparently lost animal unless he/she has notified the division within twenty-four (24) hours
17 from the time such animal came into his/her possession. Upon receiving such notice, the
18 division may require the person to bring the animal to the division for identification or
19 sheltering, if necessary. ~~an animal control officer may take such animal and place it in the~~
20 ~~animal shelter.~~ It shall be unlawful for any person to refuse to surrender any such stray
21 animal to an authorized representative of the division upon demand of such representative.

22 (b) *Adopting stray found animals.* The division, at its sole discretion, may permit residents
23 who possess a stray dog or cat and who wish to provide it a permanent home, to legally
24 adopt such animal by adhering to the following procedures:

25 ***

26 ~~The requirements herein must be secured within thirty (30) calendar days after the~~
27 ~~division approves the adoption application. Extensions may be granted by the division~~
28 ~~for reasonable requests. Any deviation from these adoption requirements by the~~

1 ~~potential adopter will void the adoption. At its discretion, the division may refuse an~~
2 ~~adoption of an animal if it is determined that the adoption is not in the best interest of~~
3 ~~the animal or the health, safety and general welfare of the public. Factors to be~~
4 ~~considered may include those factors set forth in section 4-12(d), Redemption and~~
5 ~~adoption, of this Ordinance.~~

6 ~~(e) Feral cat harborer/caregiver requirements.~~

7 ~~(1) It is unlawful for any person to intentionally provide food, water, or other forms of~~
8 ~~sustenance or care to a feral cat or feral cat colony/colonies unless the person has~~
9 ~~registered the feral cat or cat colony/colonies with the division. Registration consists~~
10 ~~of the following requirements:~~

11 ~~a. Annually register each feral cat colony with the division. A notarized statement~~
12 ~~from the property owner and written notification to each contiguous property~~
13 ~~owner must accompany the registration form that affirms the approval of the~~
14 ~~property owner to establish and maintain a feral cat colony on the named~~
15 ~~property.~~

16 ~~The board shall establish a fee for the registration of each colony.~~

17 ~~If it is determined that a person is in violation of section (c)(1)a herein, said~~
18 ~~person shall be allowed thirty (30) days from the issuance of a warning notice to~~
19 ~~come into compliance. Failure to do so shall result in the issuance of a civil~~
20 ~~citation and the revocation of the registration of the feral cat colony.~~

21 ~~b. Assure responsibility and arrangements for feeding the cat or cat colony/colonies~~
22 ~~regularly throughout the year, including weekends, holidays and vacations of the~~
23 ~~"feral cat harborer/caregiver."~~

24 ~~c. Sterilize all cats.~~

25 ~~d. Sterilize all kittens over eight (8) weeks of age and before sixteen (16) weeks of~~
26 ~~age.~~

27 ~~e. Make every attempt to remove kittens from the colony by eight (8) weeks of age~~
28 ~~for domestication and placement.~~

29 ~~f. Remove any sick or injured cat from the colony/colonies for immediate veterinary~~
30 ~~care or humane euthanasia.~~

1 ~~g. Ear crop all cats on the left ear and provide either a tattoo (as specified in section~~
2 ~~4-11, Dog and cat rabies/license tags) on the inside right ear or an electronic~~
3 ~~animal identification device (E/AID).~~

4 ~~h. Vaccinate as required by law, all cats against rabies (with a three-year vaccine)~~
5 ~~and any other infectious diseases as mandated by the county or state.~~

6 ~~i. Maintain proof of sterilization, vaccination, tattoo and medical records for all cats.~~
7 ~~These records must be provided to the division upon request.~~

8 ~~(2) The division has the right to seize/remove the colony because:~~

9 ~~a. Of public health and safety concerns (rabies, other zoonotic epidemics and certain~~
10 ~~animal to animal diseases as identified by the county public health unit or the~~
11 ~~county veterinary association/society);~~

12 ~~b. The cats are creating a public nuisance as defined in section 4-5, Animals creating~~
13 ~~nuisance; or~~

14 ~~c. The "feral cat harbinger/caregiver" fails to abide by these requirements.~~

15 ***

16 **Sec. 4-11. - Dog and cat rabies/license tags.**

17 (a) ~~Adult d~~Dogs and cats.

18 (1) Every person who is the owner of any ~~adult dog~~ six months of age or older or cat four
19 months of age or older shall secure from the division or an authorized
20 veterinarian/clinic a an adult dog or cat rabies/license tag in accordance with the
21 schedule in subsection (a)(6). The division shall provide suitable tags for sale through
22 authorized veterinarians/clinics.

23 (2) No ~~adult~~ rabies/license tag for dogs or cats shall be issued or renewed until evidence
24 of vaccination for rabies by a licensed veterinarian has been presented. Upon
25 vaccinating a dog or cat against rabies, authorized veterinarians/clinics shall have
26 available for purchase by the dog or cat owner, a county rabies/license tag. The
27 rabies/license tag shall be valid for one (1) year from the date of vaccination and must
28 be renewed annually. No ~~adult~~ rabies/license tag shall be valid after the expiration of
29 the rabies vaccination, regardless of the date of issuance.

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- 1 (3) Failure to secure and purchase a new license ~~adult~~ tag within thirty (30) calendar days
2 after the previous tag expires will result in a late penalty. The board is hereby
3 authorized to establish by resolution the cost for the late penalty.
- 4 (4) All ~~adult~~ dogs shall be required to wear a valid county license tag, ~~except as provided~~
5 ~~for in Laws of Florida, Chapter 69-1432, Section 1. Any person to whom a~~ The license
6 ~~tag has been issued shall cause the tag to be~~ securely fastened about the dog's neck by
7 a collar, harness or other substantial device so as to be clearly visible at all times.
8 Dogs housed in a secure enclosure may be exempt from wearing the required license
9 tag while kept in the enclosure, as long as the tag is securely fastened to a
10 collar/harness and that device is attached to the enclosure. Dogs participating in a
11 registered field trial, obedience trial, ~~and confirmation~~ conformation show and/or
12 match are not required to wear such tags during the time of the event.
- 13 (5) All ~~adult~~ cats, other than community cats, shall be required to: ~~a. Wear~~ a valid
14 county license tag, ~~except as provided for in Laws of Florida, Chapter 69-1432,~~
15 ~~Section 1. Any person to whom a~~ The license tag ~~has been issued for a cat shall be~~
16 ~~cause the tag to be~~ securely fastened around about the cat's neck by a collar, harness or
17 other substantial device so as to be clearly visible at all times; ~~or~~ Cats, other than
18 community cats, may be exempt from wearing the required license tag while kept in a
19 secure enclosure as long as the tag is securely attached to the enclosure or while within
20 the owner's residence as long as the tag is provided to an officer upon request.
- 21 ~~b. Be tattooed on the inside right ear with a number that is not to exceed six (6)~~
22 ~~digits. Such number shall be tattooed at the owner's sole expense. Each number is~~
23 ~~to be at least one quarter (1/4) inch in height and be clearly visible. Such number is~~
24 ~~to be provided by the owner on all official county vaccination and tag~~
25 ~~certificates; or~~
- 26 ~~c. Be implanted with an electronic animal identification device (EAID).~~
- 27 (6) Every person who owns an ~~adult~~ dog or cat in the county shall be required to secure a
28 dog or cat rabies/license tag pursuant to the following schedule:
- 29 a. On or before the date a dog is six (6) months of age or cat is four (4) ~~six (6)~~
30 months of age;
- 31 b. Within thirty (30) calendar days of acquiring a dog or cat; or

1 c. Within thirty (30) calendar days after a dog or cat enters the county jurisdiction
2 ~~covered by this article.~~

3 ***

4 (d) *Schedule of fees and payments.* The board is hereby authorized to establish by resolution:

5 (1) A schedule of fees for all license tags ~~costs~~.

6 (2) A schedule of payments or handling fees to authorized veterinarians/clinics and
7 representatives who participate in the sale of dog and cat license tags.

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

9 * * *

10

11 **Sec. 4-12. - Redemption and adoption.**

12 (a) Cats with an identified owner and dogs. ~~All animals~~ cats with an identified owner and
13 dogs that have been impounded shall be held for redemption by the owner for a minimum
14 of four (4) ~~five (5)~~ business days that the division is open for public access, ~~except that~~
15 ~~eats shall be held for redemption by the owner for a minimum of three (3) calendar days if~~
16 ~~the director determines that insufficient space exists to hold such animals.~~ Notwithstanding
17 the foregoing, whenever a cat with an identified owner or dog ~~an animal~~ is so injured or
18 diseased as to appear to be suffering and it reasonably appears that such cat with an
19 identified owner or dog ~~an animals~~ is imminently near death or cannot be cured or
20 rendered fit for service and the division makes a reasonable and concerted, but
21 unsuccessful, effort to locate the owner of the cat with an identified owner or dog ~~an~~
22 ~~animal~~ or the owner's agent, then the division, acting in good faith and upon reasonable
23 belief, may humanely euthanize the cat with an identified owner or dog ~~an animal~~ upon the
24 advice of a the division's ~~veterinarian licensed to practice in the state.~~ If the division
25 locates the owner or the owner's agent, the division shall notify him or her of the ~~animal's~~
26 cat with an identified owner or dog's location and condition and such person shall either
27 immediately redeem and provide care for the cat with an identified owner or dog ~~an animal~~
28 or relinquish the cat with an identified owner or dog ~~an animal~~ to the division. The division
29 shall be required to attempt to contact the owner of any cat with an identified owner or dog
30 ~~an animal~~ impounded wearing a tag, exhibiting a recognizable tattoo, or implanted with an

1 electronic animal identification device (EAID). Those cats with an identified owner or
2 dogs animals not claimed within four (4) five (5) business days (that the division is open
3 for public access) by the owner shall become the property of the county and may be placed
4 for adoption, transferred to a humane society or private animal nonprofit organization,
5 placed in foster care or disposed of in a humane manner. Impounded cats with an identified
6 owner or dogs animals that have no tag, recognizable tattoo, EAID or other identification
7 of ownership and that are infected with a contagious disease that poses a threat to the
8 animals or staff at the shelter or to the public may shall be immediately humanely
9 euthanized. The provisions of this section do not apply to community cats, which are
10 addressed in section 4-35, Community cats.

11 (b) Cats without identification. All cats without identification such as a tag, a recognizable
12 tattoo or EAID that are impounded by the division shall be immediately processed for
13 adoption, return to field, transfer to a humane society or private animal nonprofit
14 organization or placement in foster care. All feral cats without identification shall be held
15 two (2) business days (that the division is open for public access) for the owner to reclaim
16 the cat and for re-evaluation by the division. All feral cats not reclaimed within said two
17 (2) business days may be humanely euthanized. Notwithstanding the foregoing, whenever
18 such cat is injured or diseased and appears to be suffering and it reasonably appears that
19 such cat cannot be expeditiously cured and returned to field, transferred to a humane
20 society or private animal nonprofit organization or placed in foster care, then the division,
21 acting in good faith and upon reasonable belief, may humanely euthanize the cat upon the
22 advice of a the division's veterinarian licensed to practice in the state. Cats impounded
23 under this subsection that are infected with a contagious disease that poses a significant
24 threat to the animals or staff at the shelter or to the public may be immediately humanely
25 euthanized. Nothing in this section shall be construed to prohibit the Division from
26 humanely euthanizing any cat that is irremediably suffering.

27 (c) Impounded animals shall be released when the following conditions have been satisfied:

28 ***

29 (2) *Rabies vaccination and license tag.* No dog or cat shall be released from the division
30 without a current rabies vaccination and license tag unless the division's veterinarian
31 has determined that the vaccination would endanger the animal's health because of

1 age, infirmity, disability, illness or other medical considerations. Such animal must be
2 vaccinated against rabies as soon as its health permits, except as provided in section
3 4-11(b) herein. Notwithstanding the foregoing, community cats must be vaccinated
4 against rabies but are exempt from the requirement to obtain a license tag.

5 ***

6 (d) The division shall have the authority to approve or decline the ~~of final approval for~~
7 adoption or ~~and~~ release of any animal in its custody or responsibility. At its discretion, the
8 division may refuse an adoption or the release of an animal if it is determined that the
9 adoption or release is not in the best interest of the animal or the health, safety and general
10 welfare of the public. Factors to be considered may include, but are not limited to the
11 following:

12 (1) Property and/or lease restrictions.

13 (2) Insufficient personal identification or address verification.

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

15 (4) Failure to fulfill requirements of previous animal adoptions.

16 (5) Number of animals presently owned.

17 (6) Conditions under which animals are to be housed.

18 (7) Disposition/temperament of animal to be adopted.

19 (8) Observations and determination of field investigator.

20 (9) Prior convictions for animal cruelty or abuse.

21 (10) Prior removal of an animal for neglect or mistreatment under Section 828.073, Florida
22 Statutes.

23 (11) Relinquishment of ownership of an animal(s) within the past year or history of
24 relinquishing ownership of animal(s) on more than one occasion.

25 (12) Outstanding fees, costs or fines owed to the division.

26 **Sec. 4-13. - Adoption fees and sterilization requirements for dogs and cats.**

27 (a) The division shall be responsible for sterilizing every dog and/or cat prior to release ~~for~~
28 ~~adoption or redemption~~ except for those dogs and/or cats that are a surgical risk or that are

1 transferred to a humane society or private animal nonprofit organization that has agreed to
2 have the dog/cat sterilized prior to adoption or return to field.

