Chapter 4 ANIMALS[1]

Sec. 4-1. Short title; applicability.

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

(b) The provisions of this chapter shall be applicable to the incorporated and unincorporated areas of Palm Beach County, ~~unless a municipal exemption applies~~ except to the extent of a conflict with a municipal ordinance. Unless otherwise provided, nothing in this chapter shall be construed to relieve any person from compliance with any applicable county or municipal regulations.

(Ord. No. 98-22, § 1, 6-16-98; Ord. No. 2016-045 , § 1, 9-27-16)

Sec. 4-2. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall" and "will" are mandatory, and the word "may" is permissive. Words not defined shall be given their common and ordinary meaning.

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

~~*Advertising*~~ Advertise or Advertisement shall mean any statement made in connection with the solicitation of an animal service, animal for-profit business, and/or the sale or barter of an animal and includes without limitation, statements and representations made in a newspaper or other publication~~,~~; on the radio, television, or internet; on social media, online marketplaces, websites; or contained in any notice, handbill, business card, sign, catalog, billboard, brochure, poster, or letter.

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

~~*Altered animal* shall mean any animal that has been spayed or neutered.~~

Animal shall mean any living vertebrate or sentient invertebrate other than a human being.

~~*Animal care and control division* or *division* shall mean an entity of the Board of County Commissioners.~~

[1]Editor's note(s)—Ord. No. 98-22, §§ 1—31, adopted June 16, 1998, amended the Code by repealing former Ch. 4, §§ 4-1—4-21, 4-31—4-35, 4-51—4-56, 4-66, and 4-67, and adding a new Ch. 4, §§ 4-1—4-31. Former Ch. 4 pertained to similar subject matter and derived from Ord. No. 79-16, adopted December 4, 1979; Ord. No. 82-9, adopted March 23, 1982; Ord. No. 89-2, adopted March 3, 1989; Ord. No. 92-7, adopted April 21, 1992; and Ord. No. 93-24, adopted September 21, 1993.

State law reference(s)—Home rule powers of chartered counties, Fla. Const., art. VIII, § 1(g).

Animal control officer/code enforcement officer shall mean any person employed by the County whose duty it is to enforce codes and ordinances pursuant to Florida Statutes, § 162.21, and including County animal care and control ordinances and as defined in Florida Statutes, § 828.27(1)(b) and other applicable State laws.

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

Animal agency ~~*rescue organization*~~ shall mean ~~any organization engaged in housing dogs or cats in the County for the purpose of adoption~~ an incorporated organization that has a nonprofit status with the Internal Revenue Service for which the central purpose is sheltering, adopting, fostering, providing rescue or old age homes for dogs and/or cats, or TNVR for cats. The term "rescue" shall include legally receiving dogs and/or cats from shelters or owners and providing medical or behavioral rehabilitation and care, as needed, for placement into new homes.

Authorized veterinarian/clinic shall mean any person licensed or permitted to practice veterinary medicine under the laws of the State and such person shall have had no previous incidents where money collected from the sale of rabies/license tags has been used/handled inappropriately or illegally.

Board shall mean the Board of County Commissioners of the County.

Breeding shall mean sexual intercourse or artificial insemination of an animal, the result of which may be offspring.

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

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

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

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

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

Community cat shall mean any un-owned free-roaming cat that has been sterilized, vaccinated against rabies, ear-tipped, implanted with an EAID and returned to field and may be cared for by one (1) or more residents of the immediate area who is/are known or unknown.

Community cat caregiver shall mean~~s~~ a person who provides food, water and/or other care for one (1) or more community cats but who does not own, harbor, keep or have custody, control or charge of such cats.

County shall mean the incorporated and unincorporated areas of the County.

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

(1) Has aggressively bitten, attacked, endangered or has inflicted severe injury on a human being on public or private property.

(2) Has more than once severely injured or killed a domestic animal while off the owner's property.

(3) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting.

(4) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one (1) or more persons and dutifully investigated by the Division. For the

purpose of this definition, an act is unprovoked if it was not caused by anything the person who is chased or approached in a menacing fashion or apparent attitude of attack has done.

Director shall mean the Director of the Palm Beach County Division of Animal Care and Control.

Domestic animal shall mean ~~any animal defined in F.S. § 585.01(10)~~ any equine or bovine animal~~s~~, goat, sheep, swine, domestic cat (any cat in the Felis catus family regardless of ownership status), dog, poultry, ostrich, emu, rhea, or other domesticated beast or bird, including but not limited to, domestic fowl.

Division shall mean the Palm Beach County Animal Care and Control Division.

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

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

Excess animal habitat shall mean any property measuring two and one-half (2.5) acres or more on which the maximum number of thirty (30) dogs and cats has been exceeded and for which a permit has been issued by the Division.

Exotic animal shall mean non-native species and wildlife species that are regulated by the Florida Fish and Wildlife Conservation Commission.

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

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

Grooming establishment shall mean any place of business (stationary or mobile) which accepts private pets for bathing, clipping, dipping, pedicuring, or other related services (not to include breeding, dentistry or overnight boarding).

Guard dog shall mean any type of dog used for the purpose of defending, patrolling or protecting property or life at any nonresidential establishment or which resides on the nonresidential property. The term "guard dog" shall exclude any stock dogs used primarily for handling and controlling livestock or farm animals.

