

Summary: On September 13, 2016, the Board of County Commissioners (BCC) held a preliminary reading of the amended Animal Care and Control (ACC) Ordinance. At that meeting, the BCC concurred with staff's recommended changes and directed staff to include a provision that allows ACC to revoke pet shop permits that have two major violations within a five year period. In addition, staff added definitions for major and minor violations and moved the effective date of the grandfathering clause from November 1, 2016 to October 1, 2016. As previously addressed in the preliminary reading, ordinance revisions were made to: prohibit the issuance of new pet shop and pet dealer commercial operating licenses and grandfathering in of existing licensees that remain in good standing; require pet shops and pet dealers to obtain dogs and cats from USDA licensed breeders, dealers and transporters that have no record of animal cruelty or neglect and have not received certain USDA violations within the past two years; and exempt pet shops from certain regulations when rescue dogs or cats are offered for adoption in the store. The next category of revisions support the Countdown to Zero (C2Z) mission to allow for better monitoring on adoptions, rabies vaccines, microchips, and tag requirements for animals entering our County as well as supply critical data necessary to measure success of C2Z. Changes include: require Animal Agencies to provide adoption records to ACC monthly; and require that any animal adopted out unsterilized by an Animal Agency due to health concerns be brought back to the Animal Agency or agency's veterinarian as soon as possible for sterilization. The final category includes minor revisions which are the following: amend regulations pertaining to dangerous and vicious dogs for consistency with Chapter 767, F.S.; and prohibit the breeding of cats other than registered pedigreed cats. Staff determined that current resources are not sufficient to ensure compliance and provide enforcement for these proposed ordinance changes; therefore a full-time Animal Control Officer II position is being requested. This proposed amendment to the Palm Beach County Animal Care and Control Ordinance was presented to the League of Cities on August 24, 2016, and was unanimously approved. In addition, the League of Cities made a motion to request the County to allocate additional resources to support these changes.

COUNTYWIDE (SF)

Background and Policy Issues: A summary of the substantive changes to the existing ACC Ordinance is attached.

ORDINANCE NO. 2016-_____

1
2
3 AN ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF PALM BEACH COUNTY,
5 FLORIDA, AMENDING PALM BEACH COUNTY CODE,
6 CHAPTER 4 (ORDINANCE 98-22, AS AMENDED BY
7 ORDINANCES 2001-065, 2003-27, 2005-44, 2008-004, 2009-
8 019, 2011-005 and 2015-027) PERTAINING TO ANIMAL
9 CARE AND CONTROL, AMENDING SECTION 4-1
10 (SHORT TILE); AMENDING SECTION 4-2
11 (DEFINITIONS); AMENDING SECTION 4-23 (KENNEL,
12 EXCESS ANIMAL HABITAT, COMMERCIAL BREEDER,
13 PET DEALER, PET SHOP, GROOMING PARLOR, AND
14 COMMERCIAL STABLE PERMITS); AMENDING
15 SECTION 4-26 (ANIMAL AGENCIES); AMENDING
16 SECTION 4-27 (AGGRESSIVE DOGS, DANGEROUS
17 DOGS AND VICIOUS DOGS); AMENDING SECTION 4-28
18 (STERILIZATION PROGRAM FOR DOGS AND CATS);
19 AMENDING SECTION 4-29 (HOBBY BREEDER
20 PERMITS); AMENDING SECTION 4-30 (ANIMAL CARE
21 AND CONTROL SPECIAL MASTER HEARINGS);
22 PROVIDING FOR REPEAL OF LAWS IN CONFLICT;
23 PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR
24 SEVERABILITY; PROVIDING FOR INCLUSION IN THE
25 CODE OF LAWS AND ORDINANCES; PROVIDING FOR
26 ENFORCEMENT; PROVIDING FOR PENALTY;
27 PROVIDING FOR CAPTIONS; AND PROVIDING FOR
28 AN EFFECTIVE DATE.

29
30 WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County
31 Commissioners of Palm Beach County to adopt ordinances to protect the health, safety, and
32 welfare of the citizens and animals of Palm Beach County; and

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

36 WHEREAS, according to the Humane Society of the United States ("HSUS"),
37 hundreds of thousands of dogs and cats have been housed and bred at substandard breeding
38 facilities known as "puppy mills" and "kitten factories" (collectively "Facilities") that mass-
39 produce animals for sale to the public; and

40 WHEREAS, these Facilities engage in mass-breeding with an emphasis on profit over
41 animal welfare and animals are often housed in overcrowded and unsanitary conditions without
42 adequate veterinary care, shelter, food, water, grooming, exercise, socialization or affection;
43 and

44 WHEREAS, many animals produced in these Facilities are purchased by retail pet
45 shops and pet dealers for sale to the public; and

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1 WHEREAS, because of the lack of proper animal husbandry practices at many of
2 these Facilities, animals born and raised there are more likely to suffer from health, social and
3 temperament problems that result in costly treatment or even death; and

4 WHEREAS, health certificates received by the County from local pet shops show that,
5 in 2015, puppies were sold to consumers with conditions ranging from luxating patellas
6 (floating kneecap), inguinal and umbilical hernias, heart murmurs, and open fontenels (soft spot
7 on the skull); and

8 WHEREAS, County pet shop records reveal that, in 2015, six of the County's eight pet
9 stores received dogs from Facilities that have been listed on HSUS's *The Horrible Hundred* list
10 of Facilities with animal welfare violations; and

11 WHEREAS, the Board has determined that additional requirements should be placed
12 on existing pet stores and pet dealers to ensure that puppies and kittens are obtained from
13 humane breeders; and

14 WHEREAS, prohibiting additional pet shops and pet dealers from operating while
15 placing additional requirements on existing pet shops and pet dealers will promote and protect
16 the general health, safety and welfare of the community, protect consumers, and promote the
17 County's Countdown 2 Zero program whereby no adoptable dog or cat will be at risk of
18 euthanasia; and

19 WHEREAS, it is necessary to amend the Ordinance to revise language pertaining to
20 aggressive, dangerous and vicious dogs for consistency with Chapter 767, Florida Statutes; to
21 prohibit the breeding of cats other than pedigreed cats; to require animal agencies to maintain
22 records regarding the intake and disposition of animals, to provide records to the Division and
23 to allow for inspection of animal agency facilities and records by the Division.

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

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

28
29
30 **Sec. 4-1. Short Title; applicability.**

31 (a) This chapter shall be designated and may be cited as the "Palm Beach County Animal Care
32 and Control Ordinance of 1998."

33 (b) The provisions of this Ordinance shall be applicable to the incorporated and unincorporated
34 areas of Palm Beach County, unless a municipal exemption applies. Unless otherwise provided,

1 nothing in this Ordinance shall be construed to relieve any person from compliance with any
2 applicable county or municipal regulations.

3 **Sec. 4-2. Definitions.**

4 ***

5 Adoption means the transfer of ownership of an unwanted, abandoned, abused or stray
6 animal by a shelter, humane society, private nonprofit animal organization, or animal rescue
7 organization to an adoptive owner. The term adoption does not include the sale of an animal
8 for profit.

9 ***

10 Animal rescue organization shall mean any organization engaged in housing dogs or
11 cats in the County for the purpose of adoption.

12 ***

13 Carrier means the operator of any airline, railroad, motor carrier, shipping line, or other
14 enterprise that is engaged in the business of transporting any animals for hire.

15 Class A breeder means a person who holds a class A license issued by the United States
16 Department of Agriculture pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated
17 thereunder.

18 Class B dealer means a person who holds a class B license issued by the United States
19 Department of Agriculture pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated
20 thereunder.

21 ***

22 Domestic animal shall mean any dog, cat, horse, pony, mule, cow, goat, sheep, pig, fowl
23 chicken, goose, duck, or rabbit that is owned by a person or any animal defined in F.S. §
24 585.01(10), that is owned by a person.

25 ***

26 Finally determined means a determination of a federal agency where all rights to
27 challenge such determination at available administrative tribunals and courts of law have been
28 exhausted or the time period within which such challenge may be filed has expired.

29 ***

30 Intermediate handler means any person (other than a dealer, research facility, exhibitor,
31 any person excluded from the definition of a dealer, research facility, or exhibitor, an operator

1 of an auction sale, or a carrier as defined in 9 C.F.R. § 1.1), who is engaged in any business in
2 which he/she receives custody of animals in connection with their transportation in commerce.

3 ***

4 Major violation shall mean a violation including any one of the following:

5 (1) a violation of Section 4-24(a), Animal Care; manner of keeping, other than a
6 violation requiring immediate veterinary care as provided in Section 4-
7 23(b)(11)e, Kennel, excess animal habitat, commercial breeder, pet dealer, pet
8 shop, grooming parlor, and commercial stable permits.

9 (2) failure to ensure that animals offered for sale are vaccinated with required
10 vaccines as required by this Ordinance.

11 (3) offering an animal for sale without maintaining all properly completed
12 OCVI's pertaining to the animal, which contain records for only one animal, as
13 required by this Ordinance.

14 (4) failure to have an animal examined by a veterinarian and tested by a
15 veterinarian as provided in Section 23(i)(1), Kennel, excess animal habitat,
16 commercial breeder, pet dealer, pet shop, grooming parlor, and commercial
17 stable permits.

18 (5) falsifying records required to be maintained or provided to the County or
19 consumers under this Ordinance.

20 (6) a violation of Section 4-23(n), Kennel, excess animal habitat, commercial
21 breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.

22 (7) failure to properly isolate or quarantine an animal with a known or suspected
23 communicable animal-to-human or animal-to-animal disease.

24 (8) failure to comply with minimum requirements concerning physical facilities,
25 animal cages, enclosures, housing, or shelter or tethering in violation of this
26 Ordinance.

27 (9) a violation involving a dog or cat transported or offered for sale prior to eight
28 weeks of age or imported in violation of this Ordinance.

29 (10) failure to provide required disclosures to a consumer.

1 (11) failure to comply with warranty requirements for dogs and cats offered for
2 sale.

3 (12) failure to follow cleaning requirements set forth in this Ordinance.

4 Minor violation shall mean a violation that is readily correctible including any one of the
5 following:

6 (1) any violation involving recordkeeping or signage that is not listed as a major
7 violation.

8 (2) failure to timely provide records to the Division.

9 (3) failure to microchip an animal as required by this Ordinance.

10 (4) failure to make a record available to an inspector upon request.

11 (5) a violation involving an animal escaping from the premises of the permitted
12 facility.

13 *Pet dealer* shall mean any person who, in commerce, for compensation or profit engages in
14 the sale of ~~more than two (2) litters of a dog(s) or cat(s)~~ for use as a pet or twenty (20) dogs or
15 ~~cats, whichever is greater, per calendar year,~~ but who does not engage in breeding dogs or cats.
16 This definition excludes humane societies, ~~private not for profit animal shelters,~~ private animal
17 nonprofit organizations, animal rescue organizations and ~~government animal control shelters.~~

18 *Pet shop* shall be held to include any place of ~~or~~ business where pet/companion animals
19 (including small animals intended for use as reptile food) are kept for retail or wholesale
20 purchase. Excluded are those animals regulated and controlled by the State Fish and Wildlife
21 Conservation Commission. This definition excludes humane societies, ~~private not for profit~~
22 ~~animal shelters,~~ private animal nonprofit organizations, animal rescue organizations and
23 ~~government animal control shelters.~~

24 Shelter means a governmentally operated animal care and control facility.

25 ***

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

28 (a) *Applicability of this chapter and other laws.*

29 ***

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

6 (b) Permit procedures and requirements.

7 ***

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

15 ***

16 ~~(8) No permit shall be renewed hereunder if an applicant has outstanding and unsatisfied~~
17 ~~civil penalties imposed due to violations of this chapter.~~

18 ~~(8)(9)~~ No permit shall be issued without written approval from the Palm Beach County
19 Zoning Division or the applicable municipal zoning office to confirm that the animal
20 establishment may legally operate at the proposed location.

21 ~~(9)(10)~~ An animal control officer may conduct an investigation of any complaint
22 concerning any animal establishment within the County.