3 ****

4 **Sec. 4-16. - Animal bites and quarantining; rabies control.**

- 5 (a) A rabies control program, including the investigation of all reported animal bites, may be
6 carried out through a mutual agreement with the Florida Health Department health unit
7 using the requirements of Florida Department of Health Rules and Regulation, Chapter 64
8 ~~10 D-3, Florida Administrative Code; Laws of Florida, Chapter 69-1432~~ and this chapter
9 as a basis for enforcement and program implementation.
- 10 (b) Any dog or cat without a current rabies vaccination that and which has bitten, is believed
11 to have bitten or has otherwise exposed a person to rabies or is suspected of having rabies
12 ~~as defined in Florida Department of Health Rules and Regulation, Chapter 64 10 D-3,~~
13 ~~Florida Administrative Code,~~ shall be quarantined for rabies observation. The owner of
14 such dog or cat shall relinquish control of the dog or cat for the purpose of quarantine. The
15 ~~animal dog or cat~~ shall be quarantined at the owner's expense for a period of ten (10) days
16 from the date of the bite at the division or at an approved holding facility of a local
17 veterinarian. It shall be unlawful for any person to fail to surrender any such dog or cat for
18 rabies quarantine. Additionally, it shall be unlawful for any person to fail to inform the
19 division of any such ~~animal's~~ dog or cats whereabouts if the owner has relinquished
20 possession of said ~~animal dog or cat~~ or caused said ~~animal dog or cat~~ to be taken from the
21 owner's premises.
- 22 (c) Any dog or cat with a current rabies vaccination that and which has bitten, is believed to
23 have bitten or has otherwise exposed a person to rabies ~~as defined in Florida Department of~~
24 ~~Health Rules and Regulation, Chapter 64 10 D-3, Florida Administrative Code,~~ may be
25 quarantined at home. The division and/or the county Florida Health Department health unit
26 shall have the authority to grant or deny permission for home quarantine privilege. If at
27 any time during the quarantine period the division determines that the owner of the ~~animal~~
28 dog or cat is not able to sufficiently confine the ~~animal~~ dog or cat, the owner shall
29 relinquish control of the ~~animal~~ dog or cat to the division. The ~~animal~~ dog or cat will be

1 confined in the custody of the division or at an approved holding facility of a local
2 veterinarian for the remainder of the quarantine period at the owner's expense.

3 (d) Any animal other than a dog or cat which has bitten, is believed to have bitten or has
4 otherwise exposed a person to rabies or is suspected of rabies shall be relinquished into the
5 custody of the division by the owner pending a determination of final disposition by the
6 Florida Health Department county health unit.

7 ***

8 ~~(f) It shall be unlawful for any dog to bite a human being while off the owner's property or in~~
9 ~~violation of section 4-4(a)(1) hereinabove, unless the injury or damage is sustained by a~~
10 ~~person who, at the time, was unlawfully on the property or was tormenting, abusing or~~
11 ~~assaulting the dog, its owner or a family member.~~

12 ~~(f)(g)~~ It shall be unlawful for any person to feed or fail to take appropriate precautions to
13 prevent unintentional feeding of any raccoon ~~animals which have been declared by the~~
14 ~~board to be a high risk species for rabies.~~

15 ~~(g)(h)~~ The following fees shall be imposed, in amounts set forth by resolution of the board, for
16 carrying out the rabies control program:

17 ***

18 (5) Quarantine at the division fee. Owners whose animals are quarantined at the division
19 for a rabies quarantine shall be charged a quarantine fee, which shall be paid by the
20 owner at the beginning for the quarantine period. The owner shall be responsible to
21 pay for any medical care provided during the quarantine period at the conclusion of
22 the quarantine period.

23 ~~(h)(i)~~ Except as provided in subsection (g)(5), an invoice reflecting fees imposed pursuant to
24 this section shall be sent to the owner of the animal. Payment shall be made by the owner
25 within thirty (30) days of receipt of said invoice. Failure to pay within such time shall
26 constitute a violation of this chapter, punishable as provided in section 4-30, Violations,
27 civil infractions, civil penalties.

28

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1 **~~Sec. 4-17. Placement and impoundment of honeybee hives.~~**

2 ~~(a) Placement of honeybee hives shall be in accordance with local zoning regulations.~~

3 ~~(b) It shall be unlawful for any person to place or maintain honeybee hives within ten (10) feet~~
4 ~~of the boundary line of the lot on which said hives are located.~~

5 ~~(c) It shall be unlawful for any owner or keeper of honeybee hives to fail to provide, at all~~
6 ~~times, an adequate water supply within twenty (20) feet of any hive.~~

7 ~~(d) Every honeybee owner or keeper shall cause to be placed at every hive, apiary or yard~~
8 ~~location, an identification sign specifying the bee owner's name, address and telephone~~
9 ~~number.~~

10 ~~(e) It shall be unlawful for a beekeeper or owner to place his/her honeybee hives on the~~
11 ~~property of another without the property owner's consent.~~

12 ~~(f) The division may impound any beehives if either of the following exists:~~

13 ~~(1) When a beekeeper has placed his/her hives on the property of another without the~~
14 ~~property owner's consent; or~~

15 ~~(2) When the beehive's location or condition poses an imminent danger to the public's~~
16 ~~health, safety and general welfare.~~

17 ~~Any hives impounded pursuant to this section shall be held by the division for thirty (30)~~
18 ~~calendar days. The division shall send written notification to the owner's address as posted on~~
19 ~~the hive or colony. If no such address is posted, the division shall post a placard at the hive site~~
20 ~~stating that the hives have been impounded. The notice shall state that the hives will be sold at~~
21 ~~public auction if the hives are not claimed within thirty (30) calendar days.~~

22 ~~The owner may redeem the hives within thirty (30) calendar days by payment of the~~
23 ~~impoundment and redemption fees. These fees shall be established by the board by resolution.~~

24 ~~All hives impounded, if not claimed within thirty (30) calendar days, will be sold at public~~
25 ~~auction after notice of the auction is published in a newspaper of local circulation.~~

26 **Sec. 4-18. - Guard dogs.**

27 ***

28 (i) *General requirements for guard dogs.*

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1 ***

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

4

5 **Sec. 4-19. - Evictions, incarcerations ~~jail terms~~, community service adjudications, and**
6 **other involuntary occurrences; effect on animals.**

7 In cases of evictions, incarcerations, ~~jail terms over five (5) calendar days~~, hospitalizations,
8 death, adjudications of hardship or the like from the Florida Department of Children and
9 Families or other such community service agencies, and/or other involuntary occurrences
10 whereby the owner of the ~~property subject to eviction proceedings, the person to be jailed or~~
11 ~~the subject of adjudication, owns any~~ an animal is unavailable or unable to care for an animal
12 and such animal is impounded by ~~referred to the division, the by the sheriff's office or other~~
13 ~~official agency. The division shall have the authority to place the animal for adoption such~~
14 animals; transfer the animal to a humane society or private animal nonprofit organization or
15 dispose of such animals in a humane manner, when the following conditions are met:

16 (1) Prior to the division's taking any action as described herein, written notice of the
17 division's intent will be provided to the owner of the animal by hand delivery or by
18 mail at the address on file with the division or at the last known address.

19 (2) The owner of the animal shall have five (5) business ~~fifteen (15) calendar~~ days from
20 the date of the division's notice to make proper arrangements for the care of the
21 animal, be it by personal claim or otherwise. If the owner does not make such
22 arrangements for the care of the animal ~~the division does not receive notification of~~
23 ~~the owner's intent within the aforementioned time period, the~~ animal shall become the
24 property of the county. ~~division shall have the authority to carry out the actions as~~
25 ~~described herein.~~

26 ***

27 **Sec. 4-21. - Livestock.**

28 ***

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1 (c) Livestock impounded at the division shall be held for redemption by the owner for three
2 (3) business days. Livestock not claimed within three (3) business days (that the division is
3 open for public access) by the owner shall become the property of the county and may be
4 placed for adoption, transferred to a humane society or private animal nonprofit
5 organization, placed in foster care or disposed of in a humane manner. ~~Authority to~~
6 ~~*impound livestock running at large or strays.*~~ It shall be the duty of the sheriff or his
7 deputies, or any other law enforcement officer of the county and/or the division to pick up,
8 confine, hold and impound any livestock found to be running at large or straying, to be
9 disposed of as hereinafter provided.

10 (d) ~~*Disposition of impounded livestock.*~~

11 (1) ~~Upon impounding of any livestock by the division, the division shall forthwith serve~~
12 ~~written notice upon the owner, advising such owner of the location or place where the~~
13 ~~livestock is being held and impounded, of the amount due by reason of such~~
14 ~~impounding and that unless such livestock be redeemed within three (3) days from the~~
15 ~~date thereof that the same shall be offered for sale.~~

16 (2) ~~In the event the owner of such livestock is unknown or cannot be found, service upon~~
17 ~~the owner shall be obtained by once publishing a notice in a newspaper of general~~
18 ~~circulation where the livestock is impounded (holidays excluded). Such notice shall be~~
19 ~~in substantially the following form:~~

20 "To Whom it May Concern:

21 You are hereby notified that the following described livestock (giving full and
22 accurate description of same, including marks and brands) is now impounded at
23 (giving location where livestock is impounded) and the amount due by reason of such
24 impounding is _____ dollars. The above-described livestock will, unless
25 redeemed within three (3) days from date hereof, be offered for sale at public auction
26 to the highest and best qualified bidder for cash.

27 (DATE)

28 of Palm Beach County, Florida."

29 (3) ~~Unless the impounded livestock is redeemed within three (3) days from date of notice,~~
30 ~~the division shall forthwith give notice of sale thereof which shall be held not less than~~

1 ~~five (5) days nor more than ten (10) days (excluding Sundays and holidays) and by~~
2 ~~posting a copy of such notice at the main courthouse. Such notices of sale shall be in~~
3 ~~substantially the following form:~~

4 ~~"(Name of owner, if known, otherwise, To Whom it May Concern)~~

5 ~~You are hereby notified that the Animal Care and Control Division will offer for sale~~
6 ~~and sell at public sale to the highest and best qualified bidder for cash the following~~
7 ~~described livestock (giving full and accurate description of each head of livestock) at~~
8 ~~_____ o'clock _____ M. (the hour of sale to be between 11:00 A.M.~~
9 ~~and 2:00 P.M., Eastern Time) on the _____ day of _____ at the~~
10 ~~following place _____ (which place shall be where the livestock is~~
11 ~~impounded or at the place provided by the Board for the taking up and keeping of such~~
12 ~~livestock) to satisfy a claim in the sum of _____ for fees, expenses for feeding~~
13 ~~and care and costs hereof.~~

14 ~~(DATE)~~

15 ~~of Palm Beach County, Florida."~~

16 ~~(e) *Livestock at large, fees.* The fees allowed for impounding, serving notice, care and feeding,~~
17 ~~advertising, personnel time and disposing of impounded animals shall be determined by~~
18 ~~resolution of the board. The owner of livestock is responsible for all costs incurred and~~
19 ~~payment of said costs must be made prior to the release of the impounded livestock.~~

20 ~~(f) *Bidder requirements.* Bidders are required to pre-register and pre-qualify with the division.~~
21 ~~The division has the authority of final approval for the auction and release of any animals~~
22 ~~in its custody.~~

23 ~~(g) *Failure to secure purchaser or insufficient funds to defray certain costs.* If there be no~~
24 ~~qualified bidder for such livestock at the sale aforesaid, the division shall either offer the~~
25 ~~livestock for adoption, or kill, or cause to be killed, the same and shall dispose of the~~
26 ~~carcass thereof. If there be any money received by the division on account of the disposal,~~
27 ~~the same shall be disbursed in the manner hereinafter provided; and, if there be no ready~~
28 ~~sale for the animal, the division shall forthwith offer the animal for adoption, or its carcass,~~
29 ~~to a public institution of the county, state or municipality or to a private charitable~~
30 ~~institution.~~

1 ~~(h) *Obligation of owner.* The owner of any impounded livestock shall have the right at any~~
2 ~~time before sale thereof to redeem the same by paying to the division all impounding~~
3 ~~expenses, including fees, keeping charges, advertising, personnel time and other costs~~
4 ~~incurred therewith. The owner shall not circumvent these requirements by obtaining the~~
5 ~~animal through the auction process either directly or indirectly. The owner shall be~~
6 ~~responsible for paying the difference in cost (should there be any) between the amount that~~
7 ~~is received for the animal at the auction and that actual amount due to the county. In the~~
8 ~~event there is a dispute as to the amount of such costs and expenses, the owner may give~~
9 ~~bond with sufficient sureties to be approved by the division, in an amount to be determined~~
10 ~~by the division, but not exceeding the fair cash value of such livestock, conditioned to pay~~
11 ~~such costs and damages; thereafter, within ten (10) days, the owner shall institute suit in~~
12 ~~equity to have the damage adjudicated by a court of equity or referred to a jury if requested~~
13 ~~by either party to suit.~~

14 ~~(d) (i) *Equine infectious anemia/Coggins.*~~

15 * * *

16

17 **Sec. 4-22. - Number of animals; acreage restrictions/excess animal habitats.**

18 (a) The chart set forth below prescribes the maximum number of dogs and/or cats, other than
19 community cats, per specified acreage restrictions:

<u>If You Have:</u> <u>Number of Dogs and/or</u> <u>Cats:</u>	<u>Less Than 1.5</u> <u>Acres</u>	<u>1.5 to Less Than 2.5</u> <u>Acres</u>	<u>2.5 or More</u> <u>Acres</u>
1—10 dogs and/or cats	Allowed	Allowed	Allowed
11—20 dogs and/or cats	Prohibited	Allowed	Allowed
21—30 dogs and/or cats	Prohibited	Prohibited	Allowed

20

21 Acreage determination excludes easements for roads or other areas that must allow public
22 egress and ingress. All property must be contiguous.