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

~~*Guide dog* or *service animal* shall mean any guide dog, signal dog, or other animal individually trained and utilized to do work or perform tasks for the benefit of an individual with a disability, including but not limited to guiding an individual with impaired vision, alerting an individual with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items (as stated in Americans With Disabilities Act Rules and Regulation Regarding Service Animals, 28 Code of Federal Regulation (CFR) Part 36, Subpart A-General 36.104 Definitions).~~

Harborer or *caregiver* shall mean any person who provides care, shelter, protection, refuge, or nourishment to an animal or undertakes the responsibility to do so.

Hobby breeder shall mean any person who intentionally or unintentionally causes or allows the breeding ~~or studding~~ of a female dog or a cat or engages in the breeding of a female dog or cat that results in up to two (2) litters of dogs or cats ~~or nineteen (19) dogs or cats~~ per household or premises per one-year period. A hobby

breeder shall also mean a person who intentionally or unintentionally causes or allows studding of a male dog, without regard to the number of litters produced.

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

Humane trap shall mean any device used for capturing an animal without inflicting injury, pain or suffering and which provides adequate ventilation for the trapped animal. Snares, leg traps, glue traps or similar devices are considered inhumane and shall not be used.

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

Intermediate handler, for the purposes of section 4-22, shall mean~~s~~ any person (other than a dealer, research facility, exhibitor, any person excluded from the definition of a dealer, research facility, or exhibitor, an operator of an auction sale, or a carrier as defined in 9 CFR § 1.1), who is engaged in any business in which he/she receives custody of animals in connection with their transportation in commerce.

Kennel shall mean any place of business for hire at which dogs or cats are kept for boarding or limited pet boarding, training, or daycare~~., rental, or other use for hire.~~

Livestock shall mean ~~include~~ all animals of the equine (horse, mule, etc.), bovine (cattle), porcine (swine), caprine (goats), ovine (sheep) families and domesticated poultry.

Major violation, for the purposes of section 4-22, shall mean a violation including any one (1) of the following:

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

(2) Failure to ensure that animals offered for sale are vaccinated with required vaccines as required by this chapter.

(3) Offering an animal for sale without maintaining all properly completed OCVI's pertaining to the animal, which contain records for only one (1) animal, as required by this chapter.

(4) Failure to have an animal examined by a veterinarian and tested by a veterinarian as provided in section 4-~~23~~22(i)(1), ~~Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits~~ Animal establishments.

(5) Falsifying records required to be maintained or provided to the County or consumers under this chapter.

(6) A violation of section 4-~~23~~22(n), ~~Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits~~ Animal establishments.

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

(8) Failure to comply with minimum requirements concerning physical facilities, animal cages, enclosures, housing, or shelter or tethering in violation of this chapter.

(9) A violation involving a dog or cat ~~transported or~~ possessed, offered for sale, sold, or transported, prior to prior to eight (8) weeks of age or imported in violation of this chapter.

(10) Failure to provide required disclosures to a consumer.

(11) Failure to comply with warranty requirements for dogs and cats offered for sale.

(12) Failure to follow cleaning requirements set forth in this chapter.

Minor violation, for the purposes of section 4-22, shall mean a violation that is readily correctible including any one (1) of the following:

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

(2) Failure to timely provide records to the Division.

(3) Failure to microchip an animal as required by this chapter.

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

(5) A violation involving an animal escaping from the premises of the permitted facility.

Official certificate of veterinary inspection (OCVI) shall mean a legible certificate of veterinary inspection ~~which has been~~ signed by the examining veterinarian who is licensed by the state of origin and accredited by the United States Department of Agriculture. ~~issued by the State Department of Agriculture and Consumer Services and signed by the examining veterinarian licensed by the State and accredited by the United States Department of Agriculture.~~

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

Person shall mean any natural person, society, firm, corporation, partnership, association, humane society, public or private nonprofit organization, other legal entity, public or private institution, municipal corporation, unit of local government or other business unit and every officer, agent, or employee of such business unit. If the person is a minor as defined by the Florida Statutes, the minor's parent(s) or legal guardian shall be deemed the owner of an animal for the purposes of this chapter.

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

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

Police work dog shall mean any dog owned by any State, County or municipal police department or any State or Federal law enforcement agency which has been trained to aid law enforcement officers and is actually being used for police work purposes.

Premises shall mean any parcel of land and the structures thereon.

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

Proper enclosure shall mean, while on the owner's property, a dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the dog from escaping. The pen or structure must have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and must also provide protection from the elements.

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

Public road shall mean any street, sidewalk, alley, highway or other way open to travel by the public, including rights-of-way, bridges, common ground, easements and tunnels.

Quarantine shall mean the strict confinement, isolation and observation of an animal suspected of having rabies or any other infectious zoonotic disease.

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

Return to field shall mean return to the place of origin, the immediate vicinity of the place of origin or, as a last resort, to an alternative location if all reasonable options of return to the place of origin have been exhausted. This shall be done by the Division, or an animal agency or individual on behalf of the Division or with the permission of the Division.

Secure enclosure shall mean a locked pen, yard, or structure constructed to prevent an animal from escaping over, under or through the enclosure. The enclosure shall have secure sides ~~and a top~~.

Service animal shall mean any dog that is individually trained to work or perform tasks for the benefit of an individual with a disability as defined in the Americans with Disabilities Act of 1990. 42 U.S.C. 12102, and 28 C.F.R. 35.104, as may be amended from time to time.

Severe injury shall mean any physical injury that results in broken bones, multiple bites or disfiguring punctures/lacerations requiring sutures or reconstructive surgery.

Shelter shall mean~~s~~ a governmentally operated animal care and control facility.