23 ~~(10)(11)~~ If an inspection of an animal establishment reveals noncompliance with this
24 chapter, an animal control officer may issue a citation, setting forth the name of the
25 establishment being cited, to owners or managers of an animal establishment. ~~Said~~
26 ~~citation shall be issued in the name of the animal establishment's owner and also state~~
27 ~~the name of the person signing for the owner of the animal establishment.~~

28 ~~(11)(12)~~ By notice of adverse action, the Division may deny, revoke or suspend any permit
29 if it is determined that:

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- 1 a. There has been a material misstatement or misrepresentation in the permit
2 application;
- 3 b. The permit holder/applicant has been cited for at least two (2) major violations or
4 five (5) minor violations, within a ~~one-year~~ five-year period, each resulting in the
5 imposition of a fine;
- 6 c. The permit holder/applicant has outstanding and unsatisfied civil penalties
7 imposed due to a violation of this chapter; ~~The permit holder/applicant has failed~~
8 to pay a fine or to request a hearing in County Court to answer the charges of a
9 citation within thirty (30) days of issuance of the violation;
- 10 d. The permit holder/applicant ~~any of his agents~~ or a member of the household if a
11 home-based business has ~~have~~ been convicted of a violation of law involving
12 cruelty to animals;
- 13 e. An animal under the care and responsibility of a permit holder/applicant has been
14 found to be in need of immediate veterinary care that, if not treated, would result
15 in suffering, pain or death;
- 16 f. The permit holder/applicant and/or ~~their~~ his/her/its employees/agents, refuses to
17 allow the inspection of the premises;-
- 18 g. The permit holder/applicant or a member of the household if a home-based
19 business has had a final judgment entered against him/her/it based upon a finding
20 of animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or
21 comparable statute; or
- 22 h. The permit holder/applicant knowingly employs/employed an employee who
23 has been convicted of a violation of law involving cruelty to animals or who has
24 had a final judgment entered against him/her based upon a finding of animal
25 neglect or mistreatment pursuant to Florida Statutes § 828.073 or comparable
26 statute.
- 27 ~~(12)~~(13) No permit fee shall be refunded for a permit that is revoked or suspended. For a
28 permit that is denied after review and inspection, the permit fee shall be refunded as
29 provided by the Board by resolution.

1 (13) After October 1, 2016, no new permit shall be approved for any pet shop that offers
2 for sale dogs or cats. Notwithstanding the foregoing, existing pet shops that offer for
3 sale dogs or cats may renew their pet shop operating permit or relocate the business
4 provided they are in compliance with this Ordinance and may transfer their business to
5 family members or heirs provided that the transferee meets all requirements for
6 licensure under this Ordinance. After October 1, 2016, any pet shop that offers for
7 sale dogs or cats shall not open additional stores.

8 (14) After October 1, 2016, no new permit shall be approved for any pet dealer that offers
9 for sale dogs or cats. Notwithstanding the foregoing, existing pet dealers that offer for
10 sale dogs or cats may renew their pet dealer operating permit or relocate the business
11 provided they are in compliance with this Ordinance and may transfer their business to
12 family members or heirs provided that the transferee meets all requirements for
13 licensure under this Ordinance. After October 1, 2016, any pet dealer that offers for
14 sale dogs or cats shall not operate from additional business premises.

15 (15) No cat shall be bred unless it is a pedigreed cat registered as such with the Cat
16 Fancier Association or The International Cat Association. No permit shall be issued
17 for any commercial cat breeding operation unless the cats to be bred are pedigreed cats
18 registered as such with the Cat Fancier Association or The International Cat
19 Association.

20 (16) No dog or cat shall be rented or leased and no permit shall be issued for such purpose.

21 ***

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

23 (1) General requirements for pet shops and pet dealers. For the purpose of this section, the
24 word dog means a dog of any age and the word cat means a cat of any age.

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

1 Florida. An OCVI certifying compliance with this chapter must accompany each
2 dog and cat transported into the State of Florida for sale.

3 b. Each OCVI shall contain records for only one dog or cat.

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

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

- 11 1. Canine distemper.
- 12 2. Leptospirosis.
- 13 3. Bordetella (by intranasal inoculation or by an alternative method of
14 administration if deemed necessary by the attending veterinarian and noted
15 on the health certificate, which must be administered in this State once before
16 sale).
- 17 4. Parainfluenza.
- 18 5. Hepatitis.
- 19 6. Canine parvo.
- 20 7. Rabies, provided the dog is over three (3) months of age and the inoculation
21 is administered by a licensed veterinarian.
- 22 8. Roundworms.
- 23 9. Hookworms.

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

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

- 6 1. Panleukopenia.
- 7 2. Feline viral rhinotracheitis.
- 8 3. Calici virus.
- 9 4. Rabies, if the cat is over three (3) months of age and the inoculation is
10 administered by a licensed veterinarian.
- 11 5. Hookworms.
- 12 6. Roundworms.

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

19 fe. Every dog and cat offered for sale by a pet shop or pet dealer must be
20 accompanied by a current OCVI at all times while being offered for sale within
21 the County. The examining veterinarian must retain one (1) copy of the OCVI on
22 file for at least one (1) year after the date of examination.

23 gf. Each dog and cat in the possession of a pet shop or pet dealer shall be examined
24 by a veterinarian licensed to practice in Florida no more than thirty (30) days
25 before the sale within the County. The examination must include, but not be
26 limited to, an evaluation for possible congenital defects and contagious diseases
27 and a fecal test to determine if the dog or cat is free of internal parasites, including
28 hookworms, roundworms, tapeworms, and whipworms. If the examination
29 warrants, the dog or cat must be treated with a specific anthelmintic. In the
30 absence of a definitive parasitic diagnosis, each dog or cat must be given a broad

1 spectrum anthelmintic. At the conclusion of the examination, the veterinarian
2 shall complete an OCVI including all medical findings, which shall remain
3 current for a period of thirty (30) days. Each dog and cat in the possession of a pet
4 shop or pet dealer shall be re-examined by a veterinarian every thirty (30) days
5 and the pet shop or pet dealer shall ensure that a current OCVI is completed by
6 the examining veterinarian.

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

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

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

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

17 lk. No pet shop or pet dealer shall import a dog into the United States in violation of
18 7 U.S.C. 2148, Importation of live dogs.

19 m. Except as provided in Section 4-23(i)(10), it shall be unlawful for any pet shop or
20 pet dealer to display, offer for sale, deliver, barter, give away, transfer or sell any
21 dog or cat from any source that does not hold a valid license issued by the United
22 States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq., or successor
23 provision of law as of the date such pet shop or pet dealer received such dog or
24 cat. Pet shops or pet dealers shall only obtain dogs and cats from:

25 1. A breeder holding an active class A license issued by the United States
26 Department of Agriculture pursuant to 7 U.S.C. § 2131, et seq. and
27 regulations promulgated thereunder.

28 2. A dealer holding an active class B license issued by the United States
29 Department of Agriculture pursuant to 7 U.S.C. § 2131, et seq. and
30 regulations promulgated thereunder, and if the class B license holder is not

1 the breeder, obtained the dog or cat from a breeder who is licensed by the
2 United State Department of Agriculture.

3 3. A transporter holding an active license as a carrier or intermediate handler
4 issued by the United States Department of Agriculture pursuant to 7 U.S.C. §
5 2131, et seq. and regulations promulgated thereunder and who obtained the
6 dog or cat from a breeder who is licensed by the USDA.

7 ~~nm.~~ It shall be unlawful for any pet shop or pet dealer to shall obtain a dog or cat from
8 any source, including but not limited to a breeder or dealer, if the source or, an
9 owner, operator or employee of the source:

10 1. has been convicted of cruelty to animals under any Federal, State or local
11 law.

12 2. has had a final judgment entered against it/him/her based upon a finding of
13 animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or
14 comparable statute.

15 3. has been ~~temporarily~~ or permanently enjoined from breeding, selling,
16 handling, transporting or dealing in dogs or cats by any court.

17 4. whose license/permit issued by any local government, State, or Federal
18 government to breed, sell, handle, transport or otherwise deal in dogs or cats
19 is suspended or revoked.

20 5. ~~a current license/permit to breed, sell dogs or cats as required by the~~
21 ~~applicable local, State or Federal law.~~ that has received a finally determined
22 citation for any “direct” noncompliance violation as indicated on any United
23 States Department of Agriculture inspection report at any time during the
24 prior two years.

25 6. that has received a finally determined citation for failure to provide a United
26 States Department of Agriculture inspector access to property, animals or
27 records as required by 9 C.F.R. § 2.126, unless a subsequent inspection has
28 been performed at which no direct or indirect violations were found by the
29 inspector.

- 1 7. that has received three or more finally determined noncompliance citations
2 for violations other than “direct” noncompliance or a violation of 9 C.F.R. §
3 2.126 at any time during the prior two years.
- 4 8. that has received a finally determined repeat noncompliance citation at any
5 time during the prior two years.
- 6 9. that has received a finally determined cease and desist order pursuant to 7
7 U.S.C. § 2149 at any time during the prior two years.

8 om. An OCVI must:

- 9 1. be signed on the date of examination by the examining veterinarian who is
10 licensed by the state of origin and accredited by the United States Department
11 of Agriculture and must include the veterinarian's license number.
- 12 2. show the date of birthage, sex, breed, color, EAID number, if applicable, and
13 health record of the dog or cat examined.
- 14 3. contain the printed or typed names and addresses of the person or business
15 from whom the dog or cat was obtained, the consignor or seller, the
16 consignee or purchaser, and the examining veterinarian.
- 17 4. for each dog or cat, list all tests performed, the results of all tests performed,
18 all vaccines and deworming medications administered, including the
19 manufacturer, vaccine, type, lot number, expiration date, and the dates of
20 administration thereof.
- 21 5. state that the examining veterinarian warrants that, to the best of his or her
22 knowledge, the dog or cat has no sign of contagious or infectious diseases
23 and has no evidence of internal or external parasites, including coccidiosis
24 and ear mites, but excluding fleas and ticks.
- 25 6. state whether the examining veterinarian has detected any physical
26 abnormalities or congenital defects in the dog or cat including but not limited
27 to a heart murmur, an umbilical hernia, entropion, an inguinal hernia, patellar
28 luxation and cryptorchidism.
- 29 7. be completed in a legible manner.

1 An OCVI that does not meet the above-cited requirements shall not comply with
2 this chapter. The pet shop or pet dealer shall ensure that the OCVI is properly
3 completed with all relevant information.

4 ~~pa.~~ It shall be a violation of this chapter to falsify any information provided in any
5 OCVI.

6 ~~qe.~~ All dogs and cats offered for sale and copies of OCVI's held by a pet shop, pet
7 dealer or veterinarian are subject to inspection by any agent of the Division, the
8 Department of Agriculture and Consumer Services, any agent of the United States
9 Department of Agriculture, any law enforcement officer, or any agent appointed
10 under Florida Statutes § 828.03.

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

13 (2) Records.

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

17 1. ~~The name, and address, USDA license number and state and local license~~
18 ~~number, if applicable, of the every breeder, dealer, intermediate handler and~~
19 ~~carrier that has owned, possessed or handled the dog or cat. If the breeder of~~
20 ~~the dog or cat is licensed by the United States Department of Agriculture, a~~
21 ~~state, or a local government to breed, sell or otherwise deal in dogs and cats,~~
22 ~~the pet shop or pet dealer shall maintain the license number, identification~~
23 ~~number, or other permit number.~~

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

- 1 23. The date the dog or cat was born and the date the pet shop or pet dealer
2 received the dog or cat.
- 3 34. The breed, sex, color, and identifying marks of the dog or cat. If the breed is
4 unknown or mixed, the record shall so indicate.
- 5 45. If the dog or cat is being sold as capable of registration, the names and
6 registration numbers of the sire and dam and litter number.
- 7 56. A copy of each OCVI that has been completed for the dog or cat up to the
8 point of sale.
- 9 67. A complete record of any medical treatment or medication provided to or
10 recommended for each dog or cat by a veterinarian and any medical
11 diagnosis made by a veterinarian concerning each dog or cat up to the point
12 of sale. If such information is contained in an OCVI, the OCVI shall be
13 sufficient; if not, the pet shop or pet dealer shall obtain a copy of each dog or
14 cat's medical records from the veterinarian.
- 15 78. A record of any known disease, illness, or congenital or hereditary condition
16 that adversely affects the health of the dog or cat at the time of sale or is
17 likely to adversely affect the health of the dog or cat in the future.
- 18 b. For a period of two (2) years from the disposition of each dog and cat, the pet
19 shop or pet dealer shall maintain records specifying the date and nature of
20 disposition of each dog and cat and the name, address, and phone number of the
21 purchaser ~~(or~~ and owner (if different than the purchaser) of each dog or cat.
- 22 c. ~~Once per month~~ By the fifteenth (15th) day of the month, each pet shop and pet
23 dealer shall provide the Division with the following records for each dog and cat
24 sold, disposed of or that died during the previous month indicating:
- 25 1. a copy of each OCVI that has been completed for such dog or cat; 1. the
26 number of dogs and cats sold or disposed of during the previous month;
- 27 2. the name, and physical address (no P.O. boxes), USDA license number and
28 state and local license number, if applicable, of the every breeder, dealer,
29 intermediate handler and carrier that has owned, possessed or handled the dog or

1 ~~cat. that transported the dog or cat, dealer, or source from which each dog and cat~~
2 ~~was obtained;~~

3 3. the date each dog and cat was obtained; ~~and~~

4 4. the date each dog and cat was sold, died, or was otherwise disposed of by the
5 pet shop or pet dealer; and

6 5. the name, physical address (no P.O. boxes), and telephone number of the
7 purchaser and ~~or~~ owner (if different from the purchaser) of each dog and cat sold
8 during that month, including the EAID number, breed, color, sex, and age of each
9 dog and cat.