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1 (b) References to dogs and cats only refer to dogs and cats older than four (4) eight (8)
2 months. There are no restrictions on the number of dogs and cats younger than four (4)
3 eight (8) months old that can be on the premises.

4 ***

5

6 **Sec. 4-23. - Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop,**
7 **grooming parlor, and commercial stable permits.**

8 ***

9 (b) *Permit procedures and requirements.*

10 ***

11 (9) No permit shall be issued without written approval from the Palm Beach County
12 Zoning Division or the applicable municipal zoning office to confirm that the animal
13 establishment may legally operate at the proposed location. ~~or renewed without proof~~
14 ~~of a current business tax receipt issued by the county tax collector in accordance with~~
15 ~~Palm Beach County Ordinance No. 72-7, as amended.~~

16 ***

17 (g) *Minimum general operational standards.*

18 ***

19 (8) Animal waste ~~excrement~~ shall be removed by ~~spot~~ cleaning regularly throughout the
20 work day. (Commercial stables refer to requirements in subsection (k)).

21 ***

22 (17) No person shall maintain unsterilized dogs over six months of age or unsterilized cats
23 over four months of age together without first obtaining an appropriate breeding permit
24 from the division.

25 ***

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

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

1 ***

2 g. On a monthly ~~quarterly~~ basis, commercial breeders shall provide the division
3 with the name, address, and telephone number of the new owner of any puppy or
4 kitten placed ~~in the county~~ or a notice that no animal was sold during the
5 month.

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

7 ***

8 b. Animals shall be confined and not allowed to run at large on the
9 premises, except with the written approval of the owner of the animal. ~~when~~
10 ~~housed for training and a training contract has been signed by the owner as stated~~
11 ~~in subsection (h)(1)e. of this section.~~

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

- 14 1. Dogs from cats.
- 15 2. Unsterilized males from females.
- 16 3. Nursing mothers with their young from all others.
- 17 4. Boarding dogs from registered guard dogs.

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

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

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

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

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1 1. Notify the division regarding all dogs maintained at their kennel for
2 longer than three (3) months.

3 21. For any dog kenneled for longer than three (3) months, the kennel
4 operator shall Aarrange for a professional behaviorist or trainer to visit
5 the dog once every three (3) months for the purpose of evaluation,
6 therapeutic or obedience training.

7 32. For any dog kenneled for longer than three (3) months, the kennel
8 operator shall have a A veterinarian examine the dog examination prior
9 to the fourth month of confinement, and every ninety (90) days
10 thereafter. Dogs not maintained on a heartworm preventative program
11 shall be given an occult heartworm test and started on preventative or
12 treated for same.

13 43. Each week a minimum of fifty (50) day a minimum of sixty (60)
14 minutes of ~~for~~ play, interaction, grooming and/or training shall be
15 provided to each dog. ~~This may be done by volunteers, however, dogs~~
16 ~~with medical conditions prohibiting play or training sessions shall be~~
17 ~~excluded from this requirement upon written certification of the medical~~
18 ~~condition by a licensed veterinarian.~~

19 ***

20 (5) *Cleaning procedures for ~~(animal enclosures)~~ Kennels, commercial breeders, pet*
21 *dealers and excess animal habitats.*

22 * * *

23 d. All areas containing animal enclosures ~~shall be spot cleaned as necessary to~~
24 ~~remove animal excrement~~ waste shall be cleaned throughout the day and such
25 waste shall be properly disposed of so as not to cause a nuisance.

26 * * *

27 (6) Roadside sales. It shall be unlawful to advertise, display for commercial purposes,
28 attempt to sell or sell any dog or cat on any roadside or public right-of-way.

29 ***

30

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1 **Sec 4-24. Animal care; manner of keeping.**

2 ***

3 (l) Commercial trappers are prohibited from trapping domestic animals except for the purpose
4 of TNVR. Any person trapping an a domestic animal shall adhere to the following
5 requirements must:

6 (1) Use a humane trap;

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

9 (3) Provide fresh water in the trap;

10 ~~(4) Remove the trapped animal within twenty-four (24) hours of capture.~~ All trapped
11 dogs and cats, other than community cats addressed in subsection (5) below, shall must
12 be immediately returned to their rightful owner, or to a governmentally operated animal
13 shelter or humane society in the county. Notwithstanding the foregoing,
14 lactating/nursing cats for which no owner can be located shall be immediately released
15 at the location where the cat was trapped. For any dog or cat brought to an animal
16 shelter or humane society, the person who trapped the dog or cat shall provide the
17 address or exact location where the dog or cat was trapped; and

18 (5) All community cats that are trapped shall be immediately released at the location
19 where the cat was trapped unless trapped for the purpose of revaccination, medical care
20 or to address a public health or safety concern as determined by the division;

21 ~~(6)(5) Make every attempt to locate the offspring of any lactating/nursing mother.~~ No
22 trapped animal shall be killed in any manner other than a method approved in the
23 American Veterinary Medical Association Guidelines on Euthanasia, as may be
24 amended from time to time-;

25 (7) Trapping shall occur no earlier than two (2) hours before sunset and no later than
26 two (2) hours after sunrise, and trapped animals shall be removed from any trap within
27 that period;

28 (8) Each trap shall include the name, address and telephone number of the person
29 setting the trap on the trap in letters of no less than one quarter (1/4) inch in height; and

30 (9) Any animal trapped shall be handled and transported in a humane manner.

31 ***

1

2 **Sec. 4-27. Aggressive dogs, dangerous dogs and vicious dogs.**

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

4 (1) The division shall investigate reported incidents involving any dog that may be
5 aggressive or dangerous and shall, if possible, interview the owner and require a sworn
6 affidavit from any person, animal control officer, or enforcement officer desiring to
7 have a dog classified as aggressive or dangerous. In the event that any animal control
8 officer has sufficient cause to believe that a dog is aggressive or dangerous and that
9 the owner is unable or unwilling to humanely, safely and securely confine the dog, the
10 officer may impound the dog pending the investigation and any appeal if deemed
11 necessary to protect the public. The owner shall be responsible for payment of all
12 boarding costs and other fees required for the division to care for the dog pending the
13 outcome of the investigation and resolution of any appeal ~~hearing related to the~~
14 ~~aggressive or dangerous dog classification~~. An owner's refusal to surrender a dog for
15 impoundment pending the investigation shall constitute a violation of this chapter. At
16 the discretion of the division, a dog that is the subject of a an aggressive or dangerous
17 dog investigation may be confined at a licensed facility approved by the division or at
18 the residence of the owner if the division is given adequate assurance by the owner
19 that the dog can be humanely, safely, and securely confined ~~pending the investigation~~
20 without posing a danger to the public. If the dog remains with the owner pending the
21 outcome of a dangerous dog investigation and resolution of any appeal ~~hearings~~
22 ~~related to the dangerous dog classification~~, the dog shall be at all times maintained in a
23 securely fenced or enclosed area to prevent the dog from escaping or coming into
24 contact with any person or domestic animal other than a person or domestic animal in
25 the immediate household of the owner. If the dog remains with the owner pending the
26 outcome of an aggressive dog investigation and resolution of any appeal ~~hearings~~
27 ~~related to the aggressive dog classification~~, the dog shall be at all times maintained in
28 a securely fenced or enclosed area to prevent the dog from escaping or coming into
29 contact with any domestic animal other than a domestic animal in the immediate
30 household of the owner. No dog that is the subject of an aggressive or dangerous dog
31 investigation may be relocated or ownership transferred pending the outcome of an

1 investigation or any appeal ~~hearings~~ related to the determination of an aggressive or
2 dangerous dog classification. The owner shall provide the division with the address of
3 where the dog will be maintained pending an investigation and any related hearings.

4 (2) A dog shall not be declared dangerous if the threat, injury or damage was sustained by a
5 person who, at the time, was unlawfully on the property or, while lawfully on the
6 property, was tormenting, abusing, or assaulting the dog or its owner or a family
7 member ~~person in the immediate household of the owner~~. No dog may be declared
8 dangerous if the dog was protecting or defending a human being within the immediate
9 vicinity of the dog from an unjustified attack or assault.

10 ***

11 (4) After its investigation, the division shall make an initial determination as to whether
12 there is sufficient cause to classify the dog as aggressive or dangerous. The division
13 shall provide written notification of sufficient cause finding, to the owner, by
14 registered mail, certified hand delivery (signed receipt) or service of process. The
15 owner shall be afforded an opportunity for a hearing before a special master prior to a
16 final determination of the classification. If the owner decides to appeal the initial
17 determination, the owner shall file a written request with the division for a hearing
18 before the special master within seven (7) calendar days from the date of receipt of the
19 notification of the sufficient cause finding and if requested, the hearing shall be held as
20 soon as possible, no sooner than five (5) calendar days and not more than twenty-one
21 (21) calendar days after receipt of the request from the owner. Said written request
22 must be accompanied by an appeal bond and any applicable fees for the care and
23 boarding of said dog (due through the fifth day following the date of the request for
24 hearing. The appeal bond and any other applicable fees shall be established by the
25 board by resolution. The appeal bond shall be remitted to the division in the form of a
26 money order, a certified check, a cashier's check, or a bank check payable to the
27 county. The division shall provide notice of the hearing to the owner by U.S. mail,
28 electronic mail, facsimile, certified mail or certified hand delivery. If the owner after
29 seven (7) calendar days from the delivery of the "notice of intent to classify/sufficient
30 cause notice," has not filed a written request for a hearing, ~~the process will proceed~~
31 ~~and~~ the dog shall be classified as aggressive or dangerous.

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1 ***

2 (6) Once a dog is classified as aggressive or dangerous, the division shall provide written
3 notification to the owner by registered mail, certified hand delivery (signed receipt) or
4 service of process. The owner may then file a written request for a hearing in the
5 county court to appeal the classification within ten (10) business days after receipt of
6 the written determination of aggressive or dangerous dog classification and must
7 confine the dog in a securely fenced or enclosed pending resolution of the appeal.
8 ~~The owner may then file a petition for certiorari in the Circuit Court of the Fifteenth~~
9 ~~Judicial Circuit Court to appeal the classification within thirty (30) days after receipt~~
10 ~~of a written determination of aggressive or dangerous dog classification.~~ If the division
11 allows the owner to maintain possession of the dog during a dangerous dog appeal, the
12 owner must confine the dog in a securely fenced or enclosed area to prevent the dog
13 from escaping or coming in contact with any person or domestic animal other than a
14 person or domestic animal in the immediate household of the owner, pending a
15 resolution of the appeal. If the division allows the owner to maintain possession of the
16 dog during an aggressive dog appeal, the owner must confine the dog in a securely
17 fenced or enclosed area to prevent the dog from escaping or coming in contact with
18 any domestic animal other than a domestic animal in the immediate household of the
19 owner, pending a resolution of the appeal. Pending resolution of an aggressive or
20 dangerous dog appeal, the dog shall at all times wear a muzzle when it is off the
21 owner's property and must be restrained by a substantial leash not exceeding six (6)
22 feet in length and under the control of a competent person.

23 (b) *Aggressive dog mandates and responsibilities.* Within fourteen (14) days after a dog has
24 been classified as aggressive or an aggressive dog classification is upheld on appeal, the
25 aggressive dog shall be implanted with an approved electronic animal identification device
26 (EAID) at the owner's sole expense and the aggressive dog shall be spayed/neutered unless
27 a licensed veterinarian has examined the dog and certified in writing, that at such time
28 spaying/neutering the classified dog will endanger its health because of infirmity,
29 disability, illness or other medical consideration. However, the dog will be
30 spayed/neutered as soon as its health permits. If there is a disagreement concerning the
31 health status for sterilizing an aggressive dog, the division may have the animal care and
32 control staff/contract veterinarian examine the dog to determine its eligibility for

1 sterilization. If the disagreement cannot be resolved, the division and the owner shall agree
2 on a third veterinarian to examine the animal for sterilization eligibility. The cost of the
3 third veterinarian shall be split evenly between the division and the owner. The opinion of
4 the third veterinarian shall govern.

5 (1) *Responsibilities for owner.* An aggressive dog shall at all times wear a muzzle when it
6 is off the owner's property and must be restrained by a substantial chain or leash not
7 exceeding six (6) feet in length and under the control of a competent person. The
8 muzzle must be made in a manner that will not cause injury to the dog or interfere
9 with its vision or respiration but must prevent it from biting any person or domestic
10 animal. Dogs that have been classified as aggressive shall not be brought to a dog
11 park, public park or public beach that allows dogs.

12

13 (c) *Dangerous dog mandates and responsibilities.*

14 (1) *Mandates for owner.* Within fourteen (14) days after a dog has been classified as
15 dangerous or a dangerous dog classification is upheld by the county court on appeal,
16 [a]n owner of a dangerous dog shall comply with all of the following:

17 ***

18 (2) *Responsibilities for owner.*

19 ***

20 c. While on the owner's property, a dangerous dog must be securely confined
21 indoors or securely confined outdoors in an enclosed and locked structure,
22 suitable to prevent the entry of any person other than adult members of the
23 immediate household and constructed to prevent the dog from escaping. The
24 structure must be a minimum of eighty (80) square feet~~have minimum dimensions~~
25 ~~of four (4) feet by ten (10) feet.~~ Such structure shall have secure sides and a
26 secure top and bottom to prevent the dog from escaping over, under or through
27 the structure. The enclosure shall provide a humane existence for the dog and
28 protection from the elements.