Stable, commercial shall mean those premises where:

(1) More than four (4) equines are kept which do not belong to the owner or operator of the premises; or

(2) Equines are kept for boarding, pasturing, breeding, riding, training, riding lessons, resale or rearing, and for which advertising is used to promote such activities. ~~"Advertising" shall mean any written statement (excluding real property leasehold arrangements) made in connection with the solicitation of such businesses and includes without limitation, statements and representations made in a newspaper or other publication, or on radio or television or contained in any notice, handbill, business card, sign, catalog, billboard, brochure, poster or letter.~~

Stable, private shall mean those premises where up to four (4) equines are kept which do not belong to the owner or occupant of the premises.

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

Sterilized shall refer to an animal permanently incapable of reproduction.

Stray (noun) shall mean any animal that does not appear, upon reasonable inquiry, to have an owner.

Stray holding partner shall mean an animal agency approved by the Board to hold dogs and cats during the stray hold period provided for in Section 4-12 and to return such animals to their owners or make such animals available for adoption in accordance with this chapter and any rules adopted by the Director to implement the stray hold partner program.

TNVR, also known as ~~trap~~ Trap, Neuter (sterilize), ~~vaccinate~~ Vaccinate, ~~return~~ Return, shall mean a program whereby an un-owned free-roaming cat is humanely trapped, ~~spayed or neutered~~ sterilized, implanted with an EAID, vaccinated against the threat of rabies, ear-tipped and returned to field.

Training establishment shall mean a facility or business where dogs are trained for obedience, behavior modification, or specialized tasks, often including owner education and conducted for commercial purposes.

Unaltered shall mean an animal that has not been sterilized.

Unprovoked shall mean carried out without cause or reason. For the purpose of this chapter, an act is "unprovoked" if not instigated by the victim, whether the victim is a person or domestic animal.

(Ord. No. 98-22, § 2, 6-16-98; Ord. No. 05-044, § 1, 9-27-05; Ord. No. 08-004, pt. 1, 2-5-08; Ord. No. 2009-019, § 1, 7-21-09; Ord. No. 2011-005, § 1, 3-15-11; Ord. No. 2015-027 , § 1, 6-23-15; Ord. No. 2016-045 , § 1, 9-27-16)

Sec. 4-3. Females in heat.

The owner or keeper of a female dog or cat in heat (estrus) shall take reasonable measures to prevent unintentional breeding, including but not limited to, maintaining the female animal in a manner that prevents an unsterilized male animal of the same species from making physical contact with the female animal, supervising outdoor activity, and ensuring that the female animal is not left unattended in any area accessible to unsterilized male animals of the same species. ~~humanely and securely confine such dog or cat indoors or in an enclosed and locked pen or structure to prevent the entry of a male dog or cat and constructed to prevent the female in heat from escaping~~. ~~The only exception to~~ This section ~~is~~ shall not be construed to prohibit controlled and intentional breeding in accordance with a Hobby breeder or Commercial breeder permit.

(Ord. No. 98-22, § 3, 6-16-98)

Sec. 4-4. Dog and cat control.

(a) *Dogs.* It shall be unlawful for any dog to be off the owner's property (which property is exclusive to the owner) unless the dog is under the restraint or control of a person by means of a leash or other device such as a cage, crate or vehicle in accordance with section 4-~~24~~23, Animal care; manner of keeping. Dogs shall be exempted from the provisions of this subsection when:

(1) Being used by law enforcement to perform law enforcement services;

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

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

(4) Engaged in herding, hunting, registered field trials, obedience trials or an American Kennel Club or other similarly recognized show or competition and on property that they are lawfully permitted to be on.

(b) A fine schedule for violations of this section shall be established by the Board by resolution. As a means to encourage owners to sterilize dogs, the following additional procedure has been implemented: When a first offense citation is issued to an owner of an unsterilized dog for violating paragraph (a) above, the Division is authorized to hold the citation for fifteen (15) ~~working~~ calendar days, allowing time for the owner to have said dog sterilized. If proof of sterilization is presented to the Division in this time period, the citation shall not be processed through the County court system, thus waiving the citation fine for the owner. If the

Division is not presented proof of sterilization within fifteen (15) ~~working~~ calendar days, the citation will be processed.

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

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

(e) Any violation of this section that results in a human being or another domestic animal being injured and/or a vehicle accident, may result in a citation being issued with an enhanced penalty.

(Ord. No. 98-22, § 4, 6-16-98; Ord. No. 2015-027 , § 1, 6-23-15)

Sec. 4-5. Animals creating nuisances.

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

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

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

(b) An animal control officer shall investigate an alleged violation of this section upon the receipt of two (2) sworn affidavits of complaint provided by the Division, signed by two (2) unrelated County residents living in separate dwellings ~~in the close vicinity of~~ no more than 1000 feet from the alleged violation. For the enforcement of paragraph (a)(2) herein, one (1) of the affidavits may be provided by a person who works for a recognized business or agency that regularly or frequently provides service in the close vicinity of the alleged violation. The affidavit shall specify the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the owner or custodian, if known, and a description of the animal, if known.

(c) An animal control officer, upon the receipt of two (2) sworn affidavits of complaint as provided for in paragraph (b) herein, may issue a citation to the owner or custodian of any animal alleged to be in violation of this section.

(1) Prior to enforcement action being taken, the animal control officer will mail a warning letter to the address where the animal resides. If the issue involves nuisance noise, the owner will be given 30 days to resolve the nuisance, however for all other forms of nuisance, the expectation shall be immediate correction.

(2) If nuisance noise violations persist, and are reported to the Division by the affiants between 31-90 days following the issuance of a warning letter, the letter will be deemed ineffective and a 1st offense citation will be issued based on the original affidavits.