10 d. If any dog or cat dies while in the possession of a pet shop or pet dealer, the pet
11 shop or pet dealer shall maintain a record of the date of death and known or
12 suspected cause of death. Any dog or cat that dies while being treated by a
13 veterinarian or person at the request of the pet shop or pet dealer shall be
14 considered in the possession of the pet shop or pet dealer at the time of death. The
15 veterinarian shall specify the date of and known or suspected cause of death on
16 the dog or cat's OCVI. ~~Upon the death of a dog or cat~~ Within fifteen (15) days
17 following the death of a dog or cat, the pet shop or pet dealer shall provide the
18 Division with records reflecting the date and cause of the dog or cat's death. The
19 pet shop or pet dealer shall maintain a copy of such record for a period of two (2)
20 years from the date of the dog or cat's death.

21 e. Each pet shop and pet dealer shall maintain on the premises all records required
22 by this chapter and shall make such records available to the Division upon
23 request.

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

27 (3) Notices and disclosures to purchasers.

28 a. Each pet shop and pet dealer shall post conspicuously on the cage or enclosure of
29 each dog and cat offered for sale a written notice in twelve-point or greater type
30 identifying the breed, sex, ~~and~~ date of birth of each dog and cat, any illness found

1 by the veterinarian during the most recent examination, and the name, and
2 address, USDA license number and state and local license number, if applicable,
3 of every breeder, dealer, intermediate handler and carrier that has owned,
4 possessed or handled the dog or cat. ~~of the sources that bred each dog and cat and~~
5 sold each dog and cat to the pet shop.

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

9 "Notice to consumers: Before purchasing a dog or cat you may request
10 information concerning each dog or cat's health, medical history, and the source
11 from which the dog or cat was obtained. Upon your request, the pet shop or pet

12
13 dealer is required to show you these records before you purchase a dog or cat and
14 to give you a copy of these records when you purchase a dog or cat."

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

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

22 The Palm Beach County Board of County Commissioners has determined that the
23 unintended or uncontrolled breeding of dogs and cats leads to pet overpopulation
24 at great expense to the community and that every feasible means of reducing the
25 number of unwanted dogs and cats should be encouraged. The Board of County
26 Commissioners has also determined that spaying and neutering every dog and cat
27 is one of the best ways to reduce the number of unwanted pets. Therefore, every
28 ~~dog and cat in Palm Beach County~~ must be spayed or neutered by the time the
29 ~~dog or cat~~ is six (6) months old and every cat must be spayed or neutered by the
30 time the cat is four (4) months old, unless certain exceptions apply.

1 Every owner ~~of a dog or cat~~ must obtain an annual unaltered license tag from the
2 Division or a veterinarian for each dog ~~or cat~~ over the age of six (6) months and
3 every cat over the age of four (4) months that is not spayed or neutered. A dog or
4 cat with an unaltered license tag cannot be bred unless an appropriate breeding
5 permit is first obtained from the Division.

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

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

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

13 d. At the time of sale, each pet shop and pet dealer shall deliver to the purchaser of
14 each dog and cat a written disclosure(s) containing all of the information required
15 in Section 4-23(i)(2)a.1. through 7. ~~the following:~~

16 ~~1. The name, and physical address (no P.O. boxes of the breeder of the dog or~~
17 ~~cat. If the breeder of the dog or cat is licensed by the United States~~
18 ~~Department of Agriculture, a state, or a local government to breed, sell or~~
19 ~~otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the~~
20 ~~license number, identification number, or other permit number.~~

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

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

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

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

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

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

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

14 A The pet shop store or and pet dealer shall provide all of the above-cited written
15 disclosures containing all of the information required in Section 4-23(i)(2)a.1.
16 through 7. to the prospective purchaser of each dog or cat for review prior to the
17 purchase upon request. The pet shop or pet dealer shall maintain a copy of the
18 above-cited written disclosures for a period of two years from the date of sale of
19 each dog and cat and shall make such copies available to the Division upon
20 request.

21 ***

22 (10) Exemption for humane societies, private nonprofit animal organizations animal
23 rescue organizations and shelters.

24 a. A pet shop that allows a humane society, private nonprofit animal organization, animal
25 rescue organization or shelter to use the pet shop's premises for the purpose of making
26 animals available for adoption shall be exempt from the provisions of Subsections
27 (i)(1)(2)(3) and (4) with respect to such animals, provided the pet shop does not have an
28 ownership interest in such animals and the provisions of Section 4-26 are followed. In
29 addition, the pet shop shall post conspicuously on the cage or enclosure of each dog and
30 cat offered for adoption a written notice in twelve-point or greater type identifying the

1 humane society, private nonprofit animal organization, animal rescue organization or
2 shelter from which the dog or cat may be adopted, the breed, the sex, the age, the relevant
3 information known about the dog or cat and that the dog or cat must be sterilized prior to
4 adoption.

5 b. A pet shop may adopt animals from a humane society, private nonprofit animal
6 organization, animal rescue organization or shelter for the purpose of adopting those
7 animals out through the pet shop. With regard to any animal adopted from a humane
8 society, private nonprofit animal organization, animal rescue organization or shelter for the
9 purpose of adoption through the pet shop, the pet shop shall comply with all requirements
10 found in Section 4-26(a)(2)-(10) and (d). In addition, the pet shop shall post conspicuously
11 on the cage or enclosure of each dog and cat offered for adoption a written notice in
12 twelve-point or greater type identifying the humane society, private nonprofit animal
13 organization, animal rescue organization or shelter from which the dog or cat was
14 obtained, the breed, the sex, the age, the relevant information known about the dog or cat
15 and that the dog or cat must be sterilized prior to adoption.

16 ***

17 **Sec. 4-26. Animal Agencies.**

18 (a) All Humane societies shall: society requirements.

19 (1) ~~Shall~~ Hold stray animals for five (5) days (excluding legal holidays or days the
20 operation is closed to the public) allowing owners access for identifying and
21 reclaiming said animals.

22 (2) ~~Shall~~ For a period of two (2) years from the date of impoundment of each animal, keep
23 records of the impoundment and disposition of all each animals received and record
24 relevant dates, names and addresses of persons from whom each animal was obtained
25 and to whom each animals is are released. All such records must be made available to
26 the Division for inspection and copying upon request. By the fifteenth (15th) day of
27 the month, provide the Division with the name and address of each person who has
28 adopted an animal during the previous month and the EAID and license tag number (if
29 applicable) of such animal.

30 (3) ~~Shall~~ Provide dogs and cats released to owners with a rabies inoculation and County
31 rabies/license tag.

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- 1 (4) ~~Shall~~ Provide dogs and cats released to new adopters with:
- 2 a. A rabies inoculation and County rabies tag.
- 3 b. An electronic animal identification device (EAID) or tattoo. The numbering
- 4 system shall be registered with the Division.
- 5 (5) ~~Shall~~ Reasonably assure that adopted dogs are not used as commercial guard dogs.
- 6 (6) ~~Shall~~ assure that animals kept longer than twenty-four (24) hours are maintained in
- 7 animal enclosures that are consistent with subsection 4-23(h).
- 8 (7) ~~Shall~~ Contact appropriate agencies for the identification of any animals found with
- 9 tattoos, tags or electronic animal identification devices (EAID).
- 10 (8) ~~Shall~~ Comply with section 4-24, Animal care; manner of keeping.
- 11 (9) ~~Shall~~ Provide for the sterilization of every adopted dog and cat. Every dog and cat
- 12 shall be sterilized prior to release, unless a veterinarian licensed to practice in the State
- 13 of Florida certifies in writing that the dog or cat has a medical condition that would be
- 14 substantially aggravated by such procedure or would likely cause the dog or cat's
- 15 death. A dog or cat may be temporarily released to a potential adopter if the adopter
- 16 agrees in writing to bring the dog or cat to the Humane Society or authorized
- 17 veterinarian for sterilization ~~sterilize the dog or cat~~ as soon as deemed safe by a
- 18 veterinarian licensed to practice in the State of Florida.
- 19 (10) By the fifteenth (15th) day of the month, provide the Division with the following
- 20 information:
- 21 a. Number of animals in its possession or being sheltered. This data shall be provided
- 22 by species.
- 23 b. Number of dog/cats adopted.
- 24 c. Number of dogs/cats in foster.
- 25 (b) All Private nonprofit animal organizations and animal rescue organizations shall:
- 26 requirements.
- 27 (1) ~~Shall~~ Comply with section 4-22, Number of animals; acreage restrictions/excess
- 28 animal habitats.
- 29 (2) ~~Shall~~ Comply with section 4-24, Animal care; manner of keeping.

- 1 (3) ~~Shall~~ provide dogs and cats released to owners or new adopters with:
- 2 a. A rabies inoculation and County rabies/license tag.
- 3 b. An electronic animal identification device (EAID) or tattoo. The numbering
- 4 system shall be registered with the Division.
- 5 (4) ~~Shall~~ Provide for the sterilization of every adopted dog and cat. Every dog and cat
- 6 shall be sterilized prior to release, unless a veterinarian licensed to practice in the State
- 7 of Florida certifies in writing that the dog or cat has a medical condition that would be
- 8 substantially aggravated by such procedure or the procedure would likely cause the
- 9 dog or cat's death. A dog or cat may be temporarily released to a potential adopter if
- 10 the adopter agrees in writing to bring the dog or cat to the private nonprofit animal
- 11 organization or animal rescue organization or authorized veterinarian for sterilization
- 12 ~~sterilize the dog or cat~~ as soon as deemed safe by a veterinarian licensed to practice in
- 13 the State of Florida.
- 14 (5) ~~Shall~~ Hold stray animals for ten (10) days after a found report has been filed at the
- 15 Division with two (2) clear photographs (at least three (3) inches by three (3) inches)
- 16 of the dog or cat and a "found" advertisement has been placed in a local newspaper of
- 17 general circulation.
- 18 (6) ~~Shall~~ For a period of two (2) years from the date of impoundment of each animal, keep
- 19 records of the impoundment and disposition of all each animals received and record
- 20 ~~relevant~~ dates, names and addresses of persons from whom each animal was obtained
- 21 and to whom each animal is are released. All such records must be made available to
- 22 the Division for inspection and copying upon request. By the fifteenth (15th) day of
- 23 the month, provide the Division with the name and address of each person who has
- 24 adopted an animal during the previous month and the EAID and license tag number (if
- 25 applicable) of such animal.
- 26 (7) ~~Shall~~ Reasonably assure that dogs animals adopted or sold are not to be used as
- 27 commercial guard dogs.
- 28 (8) ~~Shall~~ Contact appropriate agencies for the identification of any animals with tattoos,
- 29 tags or electronic animal identification devices (EAID).

1 (9) By the fifteenth (15th) day of the month, provide the Division with the following
2 information:

3 a. Number of animals in its possession or being sheltered. This data shall be provided
4 by species.

5 b. Number of dog/cats adopted.

6 c. Number of dogs/cats in foster.

7 (c) ~~All animal agencies (County and municipal animal control agencies, humane societies, and~~
8 ~~private nonprofit animal organizations and animal rescue organizations)~~ that accept
9 animals from any member of the public will be required to have such person sign a written
10 statement detailing the reclaim, adoption and euthanasia policies.

11 (d) ~~All animal agencies (County and municipal animal control agencies, humane societies, and~~
12 ~~private nonprofit animal organizations and animal rescue organizations)~~ that house or
13 shelter animals within a facility open to the public are subject to annual inspection by the
14 Division. Failure to abide by these requirements stated herein shall be deemed a violation
15 of this chapter.

16 (e) No humane society, private nonprofit animal organization or animal rescue organization
17 shall provide compensation directly or indirectly to any breeder, pet dealer or other source
18 in exchange for a cat or dog.