29 ***

30 (d) *Vicious dog.*

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1 (3) *Vicious dog classification process.*

- 2 a. The division shall investigate any incident involving any dog that may be vicious
3 and shall, if possible, interview the owner and require a sworn affidavit from any
4 person, animal control officer, or enforcement officer desiring to have a dog
5 classified as vicious. In the event that any animal control officer has sufficient
6 cause to believe that a dog is vicious and that the owner is unable or unwilling to
7 humanely, safely and securely confine the dog, the officer may impound the dog
8 pending the investigation and any appeal if deemed necessary to protect the
9 public. The owner shall be responsible for payment of all boarding costs and other
10 fees required for the division to care for the dog pending the outcome of the
11 investigation and resolution of any appeal. An owner's refusal to surrender a dog
12 for impoundment pending the investigation shall constitute a violation of this
13 chapter. At the discretion of the division, a dog that is the subject of a vicious dog
14 investigation may be confined at a licensed facility approved by the division or at
15 the residence of the owner if the division is given adequate assurance by the
16 owner that the dog can be humanely, safely, and securely confined without posing
17 a danger to the public. If the dog remains with the owner pending the outcome of
18 a vicious dog investigation and resolution of any appeal, the dog shall be at all
19 times maintained in a securely fenced or enclosed area to prevent the dog from
20 escaping or coming into contact with any person or domestic animal other than a
21 person or domestic animal in the immediate household of the owner. No dog that
22 is the subject of a vicious dog investigation may be relocated or ownership
23 transferred pending the outcome of an investigation or any appeal of a vicious dog
24 classification. The owner shall provide the division with the address of where the
25 dog will be maintained pending an investigation and any appeal.
- 26 b. After its investigation, the division shall make an initial determination as to
27 whether there is sufficient cause to classify the dog as vicious. The division shall
28 provide written notification of sufficient cause finding, to the owner, by registered
29 mail, certified hand delivery (signed receipt) or service of process. The ten (10)
30 business day time period from date of notification, shall allow the owner to file a
31 written request for a hearing before a special master prior to a final determination
32 of the vicious classification. The hearing shall be held no sooner than five (5)

1 calendar days and not more than twenty-one (21) calendar days after receipt of the
2 request from the owner. The appeal bond, any applicable fees for the care and
3 boarding of said dog (due through the fifth day following the date of the request
4 for hearing) must accompany the owner's written request. The appeal bond and
5 fees shall be established by the board by resolution. The appeal bond shall be
6 remitted to the division in the form of a money order, a certified check, a cashier's
7 check, or a bank check payable to the county. The division shall provide notice of
8 the hearing to the owner by U.S. mail, electronic mail, facsimile, certified mail or
9 certified hand delivery. If the owner fails to appeal within the ten (10) business
10 day period, the dog shall be humanely euthanized.

11 c b. Once a hearing date is set, failure to appear before the special master may, at the
12 special master's discretion, result in the dismissal of the hearing with prejudice. In
13 such instances, the process will proceed and the dog shall be classified as vicious.
14 The owner shall be responsible for payment of all boarding costs and other fees as
15 may be required to humanely and safely keep the dog during any appeal
16 procedure.

17

18 ***

19 (4) Notice of appeal. The owner may then file a written request for a hearing in the county
20 court to appeal the classification within ten (10) business days after receipt of the
21 written determination of vicious dog classification and must confine the dog in a
22 securely fenced or enclosed area pending resolution of the appeal. Pending resolution
23 of the appeal, the dog shall at all times wear a muzzle when it is off the owner's
24 property and must be restrained by a substantial leash not exceeding six (6) feet in
25 length and under the control of a competent person. ~~If within the thirty day period~~
26 ~~after written notification of the special master's decision is received, the owner files a~~
27 ~~petition for certiorari in the Circuit Court of the Fifteenth Judicial Circuit Court, the~~
28 ~~dog must be held by the division and may not be destroyed while the appeal is~~
29 ~~pending.~~

30

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1 **Sec. 4-28. - Sterilization program for dogs and cats.**

2 ***

3 (b) *Spaying, neutering of dogs and cats.*

4 (1) Every dog six (6) months of age or older and every cat four (4) months of age or older
5 within the county shall be spayed or neutered, unless proof of one of the following
6 exemptions is provided to the division: ~~No person may own, keep, or harbor a dog or cat~~
7 ~~six (6) months of age or older that has not been spayed or neutered unless such person~~
8 ~~holds an unaltered license tag for each unaltered dog or cat, unless the dog or cat is~~
9 ~~otherwise exempt under this article.~~

10 (2) ~~An owner of an unaltered dog or cat will be allowed to maintain the unaltered animal~~
11 ~~in the county if any of the following criteria is met:~~

12 a. The dog or cat is registered with a national or international club, association, or
13 registry recognized by the division, and the owner certifies in writing to the
14 division that the animal is being used, trained, or considered for use in a show(s),
15 sporting competition(s), or other similar competitive event(s) held by one (1) or
16 more national or international clubs, associations, or registries. ~~For a dog or cat~~
17 ~~that is not spayed or neutered due to current use as a show or competition dog or~~
18 ~~cat as provided herein, the license tag fee established by the board for unsterilized~~
19 ~~dogs or cats shall apply.~~

20 b. A veterinarian licensed in the state certifies in writing that the a specific dog or
21 cat is medically unfit to undergo the required spay or neuter procedure because of
22 a medical condition, including but not limited to age, that would be substantially
23 aggravated by such procedure or would likely cause the dog or cat's death. The
24 writing must state the date by which the dog or cat may be safely spayed or
25 neutered. The division may extend the time for spaying or neutering a dog or cat
26 or may exempt such dog or cat from the spay/neuter requirement based upon the
27 written medical recommendation of a licensed veterinarian. For a dog or cat that
28 is not spayed or neutered due to a health condition as provided herein, the license
29 tag fee established by the board for sterilized dogs or cats shall apply. As soon as
30 the medical condition that prevents a dog or cat from being spayed or neutered

1 ceases to exist, it shall be the duty of the owner of such dog or cat to promptly
2 comply with this section.

3 c. The dog is currently used by a law enforcement agency for law enforcement
4 purposes. ~~For a dog that is not spayed or neutered due to current use by a law~~
5 ~~enforcement agency for law enforcement purposes as provided herein, the license~~
6 ~~tag fee established by the board for police dogs shall apply.~~

7 d. The dog ~~or cat~~ is a qualified guide dog or service animal as defined in section 4-2
8 of this chapter. ~~or is part of a recognized guide/service animal breeding program~~
9 ~~approved by the division and is currently being bred or evaluated to produce~~
10 ~~guide/service animals. For a dog or cat that is not spayed or neutered due to~~
11 ~~current use as a qualified guide dog or service animal as provided herein, the~~
12 ~~license tag fee established by the board for such animals shall apply.~~

13 e. The owner wishes to keep the dog ~~or cat~~ unsterilized and certifies in writing to the
14 division that the dog ~~or cat~~ will not be bred or used for stud purposes unless an
15 appropriate breeder permit is first obtained from the division. ~~For a dog or cat that~~
16 ~~is not spayed or neutered but will not be used for breeding or stud purposes, the~~
17 ~~license tag fee established by the board for unsterilized animals shall apply.~~

18 f. The dog or cat is used for breeding purposes by a licensed hobby or commercial
19 breeder. For a dog or cat that is not spayed or neutered due to current use for
20 breeding purposes by a licensed hobby or commercial breeder, the license tag fee
21 established by the board for unsterilized dogs or cats shall apply.

22 g. The dog or cat is being harbored by a shelter, humane society, or private animal
23 nonprofit organization, whether public or private, whose principal purpose is
24 securing the adoption of dogs or cats or offering sanctuary for dogs or cats,
25 provided that the dog or cat is spayed or neutered prior to being placed for
26 adoption.

27 (3) ~~A dog or cat that meets the following criteria shall be exempt from the unaltered~~
28 ~~license tag requirements provided in this section:~~

29 a. ~~A dog or cat temporarily harbored within this jurisdiction for less than thirty (30)~~
30 ~~days within any calendar year.~~

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

6 ~~e. A feral cat in a feral cat colony registered with the Division in accordance with~~
7 ~~section 4-8 of this chapter and maintained in compliance with all requirements~~
8 ~~provided therein. A person who registers a feral cat colony shall not have to~~
9 ~~obtain an unaltered license tag for any cat in the colony provided such cat(s)~~
10 ~~remain feral and the colony registration is renewed annually. Every cat in a feral~~
11 ~~cat colony must be spayed/neutered as provided in section 4-8.~~

12 ~~If a person owns an unaltered dog or cat that is not specifically exempted from the~~
13 ~~requirements provided herein, such person shall obtain an unaltered license tag for~~
14 ~~the dog or cat, and if such person intends to use any such unaltered dog or cat for~~
15 ~~breeding or stud purposes, a hobby breeder permit, kennel permit, or other~~
16 ~~applicable permit issued under this chapter is required in addition to an unaltered~~
17 ~~license tag for each dog or cat.~~

18 ~~(c) Unaltered dog/cat license requirements.~~

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

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

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

30 ~~a. On or before the date the dog or cat is six (6) months of age; or~~

- 1 ~~b. Within thirty (30) calendar days of acquiring a dog or cat; or~~
- 2 ~~c. Within thirty (30) calendar days after a dog or cat enters the jurisdiction covered~~
- 3 ~~by this chapter.~~
- 4 ~~(4) The address of the owner shall be presumed to be the residence of the dog or cat. All~~
- 5 ~~changes of address must be reported to the division within thirty (30) calendar days~~
- 6 ~~following such change.~~
- 7 ~~(5) Any change of ownership of any dog or cat, be it by sale, transfer or otherwise, shall~~
- 8 ~~be reported in writing to the division by the new owner within thirty (30) calendar~~
- 9 ~~days after ownership changes.~~
- 10 ~~(6) Any person who fails to pay an unaltered license tag fee when it is due shall, in~~
- 11 ~~addition to paying any past due license fees, also pay a late penalty.~~
- 12 ~~(d) License denial or revocation and appeal process. If an unaltered license tag has been~~
- 13 ~~denied or revoked by the division, a person may appeal such action by the division by~~
- 14 ~~following the appeal process provided in section 29(f) of this chapter.~~
- 15 ~~(e) Counterfeiting or destroying a license tag. It shall be a violation of this division to~~
- 16 ~~counterfeit a license tag, to maliciously destroy a license tag or to fraudulently obtain a~~
- 17 ~~license tag.~~

18

19 **Sec. 4-29. - Hobby breeder permits.**

20 (a) *Hobby breeder permits.*

21 (1) No person shall breed a dog or cat or offer a dog or cat for breeding or stud purposes

22 without first obtaining an appropriate breeding permit issued by the division. No person

23 shall maintain unsterilized dogs over six (6) months of age or unsterilized cats over four

24 (4) months of age together without first obtaining an appropriate breeding permit from the

25 division. The cost of the permit and other related fees shall be established by the board by

26 resolution.

27 (2) Hobby breeders shall:

28 ***

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1 e. On a quarterly basis, the name, address, and telephone number of the new owner
2 of any dog, cat, puppy or kitten placed ~~in the county~~ or a notice that no animal
3 was sold during the quarter shall be provided to the division;

4 ***

5 (d) *Violations.*

6 ***

7 (5) It shall be a violation of this section to advertise, display, attempt to sell or sell
8 any dog or cat on any roadside or public right-of-way.

9
10 ***

11 **Sec. 4-30. - Animal care and control special master hearings.**

12 (a) The board of county commissioners shall appoint special masters who shall make
13 decisions relating to any hearings that have been initiated as provided in this chapter.
14 Special masters shall have the qualifications as specified in and shall be appointed in
15 accordance with Article 2, Palm Beach County Unified Land Development Code, as
16 amended.

17 ***

18 (i) Except as provided in section 27 with regard to aggressive, dangerous and vicious dogs,
19 (a)ny person may appeal a final order of a special master within thirty (30) days by filing a
20 petition for writ of certiorari in the Circuit Court of the Fifteenth Judicial Circuit Court.

21 ***

22
23 **Sec. 4-32. - Violations, civil infractions, civil penalties.**

24 ***

25 (d) The county clerk shall:

26 (1) Accept designated fines and issue receipts therefore.

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1 ~~(2) Provide a uniform citation form serially numbered for notifying alleged violators to~~
2 ~~appear and answer to charges of violation of this chapter. Such citation forms shall be~~
3 ~~issued to and receipted by the division.~~

4 ***

5 (h) ~~All fines collected as a result of said citations (except those fines collected as a result of~~
6 ~~citations issued by municipal employees pursuant to subsection (n) herein, which shall be~~
7 ~~remitted by the clerk of the court directly to the municipality issuing the citation) shall be~~
8 ~~paid into the county treasury and deposited into the general fund for animal care and~~
9 ~~control revenue.~~ Pursuant to Florida Statutes, §§ 938.01, ~~938.17~~ and 938.19, mandatory
10 costs shall be assessed against every person convicted of a violation of this chapter.
11 Pursuant to Florida Statute § 828.27, a five dollar (\$5.00) surcharge shall be assessed
12 against every person convicted of a violation of this chapter.