(3) If continued nuisance noise violations are not reported until after 90 days of the issuance of a violation letter, new affidavits will be required to support the new time period, and a 1st offense citation will then be issued~~.~~.

(4) Following the issuance of any citation for nuisance noise violations, the pet owner shall correct the violation immediately. If the issue is not corrected, the affected parties will be required to submit new affidavits, for the new time period, and additional citations will be issued.

(Ord. No. 98-22, § 5, 6-16-98; Ord. No. 2011-005, § 2, 3-15-11; Ord. No. 2015-027 , § 1, 6-23-15)

Sec. 4-6. Scientific experimentation/animals as prizes.

(a) It shall be unlawful for any person, firm, organization or corporation to deliver, sell, offer or give any animal to any person, firm, organization or corporation for scientific experimentation which involves any cruel or inhumane treatment.

(b) It shall be unlawful for the Division to deliver, sell, offer or give any live animal other than an ectoparasite to any person, firm, organization or corporation for scientific experimentation.

(c) It shall be unlawful for any person, firm, organization or corporation to conduct scientific experimentation on animals which involves any cruel or inhumane treatment.

(d) It shall be unlawful for any person or organization whether for profit, nonprofit, charity or any other purpose to offer an animal as a prize in response to participation in a game, contest, raffle, drawing of chance or any other similar event. ~~The South Florida Fair is exempt from this provision.~~

(Ord. No. 98-22, § 6, 6-16-98)

Sec. 4-7. Injured animals, action required.

It shall be unlawful for any person injuring any animal by any means, to fail to notify immediately the owner of the animal, the Division, or the appropriate police department if in an incorporated municipality, or the sheriff's office if in an unincorporated area.

(Ord. No. 98-22, § 7, 6-16-98)

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

(a) It shall be unlawful for any person in the County to harbor or keep any stray or apparently lost animal unless he/she has notified the Division within twenty-four (24) hours from the time such animal came into his/her possession. Legal notification to the Division shall include effective communication with the Division's Lost and Found Coordinators and/or by properly using the Division's online Lost and Found portal. ~~Upon receiving such notice, the Division may require the person to bring the animal to the Division for identification or sheltering, if necessary. It shall be unlawful for any person to refuse to surrender any such stray animal to an authorized representative of the Division upon demand of such representative.~~

(b) ~~*Adopting stray found animals.*~~ The Division, at its sole discretion, may permit ~~residents~~ a person who possesses a stray, or apparently lost animal, to keep the animal during the redemption period provided for in Section 4-12, Redemption and adoption, provided that such person complies with all of the following: ~~dog or cat and who wish to provide it a permanent home, to legally adopt such animal by adhering to the following procedures~~

(1) Within 48 hours, ~~T~~take the found stray animal to the Division, other authorized stray holding partner, EAID scanning location, or veterinary office to be scanned for an electronic animal identification device (EAID) and checked for a tattoo. ~~An exception to this requirement is for the potential adopter to take the dog or cat to a local veterinarian or another animal shelter to be scanned for an EAID and checked for a tattoo.~~ Proof must be presented to the Division that these requirements have been met.

(2) Within 48 hours, ~~P~~provide the Division with clear identifying color photographs showing the animal from a side view and a front view. Each photograph must be of sufficient quality for an owner to clearly recognize the animal (if electronic a minimum of 1280 x 960 pixels). ~~have a minimal dimension of three (3) inches by three (3) inches. It is also recommended that the potential adopter place a "found" advertisement in at least one (1) local newspaper of general circulation. (3) Complete an official division "found" form which provides all appropriate identifying information for the animal.~~

~~(4) Sign an adoption agreement and pay all necessary fees and deposits. The prospective owner, at his/her option and expense, may make an appointment at the Division to secure the required vaccinations, tests, electronic animal identification device (EAID) and sterilization or may secure these requirements through a private veterinarian. All deposits will be refunded when proof is shown that the new owner has complied with these requirements.~~

~~(5)~~(3) If the animal is or becomes injured or sick ~~while under the potential adopter's care, that~~ the person in possession of the animal shall ~~be required to pay all~~ obtain necessary veterinary ~~expenses~~ care for the animal or bring the animal to the Division so that appropriate care may be provided. ~~If the adopter does not wish to pay for needed treatment, the animal must be relinquished to the Division. The potential adopter shall lose all rights and claims to the animal.~~ If the animal is brought to the Division for veterinary care, the Division will determine whether the animal may be returned to said person.

~~(6)~~(4) ~~All potential adoptors must agree to relinquish~~ Relinquish the animal to the Division for return to its ~~found dog or cat to its rightful~~ owner after proof of ownership has been demonstrated and/or ~~until such time as the Division approves and releases the animal to the new adopter. All potential adopters will also relinquish the found dog or cat~~ to the Division upon request for any reason.