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

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

21 ***

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

28 ***

29 (4) After its investigation, the Division shall make an initial determination as to whether
30 there is sufficient cause to classify the dog as aggressive or dangerous. The Division

1 shall provide written notification of sufficient cause finding, to the owner, by
2 registered mail, certified hand delivery (signed receipt) or service of process. The
3 owner shall be afforded an opportunity for a hearing before a Special Master prior to a
4 final determination of the classification. If the owner decides to appeal the initial
5 determination, the owner shall file a written request with the Division for a hearing
6 before the Special Master within seven (7) calendar days from the date of receipt of
7 the notification of the sufficient cause finding and if requested, the hearing shall be
8 held as soon as possible, no sooner than five (5) calendar days and not more than
9 twenty-one (21) calendar days after receipt of the request from the owner. Said written
10 request must be accompanied by an appeal bond and any applicable fees for the care
11 and boarding of said dog (due through the fifth day following the date of the request
12 for hearing). The appeal bond and any other applicable fees shall be established by the
13 Board by resolution. The appeal bond shall be remitted to the Division in the form of a
14 money order, a certified check, a cashier's check, or a bank check payable to the
15 County. The Division shall provide notice of the hearing to the owner by U.S. mail,
16 electronic mail, facsimile, certified mail or certified hand delivery. If the owner after
17 seven (7) calendar days from the delivery of the "notice of intent to classify/sufficient
18 cause notice," has not filed a written request for a hearing, the determination of the
19 Division shall become final. ~~dog shall be classified as aggressive or dangerous.~~

20 ***

21 (6) ~~Once a dog is classified as aggressive or dangerous~~ Upon an aggressive or dangerous
22 dog classification becoming final after a hearing or by operation of law pursuant to
23 Section 27(a)(4) 4-27(a), the Division shall provide written notification to the owner
24 by registered mail, certified hand delivery (signed receipt) or service of process. The
25 owner may then file a written request for a hearing in the County court to appeal the
26 classification to the Circuit Court of the Fifteenth Judicial Circuit Court in and for
27 Palm Beach County, Florida within thirty (30) days after receipt of written notification
28 that the dog has been classified as aggressive or dangerous in accordance with the
29 Florida Rules of Appellate Procedure. within ten (10) business days after receipt of the
30 written determination of aggressive or dangerous dog classification and The owner
31 must confine the dog in a securely fenced or enclosed area pending resolution of the
32 appeal. If the Division allows the owner to maintain possession of the dog during a

1 dangerous dog appeal, the owner must confine the dog in a securely fenced or
2 enclosed area to prevent the dog from escaping or coming in contact with any person
3 or domestic animal other than a person or domestic animal in the immediate household
4 of the owner, pending a resolution of the appeal. If the Division allows the owner to
5 maintain possession of the dog during an aggressive dog appeal, the owner must
6 confine the dog in a securely fenced or enclosed area to prevent the dog from escaping
7 or coming in contact with any domestic animal other than a domestic animal in the
8 immediate household of the owner, pending a resolution of the appeal. Pending
9 resolution of an aggressive or dangerous dog appeal, the dog shall at all times wear a
10 muzzle when it is off the owner's property and must be restrained by a substantial
11 leash not exceeding six (6) feet in length and under the control of a competent person.

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 f. A dangerous dog shall at all times wear a muzzle when it is not securely confined
21 indoors or securely confined outdoors in an enclosed and locked structure on the
22 owner's property. A dangerous dog may be off the owner's premises or out of its
23 enclosure if it is muzzled and restrained by a substantial chain or leash not
24 exceeding six (6) feet in length and under the control of a competent person. The
25 muzzle must be made in a manner that will not cause injury to the dog or interfere
26 with its vision or respiration but must prevent it from biting any person or
27 domestic animal. Notwithstanding the foregoing, the owner may exercise the dog
28 in a securely fenced or enclosed area that does not have a top, with a muzzle but
29 without a leash, if the dog remains within his or her sight and only members of
30 the immediate household or persons 18 years of age or older are allowed in the
31 fenced yard or enclosure while the dog is present.

1 ***

2 (d) Vicious dog.

3 (1) *Upgrading dangerous dog to vicious dog.* If a dog that has previously been declared
4 dangerous attacks or bites a person or a domestic animal, without provocation when
5 unprovoked, the dangerous dog shall be immediately confiscated by the Division,
6 placed in quarantine, if necessary, for the proper length of time or impounded and held
7 ten (10) business days after the owner is given written notification by certified mail,
8 certified hand delivery (signed receipt) or service of process. The Division shall make
9 an initial determination as to whether there is sufficient cause to upgrade the
10 dangerous classification to vicious.

11 (2) *Attack by unclassified dog that causes death of a human.* If a dog that has not been
12 declared dangerous attacks and causes the death of any human, the dog may be
13 destroyed in an expeditious and humane manner. The dog shall be immediately
14 confiscated by the Division, placed in quarantine, if necessary, for the proper length of
15 time or held for ten (10) business days after the owner is given written notification by
16 certified mail, certified hand delivery (signed receipt) or service of process. The
17 Division shall make an initial determination as to whether there is sufficient cause to
18 classify the dog as vicious. A dog that has not been previously declared dangerous
19 shall not be declared vicious if the severe injury or death was sustained by a person
20 who, at the time, was unlawfully on the property or, while lawfully on the property,
21 was tormenting, abusing, or assaulting the dog, the owner, or a person in the
22 immediate household of the owner.

23 (3) ~~Classifying a dog as vicious that has not been previously declared dangerous.~~ *Attack*
24 *by unclassified dog that causes severe injury to a human.* If a dog that has not been
25 declared dangerous attacks and causes severe injury to ~~or death of any~~ a human, based
26 upon the nature and circumstances of the injury and the likelihood of a future threat to
27 the public safety, health and welfare, the dog may be destroyed in an expeditious and
28 humane manner. The dog shall be immediately confiscated by the Division, placed in
29 quarantine, if necessary, for the proper length of time or held for ten (10) business
30 days after the owner is given written notification by certified mail, certified hand

1 delivery (signed receipt) or service of process. The Division shall make an initial
2 determination as to whether there is sufficient cause to classify the dog as vicious.

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

9 (53) *Vicious dog classification process.*

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

1 investigation may be relocated or ownership transferred, ~~pending the outcome of~~
2 ~~an investigation or any appeal of a vicious dog classification. The owner shall~~
3 ~~provide the Division with the address of where the dog will be maintained~~
4 ~~pending an investigation and any appeal.~~

5 b. After its investigation, the Division shall make an initial determination as to
6 whether there is sufficient cause to classify the dog as vicious. The Division shall
7 provide written notification of sufficient cause finding, to the owner, by registered
8 mail, certified hand delivery (signed receipt) or service of process. The ten (10)
9 business day time period from date of notification, shall allow the owner to file a
10 written request for a hearing before a Special Master prior to a final determination
11 of the vicious classification. The hearing shall be held no sooner than five (5)
12 calendar days and not more than twenty-one (21) calendar days after receipt of the
13 request from the owner. The appeal bond, any applicable fees for the care and
14 boarding of said dog (due through the fifth day following the date of the request
15 for hearing) must accompany the owner's written request. The appeal bond and
16 fees shall be established by the Board by resolution. The appeal bond shall be
17 remitted to the Division in the form of a money order, a certified check, a
18 cashier's check, or a bank check payable to the County. The Division shall
19 provide notice of the hearing to the owner by U.S. mail, electronic mail, facsimile,
20 certified mail or certified hand delivery. If the owner fails to appeal within the ten
21 (10) business day period, the dog shall be humanely destroyed ~~euthanized~~.

22 ***

23 (64) Notice of appeal. The owner may appeal the classification to the Circuit Court of the
24 Fifteenth Judicial Circuit Court in and for Palm Beach County, Florida within thirty
25 (30) days after receipt of written notification that the dog has been classified as vicious
26 in accordance with the Florida Rules of Appellate Procedure. The owner may then file
27 a written request for a hearing in the County Court to appeal the classification within
28 ten (10) business days after receipt of the written determination of vicious dog
29 classification and must confine the dog in a securely fenced or enclosed area pending
30 resolution of the appeal. Pending resolution of the appeal, the dog shall at all times
31 wear a muzzle when it is off the owner's property and must be restrained by a

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1 substantial leash not exceeding six (6) feet in length and under the control of a
2 competent person.

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

4 ***

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

6 (1) Every dog six (6) months of age or older and every cat four (4) months of age or older
7 within the County shall be spayed or neutered, unless proof of one (1) of the following
8 exemptions is provided to the Division:

9 ***

10 f. The dog ~~or~~ cat is used for breeding purposes by a licensed hobby or commercial
11 breeder. The cat is used for breeding purposes by a licensed hobby or commercial
12 breeder and is registered as a pedigreed cat with the Cat Fancier Association or
13 the International Cat Association.

14 ***

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

16 ***

17 (a) *Hobby breeder permits.*

18 (1) No person shall breed a dog or cat or offer a dog or cat for breeding or stud
19 purposes without first obtaining an appropriate breeding permit issued by the Division. No
20 person shall maintain unsterilized dogs over six (6) months of age or unsterilized cats over four
21 (4) months of age together without first obtaining an appropriate breeding permit from the
22 Division. No cat shall be bred unless it is a pedigreed cat registered as such with the Cat
23 Fancier Association or the International Cat Association. No hobby breeder permit shall be
24 issued unless the cats to be bred are pedigreed cats registered as such with the Cat Fancier
25 Association or the International Cat Association. The cost of the permit and other related fees
26 shall be established by the Board by resolution.

27 ***

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

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

- 1 a. There has been a material misstatement or misrepresentation in the permit
2 application;
- 3 b. The applicant/permit holder has been cited for at least three (3) violations of this
4 chapter within a two-year period, each resulting in the imposition of a fine;
- 5 c. The permit holder/applicant has outstanding and unsatisfied civil penalties
6 imposed due to a violation of this chapter; The applicant/permit holder has failed
7 to pay a fine or to request a hearing in County court to answer the charges of a
8 citation within thirty (30) days of issuance of the violation;
- 9 d. The applicant/permit holder, ~~or~~ his/her agent or a member of the household has
10 been convicted of a violation of law involving cruelty to animals or has had a
11 final judgment entered against him/her pursuant to Florida Statutes § 828.073; or
- 12 e. An animal under the care and responsibility of an applicant/permit holder has
13 been found to be in need of immediate veterinary care that, if not treated, would
14 result in suffering, pain or death.

15 ***

16 (h) *Fee waiver.* The Division shall waive the annual hobby breeder permit fee for any
17 person/applicant who applies for a hobby breeder permit on or before August 1, 2008, ~~or~~
18 ~~for any person who applies for a permit within ninety (90) days of moving into the County~~
19 ~~and provides acceptable proof to the Division of such relocation.~~ For persons/applicants
20 who apply for a hobby breeder permit during this period, the Division shall also annually
21 waive the fee for two (2) unaltered dog or cat license tags. The fee waiver shall remain in
22 effect for a hobby breeder so long as the hobby breeder remains in compliance with this
23 chapter and F.S. ch. 828.

24 ***

25 **Sec. 4-30. Animal care and control Special Master hearings.**

26 ***

27 (i) Any aggrieved party may appeal an order of the Special Master, including the County, to
28 the Circuit Court of the Fifteenth Judicial Circuit Court in and for Palm Beach County.
29 Such appeal shall not be a hearing de novo but shall be limited to appellate review of the
30 record created before the Special Master. Any appeal filed pursuant to this Ordinance shall
31 be considered timely if it was filed within 30 days of the execution of the order to be

1 appealed. PBC may assess a reasonable charge for the preparation of the record to be paid
2 by the petitioner in accordance with F. S. § 119.07.~~Except as provided in section 4-27 with~~
3 ~~regard to aggressive, dangerous and vicious dogs, Any person may appeal a final order of a~~
4 ~~Special Master within thirty (30) days by filing a petition for writ of certiorari in the~~
5 ~~Circuit Court of the Fifteenth Judicial Circuit Court.~~

6 ***

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 **Section 3. SAVINGS CLAUSE:**

12 Notwithstanding anything to the contrary, all provisions of Palm Beach County Code
13 Chapter 4, codifying Palm Beach County Ordinance No. 98-22, as amended by Ordinances
14 2001-065, 2003-27, 2005-44, 2008-004, 2009-019, 2011-005 and 2015-027, are specifically
15 preserved and remain in full force and effect for the limited purpose of enforcing any alleged
16 violations of said Code which occurred prior to its repeal or amendment.

17 **Section 4. SEVERABILITY:**

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

21 **Section 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

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

26 **Section 6. ENFORCEMENT:**

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

30 **Section 7. PENALTY:**

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

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 **Section 9. EFFECTIVE DATE:**

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

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
County, Florida, on this the ____ day of _____, 2016.