13 ***

14 **SECTION 2. SEC. 4-35 IS ADDED AS FOLLOWS:**

15 **Sec. 4-35. Community Cats.**

16 (a) The board establishes the following community cat requirements:

17 (1) All community cats must be cared for on the private property of the caregiver or
18 with permission of the property owner or property manager.

19 (2) All community cat caregivers shall have all un-owned free-roaming cats within their
20 care sterilized, implanted with a EAID, vaccinated against rabies, and ear- tipped for
21 easy identification.

22 (3) All community cat caregivers are required to provide certain necessities to each
23 community cat under his/her care on a regular/ongoing basis, including, but not limited
24 to, proper nutrition, adequate quantities of visibly clean and fresh water and medical
25 care as needed. If medical care is unavailable or too expensive, the community cat
26 caregiver must not allow the cat to suffer. Dumping on the ground or dispensing large
27 quantities of food more than will be immediately eaten by the community cats present is
28 prohibited. Feeding areas must be maintained in a clean and sanitary condition.

29 (4) Community cat caregivers shall make reasonable attempts to remove young kittens
30 from the field for domestication.

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1 (b) A person returning a community cat to field must provide the Division with the cat's EAID
2 number and any other information upon request by the Division.

3 (c) Community cats meeting the requirements of this section are exempt from the license tag
4 requirements of section 4-11, Dog and cat rabies/license tags.

5 (d) The Division has the right to remove or authorize the removal of any free-roaming cat or
6 community cat because of immediate public health or safety concerns.

7 (e) No community cat shall be released at any governmentally owned or managed park, natural
8 area, area deemed as environmentally sensitive land or on any easement adjacent to such lands
9 without approval from the applicable governmental entity.

10 (f) Healthy community cats that have been impounded at the division may be immediately
11 returned to field, released to a caregiver or adopted. Notwithstanding the foregoing, whenever
12 such cat is visibly injured or diseased and appears to be suffering and it reasonably appears that
13 such cat cannot be expeditiously cured and returned to field, transferred to a humane society or
14 private animal nonprofit organization or placed in foster care, then the division, acting in good
15 faith and upon reasonable belief, may humanely euthanize the cat upon the advice of the
16 division's veterinarian.

17

18 **SECTION 3. SEC. 4-36 IS ADDED AS FOLLOWS:**

19 **Sec. 4-36. *Electronic animal identification device implantation (EAID) for all cats.***

20 (a) All cats four (4) months of age or older shall be implanted with an EAID, unless a
21 veterinarian licensed in the state certifies in writing that a specific cat is medically unfit to
22 be implanted with an EAID because of a medical condition, including but not limited to
23 age, that would be substantially aggravated by such procedure or would likely cause the
24 cat's death. The writing must state the date by which the cat may be safely implanted with
25 an EAID. The division may extend the time for implanting the cat with an EAID or may
26 exempt such cat from the requirement based upon the written medical recommendation of
27 a licensed veterinarian. As soon as the medical condition that prevents a cat from being
28 implanted with an EAID ceases to exist, it shall be the duty of the owner of such cat to
29 promptly comply with this section.

30 (b) The owner of every cat shall keep his/her contact information associated with the EAID up
31 to date with the division.

Attachment # 2

1 (c) EAID's for community cats may be registered to a humane society, private animal nonprofit
2 or individual.

3

4 **SECTION 2. REPEAL OF LAWS IN CONFLICT:**

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

7

8 **SECTION 3. SAVINGS CLAUSE:**

9 Notwithstanding anything herein to the contrary, all provisions of Palm Beach County
10 Ordinance No. 98-22, as amended by Ordinances 2001-065, 2003-29, 2005-44, 2008-004,
11 2009-019 and 2011-005 and all licenses, permits, enforcement orders, and ongoing
12 enforcement actions issued thereunder are specifically preserved and remain in full force and
13 effect.

14

15 **SECTION 4. SEVERABILITY:**

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

19

20 **SECTION 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

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

24

25 **SECTION 6. ENFORCEMENT:**

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

29

30 **SECTION 7. PENALTY:**

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

32

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1 **SECTION 8. CAPTIONS:**

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

5

6 **SECTION 9. EFFECTIVE DATE:**

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

9

10 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
11 County, Florida, on this the ____ day of _____, 2015.

12 **SHARON R. BOCK, CLERK**

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

13

14

15

16

By: _____
Deputy Clerk

By: _____
Shelley Vana, Mayor

17

18

19

20

21 **APPROVED AS TO FORM AND
22 LEGAL SUFFICIENCY**

23

24

25

By: _____
County Attorney

26

27

28

29

30

EFFECTIVE DATE: Filed with the Department of State on the ____ day of

31 _____, 20____.

32

Attachment # 2

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ORDINANCE NO. 2015-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 4 (ORDINANCE 98-22, AS AMENDED BY ORDINANCES 2001-065, 2003-27, 2005-44, 2008-004, 2009-019 and 2011-005) PERTAINING TO ANIMAL CARE AND CONTROL, AMENDING SECTION 4-2 (DEFINITIONS), AMENDING SECTION 4-4 (DOG AND CAT CONTROL); AMENDING SECTION 4-5 (ANIMALS CREATING NUISANCES); AMENDING SECTION 4-8 (KEEPING/ADOPTING STRAY ANIMALS AND MAINTAINING FERAL CATS); AMENDING SECTION 4-11 (DOG AND CAT RABIES/LICENSE TAGS); AMENDING SECTION 4-12 (REDEMPTION AND ADOPTION); AMENDING SECTION 4-13 (ADOPTION FEES AND STERILIZATION REQUIREMENTS FOR DOGS AND CATS); AMENDING SECTION 4-16 (ANIMAL BITES AND QUARANTINING); DELETING SECTION 4-17 (PLACEMENT AND IMPOUNDMENT OF HONEYBEE HIVES); AMENDING SECTION 4-18 (GUARD DOGS);AMENDING SECTION 4-19 (EVICTIONS, JAIL TERMS, COMMUNITY SERVICES ADJUDICATIONS, AND OTHER INVOLUNTARY OCCURENCES; EFFECT ON ANIMALS); AMENDING SECTION 4-21 (LIVESTOCK); AMENDING SECTION 4-22 (NUMBER OF ANIMALS; ACREAGE RESTRICTIONS/EXCESS ANIMAL HABITATS); AMENDING SECTION 4-23 (KENNEL, EXCESS ANIMAL HABITAT, COMMERCIAL BREEDER, PET DEALER, PET SHOP, GROOMING PARLOR, AND COMMERCIAL STABLE PERMITS); AMENDING SECTION 4-24 (ANIMAL CARE; MANNER OF KEEPING); AMENDING SECTION 4-27 (AGGRESSIVE DOGS, DANGEROUS DOGS AND VICIOUS DOGS); AMENDING SECTION 4-28 (STERILIZATION PROGRAM FOR DOGS AND CATS); AMENDNG SECTION 4-29 (HOBBY BREEDER PERMITS); AMENDING SECTION 4-30 (ANIMAL CARE AND CONTROL SPECIAL MASTER HEARINGS); AMENDING SECTION 4-32 (VIOLATIONS, CIVIL INFRACTIONS, CIVIL PENALTIES); ADDING SECTION 4-35 (COMMUNITY CATS); ADDING SECTION 4-36 (ELECTRONIC ANIMAL IDENTIFICATION DEVICE IMPLANTATION FOR ALL CATS); 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, 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

Attachment # 3

Page 1 of 29

1 **WHEREAS**, pursuant to its authority, the Board of County Commissioners (the
2 “Board”) enacted Palm Beach County Animal Care and Control Ordinance 98-22, as amended
3 (“Ordinance”); and

4 **WHEREAS**, the vast majority of cats impounded at the Division of Animal Care and
5 Control (the “Division”) arrive with no identification within which to locate the owner, are
6 never reclaimed by an owner and are not adopted once released into the adoption program,
7 which results in the euthanasia of such cats; and

8 **WHEREAS**, the Board has determined that microchipping every cat will facilitate
9 reuniting lost cats with their owners or returning community cats to the field, which will reduce
10 the euthanasia of such cats and the expense to the community of holding such cats for
11 redemption or adoption; and

12 **WHEREAS**, in order to reduce the overpopulation of cats, which are euthanized every
13 year at alarming rates, the Board has determined that all cats must be spayed or neutered by
14 four months of age unless certain exemptions apply; and

15 **WHEREAS**, spaying and neutering all cats by four months of age, before they are
16 sexually mature and able to reproduce, will prevent unintended breeding and unwanted litters
17 of kittens; and

18 **WHEREAS**, the Board recognizes the need for innovation in addressing the issues
19 presented by the overpopulation of cats and, to that end, it recognizes that there are often
20 community members providing care for cats that have no apparent owner and that trapping,
21 neutering, vaccinating, microchipping, ear tipping and returning to the field healthy obviously
22 cared for cats (i.e. community cats) may be part of the solution to the unnecessary euthanasia of
23 cats; and

24 **WHEREAS**, the Board wishes to embrace the concept of trap, neuter, vaccinate, return
25 to the field (TNVR) as one strategy to address cat overpopulation; and

26 **WHEREAS**, the Board has determined that dogs must be controlled by a leash or
27 otherwise confined when off the owner’s property to protect the health, safety and welfare of
28 the community; and

29 **WHEREAS**, the Board finds that it has a responsibility to encourage best practices in
30 the sale and purchase of companion animals and that such animals should not be sold on
31 roadsides and right-of-ways; and

Attachment # 3

1 **WHEREAS**, it is necessary to amend the Ordinance to provide for consistency with
2 state law; to amend certain definitions; to delete obsolete provisions; to reduce hold times for
3 impounded animals; to provide restrictions on the redemption of animals; to remove regulations
4 pertaining to honeybee hives; to ensure that all animal establishments operate in conjunction
5 with zoning laws; to ensure that all dogs deemed aggressive, dangerous or vicious are walked
6 on a leash and muzzle pending any appeal; to ensure that aggressive dogs are not used as guard
7 dogs; to amend language pertaining to livestock; to amend provisions related to hearings before
8 special masters; to shorten the time in which the Division must hold an animal impounded
9 when an owner is involuntarily unable to care for the animal; to amend regulations pertaining
10 to trapping animals and to make other changes necessary for the efficient operation of the
11 Division and in the best interest of the citizens and animals of the county.

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

14

15 **SECTION 1. CHAPTER 4 (ANIMALS) OF THE PALM BEACH COUNTY CODE IS**
16 **HEREBY AMENDED AS FOLLOWS:**

17 **Sec. 4-2. Definitions.**

18 ***

19 The definition of *adult dog or cat* is hereby deleted.

20 *Commercial trapper* shall mean any person or business receiving compensation for
21 trapping animals.

22 *Community cat* shall mean any un-owned free-roaming cat that has been sterilized,
23 vaccinated against rabies, ear-tipped, implanted with an EAID and returned to field and may be
24 cared for by one or more residents of the immediate area who is/are known or unknown.

25 *Community cat caregiver* means a person who provides food, water and/or other care for
26 one or more community cats but who does not own, harbor, keep or have custody, control or
27 charge of such cats.

28 ***

29 The definition of *direct control* is hereby deleted.

30 ***

31 *Ear-tipping* means removing approximately a quarter-inch off the tip of a cat's left ear
32 while the cat is anesthetized for sterilization. An Ear-tip on the left ear shall be presumptive
33 evidence that a cat has been vaccinated against rabies, implanted with an EAID, sterilized and
34 returned to the field.

Attachment # 3

1 ***

2 The definition of *feral cat* is hereby deleted.

3 *Free-roaming* shall mean any cat found outdoors regardless of the cat's appearance,
4 behavior or ownership status.

5 ***

6 *Humane society* shall mean an incorporated organization that has a nonprofit status with
7 the Internal Revenue Service for which the central purpose is to provide for the protection of
8 animals. A humane society operates from a business facility on appropriately zoned property
9 and has advertised and set hours for public access.

10 ***

11 The definition of *juvenile dog or cat* is hereby deleted.

12 ***

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

18 ***

19 *Private animal nonprofit organization* shall mean an incorporated organization that has a
20 nonprofit status with the Internal Revenue Service for which the central purpose is sheltering,
21 adopting, fostering, providing rescue or old age homes for dogs and/or cats or TNVR for cats.
22 "Rescue" shall include legally receiving dogs and/or cats from shelters or owners, and
23 providing medical or behavioral rehabilitation for placement into new homes. Breeding of
24 rescue dogs or cats is prohibited.

25 ***

26 *Return to field* shall mean return to the place of origin, the vicinity of the place of origin or,
27 as a last resort, to an alternative location if all reasonable options of return to the place of origin
28 have been exhausted.

29 ***

Attachment # 3

1 *Sterilization* shall mean rendering an animal permanently incapable of reproduction by
2 surgical or chemical alteration, implantation of a device or other physical means, or because of
3 physiological sterility, but only where sterilization has been certified by a veterinarian licensed
4 in any state. The term sterilization is equivalent to the term spay for female animals or neuter
5 for male animals.

6 ***

7 *TNVR*, also known as trap, neuter, vaccinate, return, shall mean a program whereby a free-
8 roaming cat is humanely trapped, spayed or neutered, implanted with an EAID, vaccinated
9 against the threat of rabies, ear-tipped and returned to field.

10 ***

11 *Unaltered* shall mean an animal that has not been sterilized.

