

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

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Meeting Date:	September 27, 2016	<input type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Public Hearing
Department:	Department of Public Safety		
Submitted By:	Department of Public Safety		
Submitted For:	Division of Animal Care and Control		

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I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to: **A) Adopt** AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 4 (ORDINANCE 98-22, AS AMENDED BY ORDINANCES 2001-065, 2003-27, 2005-44, 2008-004, 2009-019, 2011-005 AND 2015-027) PERTAINING TO ANIMAL CARE AND CONTROL, AMENDING SECTION 4-1 (SHORT TITLE); AMENDING SECTION 4-2 (DEFINITIONS); AMENDING SECTION 4-23 (KENNEL, EXCESS ANIMAL HABITAT, COMMERCIAL BREEDER, PET DEALER, PET SHOP, GROOMING PARLOR, AND COMMERCIAL STABLE PERMITS); AMENDING SECTION 4-26 (ANIMAL AGENCIES); AMENDING SECTION 4-27 (AGGRESSIVE DOGS, DANGEROUS DOGS AND VICIOUS DOGS); AMENDING SECTION 4-28 (STERILIZATION PROGRAM FOR DOGS AND CATS); AMENDING SECTION 4-29 (HOBBY BREEDER PERMITS); AMENDING SECTION 4-30 (ANIMAL CARE AND CONTROL SPECIAL MASTER HEARINGS); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE;

**B) Approve** addition of one (1) full time Animal Control Officer II position (pay grade 26) to the Public Safety Department Animal Care and Control Division complement; and

**C) Approve** a budget transfer of \$62,480 in the general fund from contingency reserves to support the salaries and benefits associated with the additional position.

**Summary:** (continued on Page 3)

**Attachments:**

1. Proposed Amendment: Strike Through/Underlined Version
2. Proposed Amendment: Clean version
3. Summary of Substantive Recommended Changes
4. Position Description for Animal Control Officer II position
5. Budget Transfer Fund 0001

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Recommended by:	<u>Stephanie Seimone</u>	<u>9/19/16</u>
	Department Director	Date

Approved by:	<u>[Signature]</u>	<u>9-26-16</u>
	Deputy County Administrator	Date

## II. FISCAL IMPACT ANALYSIS

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

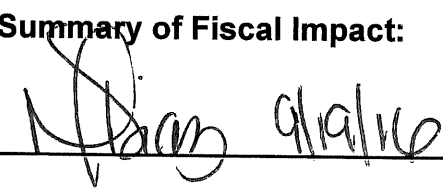
Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	<u>\$62,480</u>	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	<u>\$62,480</u>	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No X \_\_\_\_\_

Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

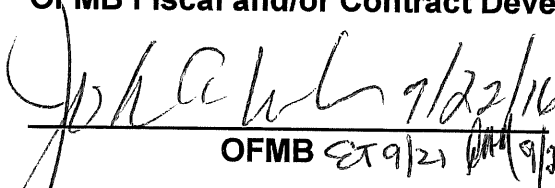
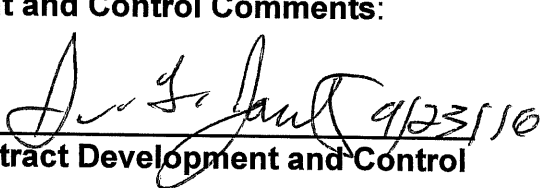
Reporting Category \_\_\_\_\_

### B. Recommended Sources of Funds/Summary of Fiscal Impact: Fund: General Fund

C. Departmental Fiscal Review:  9/19/16

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Development and Control Comments:

 9/22/16  9/23/16  
OFMB ET 9/21/16 Contract Development and Control

### B. Legal Sufficiency:

  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

**Summary:** 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-\_\_\_\_\_

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

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

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

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

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

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

Attachment # 1

Page 1 of 32

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:

- 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 ~~pn.~~ 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 (15<sup>th</sup>) 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/](http://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 (15<sup>th</sup>) 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.

Attachment # 1

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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 (15<sup>th</sup>) 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 (15<sup>th</sup>) 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 (15<sup>th</sup>) 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. ~~T~~he 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~~

Attachment # 1

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-\_\_\_\_\_

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

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

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

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

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

WHEREAS, many animals produced in these Facilities are purchased by retail pet 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.

Attachment # 2

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;

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- 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.

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- 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.

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.

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- 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.

3. contain the printed or typed names and addresses of the person or business from whom the dog or cat was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian.
4. for each dog or cat, list all tests performed, the results of all tests performed, all vaccines and deworming medications administered, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of administration thereof.
5. state that the examining veterinarian warrants that, to the best of his or her knowledge, the dog or cat has no sign of contagious or infectious diseases and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks.
6. state whether the examining veterinarian has detected any physical abnormalities or congenital defects in the dog or cat including but not limited to a heart murmur, an umbilical hernia, entropion, an inguinal hernia, patellar luxation and cryptorchidism.
7. be completed in a legible manner.

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

- p. It shall be a violation of this chapter to falsify any information provided in any OCVI.
- q. All dogs and cats offered for sale and copies of OCVI's held by a pet shop, pet dealer or veterinarian are subject to inspection by any agent of the Division, the Department of Agriculture and Consumer Services, any agent of the United States Department of Agriculture, any law enforcement officer, or any agent appointed under Florida Statutes § 828.03.
- r. All dogs and cats offered for sale by a pet shop or pet dealer shall be implanted with an electronic animal identification device (EAID).

(2) Records.

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

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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 (15<sup>th</sup>) 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 (15<sup>th</sup>) 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 (15<sup>th</sup>) 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 (15<sup>th</sup>) 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

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

\*\*\*

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

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.

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  
31  
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\_\_\_\_.

## 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.

Attachment # 3

Page 1 of 2

<b><u>Section</u></b>	<b><u>Page</u></b>	<b><u>Change and Justification</u></b>
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.

**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.

**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

Attachment #

4

Page

2

of

2

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
<b>Expense</b>								
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
	9/19/16
_____	_____
_____	_____

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