SHARON R. BOCK, CLERK

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

By: _____
Deputy Clerk

By: _____
Mary Lou Berger, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
County Attorney

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

ORDINANCE NO. 2016-_____

1
2
3 AN ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF PALM BEACH COUNTY,
5 FLORIDA, AMENDING PALM BEACH COUNTY CODE,
6 CHAPTER 4 (ORDINANCE 98-22, AS AMENDED BY
7 ORDINANCES 2001-065, 2003-27, 2005-44, 2008-004, 2009-
8 019, 2011-005 and 2015-027) PERTAINING TO ANIMAL
9 CARE AND CONTROL, AMENDING SECTION 4-1
10 (SHORT TILE); AMENDING SECTION 4-2
11 (DEFINITIONS); AMENDING SECTION 4-23 (KENNEL,
12 EXCESS ANIMAL HABITAT, COMMERCIAL BREEDER,
13 PET DEALER, PET SHOP, GROOMING PARLOR, AND
14 COMMERCIAL STABLE PERMITS); AMENDING
15 SECTION 4-26 (ANIMAL AGENCIES); AMENDING
16 SECTION 4-27 (AGGRESSIVE DOGS, DANGEROUS
17 DOGS AND VICIOUS DOGS); AMENDING SECTION 4-28
18 (STERILIZATION PROGRAM FOR DOGS AND CATS);
19 AMENDING SECTION 4-29 (HOBBY BREEDER
20 PERMITS); AMENDING SECTION 4-30 (ANIMAL CARE
21 AND CONTROL SPECIAL MASTER HEARINGS);
22 PROVIDING FOR REPEAL OF LAWS IN CONFLICT;
23 PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR
24 SEVERABILITY; PROVIDING FOR INCLUSION IN THE
25 CODE OF LAWS AND ORDINANCES; PROVIDING FOR
26 ENFORCEMENT; PROVIDING FOR PENALTY;
27 PROVIDING FOR CAPTIONS; AND PROVIDING FOR
28 AN EFFECTIVE DATE.

29
30 WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County
31 Commissioners of Palm Beach County to adopt ordinances to protect the health, safety, and
32 welfare of the citizens and animals of Palm Beach County; and

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

36 WHEREAS, according to the Humane Society of the United States ("HSUS"),
37 hundreds of thousands of dogs and cats have been housed and bred at substandard breeding
38 facilities known as "puppy mills" and "kitten factories" (collectively "Facilities") that mass-
39 produce animals for sale to the public; and

40 WHEREAS, these Facilities engage in mass-breeding with an emphasis on profit over
41 animal welfare and animals are often housed in overcrowded and unsanitary conditions without
42 adequate veterinary care, shelter, food, water, grooming, exercise, socialization or affection;
43 and

44 WHEREAS, many animals produced in these Facilities are purchased by retail pet
45 shops and pet dealers for sale to the public; and

1 **WHEREAS**, because of the lack of proper animal husbandry practices at many of
2 these Facilities, animals born and raised there are more likely to suffer from health, social and
3 temperament problems that result in costly treatment or even death; and

4 **WHEREAS**, health certificates received by the County from local pet shops show that,
5 in 2015, puppies were sold to consumers with conditions ranging from luxating patellas
6 (floating kneecap), inguinal and umbilical hernias, heart murmurs, and open fontenels (soft spot
7 on the skull); and

8 **WHEREAS**, County pet shop records reveal that, in 2015, six of the County's eight pet
9 stores received dogs from Facilities that have been listed on HSUS's *The Horrible Hundred* list
10 of Facilities with animal welfare violations; and

11 **WHEREAS**, the Board has determined that additional requirements should be placed
12 on existing pet stores and pet dealers to ensure that puppies and kittens are obtained from
13 humane breeders; and

14 **WHEREAS**, prohibiting additional pet shops and pet dealers from operating while
15 placing additional requirements on existing pet shops and pet dealers will promote and protect
16 the general health, safety and welfare of the community, protect consumers, and promote the
17 County's Countdown 2 Zero program whereby no adoptable dog or cat will be at risk of
18 euthanasia; and

19 **WHEREAS**, it is necessary to amend the Ordinance to revise language pertaining to
20 aggressive, dangerous and vicious dogs for consistency with Chapter 767, Florida Statutes; to
21 prohibit the breeding of cats other than pedigreed cats; to require animal agencies to maintain
22 records regarding the intake and disposition of animals, to provide records to the Division and
23 to allow for inspection of animal agency facilities and records by the Division.

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

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

28
29
30 **Sec. 4-1. Short Title; applicability.**

31 (a) This chapter shall be designated and may be cited as the "Palm Beach County Animal Care
32 and Control Ordinance."

33 (b) The provisions of this Ordinance shall be applicable to the incorporated and unincorporated
34 areas of Palm Beach County, unless a municipal exemption applies. Unless otherwise provided,

1 nothing in this Ordinance shall be construed to relieve any person from compliance with any
2 applicable county or municipal regulations.

3 **Sec. 4-2. Definitions.**

4 ***

5 *Adoption* means the transfer of ownership of an unwanted, abandoned, abused or stray
6 animal by a shelter, humane society, private nonprofit animal organization, or animal rescue
7 organization to an adoptive owner. The term adoption does not include the sale of an animal
8 for profit.

9 ***

10 *Animal rescue organization* shall mean any organization engaged in housing dogs or
11 cats in the County for the purpose of adoption.

12 ***

13 *Carrier* means the operator of any airline, railroad, motor carrier, shipping line, or other
14 enterprise that is engaged in the business of transporting any animals for hire.

15 *Class A breeder* means a person who holds a class A license issued by the United States
16 Department of Agriculture pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated
17 thereunder.

18 *Class B dealer* means a person who holds a class B license issued by the United States
19 Department of Agriculture pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated
20 thereunder.

21 ***

22 *Domestic animal* shall mean any animal defined in F.S. § 585.01(10).

23 ***

24 *Finally determined* means a determination of a federal agency where all rights to
25 challenge such determination at available administrative tribunals and courts of law have been
26 exhausted or the time period within which such challenge may be filed has expired.

27 ***

28 *Intermediate handler* means any person (other than a dealer, research facility, exhibitor,
29 any person excluded from the definition of a dealer, research facility, or exhibitor, an operator
30 of an auction sale, or a carrier as defined in 9 C.F.R. § 1.1), who is engaged in any business in
31 which he/she receives custody of animals in connection with their transportation in commerce.

1 ***

2 *Major violation* shall mean a violation including any one of the following:

3 (1) a violation of Section 4-24(a), Animal Care; manner of keeping, other than a
4 violation requiring immediate veterinary care as provided in Section 4-
5 23(b)(11)e, Kennel, excess animal habitat, commercial breeder, pet dealer, pet
6 shop, grooming parlor, and commercial stable permits.

7 (2) failure to ensure that animals offered for sale are vaccinated with required
8 vaccines as required by this Ordinance.

9 (3) offering an animal for sale without maintaining all properly completed
10 OCVI's pertaining to the animal, which contain records for only one animal, as
11 required by this Ordinance.

12 (4) failure to have an animal examined by a veterinarian and tested by a
13 veterinarian as provided in Section 23(i)(1), Kennel, excess animal habitat,
14 commercial breeder, pet dealer, pet shop, grooming parlor, and commercial
15 stable permits.

16 (5) falsifying records required to be maintained or provided to the County or
17 consumers under this Ordinance.

18 (6) a violation of Section 4-23(n), Kennel, excess animal habitat, commercial
19 breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.

20 (7) failure to properly isolate or quarantine an animal with a known or suspected
21 communicable animal-to-human or animal-to-animal disease.

22 (8) failure to comply with minimum requirements concerning physical facilities,
23 animal cages, enclosures, housing, or shelter or tethering in violation of this
24 Ordinance.

25 (9) a violation involving a dog or cat transported or offered for sale prior to eight
26 weeks of age or imported in violation of this Ordinance.

27 (10) failure to provide required disclosures to a consumer.

28 (11) failure to comply with warranty requirements for dogs and cats offered for
29 sale.

1 (12) failure to follow cleaning requirements set forth in this Ordinance.

2 Minor violation shall mean a violation that is readily correctible including any one of the
3 following:

4 (1) any violation involving recordkeeping or signage that is not listed as a major
5 violation.

6 (2) failure to timely provide records to the Division.

7 (3) failure to microchip an animal as required by this Ordinance.

8 (4) failure to make a record available to an inspector upon request.

9 (5) a violation involving an animal escaping from the premises of the permitted
10 facility.

11 *Pet dealer* shall mean any person who, in commerce, for compensation or profit engages in
12 the sale of a dog(s) or cat(s) for use as a pet but who does not engage in breeding dogs or cats.
13 This definition excludes humane societies, private animal nonprofit organizations, animal
14 rescue organizations and shelters.

15 *Pet shop* shall be held to include any place of business where pet/companion animals
16 (including small animals intended for use as reptile food) are kept for retail or wholesale
17 purchase. Excluded are those animals regulated and controlled by the State Fish and Wildlife
18 Conservation Commission. This definition excludes humane societies, private animal nonprofit
19 organizations, animal rescue organizations and shelters.

20 *Shelter* means a governmentally operated animal care and control facility.

21 ***

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

24 (a) *Applicability of this chapter and other laws.*

25 ***

26 (2) This section shall not be interpreted to require a permit from a veterinary clinic/hospital
27 establishment working under the direct authority and control of a veterinary
28 clinic/hospital, humane society, private animal nonprofit organization, animal rescue

1 organization shelter or private stable. All other animal establishments as defined in
2 this chapter are required to secure a permit.

3 (b) Permit procedures and requirements.

4 ***

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

12 ***

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

16 (9) An animal control officer may conduct an investigation of any complaint concerning
17 any animal establishment within the County.

18 (10) If an inspection of an animal establishment reveals noncompliance with this chapter,
19 an animal control officer may issue a citation, setting forth the name of the
20 establishment being cited, to owners or managers of an animal establishment.

21 (11) By notice of adverse action, the Division may deny, revoke or suspend any permit if it
22 is determined that:

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

25 b. The permit holder/applicant has been cited for at least two (2) major violations or
26 five (5) minor violations, within a five-year period, each resulting in the
27 imposition of a fine;

28 c. The permit holder/applicant has outstanding and unsatisfied civil penalties
29 imposed due to a violation of this chapter;

- 1 d. The permit holder/applicant or a member of the household if a home-based
2 business has been convicted of a violation of law involving cruelty to animals;
- 3 e. An animal under the care and responsibility of a permit holder/applicant has been
4 found to be in need of immediate veterinary care that, if not treated, would result
5 in suffering, pain or death;
- 6 f. The permit holder/applicant and/or his/her/its employees/agents, refuses to allow
7 the inspection of the premises;;
- 8 g. The permit holder/applicant or a member of the household if a home-based
9 business has had a final judgment entered against him/her/it based upon a finding
10 of animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or
11 comparable statute; or
- 12 h. The permit holder/applicant knowingly employs/employed an employee who
13 has been convicted of a violation of law involving cruelty to animals or who has
14 had a final judgment entered against him/her based upon a finding of animal
15 neglect or mistreatment pursuant to Florida Statutes § 828.073 or comparable
16 statute.

17 (12) No permit fee shall be refunded for a permit that is revoked or suspended. For a
18 permit that is denied after review and inspection, the permit fee shall be refunded as
19 provided by the Board by resolution.

20 (13) After October 1, 2016, no new permit shall be approved for any pet shop that offers
21 for sale dogs or cats. Notwithstanding the foregoing, existing pet shops that offer for
22 sale dogs or cats may renew their pet shop operating permit or relocate the business
23 provided they are in compliance with this Ordinance and may transfer their business to
24 family members or heirs provided that the transferee meets all requirements for
25 licensure under this Ordinance. After October 1, 2016, any pet shop that offers for
26 sale dogs or cats shall not open additional stores.

27 (14) After October 1, 2016, no new permit shall be approved for any pet dealer that offers
28 for sale dogs or cats. Notwithstanding the foregoing, existing pet dealers that offer for
29 sale dogs or cats may renew their pet dealer operating permit or relocate the business
30 provided they are in compliance with this Ordinance and may transfer their business to
31 family members or heirs provided that the transferee meets all requirements for

1 licensure under this Ordinance. After October 1, 2016, any pet dealer that offers for
2 sale dogs or cats shall not operate from additional business premises.

3 (15) No cat shall be bred unless it is a pedigreed cat registered as such with the Cat
4 Fancier Association or The International Cat Association. No permit shall be issued
5 for any commercial cat breeding operation unless the cats to be bred are pedigreed cats
6 registered as such with the Cat Fancier Association or The International Cat
7 Association.

8 (16) No dog or cat shall be rented or leased and no permit shall be issued for such purpose.

9 ***

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

11 (1) General requirements for pet shops and pet dealers. For the purpose of this section, the
12 word dog means a dog of any age and the word cat means a cat of any age.

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

22 b. Each OCVI shall contain records for only one dog or cat.

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

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

30 1. Canine distemper.