12 ***

13

14 **Sec. 4-4. Dog and cat control.**

15 (a) *Dogs*. It shall be unlawful for any dog to be off the owner's property (which property is
16 exclusive to the owner) unless the dog is under the restraint or control of a person by
17 means of a leash or other device such as a cage, crate or vehicle in accordance with section
18 4-24, Animal care; manner of keeping. Dogs shall be exempted from the provisions of this
19 subsection when:

20 (1) being used by law enforcement to perform law enforcement services;

21 (2) performing services as a service animal, when necessary to be off leash to perform
22 such services;

23 (3) within a public space designated for dogs to be off-leash such as a dog park or
24 public beach that allows dogs, provided the handler adheres to all rules instituted for
25 such space; or

26 (4) engaged in herding, hunting, registered field trials, obedience trials or an American
27 Kennel Club or other similarly recognized show or competition.

28 (b) A fine schedule for violations of this section shall be established by the board by
29 resolution. As a means to encourage owners to sterilize dogs, the following additional
30 procedure has been implemented: When a first offense citation is issued to an owner of an
31 unsterilized dog for violating paragraph (a) above, the division is authorized to hold the

1 citation for fifteen (15) working days, allowing time for the owner to have said dog
2 sterilized. If proof of sterilization is presented to the division in this time period, the
3 citation shall not be processed through the county court system, thus waiving the citation
4 fine for the owner. If the division is not presented proof of sterilization within fifteen (15)
5 working days, the citation will be processed.

6 (c) Any dog found off the owner's property in violation of this section may be impounded by
7 the division and held for possible redemption in accordance with section 4-12, Redemption
8 and adoption.

9 (d) Any dog or cat that has bitten, attacked or threatened to bite or attack a human being or
10 domestic animal while off the owner's property (which property is exclusive to the owner)
11 may be impounded by the division and held for possible redemption in accordance with
12 section 4-12, Redemption and adoption. Such dog or cat may be removed from the owner's
13 property and impounded unless confined in a humane manner within a secure building or
14 enclosure and unable to come into contact with any person(s).

15 ***

16 **Sec. 4-5. - Animals creating nuisances.**

17 ***

18 Subsection (d) is hereby deleted.

19 ***

20 **Sec. 4-8. - Keeping/adopting stray animals.**

21 (a) It shall be unlawful for any person in the county to harbor or keep any stray or apparently
22 lost animal unless he/she has notified the division within twenty-four (24) hours from the
23 time such animal came into his/her possession. Upon receiving such notice, the division
24 may require the person to bring the animal to the division for identification or sheltering, if
25 necessary. It shall be unlawful for any person to refuse to surrender any such stray animal
26 to an authorized representative of the division upon demand of such representative.

27 (b) *Adopting stray found animals.* The division, at its sole discretion, may permit residents
28 who possess a stray dog or cat and who wish to provide it a permanent home, to legally
29 adopt such animal by adhering to the following procedures:

1 ***

2 At its discretion, the division may refuse an adoption of an animal if it is determined that the
3 adoption is not in the best interest of the animal or the health, safety and general welfare of
4 the public. Factors to be considered may include those factors set forth in section 4-12(d),
5 Redemption and adoption, of this Ordinance.

6 Subsection (c) is hereby deleted.

7 ***

8 **Sec. 4-11. - Dog and cat rabies/license tags.**

9 (a) *Dogs and cats.*

10 (1) Every person who is the owner of any dog six months of age or older or cat four
11 months of age or older shall secure from the division or an authorized
12 veterinarian/clinic a dog or cat rabies/license tag in accordance with the schedule in
13 subsection (a)(6). The division shall provide suitable tags for sale through authorized
14 veterinarians/clinics.

15 (2) No rabies/license tag for dogs or cats shall be issued or renewed until evidence of
16 vaccination for rabies by a licensed veterinarian has been presented. Upon vaccinating
17 a dog or cat against rabies, authorized veterinarians/clinics shall have available for
18 purchase by the dog or cat owner, a county rabies/license tag. The rabies/license tag
19 shall be valid for one (1) year from the date of vaccination and must be renewed
20 annually. No rabies/license tag shall be valid after the expiration of the rabies
21 vaccination, regardless of the date of issuance.

22 (3) Failure to secure and purchase a new license tag within thirty (30) calendar days after
23 the previous tag expires will result in a late penalty. The board is hereby authorized to
24 establish by resolution the cost for the late penalty.

25 (4) All dogs shall be required to wear a valid county license tag. The license tag shall be
26 securely fastened about the dog's neck by a collar, harness or other substantial device
27 so as to be clearly visible at all times. Dogs housed in a secure enclosure may be
28 exempt from wearing the required license tag while kept in the enclosure, as long as
29 the tag is securely fastened to a collar/harness and that device is attached to the

- 1 enclosure. Dogs participating in a registered field trial, obedience trial, conformation
2 show and/or match are not required to wear such tags during the time of the event.
- 3 (5) All cats, other than community cats, shall be required to wear a valid county license
4 tag. The license tag shall be securely fastened around the cat's neck by a collar,
5 harness or other substantial device so as to be clearly visible at all times. Cats, other
6 than community cats, may be exempt from wearing the required license tag while kept
7 in a secure enclosure as long as the tag is securely attached to the enclosure or while
8 within the owner's residence as long as the tag is provided to an officer upon request.
- 9 (6) Every person who owns a dog or cat in the county shall be required to secure a dog or
10 cat rabies/license tag pursuant to the following schedule:
- 11 a. On or before the date a dog is six (6) months of age or cat is four (4) months of
12 age;
- 13 b. Within thirty (30) calendar days of acquiring a dog or cat; or
- 14 c. Within thirty (30) calendar days after a dog or cat enters the county.
- 15 ***
- 16 (d) *Schedule of fees and payments.* The board is hereby authorized to establish by resolution:
- 17 (1) A schedule of fees for all license tags.
- 18 (2) A schedule of payments or handling fees to authorized veterinarians/clinics and
19 representatives who participate in the sale of dog and cat license tags.
- 20 (e) *General license tag requirements for dogs and cats.*
- 21 (1) The address of the owner shall be presumed to be the abode of the dog or cat. All
22 changes of address must be reported to the division within thirty (30) calendar days
23 following such change.
- 24 (2) Any changes of ownership of any dog or cat, be it by sale, transfer or otherwise, shall
25 be reported in writing to the division by the new owner within thirty (30) calendar days
26 after ownership changes.
- 27

1 **Sec. 4-12. - Redemption and adoption.**

- 2 (a) *Cats with an identified owner and dogs.* All cats with an identified owner and dogs that
3 have been impounded shall be held for redemption by the owner for a minimum of four (4)
4 business days that the division is open for public access. Notwithstanding the foregoing,
5 whenever a cat with an identified owner or dog is so injured or diseased as to appear to be
6 suffering and it reasonably appears that such cat with an identified owner or dog is
7 imminently near death or cannot be cured or rendered fit for service and the division makes
8 a reasonable and concerted, but unsuccessful, effort to locate the owner of the cat with an
9 identified owner or dog or the owner's agent, then the division, acting in good faith and
10 upon reasonable belief, may humanely euthanize the cat with an identified owner or dog
11 upon the advice of the division's veterinarian. If the division locates the owner or the
12 owner's agent, the division shall notify him or her of the cat with an identified owner or
13 dog's location and condition and such person shall either immediately redeem and provide
14 care for the cat with an identified owner or dog or relinquish the cat with an identified
15 owner or dog to the division. The division shall be required to attempt to contact the owner
16 of any cat with an identified owner or dog impounded wearing a tag, exhibiting a
17 recognizable tattoo, or implanted with an electronic animal identification device (EAID).
18 Those cats with an identified owner or dogs not claimed within four (4) business days (that
19 the division is open for public access) by the owner shall become the property of the
20 county and may be placed for adoption, transferred to a humane society or private animal
21 nonprofit organization, placed in foster care or disposed of in a humane manner.
22 Impounded cats with an identified owner or dogs that are infected with a contagious
23 disease that poses a threat to the animals or staff at the shelter or to the public may be
24 immediately humanely euthanized. The provisions of this section do not apply to
25 community cats, which are addressed in section 4-35, Community cats.
- 26 (b) *Cats without identification.* All cats without identification such as a tag, a recognizable
27 tattoo or EAID that are impounded by the division shall be immediately processed for
28 adoption, return to field, transfer to a humane society or private animal nonprofit
29 organization or placement in foster care. Notwithstanding the foregoing, whenever such
30 cat is injured or diseased and appears to be suffering and it reasonably appears that such cat
31 cannot be expeditiously cured and returned to field, transferred to a humane society or
32 private animal nonprofit organization or placed in foster care, then the division, acting in

1 good faith and upon reasonable belief, may humanely euthanize the cat upon the advice of
2 a the division's veterinarian. Cats impounded under this subsection that are infected with a
3 contagious disease that poses a significant threat to the animals or staff at the shelter or to
4 the public may be immediately humanely euthanized. Nothing in this section shall be
5 construed to prohibit the Division from humanely euthanizing any cat that is irremediably
6 suffering.

7 (c) Impounded animals shall be released when the following conditions have been satisfied:

8 ***

9 (2) *Rabies vaccination and license tag.* No dog or cat shall be released from the division
10 without a current rabies vaccination and license tag unless the division's veterinarian
11 has determined that the vaccination would endanger the animal's health because of
12 age, infirmity, disability, illness or other medical considerations. Such animal must be
13 vaccinated against rabies as soon as its health permits. Notwithstanding the foregoing,
14 community cats must be vaccinated against rabies but are exempt from the
15 requirement to obtain a license tag.

16 ***

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

- 22 (1) Property and/or lease restrictions.
- 23 (2) Insufficient personal identification or address verification.
- 24 (3) Previous or current reported animal offenses or citations.
- 25 (4) Failure to fulfill requirements of previous animal adoptions.
- 26 (5) Number of animals presently owned.
- 27 (6) Conditions under which animals are to be housed.
- 28 (7) Disposition/temperament of animal to be adopted.
- 29 (8) Observations and determination of field investigator.

Attachment # 3

- 1 (9) Prior convictions for animal cruelty or abuse.
- 2 (10) Prior removal of an animal for neglect or mistreatment under Section 828.073, Florida
- 3 Statutes.
- 4 (11) Relinquishment of ownership of an animal(s) within the past year or history of
- 5 relinquishing ownership of animal(s) on more than one occasion.
- 6 (12) Outstanding fees, costs or fines owed to the division.

7

8 **Sec. 4-13. - Adoption fees and sterilization requirements for dogs and cats.**

- 9 (a) The division shall be responsible for sterilizing every dog and cat prior to release except
- 10 those dogs or cats that are a surgical risk or that are transferred to a humane society or
- 11 private animal nonprofit organization that has agreed to have the dog/cat sterilized prior to
- 12 adoption or return to field.

13 ***

14 **Sec. 4-16. - Animal bites and quarantining; rabies control.**

- 15 (a) A rabies control program, including the investigation of all reported animal bites, may be
- 16 carried out through a mutual agreement with the Florida Health Department using the
- 17 requirements of Florida Department of Health Rules and Regulation, Chapter 64 D-3,
- 18 Florida Administrative Code, and this chapter as a basis for enforcement and program
- 19 implementation.
- 20 (b) Any dog or cat without a current rabies vaccination that has bitten, is believed to have
- 21 bitten or has otherwise exposed a person to rabies or is suspected of having rabies shall be
- 22 quarantined for rabies observation. The owner of such dog or cat shall relinquish control of
- 23 the dog or cat for the purpose of quarantine. The dog or cat shall be quarantined at the
- 24 owner's expense for a period of ten (10) days from the date of the bite at the division or at
- 25 an approved holding facility of a local veterinarian. It shall be unlawful for any person to
- 26 fail to surrender any such dog or cat for rabies quarantine. Additionally, it shall be
- 27 unlawful for any person to fail to inform the division of any such dog or cats whereabouts
- 28 if the owner has relinquished possession of said dog or cat or caused said dog or cat to be
- 29 taken from the owner's premises.

- 1 (c) Any dog or cat with a current rabies vaccination that has bitten, is believed to have bitten
2 or has otherwise exposed a person to rabies may be quarantined at home. The division
3 and/or the county Florida Health Department shall have the authority to grant or deny
4 permission for home quarantine privilege. If at any time during the quarantine period the
5 division determines that the owner of the dog or cat is not able to sufficiently confine the
6 dog or cat, the owner shall relinquish control of the dog or cat to the division. The dog or
7 cat will be confined in the custody of the division or at an approved holding facility of a
8 local veterinarian for the remainder of the quarantine period at the owner's expense.
- 9 (d) Any animal other than a dog or cat which has bitten, is believed to have bitten or has
10 otherwise exposed a person to rabies or is suspected of rabies shall be relinquished into the
11 custody of the division by the owner pending a determination of final disposition by the
12 Florida Health Department.
- 13 (e) If it is determined that a dog has bitten a person, the division shall have the authority to
14 require the owner to visibly display a sign(s) at the owner's expense on the property at all
15 entry points warning that there is a "bad" dog on the premises. The owner shall comply
16 with the sign requirement within forty-eight (48) hours of notification by the division.
- 17 (f) It shall be unlawful for any person to feed or fail to take appropriate precautions to prevent
18 unintentional feeding of any raccoon.
- 19 (g) The following fees shall be imposed, in amounts set forth by resolution of the board, for
20 carrying out the rabies control program:
- 21 ***
- 22 (5) *Quarantine at the division fee.* Owners whose animals are quarantined at the
23 division for a rabies quarantine shall be charged a quarantine fee, which shall be paid
24 by the owner at the beginning for the quarantine period. The owner shall be
25 responsible to pay for any medical care provided during the quarantine period at the
26 conclusion of the quarantine period.
- 27 (h) Except as provided in subsection (g)(5), an invoice reflecting fees imposed pursuant to this
28 section shall be sent to the owner of the animal. Payment shall be made by the owner
29 within thirty (30) days of receipt of said invoice. Failure to pay within such time shall
30 constitute a violation of this chapter, punishable as provided in section 4-30, Violations,
31 civil infractions, civil penalties.