~~(7) Such animal(s) may become the property of a person if the following requirements are also met:~~

(c) A person who finds or cares for a stray or apparently lost animal who wishes to adopt the animal, after the above process has been followed and no owner has come forward, must:

a. ~~Photographs and identifying information have been posted at the Division for ten (10) working days~~ Submit an application to the Division and pay any applicable fees;

b. ~~The animal has been given~~ Obtain a rabies inoculation and County tag for the animal, if applicable;

c. ~~The animal has been~~ Have the animal sterilized; and

d. ~~The animal has been~~ Have the animal implanted with an electronic animal identification device (EAID). ~~The requirements herein must be secured within thirty (30) calendar days after the Division approves the adoption application. Extensions may be granted by the Division for reasonable requests. Any deviation from these adoption requirements by the potential adopter will void the adoption.~~

A prospective adopter, at his/her option and expense, may make an appointment at the Division to secure the above-cited services or may secure these services through a private veterinarian. If a dog or cat is adopted prior to sterilization, the adopter shall enter into a consent agreement between the Director or designee and the adopter guarantees that sterilization will be performed within 30 days of adoption and pay a deposit in accordance with Section 823.15, Florida Statutes. The deposit will be refunded upon the Division's receipt of evidence from the veterinarian performing the sterilization that the dog or cat has been sterilized. The requirements herein must be secured within thirty (30) calendar days after the Division approves the adoption application. Extensions may be granted by the Division for reasonable requests. Any deviation from these adoption requirements by the potential adopter will void the adoption, in which case the animal must be immediately relinquished to the Division.

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

(Ord. No. 98-22, § 8, 6-16-98; Ord. No. 01-065, § 2, 10-2-01; Ord. No. 01-065, § 2, 10-2-01; Ord. No. 2015-027 , § 1, 6-23-15)

Sec. 4-9. Animal waste.

The owner of every dog and cat shall be responsible for the removal of any feces deposited by his/her animal on public property, public walks, public beaches, recreation areas, common areas or private property of others.

(Ord. No. 98-22, § 9, 6-16-98)

Sec. 4-10. Rabies vaccinations.

(a) Every person who is the owner of any dog, ~~or~~ cat or ferret shall have such animal vaccinated against rabies with a vaccine approved by the United States Department of Agriculture in accordance with F.S. § 828.30. The duration of the vaccination shall be according to the approved label accompanying the vaccine as it applies to the particular species and age of the dog, ~~or~~ cat or ferret.

(b) Every person who visits the County with any dog or cat for a period of thirty (30) calendar days or less shall be deemed in compliance with this section by furnishing a current, valid certificate of rabies vaccination issued in accordance with the laws of the jurisdiction in which they permanently reside. Dogs and cats without a current certificate of rabies vaccination must receive a rabies inoculation and be issued a County vaccination certificate.

(c) Every dog or cat that is relocated to the County for a period of more than thirty (30) calendar days, must have a current valid certificate of rabies vaccination. The information contained on that certificate must be substantially the same as the County rabies vaccination certificate or the dog and/or cat owner must secure a rabies vaccination and a County certificate of vaccination.

(d) Evidence of a rabies vaccination shall consist of a fully completed County rabies vaccination certificate signed by the veterinarian administering the vaccine. The Division shall provide the certificates to be used by the veterinarians. One (1) copy of the certificate shall be retained by the veterinarian for at least one (1) year after the vaccination expires and the other copies shall be distributed by the veterinarian to the owner and animal care and control as directed by the Division.

(e) As a means to encourage owners to vaccinate their dogs and cats against rabies: When a first offense citation is issued to an owner of an unvaccinated dog or cat, the Division is authorized to hold the citation for fifteen (15) calendar days, allowing time for the owner to have said dog or cat vaccinated. If proof of vaccination is presented to the Division within this time period, the citation will be administratively dismissed by the Division. If the Division is not presented proof of vaccination within fifteen (15) calendar days, the citation will be processed.

(Ord. No. 98-22, § 10, 6-16-98; Ord. No. 08-004, pt. 2, 2-5-08)

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

(a) *Dogs and cats.*

(1) Every person who is the owner of any dog or cat ~~six (6)~~ four (4) months of age or older ~~or cat four (4) months of age or older~~ shall secure from the Division or an authorized veterinarian/clinic a ~~dog or cat~~

rabies/license tag in accordance with the schedule in subsection (a)(6). The Division shall provide suitable tags for sale through authorized veterinarians/clinics.

(2) No rabies/license tag ~~for dogs or cats~~ shall be issued or renewed until evidence of vaccination for rabies by a licensed veterinarian has been presented. Upon vaccinating a dog or cat against rabies, authorized veterinarians/clinics shall have available for purchase by the ~~dog or cat~~ owner, a County rabies/license tag. The rabies/license tag shall be valid for one of the following: one (1) year from the date of vaccination and must be renewed annually if the rabies vaccination is only approved for one (1) year; three (3) years from the date of vaccination and must be renewed every three (3) years if the rabies vaccination is approved for three (3) years; or a lifetime if the pet receives a three (3) year vaccination and maintains current rabies vaccinations for the pet's lifetime with proof sent to the Division within 30 days of each vaccination date and the pet has a microchip (EAID) registered with the Division including owner's current contact information. No rabies/license tag shall be valid after the expiration of the rabies vaccination, regardless of the date of issuance.

(3) Failure to secure and purchase a new license tag within thirty (30) calendar days after the previous tag expires will result in a late penalty. The Board is hereby authorized to establish by resolution the cost for the late penalty. Failure to secure and purchase a new license tag within 30 days after a three (3) year vaccination or to comply with all conditions set forth in Section 4-11(2) will result in the loss of the lifetime tag option.

(4) All dogs shall be required to wear a valid County license tag. The license tag shall be securely fastened about the dog's neck by a collar, harness or other substantial device so as to be clearly visible at all times. Dogs housed in a secure enclosure may be exempt from wearing the required license tag while kept in the enclosure, as long as the tag is securely fastened to a collar/harness and that device is attached to the enclosure. Dogs participating in a registered field trial, obedience trial, conformation show and/or match are not required to wear such tags during the time of the event.