Attachment # 2

Page 8 of 29

- 1 2. Leptospirosis.
- 2 3. Bordetella (by intranasal inoculation or by an alternative method of
- 3 administration if deemed necessary by the attending veterinarian and noted
- 4 on the health certificate, which must be administered in this State once before
- 5 sale).
- 6 4. Parainfluenza.
- 7 5. Hepatitis.
- 8 6. Canine parvo.
- 9 7. Rabies, provided the dog is over three (3) months of age and the inoculation
- 10 is administered by a licensed veterinarian.
- 11 8. Roundworms.
- 12 9. Hookworms.

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

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

- 24 1. Panleukopenia.
- 25 2. Feline viral rhinotracheitis.
- 26 3. Calici virus.
- 27 4. Rabies, if the cat is over three (3) months of age and the inoculation is
- 28 administered by a licensed veterinarian.
- 29 5. Hookworms.

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6. Roundworms.

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

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

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

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

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

- 1 j. Each dog and cat obtained by the pet shop or pet dealer for the purpose of sale
2 shall be examined by a veterinarian licensed in Florida within two (2) business
3 days of the day the pet shop or pet dealer obtains the dog or cat.
- 4 k. No pet shop or pet dealer shall possess, offer for sale, sell, transport, or arrange
5 for the transportation of any dog or cat that is less than eight (8) weeks of age.
- 6 l. No pet shop or pet dealer shall import a dog into the United States in violation of
7 7 U.S.C. 2148, Importation of live dogs.
- 8 m. Except as provided in Section 4-23(i)(10), it shall be unlawful for any pet shop or
9 pet dealer to display, offer for sale, deliver, barter, give away, transfer or sell any
10 dog or cat from any source that does not hold a valid license issued by the United
11 States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq., or successor
12 provision of law as of the date such pet shop or pet dealer received such dog or
13 cat. Pet shops or pet dealers shall only obtain dogs and cats from:
- 14 1. A breeder holding an active class A license issued by the United States
15 Department of Agriculture pursuant to 7 U.S.C. § 2131, et seq. and
16 regulations promulgated thereunder.
- 17 2. A dealer holding an active class B license issued by the United States
18 Department of Agriculture pursuant to 7 U.S.C. § 2131, et seq. and
19 regulations promulgated thereunder, and if the class B license holder is not
20 the breeder, obtained the dog or cat from a breeder who is licensed by the
21 United State Department of Agriculture.
- 22 3. A transporter holding an active license as a carrier or intermediate handler
23 issued by the United States Department of Agriculture pursuant to 7 U.S.C. §
24 2131, et seq. and regulations promulgated thereunder and who obtained the
25 dog or cat from a breeder who is licensed by the USDA.
- 26 n. It shall be unlawful for any pet shop or pet dealer to obtain a dog or cat from any
27 source, including but not limited to a breeder or dealer, if the source or, an owner,
28 operator or employee of the source:
- 29 1. has been convicted of cruelty to animals under any Federal, State or local
30 law.

- 1 2. has had a final judgment entered against it/him/her based upon a finding of
2 animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or
3 comparable statute.
- 4 3. has been permanently enjoined from breeding, selling, handling, transporting
5 or dealing in dogs or cats by any court.
- 6 4. whose license/permit issued by any local government, State, or Federal
7 government to breed, sell, handle, transport or otherwise deal in dogs or cats
8 is suspended or revoked.
- 9 5. that has received a finally determined citation for any “direct” noncompliance
10 violation as indicated on any United States Department of Agriculture
11 inspection report at any time during the prior two years.
- 12 6. that has received a finally determined citation for failure to provide a United
13 States Department of Agriculture inspector access to property, animals or
14 records as required by 9 C.F.R. § 2.126, unless a subsequent inspection has
15 been performed at which no direct or indirect violations were found by the
16 inspector.
- 17 7. that has received three or more finally determined noncompliance citations
18 for violations other than “direct” noncompliance or a violation of 9 C.F.R. §
19 2.126 at any time during the prior two years.
- 20 8. that has received a finally determined repeat noncompliance citation at any
21 time during the prior two years.
- 22 9. that has received a finally determined cease and desist order pursuant to 7
23 U.S.C. § 2149 at any time during the prior two years.
- 24 o. An OCVI must:
 - 25 1. be signed on the date of examination by the examining veterinarian who is
26 licensed by the state of origin and accredited by the United States Department
27 of Agriculture and must include the veterinarian's license number.
 - 28 2. show the date of birth, sex, breed, color, EAID number, if applicable, and
29 health record of the dog or cat examined.

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

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

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

- 12 6. state whether the examining veterinarian has detected any physical
- 13 abnormalities or congenital defects in the dog or cat including but not limited
- 14 to a heart murmur, an umbilical hernia, entropion, an inguinal hernia, patellar
- 15 luxation and cryptorchidism.

- 16 7. be completed in a legible manner.

17 An OCVI that does not meet the above-cited requirements shall not comply with
18 this chapter. The pet shop or pet dealer shall ensure that the OCVI is properly
19 completed with all relevant information.

- 20 p. It shall be a violation of this chapter to falsify any information provided in any
- 21 OCVI.

- 22 q. All dogs and cats offered for sale and copies of OCVI's held by a pet shop, pet
- 23 dealer or veterinarian are subject to inspection by any agent of the Division, the
- 24 Department of Agriculture and Consumer Services, any agent of the United States
- 25 Department of Agriculture, any law enforcement officer, or any agent appointed
- 26 under Florida Statutes § 828.03.

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

29 (2) Records.

- 1 a. Each pet shop and pet dealer shall maintain the following written records on each
2 dog and cat offered for sale for a period of not less than two (2) years after
3 disposition of each dog and cat:
- 4 1. The name, address, USDA license number and state and local license
5 number, if applicable, of every breeder, dealer, intermediate handler and
6 carrier that has owned, possessed or handled the dog or cat.
 - 7 2. The date the dog or cat was born and the date the pet shop or pet dealer
8 received the dog or cat.
 - 9 3. The breed, sex, color, and identifying marks of the dog or cat. If the breed is
10 unknown or mixed, the record shall so indicate.
 - 11 4. If the dog or cat is being sold as capable of registration, the names and
12 registration numbers of the sire and dam and litter number.
 - 13 5. A copy of each OCVI that has been completed for the dog or cat up to the
14 point of sale.
 - 15 6. A complete record of any medical treatment or medication provided to or
16 recommended for each dog or cat by a veterinarian and any medical
17 diagnosis made by a veterinarian concerning each dog or cat up to the point
18 of sale. If such information is contained in an OCVI, the OCVI shall be
19 sufficient; if not, the pet shop or pet dealer shall obtain a copy of each dog or
20 cat's medical records from the veterinarian.
 - 21 7. A record of any known disease, illness, or congenital or hereditary condition
22 that adversely affects the health of the dog or cat at the time of sale or is
23 likely to adversely affect the health of the dog or cat in the future.
- 24 b. For a period of two (2) years from the disposition of each dog and cat, the pet
25 shop or pet dealer shall maintain records specifying the date and nature of
26 disposition of each dog and cat and the name, address, and phone number of the
27 purchaser and owner (if different than the purchaser) of each dog or cat.
- 28 c. By the fifteenth (15th) day of the month, each pet shop and pet dealer shall
29 provide the Division with the following records for each dog and cat sold,
30 disposed of or that died during the previous month.

- 1 1. a copy of each OCVI that has been completed for such dog or cat;
 - 2 2. the name, physical address (no P.O. boxes), USDA license number and state
 - 3 and local license number, if applicable, of every breeder, dealer, intermediate
 - 4 handler and carrier that has owned, possessed or handled the dog or cat.
 - 5 3. the date each dog and cat was obtained;
 - 6 4. the date each dog and cat was sold, died, or was otherwise disposed of by the
 - 7 pet shop or pet dealer; and
 - 8 5. the name, physical address (no P.O. boxes), and telephone number of the
 - 9 purchaser and owner (if different from the purchaser) of each dog and cat sold
 - 10 during that month, including the EAID number, breed, color, sex, and age of each
 - 11 dog and cat.
- 12 d. If any dog or cat dies while in the possession of a pet shop or pet dealer, the pet
- 13 shop or pet dealer shall maintain a record of the date of death and known or
- 14 suspected cause of death. Any dog or cat that dies while being treated by a
- 15 veterinarian or person at the request of the pet shop or pet dealer shall be
- 16 considered in the possession of the pet shop or pet dealer at the time of death. The
- 17 veterinarian shall specify the date of and known or suspected cause of death on
- 18 the dog or cat's OCVI. Within fifteen (15) days following the death of a dog or
- 19 cat, the pet shop or pet dealer shall provide the Division with records reflecting
- 20 the date and cause of the dog or cat's death. The pet shop or pet dealer shall
- 21 maintain a copy of such record for a period of two (2) years from the date of the
- 22 dog or cat's death.
- 23 e. Each pet shop and pet dealer shall maintain on the premises all records required
- 24 by this chapter and shall make such records available to the Division upon
- 25 request.
- 26 f. The failure to maintain complete records on each dog and cat as required by this
- 27 chapter shall constitute a separate violation as to each record missing or
- 28 incomplete.

29 (3) Notices and disclosures to purchasers.

1 a. Each pet shop and pet dealer shall post conspicuously on the cage or enclosure of
2 each dog and cat offered for sale a written notice in twelve-point or greater type
3 identifying the breed, sex, date of birth of each dog and cat, any illness found by
4 the veterinarian during the most recent examination, and the name, address,
5 USDA license number and state and local license number, if applicable, of every
6 breeder, dealer, intermediate handler and carrier that has owned, possessed or
7 handled the dog or cat.

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

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

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

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

23 The Palm Beach County Board of County Commissioners has determined that the
24 unintended or uncontrolled breeding of dogs and cats leads to pet overpopulation
25 at great expense to the community and that every feasible means of reducing the
26 number of unwanted dogs and cats should be encouraged. The Board of County
27 Commissioners has also determined that spaying and neutering every dog and cat
28 is one of the best ways to must be spayed or neutered by the time the dog is six
29 (6) months old and every cat must be spayed or neutered by the time the cat is
30 four (4) months old, unless certain exceptions apply.

1 Every owner must obtain an annual unaltered license tag from the Division or a
2 veterinarian for each dog over the age of six (6) months and every cat over the age
3 of four (4) months that is not spayed or neutered. A dog or cat with an unaltered
4 license tag cannot be bred unless an appropriate breeding permit is first obtained
5 from the Division.

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

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

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

13 d. At the time of sale, each pet shop and pet dealer shall deliver to the purchaser of
14 each dog and cat a written disclosure(s) containing all of the information required
15 in Section 4-23(i)(2)a.1. through 7. The pet shop and pet dealer shall provide all
16 of the above-cited written disclosures containing all of the information required in
17 Section 4-23(i)(2)a.1. through 7. to the prospective purchaser of each dog or cat
18 for review prior to the purchase upon request. The pet shop or pet dealer shall
19 maintain a copy of the above-cited written disclosures for a period of two years
20 from the date of sale of each dog and cat and shall make such copies available to
21 the Division upon request.

22 ***

23 (10) *Exemption for humane societies, private nonprofit animal organizations animal*
24 *rescue organizations and shelters.*

25 a. A pet shop that allows a humane society, private nonprofit animal organization,
26 animal rescue organization or shelter to use the pet shop's premises for the purpose of
27 making animals available for adoption shall be exempt from the provisions of Subsections
28 (i)(1)(2)(3) and (4) with respect to such animals, provided the pet shop does not have an
29 ownership interest in such animals and the provisions of Section 4-26 are followed. In
30 addition, the pet shop shall post conspicuously on the cage or enclosure of each dog and

1 cat offered for adoption a written notice in twelve-point or greater type identifying the
2 humane society, private nonprofit animal organization, animal rescue organization or
3 shelter from which the dog or cat may be adopted, the breed, the sex, the age, the relevant
4 information known about the dog or cat and that the dog or cat must be sterilized prior to
5 adoption.

6 b. A pet shop may adopt animals from a humane society, private nonprofit animal
7 organization, animal rescue organization or shelter for the purpose of adopting those
8 animals out through the pet shop. With regard to any animal adopted from a humane
9 society, private nonprofit animal organization, animal rescue organization or shelter for the
10 purpose of adoption through the pet shop, the pet shop shall comply with all requirements
11 found in Section 4-26(a)(2)-(10) and (d). In addition, the pet shop shall post conspicuously
12 on the cage or enclosure of each dog and cat offered for adoption a written notice in
13 twelve-point or greater type identifying the humane society, private nonprofit animal
14 organization, animal rescue organization or shelter from which the dog or cat was
15 obtained, the breed, the sex, the age, the relevant information known about the dog or cat
16 and that the dog or cat must be sterilized prior to adoption.