1 Section 4-17, Placement and impoundment of honeybee hives, is hereby deleted.

2 **Sec. 4-18. - Guard dogs.**

3 ***

4 (i) *General requirements for guard dogs.*

5 ***

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

8 **Sec. 4-19. - Evictions, incarcerations, community service adjudications, and other**
9 **involuntary occurrences; effect on animals.**

10 In cases of evictions, incarcerations, hospitalizations, death, adjudications of hardship or
11 the like from the Florida Department of Children and Families or other such community service
12 agencies, and/or other involuntary occurrences whereby the owner of an animal is unavailable
13 or unable to care for an animal and such animal is impounded by the division, the division shall
14 have the authority to place the animal for adoption transfer the animal to a humane society or
15 private animal nonprofit organization or dispose of such animal in a humane manner, when the
16 following conditions are met:

17 (1) Prior to the division's taking any action as described herein, written notice of the
18 division's intent will be provided to the owner of the animal by hand delivery or by
19 mail at the address on file with the division or at the last known address.

20 (2) The owner of the animal shall have five (5) business days from the date of the
21 division's notice to make proper arrangements for the care of the animal, be it by
22 personal claim or otherwise. If the owner does not make such arrangements for the
23 care of the animal within the aforementioned time period, the animal shall become the
24 property of the county.

25 ***

26 **Sec. 4-21. - Livestock.**

27 ***

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1 (c) Livestock impounded at the division shall be held for redemption by the owner for three
2 (3) business days. Livestock not claimed within three (3) business days (that the division is
3 open for public access) by the owner shall become the property of the county and may be
4 placed for adoption, transferred to a humane society or private animal nonprofit
5 organization, placed in foster care or disposed of in a humane manner

6 (d) *Equine infectious anemia/Coggins.*

7 * * *

8 **Sec. 4-22. - Number of animals; acreage restrictions/excess animal habitats.**

9 (a) The chart set forth below prescribes the maximum number of dogs and/or cats, other than
10 community cats, per specified acreage restrictions:

11

12

Number of Dogs and/or Cats:	Less Than 1.5 Acres	1.5 to Less Than 2.5 Acres	2.5 or More Acres
1—10 dogs and/or cats	Allowed	Allowed	Allowed
11—20 dogs and/or cats	Prohibited	Allowed	Allowed
21—30 dogs and/or cats	Prohibited	Prohibited	Allowed

13

14 Acreage determination excludes easements for roads or other areas that must allow public
15 egress and ingress. All property must be contiguous.

16 (b) References to dogs and cats only refer to dogs and cats older than four (4) months. There
17 are no restrictions on the number of dogs and cats younger than four (4) months old that
18 can be on the premises.

19 ***

20

1 **Sec. 4-23. - Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop,**
2 **grooming parlor, and commercial stable permits.**

3 ***

4 (b) *Permit procedures and requirements.*

5 ***

6 (9) No permit shall be issued without written approval from the Palm Beach County
7 Zoning Division or the applicable municipal zoning office to confirm that the animal
8 establishment may legally operate at the proposed location.

9 ***

10 (g) *Minimum general operational standards.*

11 ***

12 (8) Animal waste shall be removed by cleaning regularly throughout the work day.
13 (Commercial stables refer to requirements in subsection (k)).

14 ***

15 (17) No person shall maintain unsterilized dogs over six months of age or unsterilized cats
16 over four months of age together without first obtaining an appropriate breeding permit
17 from the division.

18 ***

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

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

22 ***

23 g. On a monthly basis, commercial breeders shall provide the division
24 with the name, address, and telephone number of the new owner of any puppy or
25 kitten placed or a notice that no animal was sold during the month.

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

27 ***

28 b. Animals shall be confined and not allowed to run at large on the
29 premises, except with the written approval of the owner of the animal.

1 c. Animals housed in kennels shall be separated in the following manner:

2 1. Dogs from cats.

3 2. Unsterilized males from females.

4 3. Nursing mothers with their young from all others.

5 4. Boarding dogs from registered guard dogs.

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

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

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

15 f. Kennel operators shall comply with the following requirements:

16 1. Notify the division regarding all dogs maintained at their kennel for
17 longer than three (3) months.

18 2. For any dog kenneled for longer than three (3) months, the kennel
19 operator shall arrange for a professional behaviorist or trainer to visit
20 the dog once every three (3) months for the purpose of evaluation,
21 therapeutic or obedience training.

22 3. For any dog kenneled for longer than three (3) months, the kennel
23 operator shall have a veterinarian examine the dog prior to the fourth
24 month of confinement and every ninety (90) days thereafter. Dogs not
25 maintained on a heartworm preventative program shall be given an
26 occult heartworm test and started on preventative or treated for same.

27 4. Each day a minimum of sixty (60) minutes of play, interaction,
28 grooming and/or training shall be provided to each dog.

29 ***

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1 (5) *Cleaning procedures for Kennels, commercial breeders, pet dealers and excess animal*
2 *habitats.*

3 * * *

4 d. All areas containing animal waste shall be cleaned throughout the day and such
5 waste shall be properly disposed of so as not to cause a nuisance.

6 * * *

7 (6) *Roadside sales.* It shall be unlawful to advertise, display for commercial purposes,
8 attempt to sell or sell any dog or cat on any roadside or public right-of-way.

9 ***

10 **Sec 4-24. Animal care; manner of keeping.**

11 ***

12 (l) Commercial trappers are prohibited from trapping domestic animals except for the purpose
13 of TNVR. Any person trapping a domestic animal shall adhere to the following requirements:

14 (1) Use a humane trap;

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

17 (3) Provide fresh water in the trap;

18 (4) All trapped dogs and cats, other than community cats addressed in subsection (5)
19 below, shall be immediately returned to their rightful owner or to a governmentally
20 operated animal shelter or humane society in the county. Notwithstanding the
21 foregoing, lactating/nursing cats for which no owner can be located shall be
22 immediately released at the location where the cat was trapped. For any dog or cat
23 brought to an animal shelter or humane society, the person who trapped the dog or cat
24 shall provide the address or exact location where the dog or cat was trapped; and

25 (5) All community cats that are trapped shall be immediately released at the location
26 where the cat was trapped unless trapped for the purpose of revaccination, medical care
27 or to address a public health or safety concern as determined by the division;

28 (6) No trapped animal shall be killed in any manner other than a method approved in
29 the American Veterinary Medical Association Guidelines on Euthanasia, as may be
30 amended from time to time;

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1 (7) Trapping shall occur no earlier than two (2) hours before sunset and no later than
2 two (2) hours after sunrise, and trapped animals shall be removed from any trap within
3 that period;

4 (8) Each trap shall include the name, address and telephone number of the person
5 setting the trap on the trap in letters of no less than one quarter (1/4) inch in height; and

6 (9) Any animal trapped shall be handled and transported in a humane manner.

7 ***

8 **Sec. 4-27. Aggressive dogs, dangerous dogs and vicious dogs.**

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

10 (1) The division shall investigate reported incidents involving any dog that may be
11 aggressive or dangerous and shall, if possible, interview the owner and require a sworn
12 affidavit from any person, animal control officer, or enforcement officer desiring to
13 have a dog classified as aggressive or dangerous. In the event that any animal control
14 officer has sufficient cause to believe that a dog is aggressive or dangerous and that
15 the owner is unable or unwilling to humanely, safely and securely confine the dog, the
16 officer may impound the dog pending the investigation and any appeal if deemed
17 necessary to protect the public. The owner shall be responsible for payment of all
18 boarding costs and other fees required for the division to care for the dog pending the
19 outcome of the investigation and resolution of any appeal. An owner's refusal to
20 surrender a dog for impoundment pending the investigation shall constitute a violation
21 of this chapter. At the discretion of the division, a dog that is the subject of a an
22 aggressive or dangerous dog investigation may be confined at a licensed facility
23 approved by the division or at the residence of the owner if the division is given
24 adequate assurance by the owner that the dog can be humanely, safely, and securely
25 confined without posing a danger to the public. If the dog remains with the owner
26 pending the outcome of a dangerous dog investigation and resolution of any appeal,
27 the dog shall be at all times maintained in a securely fenced or enclosed area to
28 prevent the dog from escaping or coming into contact with any person or domestic
29 animal other than a person or domestic animal in the immediate household of the
30 owner. If the dog remains with the owner pending the outcome of an aggressive dog

1 investigation and resolution of any appeal, the dog shall be at all times maintained in a
2 securely fenced or enclosed area to prevent the dog from escaping or coming into
3 contact with any domestic animal other than a domestic animal in the immediate
4 household of the owner. No dog that is the subject of an aggressive or dangerous dog
5 investigation may be relocated or ownership transferred pending the outcome of an
6 investigation or any appeal related to the determination of an aggressive or dangerous
7 dog classification. The owner shall provide the division with the address of where the
8 dog will be maintained pending an investigation and any related hearings.

9 (2) A dog shall not be declared dangerous if the threat, injury or damage was sustained by a
10 person who, at the time, was unlawfully on the property or, while lawfully on the
11 property, was tormenting, abusing, or assaulting the dog or its owner or a family
12 member. No dog may be declared dangerous if the dog was protecting or defending a
13 human being within the immediate vicinity of the dog from an unjustified attack or
14 assault.

15 ***

16 (4) After its investigation, the division shall make an initial determination as to whether
17 there is sufficient cause to classify the dog as aggressive or dangerous. The division
18 shall provide written notification of sufficient cause finding, to the owner, by
19 registered mail, certified hand delivery (signed receipt) or service of process. The
20 owner shall be afforded an opportunity for a hearing before a special master prior to a
21 final determination of the classification. If the owner decides to appeal the initial
22 determination, the owner shall file a written request with the division for a hearing
23 before the special master within seven (7) calendar days from the date of receipt of the
24 notification of the sufficient cause finding and if requested, the hearing shall be held as
25 soon as possible, no sooner than five (5) calendar days and not more than twenty-one
26 (21) calendar days after receipt of the request from the owner. Said written request
27 must be accompanied by an appeal bond and any applicable fees for the care and
28 boarding of said dog (due through the fifth day following the date of the request for
29 hearing. The appeal bond and any other applicable fees shall be established by the
30 board by resolution. The appeal bond shall be remitted to the division in the form of a
31 money order, a certified check, a cashier's check, or a bank check payable to the
32 county. The division shall provide notice of the hearing to the owner by U.S. mail,

1 electronic mail, facsimile, certified mail or certified hand delivery. If the owner after
2 seven (7) calendar days from the delivery of the "notice of intent to classify/sufficient
3 cause notice," has not filed a written request for a hearing, the dog shall be classified
4 as aggressive or dangerous.

5 ***

6 (6) Once a dog is classified as aggressive or dangerous, the division shall provide written
7 notification to the owner by registered mail, certified hand delivery (signed receipt) or
8 service of process. The owner may then file a written request for a hearing in the
9 county court to appeal the classification within ten (10) business days after receipt of
10 the written determination of aggressive or dangerous dog classification and must
11 confine the dog in a securely fenced or enclosed pending resolution of the appeal. If
12 the division allows the owner to maintain possession of the dog during a dangerous
13 dog appeal, the owner must confine the dog in a securely fenced or enclosed area to
14 prevent the dog from escaping or coming in contact with any person or domestic
15 animal other than a person or domestic animal in the immediate household of the
16 owner, pending a resolution of the appeal. If the division allows the owner to maintain
17 possession of the dog during an aggressive dog appeal, the owner must confine the
18 dog in a securely fenced or enclosed area to prevent the dog from escaping or coming
19 in contact with any domestic animal other than a domestic animal in the immediate
20 household of the owner, pending a resolution of the appeal. Pending resolution of an
21 aggressive or dangerous dog appeal, the dog shall at all times wear a muzzle when it is
22 off the owner's property and must be restrained by a substantial leash not exceeding
23 six (6) feet in length and under the control of a competent person.

24 (b) *Aggressive dog mandates and responsibilities.* Within fourteen (14) days after a dog has
25 been classified as aggressive or an aggressive dog classification is upheld on appeal, the
26 aggressive dog shall be implanted with an approved electronic animal identification device
27 (EAID) at the owner's sole expense and the aggressive dog shall be spayed/neutered unless
28 a licensed veterinarian has examined the dog and certified in writing, that at such time
29 spaying/neutering the classified dog will endanger its health because of infirmity,
30 disability, illness or other medical consideration. However, the dog will be
31 spayed/neutered as soon as its health permits. If there is a disagreement concerning the

1 health status for sterilizing an aggressive dog, the division may have the animal care and
2 control staff/contract veterinarian examine the dog to determine its eligibility for
3 sterilization. If the disagreement cannot be resolved, the division and the owner shall agree
4 on a third veterinarian to examine the animal for sterilization eligibility. The cost of the
5 third veterinarian shall be split evenly between the division and the owner. The opinion of
6 the third veterinarian shall govern.

