

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

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

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: Stephanie Sepre 6/4/15 Date
for Department Director

Approved By: Stephanie Sepre 6/4/15 Date
for Assistant County Administrator

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	<u>0</u>	_____	_____	_____	_____

ADDITIONAL FTE POSITIONS (Cumulative) 0 0 0 0 0

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 Semore

III. REVIEW COMMENTS

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

Sherry M
 h/D 6/8 OFMB AK 6/8/15

A. J. Jacobuff 6/9/15
 Contract Administration
 6-9-15 B. Wheeler

B. Legal Sufficiency:

Sam T
 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.

Attachment # 1

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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

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 ***

Attachment # 2

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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

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30

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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/cats, the following
27 additional procedure has been implemented: When a first offense citation is issued to an
28 owner of an unsterilized dog ~~or cat~~ 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 (EAID).~~

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 ~~e. The "feral cat harborer/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.

Attachment # 2

- 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. ~~W~~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