17 ***

18 **Sec. 4-26. Animal Agencies.**

19 (a) All Humane societies shall:

20 (1) Hold stray animals for five (5) days (excluding legal holidays or days the operation is
21 closed to the public) allowing owners access for identifying and reclaiming said
22 animals.

23 (2) For a period of two (2) years from the date of impoundment of each animal, keep
24 records of the impoundment and disposition of each animals received and record
25 dates, names and addresses of persons from whom each animal was obtained and to
26 whom each animal is released. All such records must be made available to the
27 Division for inspection and copying upon request. By the fifteenth (15th) day of the
28 month, provide the Division with the name and address of each person who has
29 adopted an animal during the previous month and the EAID and license tag number (if
30 applicable) of such animal.

- 1 (3) Provide dogs and cats released to owners with a rabies inoculation and County
2 rabies/license tag.
- 3 (4) Provide dogs and cats released to new adopters with:
- 4 a. A rabies inoculation and County rabies tag.
- 5 b. An electronic animal identification device (EAID) or tattoo. The numbering
6 system shall be registered with the Division.
- 7 (5) Reasonably assure that adopted dogs are not used as commercial guard dogs.
- 8 (6) Assure that animals kept longer than twenty-four (24) hours are maintained in animal
9 enclosures that are consistent with subsection 4-23(h).
- 10 (7) Contact appropriate agencies for the identification of any animals found with tattoos,
11 tags or electronic animal identification devices (EAID).
- 12 (8) Comply with section 4-24, Animal care; manner of keeping.
- 13 (9) Provide for the sterilization of every adopted dog and cat. Every dog and cat shall be
14 sterilized prior to release, unless a veterinarian licensed to practice in the State of
15 Florida certifies in writing that the dog or cat has a medical condition that would be
16 substantially aggravated by such procedure or would likely cause the dog or cat's
17 death. A dog or cat may be temporarily released to a potential adopter if the adopter
18 agrees in writing to bring the dog or cat to the Humane Society or authorized
19 veterinarian for sterilization as soon as deemed safe by a veterinarian licensed to
20 practice in the State of Florida.
- 21 (10) By the fifteenth (15th) day of the month, provide the Division with the following
22 information:
- 23 a. Number of animals in its possession or being sheltered. This data shall be provided
24 by species.
- 25 b. Number of dog/cats adopted.
- 26 c. Number of dogs/cats in foster.
- 27 (b) *All Private nonprofit animal organizations and animal rescue organizations shall:*
- 28 (1) Comply with section 4-22, Number of animals; acreage restrictions/excess animal
29 habitats.

- 1 (2) Comply with section 4-24, Animal care; manner of keeping.
- 2 (3) Provide dogs and cats released to owners or new adopters with:
- 3 a. A rabies inoculation and County rabies/license tag.
- 4 b. An electronic animal identification device (EAID) or tattoo. The numbering
- 5 system shall be registered with the Division.
- 6 (4) Provide for the sterilization of every adopted dog and cat. Every dog and cat shall be
- 7 sterilized prior to release, unless a veterinarian licensed to practice in the State of
- 8 Florida certifies in writing that the dog or cat has a medical condition that would be
- 9 substantially aggravated by such procedure or the procedure would likely cause the
- 10 dog or cat's death. A dog or cat may be temporarily released to a potential adopter if
- 11 the adopter agrees in writing to bring the dog or cat to the private nonprofit animal
- 12 organization or animal rescue organization or authorized veterinarian for sterilization
- 13 as soon as deemed safe by a veterinarian licensed to practice in the State of Florida.
- 14 (5) Hold stray animals for ten (10) days after a found report has been filed at the Division
- 15 with two (2) clear photographs (at least three (3) inches by three (3) inches) of the dog
- 16 or cat and a "found" advertisement has been placed in a local newspaper of general
- 17 circulation.
- 18 (6) For a period of two (2) years from the date of impoundment of each animal, keep
- 19 records of the impoundment and disposition of all each animals received and record
- 20 dates, names and addresses of persons from whom each animal was obtained and to
- 21 whom each animal is released. All such records must be made available to the
- 22 Division for inspection and copying upon request. By the fifteenth (15th) day of the
- 23 month, provide the Division with the name and address of each person who has
- 24 adopted an animal during the previous month and the EAID and license tag number (if
- 25 applicable) of such animal.
- 26 (7) Reasonably assure that dogs adopted or sold are not to be used as commercial guard
- 27 dogs.
- 28 (8) Contact appropriate agencies for the identification of any animals with tattoos, tags or
- 29 electronic animal identification devices (EAID).

1 (9) By the fifteenth (15th) day of the month, provide the Division with the following
2 information:

3 a. Number of animals in its possession or being sheltered. This data shall be provided
4 by species.

5 b. Number of dog/cats adopted.

6 c. Number of dogs/cats in foster.

7 (c) All humane societies, private nonprofit animal organizations and animal rescue
8 organizations that accept animals from any member of the public will be required to have
9 such person sign a written statement detailing the reclaim, adoption and euthanasia
10 policies.

11 (d) All humane societies, private nonprofit animal organizations and animal rescue
12 organizations that house or shelter animals within a facility open to the public are subject
13 to annual inspection by the Division.

14 (e) No humane society, private nonprofit animal organization or animal rescue organization
15 shall provide compensation directly or indirectly to any breeder, pet dealer or other source
16 in exchange for a cat or dog.

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

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

19 ***

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

26 ***

27 (4) After its investigation, the Division shall make an initial determination as to whether
28 there is sufficient cause to classify the dog as aggressive or dangerous. The Division
29 shall provide written notification of sufficient cause finding, to the owner, by
30 registered mail, certified hand delivery (signed receipt) or service of process. The

1 owner shall be afforded an opportunity for a hearing before a Special Master prior to a
2 final determination of the classification. If the owner decides to appeal the initial
3 determination, the owner shall file a written request with the Division for a hearing
4 before the Special Master within seven (7) calendar days from the date of receipt of
5 the notification of the sufficient cause finding and if requested, the hearing shall be
6 held as soon as possible, no sooner than five (5) calendar days and not more than
7 twenty-one (21) calendar days after receipt of the request from the owner. Said written
8 request must be accompanied by an appeal bond and any applicable fees for the care
9 and boarding of said dog (due through the fifth day following the date of the request
10 for hearing). The appeal bond and any other applicable fees shall be established by the
11 Board by resolution. The appeal bond shall be remitted to the Division in the form of a
12 money order, a certified check, a cashier's check, or a bank check payable to the
13 County. The Division shall provide notice of the hearing to the owner by U.S. mail,
14 electronic mail, facsimile, certified mail or certified hand delivery. If the owner after
15 seven (7) calendar days from the delivery of the "notice of intent to classify/sufficient
16 cause notice," has not filed a written request for a hearing, the determination of the
17 Division shall become final.

18 ***

19 (6) Upon an aggressive or dangerous dog classification becoming final after a hearing or
20 by operation of law pursuant to 4-27(a), the Division shall provide written notification
21 to the owner by registered mail, certified hand delivery (signed receipt) or service of
22 process. The owner may appeal the classification to the Circuit Court of the Fifteenth
23 Judicial Circuit Court in and for Palm Beach County, Florida within thirty (30) days
24 after receipt of written notification that the dog has been classified as aggressive or
25 dangerous in accordance with the Florida Rules of Appellate Procedure. If the
26 Division allows the owner to maintain possession of the dog during a dangerous dog
27 appeal, the owner must confine the dog in a securely fenced or enclosed area to
28 prevent the dog from escaping or coming in contact with any person or domestic
29 animal other than a person or domestic animal in the immediate household of the
30 owner, pending a resolution of the appeal. If the Division allows the owner to maintain
31 possession of the dog during an aggressive dog appeal, the owner must confine the
32 dog in a securely fenced or enclosed area to prevent the dog from escaping or coming

1 in contact with any domestic animal other than a domestic animal in the immediate
2 household of the owner, pending a resolution of the appeal. Pending resolution of an
3 aggressive or dangerous dog appeal, the dog shall at all times wear a muzzle when it is
4 off the owner's property and must be restrained by a substantial leash not exceeding
5 six (6) feet in length and under the control of a competent person.

6 ***

7 (c) Dangerous dog mandates and responsibilities.

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

11 ***

12 (2) Responsibilities for owner.

13 ***

14 f. A dangerous dog shall at all times wear a muzzle when it is not securely confined
15 indoors or securely confined outdoors in an enclosed and locked structure on the
16 owner's property. A dangerous dog may be off the owner's premises or out of its
17 enclosure if it is muzzled and restrained by a substantial chain or leash not
18 exceeding six (6) feet in length and under the control of a competent person. The
19 muzzle must be made in a manner that will not cause injury to the dog or interfere
20 with its vision or respiration but must prevent it from biting any person or
21 domestic animal. Notwithstanding the foregoing, the owner may exercise the dog
22 in a securely fenced or enclosed area that does not have a top, with a muzzle but
23 without a leash, if the dog remains within his or her sight and only members of
24 the immediate household or persons 18 years of age or older are allowed in the
25 fenced yard or enclosure while the dog is present.

26 ***

27 (d) Vicious dog.

28 (1) *Upgrading dangerous dog to vicious dog.* If a dog that has previously been declared
29 dangerous attacks or bites a person or a domestic animal, without provocation, the
30 dangerous dog shall be immediately confiscated by the Division, placed in quarantine,

1 if necessary, for the proper length of time or impounded and held ten (10) business
2 days after the owner is given written notification by certified mail, certified hand
3 delivery (signed receipt) or service of process. The Division shall make an initial
4 determination as to whether there is sufficient cause to upgrade the dangerous
5 classification to vicious.

6 (2) *Attack by unclassified dog that causes death of a human.* If a dog that has not been
7 declared dangerous attacks and causes the death of any human, the dog may be
8 destroyed in an expeditious and humane manner. The dog shall be immediately
9 confiscated by the Division, placed in quarantine, if necessary, for the proper length of
10 time or held for ten (10) business days after the owner is given written notification by
11 certified mail, certified hand delivery (signed receipt) or service of process. The
12 Division shall make an initial determination as to whether there is sufficient cause to
13 classify the dog as vicious.

14 (3) *Attack by unclassified dog that causes severe injury to a human.* If a dog that has not
15 been declared dangerous attacks and causes severe injury to a human, based upon the
16 nature and circumstances of the injury and the likelihood of a future threat to the
17 public safety, health and welfare, the dog may be destroyed in an expeditious and
18 humane manner. The dog shall be immediately confiscated by the Division, placed in
19 quarantine, if necessary, for the proper length of time or held for ten (10) business
20 days after the owner is given written notification by certified mail, certified hand
21 delivery (signed receipt) or service of process. The Division shall make an initial
22 determination as to whether there is sufficient cause to classify the dog as vicious.

23 (4) A dog shall not be declared vicious if the threat, injury or damage was sustained by a
24 person who, at the time, was unlawfully on the property or, while lawfully on the
25 property, was tormenting, abusing, or assaulting the dog or its owner or a family
26 member. No dog may be declared vicious if the dog was protecting or defending a
27 human being within the immediate vicinity of the dog from an unjustified attack or
28 assault.

29 (5) *Vicious dog classification process.*

30 a. The Division shall investigate any incident involving any dog that may be vicious
31 and shall, if possible, interview the owner and require a sworn affidavit from any

1 person, animal control officer, or enforcement officer desiring to have a dog
2 classified as vicious. The dog shall be impounded and held by the Division
3 pending the outcome of the investigation and any appeal. The owner shall be
4 responsible for payment of all boarding costs and other fees required for the
5 Division to care for the dog pending the outcome of the investigation and
6 resolution of any appeal. An owner's refusal to surrender a dog for impoundment
7 pending the investigation shall constitute a violation of this chapter. No dog that is
8 the subject of a vicious dog investigation may be relocated or ownership
9 transferred.

10 b. After its investigation, the Division shall make an initial determination as to
11 whether there is sufficient cause to classify the dog as vicious. The Division shall
12 provide written notification of sufficient cause finding, to the owner, by registered
13 mail, certified hand delivery (signed receipt) or service of process. The ten (10)
14 business day time period from date of notification, shall allow the owner to file a
15 written request for a hearing before a Special Master prior to a final determination
16 of the vicious classification. The hearing shall be held no sooner than five (5)
17 calendar days and not more than twenty-one (21) calendar days after receipt of the
18 request from the owner. The appeal bond, any applicable fees for the care and
19 boarding of said dog (due through the fifth day following the date of the request
20 for hearing) must accompany the owner's written request. The appeal bond and
21 fees shall be established by the Board by resolution. The appeal bond shall be
22 remitted to the Division in the form of a money order, a certified check, a
23 cashier's check, or a bank check payable to the County. The Division shall
24 provide notice of the hearing to the owner by U.S. mail, electronic mail, facsimile,
25 certified mail or certified hand delivery. If the owner fails to appeal within the ten
26 (10) business day period, the dog shall be humanely destroyed.