7 (1) *Responsibilities for owner.* An aggressive dog shall at all times wear a muzzle when it
8 is off the owner's property and must be restrained by a substantial chain or leash not
9 exceeding six (6) feet in length and under the control of a competent person. The
10 muzzle must be made in a manner that will not cause injury to the dog or interfere
11 with its vision or respiration but must prevent it from biting any person or domestic
12 animal. Dogs that have been classified as aggressive shall not be brought to a dog
13 park, public park or public beach that allows dogs.

14

15 (c) *Dangerous dog mandates and responsibilities.*

16 (1) *Mandates for owner.* Within fourteen (14) days after a dog has been classified as
17 dangerous or a dangerous dog classification is upheld by the county court on appeal,
18 [a]n owner of a dangerous dog shall comply with all of the following:

19 ***

20 (2) *Responsibilities for owner.*

21 ***

22 c. While on the owner's property, a dangerous dog must be securely confined
23 indoors or securely confined outdoors in an enclosed and locked structure,
24 suitable to prevent the entry of any person other than adult members of the
25 immediate household and constructed to prevent the dog from escaping. The
26 structure must be a minimum of eighty (80) square feet. Such structure shall have
27 secure sides and a secure top and bottom to prevent the dog from escaping over,
28 under or through the structure. The enclosure shall provide a humane existence
29 for the dog and protection from the elements.

30 ***

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1 (d) *Vicious dog.*

2 ***

3 (3) *Vicious dog classification process.*

- 4 a. The division shall investigate any incident involving any dog that may be vicious
5 and shall, if possible, interview the owner and require a sworn affidavit from any
6 person, animal control officer, or enforcement officer desiring to have a dog
7 classified as vicious. In the event that any animal control officer has sufficient
8 cause to believe that a dog is vicious and that the owner is unable or unwilling to
9 humanely, safely and securely confine the dog, the officer may impound the dog
10 pending the investigation and any appeal if deemed necessary to protect the
11 public. The owner shall be responsible for payment of all boarding costs and other
12 fees required for the division to care for the dog pending the outcome of the
13 investigation and resolution of any appeal. An owner's refusal to surrender a dog
14 for impoundment pending the investigation shall constitute a violation of this
15 chapter. At the discretion of the division, a dog that is the subject of a vicious dog
16 investigation may be confined at a licensed facility approved by the division or at
17 the residence of the owner if the division is given adequate assurance by the
18 owner that the dog can be humanely, safely, and securely confined without posing
19 a danger to the public. If the dog remains with the owner pending the outcome of
20 a vicious dog investigation and resolution of any appeal, the dog shall be at all
21 times maintained in a securely fenced or enclosed area to prevent the dog from
22 escaping or coming into contact with any person or domestic animal other than a
23 person or domestic animal in the immediate household of the owner. No dog that
24 is the subject of a vicious dog investigation may be relocated or ownership
25 transferred pending the outcome of an investigation or any appeal of a vicious dog
26 classification. The owner shall provide the division with the address of where the
27 dog will be maintained pending an investigation and any appeal.
- 28 b. After its investigation, the division shall make an initial determination as to
29 whether there is sufficient cause to classify the dog as vicious. The division shall
30 provide written notification of sufficient cause finding, to the owner, by registered
31 mail, certified hand delivery (signed receipt) or service of process. The ten (10)

1 business day time period from date of notification, shall allow the owner to file a
2 written request for a hearing before a special master prior to a final determination
3 of the vicious classification. The hearing shall be held no sooner than five (5)
4 calendar days and not more than twenty-one (21) calendar days after receipt of the
5 request from the owner. The appeal bond, any applicable fees for the care and
6 boarding of said dog (due through the fifth day following the date of the request
7 for hearing) must accompany the owner's written request. The appeal bond and
8 fees shall be established by the board by resolution. The appeal bond shall be
9 remitted to the division in the form of a money order, a certified check, a cashier's
10 check, or a bank check payable to the county. The division shall provide notice of
11 the hearing to the owner by U.S. mail, electronic mail, facsimile, certified mail or
12 certified hand delivery. If the owner fails to appeal within the ten (10) business
13 day period, the dog shall be humanely euthanized.

14 c. Once a hearing date is set, failure to appear before the special master may, at the
15 special master's discretion, result in the dismissal of the hearing with prejudice. In
16 such instances, the process will proceed and the dog shall be classified as vicious.
17 The owner shall be responsible for payment of all boarding costs and other fees as
18 may be required to humanely and safely keep the dog during any appeal
19 procedure.

20 (4) *Notice of appeal.* The owner may then file a written request for a hearing in the county
21 court to appeal the classification within ten (10) business days after receipt of the
22 written determination of vicious dog classification and must confine the dog in a
23 securely fenced or enclosed area pending resolution of the appeal. Pending resolution
24 of the appeal, the dog shall at all times wear a muzzle when it is off the owner's
25 property and must be restrained by a substantial leash not exceeding six (6) feet in
26 length and under the control of a competent person.

27

28 **Sec. 4-28. - Sterilization program for dogs and cats.**

29 ***

30 (b) *Spaying, neutering of dogs and cats.*

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- 1 (1) Every dog six (6) months of age or older and every cat four (4) months of age or older
2 within the county shall be spayed or neutered, unless proof of one of the following
3 exemptions is provided to the division:
- 4 a. The dog or cat is registered with a national or international club, association, or
5 registry recognized by the division, and the owner certifies in writing to the
6 division that the animal is being used, trained, or considered for use in a show(s),
7 sporting competition(s), or other similar competitive event(s) held by one (1) or
8 more national or international clubs, associations, or registries.
- 9 b. A veterinarian licensed in the state certifies in writing that the dog or cat is
10 medically unfit to undergo the required spay or neuter procedure because of a
11 medical condition, including but not limited to age, that would be substantially
12 aggravated by such procedure or would likely cause the dog or cat's death. The
13 writing must state the date by which the dog or cat may be safely spayed or
14 neutered. The division may extend the time for spaying or neutering a dog or cat
15 or may exempt such dog or cat from the spay/neuter requirement based upon the
16 written medical recommendation of a licensed veterinarian. For a dog or cat that
17 is not spayed or neutered due to a health condition as provided herein, the license
18 tag fee established by the board for sterilized dogs or cats shall apply. As soon as
19 the medical condition that prevents a dog or cat from being spayed or neutered
20 ceases to exist, it shall be the duty of the owner of such dog or cat to promptly
21 comply with this section.
- 22 c. The dog is currently used by a law enforcement agency for law enforcement
23 purposes.
- 24 d. The dog is a guide dog or service animal as defined in section 4-2 of this chapter.
- 25 e. The owner wishes to keep the dog unsterilized and certifies in writing to the
26 division that the dog will not be bred or used for stud purposes unless an
27 appropriate breeder permit is first obtained from the division.
- 28 f. The dog or cat is used for breeding purposes by a licensed hobby or commercial
29 breeder.
- 30 g. The dog or cat is being harbored by a shelter, humane society, or private animal
31 nonprofit organization, whether public or private, whose principal purpose is

1 securing the adoption of dogs or cats or offering sanctuary for dogs or cats,
2 provided that the dog or cat is spayed or neutered prior to being placed for
3 adoption.

4

5 **Sec. 4-29. - Hobby breeder permits.**

6 (a) *Hobby breeder permits.*

7 (1) No person shall breed a dog or cat or offer a dog or cat for breeding or stud purposes
8 without first obtaining an appropriate breeding permit issued by the division. No person
9 shall maintain unsterilized dogs over six (6) months of age or unsterilized cats over four
10 (4) months of age together without first obtaining an appropriate breeding permit from the
11 division. The cost of the permit and other related fees shall be established by the board by
12 resolution.

13 (2) Hobby breeders shall:

14 ***

15 e. On a quarterly basis, the name, address, and telephone number of the new owner
16 of any dog, cat, puppy or kitten placed or a notice that no animal was sold during
17 the quarter shall be provided to the division;

18 ***

19 (d) *Violations.*

20 ***

21 (5) It shall be a violation of this section to advertise, display, attempt to sell or sell
22 any dog or cat on any roadside or public right-of-way.

23 ***

24 **Sec. 4-30. - Animal care and control special master hearings.**

25 (a) The board of county commissioners shall appoint special masters who shall make
26 decisions relating to any hearings that have been initiated as provided in this chapter.
27 Special masters shall have the qualifications as specified in and shall be appointed in

1 accordance with Article 2, Palm Beach County Unified Land Development Code, as
2 amended.

3 ***

4 (i) Except as provided in section 27 with regard to aggressive, dangerous and vicious dogs,
5 (a)ny person may appeal a final order of a special master within thirty (30) days by filing a
6 petition for writ of certiorari in the Circuit Court of the Fifteenth Judicial Circuit Court.

7 ***

8 **Sec. 4-32. - Violations, civil infractions, civil penalties.**

9 ***

10 (d) The county clerk shall accept designated fines and issue receipts therefore.

11 ***

12 (h) Pursuant to Florida Statutes, §§ 938.01 and 938.19, mandatory costs shall be assessed
13 against every person convicted of a violation of this chapter. Pursuant to Florida Statute §
14 828.27, a five dollar (\$5.00) surcharge shall be assessed against every person convicted of
15 a violation of this chapter.

16 ***

17 **SECTION 2. SEC. 4-35 IS ADDED AS FOLLOWS:**

18 **Sec. 4-35. Community Cats.**

19 (a) The board establishes the following community cat requirements:

20 (1) All community cats must be cared for on the private property of the caregiver or
21 with permission of the property owner or property manager.

22 (2) All community cat caregivers shall have all un-owned free-roaming cats within their
23 care sterilized, implanted with a EAID, vaccinated against rabies, and ear- tipped for
24 easy identification.

25 (3) All community cat caregivers are required to provide certain necessities to each
26 community cat under his/her care on a regular/ongoing basis, including, but not limited
27 to, proper nutrition, adequate quantities of visibly clean and fresh water and medical
28 care as needed. If medical care is unavailable or too expensive, the community cat
29 caregiver must not allow the cat to suffer. Dumping on the ground or dispensing large

1 quantities of food more than will be immediately eaten by the community cats present is
2 prohibited. Feeding areas must be maintained in a clean and sanitary condition.

3 (4) Community cat caregivers shall make reasonable attempts to remove young kittens
4 from the field for domestication.

5 (b) A person returning a community cat to field must provide the Division with the cat's EAID
6 number and any other information upon request by the Division.

7 (c) Community cats meeting the requirements of this section are exempt from the license tag
8 requirements of section 4-11, Dog and cat rabies/license tags.

9 (d) The Division has the right to remove or authorize the removal of any free-roaming cat or
10 community cat because of immediate public health or safety concerns.

11 (e) No community cat shall be released at any governmentally owned or managed park, natural
12 area, area deemed as environmentally sensitive land or on any easement adjacent to such lands
13 without approval from the applicable governmental entity.

14 (f) Healthy community cats that have been impounded at the division may be immediately
15 returned to field, released to a caregiver or adopted. Notwithstanding the foregoing, whenever
16 such cat is visibly injured or diseased and appears to be suffering and it reasonably appears that
17 such cat cannot be expeditiously cured and returned to field, transferred to a humane society or
18 private animal nonprofit organization or placed in foster care, then the division, acting in good
19 faith and upon reasonable belief, may humanely euthanize the cat upon the advice of the
20 division's veterinarian.

21

22 **SECTION 3. SEC. 4-36 IS ADDED AS FOLLOWS:**

23 ***Sec. 4-36. Electronic animal identification device implantation (EAID) for all cats.***

24 (a) All cats four (4) months of age or older shall be implanted with an EAID, unless a
25 veterinarian licensed in the state certifies in writing that a specific cat is medically unfit to
26 be implanted with an EAID because of a medical condition, including but not limited to
27 age, that would be substantially aggravated by such procedure or would likely cause the
28 cat's death. The writing must state the date by which the cat may be safely implanted with
29 an EAID. The division may extend the time for implanting the cat with an EAID or may
30 exempt such cat from the requirement based upon the written medical recommendation of
31 a licensed veterinarian. As soon as the medical condition that prevents a cat from being

1 implanted with an EAID ceases to exist, it shall be the duty of the owner of such cat to
2 promptly comply with this section.

3 (b) The owner of every cat shall keep his/her contact information associated with the EAID up
4 to date with the division.

5 (c) EAID's for community cats may be registered to a humane society, private animal nonprofit
6 or individual.

7

8 **SECTION 2. REPEAL OF LAWS IN CONFLICT:**

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

11

12 **SECTION 3. SAVINGS CLAUSE:**

13 Notwithstanding anything herein to the contrary, all provisions of Palm Beach County
14 Ordinance No. 98-22, as amended by Ordinances 2001-065, 2003-29, 2005-44, 2008-004,
15 2009-019 and 2011-005 and all licenses, permits, enforcement orders, and ongoing
16 enforcement actions issued thereunder are specifically preserved and remain in full force and
17 effect.

18

19 **SECTION 4. SEVERABILITY:**

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

23

24 **SECTION 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

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

28

29 **SECTION 6. ENFORCEMENT:**

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

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SECTION 7. PENALTY:

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

SECTION 8. 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 9. 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 _____, 2015.

SHARON R. BOCK, CLERK	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
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By: _____	By: _____
Deputy Clerk	Shelley Vana, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
County Attorney

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