(5) All cats, other than community cats, shall be required to wear a valid County license tag. The license tag shall be securely fastened around the cat's neck by a collar, harness or other substantial device so as to be clearly visible at all times. Cats, other than community cats, may be exempt from wearing the required license tag while kept in a secure enclosure as long as the tag is securely attached to the enclosure or while within the owner's residence as long as the tag is provided to an officer upon request.

(6) Every person who owns a dog or cat in the County shall be required to secure a ~~dog or cat~~ rabies/license tag pursuant to the following schedule:

a. On or before the date a dog or cat is ~~six (6) months of age or cat is~~ four (4) months of age;

b. Within thirty (30) calendar days of acquiring a dog or cat; or

c. Within thirty (30) calendar days after a dog or cat enters the County permanently.

(7) All authorized veterinarians/clinics shall have County rabies/license tags available for purchase by dog or cat owners or their agents who present evidence to the veterinarian that the dog or cat has been vaccinated against rabies pursuant to section 4-10, Rabies vaccinations. For a one-year or three-year vaccination, the effective date of the license tag shall be the date on which the dog or cat was last vaccinated against rabies. ~~For a three-year vaccination, the effective date will be one (1) and two (2) years following the date of vaccination. In no case shall the rabies/license tag be effective for more than one (1) year.~~ Persons purchasing lifetime tags are responsible for sending in proof of current rabies vaccination within thirty (30) calendar days of each vaccination to the Division to maintain the lifetime tag. At that time the owner will also need to ensure their microchip contact information is current with the Division. Failure to do so will result in the loss of the lifetime tag.

(8) Active law enforcement dogs that are currently owned by a Federal, State, County, or Municipal law enforcement agency are exempt from county license tag requirements.

(9) In the event that a licensed veterinarian has determined that a rabies vaccination would endanger an animal's health because of age, infirmity, disability, illness, or other medical considerations, that animal will be exempt for the license tag requirement. However, such animal must be vaccinated against rabies and obtain a license tag as soon as its health permits.

(b) *Reserved.*

(c) All authorized veterinarians/clinics and authorized representatives shall remit payment for rabies/license tags sold according to procedures established by the Division. All authorized veterinarians/clinics and representatives are encouraged to issue one (1) business check monthly for rabies/license tags sold. Failure to follow the procedures established by the Division will result in the requirement that a business check from the authorized entity be issued to the Division on a monthly basis. A monthly rabies/license tag report form for purposes of tabulating tags sold and amount owed shall be supplied by the Division.

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

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

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

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

(1) The address of the owner shall be presumed to be the abode of the dog or cat. All changes of address must be reported to the Division within thirty (30) calendar days following such change.

(2) Any changes of ownership of any dog or cat, be it by sale, transfer or otherwise, shall be reported in writing to the Division by the new owner within thirty (30) calendar days after ownership changes.

(f) As a means to encourage owners to license their dogs and cats: When a first offense citation is issued to an owner of an unlicensed dog or cat, the Division is authorized to hold the citation for fifteen (15) calendar days, allowing time for the owner to have said dog or cat licensed. If proof of licensure is presented to the Division within this time period, the citation will be administratively dismissed by the Division. If the Division is not presented with proof of licensure within fifteen (15) calendar days, the citation will be processed.

(Ord. No. 98-22, § 11, 6-16-98; Ord. No. 08-004, pt. 3, 2-5-08; Ord. No. 2015-027 , § 1, 6-23-15)

Sec. 4-12. Redemption and adoption.

(a) *Cats with an identified owner and dogs.* All cats with an identified owner and dogs that have been impounded at the Division or at a stray holding partner site shall be held for redemption by the owner for ~~a minimum of four (4) business days~~ 72 hours that the Division or stray holding partner is open for public access. Notwithstanding the foregoing, ~~whenever~~ if a cat with an identified owner or dog is so injured or diseased as to appear to be suffering and it reasonably appears that such cat with an identified owner or dog is imminently near death or cannot be cured or rendered fit for service and the Division makes a reasonable and concerted, but unsuccessful, effort to locate the owner of the cat with an identified owner or dog or the owner's agent, then the Division, acting in good faith and upon reasonable belief, may humanely euthanize the cat with an identified owner or dog upon the advice of the Division's veterinarian. If the Division locates the owner or the owner's agent, the Division shall notify him or her of ~~the~~ said cat ~~with an identified owner~~ or dog's location and condition and such person shall either immediately redeem and provide care for the cat ~~with an identified owner~~ or dog or relinquish the cat ~~with an identified owner~~ or dog to the Division. The Division shall be required to attempt to contact the owner of any cat with an identified owner or dog

impounded wearing a tag, exhibiting a recognizable tattoo, or implanted with an electronic animal identification device (EAID). Those cats with an identified owner or dogs not claimed within ~~four (4) business days~~ 72 hours (that the Division or the stray holding partner is open for public access) by the owner shall become the property of the County or the stray holding partner and may be placed for adoption, transferred to a humane society or private animal nonprofit organization, placed in foster care or disposed of in a humane manner. Impounded cats with an identified owner or dogs that are infected with a contagious disease that poses a threat to the animals or staff at the shelter or to the public may be immediately humanely euthanized. The provisions of this section do not apply to community cats, which are addressed in section 4-~~35~~33, Community cats.