27 ***

28 (6) *Notice of appeal.* The owner may appeal the classification to the Circuit Court of the
29 Fifteenth Judicial Circuit Court in and for Palm Beach County, Florida within thirty
30 (30) days after receipt of written notification that the dog has been classified as vicious
31 in accordance with the Florida Rules of Appellate Procedure.

Attachment # 2

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 (1) of the following
6 exemptions is provided to the Division:

7 ***

8 f. The dog is used for breeding purposes by a licensed hobby or commercial
9 breeder. The cat is used for breeding purposes by a licensed hobby or commercial
10 breeder and is registered as a pedigreed cat with the Cat Fancier Association or
11 the International Cat Association.

12 ***

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

14 ***

15 (a) *Hobby breeder permits.*

16 (1) No person shall breed a dog or cat or offer a dog or cat for breeding or stud
17 purposes without first obtaining an appropriate breeding permit issued by the Division. No
18 person shall maintain unsterilized dogs over six (6) months of age or unsterilized cats over four
19 (4) months of age together without first obtaining an appropriate breeding permit from the
20 Division. No cat shall be bred unless it is a pedigreed cat registered as such with the Cat
21 Fancier Association or the International Cat Association. No hobby breeder permit shall be
22 issued unless the cats to be bred are pedigreed cats registered as such with the Cat Fancier
23 Association or the International Cat Association. The cost of the permit and other related fees
24 shall be established by the Board by resolution.

25 ***

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

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

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

- 1 b. The applicant/permit holder has been cited for at least three (3) violations of this
- 2 chapter within a two-year period, each resulting in the imposition of a fine;
- 3 c. The permit holder/applicant has outstanding and unsatisfied civil penalties
- 4 imposed due to a violation of this chapter;
- 5 d. The applicant/permit holder, his/her agent or a member of the household has been
- 6 convicted of a violation of law involving cruelty to animals or has had a final
- 7 judgment entered against him/her pursuant to Florida Statutes § 828.073; or
- 8 e. An animal under the care and responsibility of an applicant/permit holder has
- 9 been found to be in need of immediate veterinary care that, if not treated, would
- 10 result in suffering, pain or death.

11 ***

12 (h) *Fee waiver.* The Division shall waive the annual hobby breeder permit fee for any

13 person/applicant who applies for a hobby breeder permit on or before August 1, 2008. For

14 persons/applicants who apply for a hobby breeder permit during this period, the Division

15 shall also annually waive the fee for two (2) unaltered dog or cat license tags. The fee

16 waiver shall remain in effect for a hobby breeder so long as the hobby breeder remains in

17 compliance with this chapter and F.S. ch. 828.

18 ***

19 **Sec. 4-30. Animal care and control Special Master hearings.**

20 ***

21 (i) Any aggrieved party may appeal an order of the Special Master, including the County, to

22 the Circuit Court of the Fifteenth Judicial Circuit Court in and for Palm Beach County.

23 Such appeal shall not be a hearing de novo but shall be limited to appellate review of the

24 record created before the Special Master. Any appeal filed pursuant to this Ordinance shall

25 be considered timely if it was filed within 30 days of the execution of the order to be

26 appealed. PBC may assess a reasonable charge for the preparation of the record to be paid

27 by the petitioner in accordance with F. S. § 119.07.

28 ***

29

30 **Section 2. REPEAL OF LAWS IN CONFLICT:**

31 All local laws and ordinances in conflict with any provisions of this Ordinance are

32 hereby repealed to the extent of such conflict.

1 **Section 3. SAVINGS CLAUSE:**

2 Notwithstanding anything to the contrary, all provisions of Palm Beach County Code
3 Chapter 4, codifying Palm Beach County Ordinance No. 98-22, as amended by Ordinances
4 2001-065, 2003-27, 2005-44, 2008-004, 2009-019, 2011-005 and 2015-027, are specifically
5 preserved and remain in full force and effect for the limited purpose of enforcing any alleged
6 violations of said Code which occurred prior to its repeal or amendment.

7 **Section 4. SEVERABILITY:**

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

11 **Section 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

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

16 **Section 6. ENFORCEMENT:**

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

20 **Section 7. PENALTY:**

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

22 **Section 8. CAPTIONS:**

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

26 **Section 9. EFFECTIVE DATE:**

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

29 *The remainder of this page is intentionally left blank.*

30
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32

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the ____ day of _____, 2016.

SHARON R. BOCK, CLERK

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

By: _____
Deputy Clerk

By: _____
Mary Lou Berger, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
County Attorney

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

Attachment # 2

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

<u>Section</u>	<u>Page</u>	<u>Change and Justification</u>
4.26	18-21	Regulate any organization engaged in housing dogs or cats in the County for the purpose of adoption.
4.2	3, 5	Revise and add definitions.
4.23(b)(11) 4.29(e)(1)	6, 27	Provide that a commercial operating permit or hobby breeder permit may be denied, revoked or suspended if permit holder/applicant has outstanding and unsatisfied civil penalties imposed due to a violation of the Ordinance.
4.23(b)(11)	7	Provide that a commercial operating permit may be denied, revoked or suspended if permit holder/applicant or a member of the family if a home-based business have been found by a court to have committed animal neglect or mistreatment.
4.23(b)(13) & (14)	7-8	Prohibit the issuance of new pet shop or pet dealer commercial operating licenses after October 1, 2016, and grandfather in or existing licensees that remain in good standing.
4.23(b)(15) 4.28(b)(1) 4.29(a)(1)	8, 26	Prohibit the breeding of any cat unless a pedigreed cat registered as such with the Cat Fancier Association or The International Cat Association. A PBC breeding permit must be active and valid.
4.23(i)(1)	8	Require that the official certificate of veterinary inspection for each dog and cat sold by a pet shop or pet dealer include information on only one animal.
4.23(i)(1)m.	11	Require pet shops and pet dealers to obtain dogs and cats from breeders holding a class A license issued by the United States Department of Agriculture.
4.23(i)(1)m.	11	Require pet shops and pet dealers to obtain dogs and cats from dealers and transporters holding a license issued by the United States Department of Agriculture as a class b dealer or intermediate handler or carrier, respectively.
4.23(i)(1)n.	11-12	Prohibit pet shops and pet dealers from obtaining dogs and cats from sources that have been found by the United States Department of Agriculture to have violated various rules and regulations.

<u>Section</u>	<u>Page</u>	<u>Change and Justification</u>
4.23(i)(10)	17, 18	Exempt pet shops from various regulations when displaying rescue animals for the purpose of adoption.
4.26(a) & (b)	18, 20	Require Animal Agencies to maintain records on the impoundment and disposition of animals for a period of two years.
4.26(a) & (b)	18, 20	Require Animal Agencies by the 15th day of each month to provide ACC with the name and address of each person who has adopted an animal during the previous month.
4.26(a) & (b)	19-20	Require that dogs and cats that are adopted from an Animal Agency unsterilized must be brought back to the Animal Agency or authorized veterinarian for sterilization as soon as deemed safe by a veterinarian.
4.26(a) & (b)	19, 21	Require Animal Agencies, on a monthly basis, to provide ACC with information on the number of animals sheltered, adopted and fostered.
4.26(e)	21	Prohibit Animal Agencies from buying animals from a breeder or other source.
4.27	21-25	Amend regulations pertaining to dangerous and vicious dogs for consistency with Chapter 767, Florida Statutes.
4.27(c)(2)f.	23	Allow a dangerous dog to be exercised in a securely fenced or enclosed area, with a muzzle but without a leash, if the dog remains within the owner's sight and only members of the immediate household or persons 18 years of age or older are allowed in the fenced yard or enclosure while the dog is present.
4.23(b)(11)b.	6	Provide that a commercial operating permit may be denied, revoked or suspended if permit holder/applicant has been cited for two major violations or five minor violations within a five-year period.
4.2	4-5	Define major and minor violations.
4.23(b)(16)	8	Prohibit the rental or leasing of dogs or cats in the County.

Attachment # 3
Page 2 of 2

ANIMAL CONTROL OFFICER II**NATURE OF WORK**

This is specialized work in the enforcement of ordinances and laws and/or inspections/issuing permits for commercial animal establishments for the Animal Care and Control Division.

An employee in a position allocated to this class is responsible for performing a variety of responsible duties involving inspections of commercial animal establishments, investigations involving search and seizure for animal cruelty, and/or coordinating and monitoring activities of field employees engaged in enforcing pertinent County ordinances and State statutes. Work is performed under general direction and is reviewed through conferences, written reports and observation of results obtained.

EXAMPLES OF WORK

Inspects commercial animal establishments for purpose of issuing operational permits; inspects pet shops, grooming parlors, breeding facilities, guard dog and boarding kennels, commercial pastures and stables.

Maintains time sheets and prepares weekly schedules for personnel.

Drafts letters of information and prepares billings to commercial establishments.

Prepares investigative case reports relative to inspections of commercial animal establishments and issuance of annual operating permits.

Maintains comprehensive county-wide livestock owners' file and updates as necessary.

Coordinates and assists Animal Control Officer I with completion of animal cruelty cases.

Prepares and obtains search warrants and seizures relating to animal cruelty.

Prepares and files animal cruelty charges with the State Attorney. Acts as liaison with the State Attorney's office on animal cruelty.

Maintains file system on cruelty cases and commercial animal establishments and updates as necessary.

Conducts inspections of commercial animal establishments and issues operational permits.

Interfaces with County zoning officials, USDA and Florida Game and Freshwater Fish Commission officials regarding inspections of commercial animal establishments where necessary.

Issues warning notices and citations to owners of commercial animal establishments in violation of County ordinances and State statutes.

Assists in activities described in Animal Control Officer I as needed.

Performs other related work as required.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

Extensive knowledge of the custodial care of animals.

Considerable knowledge of the remedial care of animals.

Attachment #

4

Page

1

of

2

ANIMAL CONTROL OFFICER II - CONT'D**REQUIRED KNOWLEDGE, SKILLS AND ABILITIES - CONT'D**

Extensive knowledge of the laws and regulations governing domestic animals.

Knowledge of the principles and techniques of assigning and reviewing work of subordinates.

Ability to handle and restrain large and sometimes dangerous animals.

Ability to prepare and deliver comprehensive reports, orally and in writing.

Ability to comprehend and follow oral or written instructions.

Sufficient physical strength and agility to perform assigned tasks.

MINIMUM ENTRANCE REQUIREMENTS

Graduation from high school or an equivalent recognized certification; one (1) year experience as an Animal Control Officer or similar experience in a kennel, animal shelter, law enforcement or similar agency working under animal control laws; or any equivalent combination of related training and experience.

NECESSARY SPECIAL REQUIREMENTS

Possession of a valid Florida drivers' license. Required to obtain and maintain Florida Animal Control Association (FACA) Animal Control Officer Certification within six (6) months of hire. Required to obtain and maintain Florida Animal Control Association (FACA) Euthanasia Technician certification within six (6) months of hire. Must successfully complete pre-exposure rabies treatment/vaccination.

Rev. 11/2007

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET TRANSFER

BGEX - 660- 082916*1870

FUND 0001 - General Fund

Use this form to provide budget for items not anticipated in the budget.

ACCT.NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED 10/1/2016	REMAINING BALANCE
Expense								
0001-660-2220-1201	Salaries & Wages Regular	2,072,934	2,072,934	42,730	0	2,115,664	0	2,115,664
0001-660-2220-2101	Fica Taxes	126,981	126,981	2,650	0	129,631	0	129,631
0001-660-2220-2105	Fica Medicare	29,718	29,718	620	0	30,338	0	30,338
0001-660-2220-2201	Retirement Contributions-FRS	160,371	160,371	3,220	0	163,591	0	163,591
0001-660-2220-2301	Insurance-Life & Health	606,645	606,645	13,260	0	619,905	0	619,905
0001-820-9900-9901	Reserves-Contingency	20,000,000	20,000,000	0	62,480	19,937,520	0	19,937,520
	Total Appropriation and Expenditures			62,480	62,480			

PUBLIC SAFETY
INITIATING DEPARTMENT/DIVISION
Administration/Budget Department Approval
OFMB Department - Posted

Signatures	Date
<u></u>	<u>9/19/16</u>
_____	_____
_____	_____

By Board of County Commissioners
At Meeting of _____
9/27/2016
Deputy Clerk to the
Board of County Commissioners

Attachment # 5

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