(b) *Cats without identification.* All cats without identification such as a tag, a recognizable tattoo or EAID that are impounded by the Division ~~shall~~ will be immediately processed for adoption, returned to field, transferred to a humane society or private animal nonprofit organization or ~~placement~~ placed in foster care. Notwithstanding the foregoing, whenever such cat is injured or diseased and appears to be suffering and it reasonably appears that such cat cannot be expeditiously cured ~~and returned to field, transferred to a humane society or private animal nonprofit organization or placed in foster care~~, then the Division, acting in good faith and upon reasonable belief, may humanely euthanize the cat upon the advice of a ~~the Division's~~ veterinarian. Cats impounded under this subsection that are infected with a contagious disease that poses a significant threat to the animals or staff at the shelter or to the public may be immediately humanely euthanized. Nothing in this section shall be construed to prohibit the Division from humanely euthanizing any cat that is irremediably suffering.

(c) Exotic animals. Any exotic animal that is impounded and believed to be an escaped pet, will be held for purposes of redemption for 72 hours that the Division is open for public access. If no owner has come forward during such time, the Division will permanently place the animal with an appropriate organization or euthanize it, if appropriate to do so depending on species and other factors. The Division reserves the right to immediately euthanize any invasive species that is impounded, if it is not believed to have an owner. Notwithstanding the foregoing, any other exotic species that may have specific permit requirements for possession with other State or Federal agencies and that the Division cannot satisfy, will immediately be transferred to appropriate facilities for disposition or humanely euthanized.

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

(1) *Proof of ownership.* Proof of ownership shall be established by way of a license and rabies vaccination certificate, bill of sale, photograph, affidavits from neighbors or other reliable documentary evidence. The Division may also require a sworn statement of ownership. Failure to provide satisfactory proof of ownership shall constitute grounds for the Division to refuse to release an animal to a person claiming to be the owner.

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

(3) *Electronic animal identification device (EAID).* No dog or cat shall be released to the owner unless it has been implanted with an electronic animal identification device (EAID) at the owner's expense. No dog or cat shall be released for adoption unless it has been implanted with an EAID.

(4) *Fees and costs.* The owner of an impounded animal shall pay all impoundment fees, daily boarding costs, medical expenses and other costs related to such impoundment prior to release of the animal. These fees shall be established by the Board. Notwithstanding the foregoing, if the owner of an unaltered dog or cat agrees to have the animal spayed or neutered prior to release from the Division,

the owner shall pay the impoundment/redemption fee established by the Board for sterilized animals. During overcrowding crisis periods at the shelter, the Division shall have the ability to forgive some or all fees should the owner have a legitimate financial burden but is able to prove provision of the appropriate care of the animal.

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

(1) Property and/or lease restrictions.

(2) Insufficient personal identification or address verification.

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

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

(5) Number of animals presently owned.

(6) Conditions under which the animal~~s are~~ is to be housed.

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

(8) Observations and determination of field investigator.

(9) Conviction or finding of guilt, or entry of a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence.

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

(10) Prior removal of an animal for neglect or mistreatment under F.S. § 828.073.

(11) Relinquishment of ownership of an animal(s) within the past year or history of relinquishing ownership of animal(s) on more than one (1) occasion.

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

(f) All unsterilized dogs or cats released by the Division to owners with an agreement that the animal return for sterilization at a later time, must be brought back for sterilization as agreed or sterilized by a private veterinarian within the time limits prescribed by the Division. Failure to sterilize any dog or cat as agreed at the time of redemption, will be a violation of this section.

(Ord. No. 98-22, § 12, 6-16-98; Ord. No. 08-004, pt. 4, 2-5-08; Ord. No. 2015-027 , § 1, 6-23-15)

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

(a) The Division shall be responsible for sterilizing every dog and cat prior to release for adoption except those dogs or cats that are a medical or surgical risk or that are transferred to a humane society or private animal nonprofit organization that has agreed to have the dog/cat sterilized prior to adoption or return to field. Notwithstanding the foregoing, if an animal cannot be sterilized at the time of adoption due to a medical or surgical risk, the adopter shall execute a written agreement guaranteeing that sterilization will be performed within 30 days or prior to sexual maturity. The adopter shall provide a sufficient deposit as authorized by the Board by resolution, which deposit shall be refundable upon presentation to the Division of written evidence from the veterinarian performing the sterilization that the animal has been sterilized. Failure by the adopter to timely comply with the provisions of this paragraph shall result in the deposit being forfeited to the Division and shall be a violation of this Chapter. Any legal fees or court costs used for the enforcement of this

paragraph are the responsibility of the adopter. Upon the request of a licensed veterinarian, and for a valid reason, the Division may extend the time limit within which the animal must be sterilized.

~~(b) Adopted dogs and cats not initially sterilized must be sterilized by the Division or a private veterinarian within thirty (30) days from the date of adoption. Upon the written request of a licensed veterinarian, and for a valid reason, the Division shall extend the time limit within which the animal must be sterilized.~~

(~~c~~b) A fee for adoption shall be set by the Board by resolution. No portion of the adoption fee shall be refunded for sterilization performed by a private veterinarian.

(~~d~~c) Any transfer of ownership of an adopted animal shall not occur until such animal has been sterilized and proof of sterilization has been provided to the Division.

(Ord. No. 98-22, § 13, 6-16-98; Ord. No. 2015-027 , § 1, 6-23-15)

Sec. 4-14. Records.

The Division shall keep records of the impoundment and disposition made of all animals under the control of the Division and shall record the relevant dates, names and addresses of persons to whom any animals are released.

(Ord. No. 98-22, § 14, 6-16-98)

Sec. 4-15. Humane education.

(a) It is hereby considered to be a valid public purpose to educate the population of the County concerning the law and the proper care and respect for animals. In accordance with this duty, the Division shall make adequate provision for conducting appropriate educational programs.

(b) In order to educate the population of the County concerning the law and the proper care and respect for animals, ~~T~~the Division ~~shall~~ may prepare ~~a pamphlet codifying local animal laws current in the County and shall make copies of this available upon request~~ educational material that may be provided to the public at no charge and post relevant information on its website.

(Ord. No. 98-22, § 15, 6-16-98)

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

(a) A rabies control program, including the investigation of all reported animal bites, may be carried out through a mutual agreement with the Florida Health Department using the requirements of Florida Department of Health Rules and Regulation, Chapter 64 D-3, Florida Administrative Code, and this chapter as a basis for enforcement and program implementation.

(b) Any dog, ~~or~~ cat, or ferret without a current rabies vaccination that has bitten, is believed to have bitten or has otherwise exposed a person to rabies or is suspected of having rabies shall be quarantined for rabies observation. The owner of such ~~dog or cat~~ animal shall relinquish control of the ~~dog or cat~~ animal for the purpose of quarantine at a location approved by the Division. The ~~dog or cat~~ animal shall be quarantined at the owner's expense for a period of ten (10) days from the date of the bite ~~at the Division or at an approved holding facility of a local veterinarian~~. It shall be unlawful for any person to fail to surrender any such ~~dog or cat~~ animal for rabies quarantine. Additionally, it shall be unlawful for any person to fail to inform the Division of any such ~~dog or cats~~ animal's whereabouts if the owner has relinquished possession of said ~~dog or cat~~ animal or caused said ~~dog or cat~~ animal to be taken from the owner's premises.

At the Division's and/or the County Florida Health Department's sole discretion, the animal may be allowed to complete the quarantine while secured inside the owner's home, if the animal's health could be compromised by completing the quarantine at the Division, the owner can sufficiently confine the animal, and if allowing a home quarantine will not pose a risk to public safety. Permission for a home quarantine may be revoked at any time.

(c) Any dog, ~~or~~ cat, or ferret with a current documented rabies vaccination that has bitten, is believed to have bitten or has otherwise exposed a person to rabies may be quarantined at home. The Division and/or the County Florida Health Department shall have the authority to grant or deny permission for home quarantine privilege. If at any time during the quarantine period the Division determines that the owner of the ~~dog or cat~~ animal is not able to sufficiently confine the ~~dog or cat~~ animal, the owner shall relinquish control of the ~~dog or cat~~ animal to the Division. The ~~dog or cat~~ animal will be confined in the custody of the Division or at an approved holding facility of a local veterinarian for the remainder of the quarantine period at the owner's expense.

(d) Any animal other than a dog, ~~or~~ cat or ferret which has bitten, is believed to have bitten or has otherwise exposed a person to rabies or is suspected of rabies shall be relinquished into the custody of the Division by the owner pending a determination of final disposition by the Florida Health Department.

~~(e) If it is determined that a dog has bitten a person, the Division shall have the authority to require the owner to visibly display a sign(s) at the owner's expense on the property at all entry points warning that there is a "bad" dog on the premises. The owner shall comply with the sign requirement within forty-eight (48) hours of notification by the Division.~~

(~~f~~e) It shall be unlawful for any person to feed or fail to take appropriate precautions to prevent unintentional feeding of any wild raccoon, fox, or coyote.

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

(1) *Animal bite coordinator fee.* Owners whose animals have been reported to have bitten any person, shall be charged a fee ~~when~~ for the services of ~~the~~ an animal bite coordinator. The animal bite coordinator gathers ~~is able to obtain~~ all necessary information by telephone, correspondence or records at the Division, to determine the vaccination status and quarantine requirements for the animal. Such fee shall not be assessed in those instances where the owner and the victim are the same, or within the immediate family or living in the same household and the animal has a current rabies vaccination.

(2) *Field officer fee.* Owners whose animals have been reported to have bitten any person, shall be charged a fee, in addition to the Animal bite coordinator fee, when the animal bite coordinator is not able to obtain all necessary information pursuant to section 4-16(~~h~~f)(1) herein and an animal control officer is dispatched to secure or obtain the required bite information.

(3) *Transportation fee.* Owners whose animals have been reported to have bitten any person and who are required to have such animal quarantined at an approved quarantine facility, shall be charged a transportation fee when the ~~owner has failed to transport said animal to a quarantine facility within twenty-four (24) hours after notification, requiring~~ situation requires transportation by the Division.

(4) *Quarantine release fee.* At the end of each quarantine period for rabies observation, owners whose animals have been reported to have bitten any person are required to call the Division to verify that said animal is alive and healthy to assure that it is free of rabies infection. A quarantine release fee shall only be charged when the owner fails to call or the Division is unsuccessful at reaching the owner by phone within forty-eight (48) hours following the expiration of the quarantine period, requiring an animal control officer to ~~observe the animal~~ be dispatched for the purpose of verifying that the animal is alive and well.

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

(~~h~~g) Except as provided in subsection (~~g~~f)(5), an invoice reflecting fees imposed pursuant to this section shall be sent to the owner of the animal. Payment shall be made by the owner within thirty (30) days of receipt of said invoice. ~~Failure to pay within such time shall constitute a violation of this chapter, punishable as provided in section 4-30, Violations, civil infractions, civil penalties~~ Unpaid fees may be sent to collections or collected by any means available at law.

(i) An invoice reflecting fees imposed pursuant to this section shall be sent to the owner of the animal. Payment shall be made by the owner within thirty (30) days of receipt of said invoice. Failure to pay within such time shall constitute a violation of this chapter, punishable as provided in section 4-31, Enforcement; penalties~~30, Violations, civil infractions, civil penalties.~~

(Ord. No. 98-22, § 16, 6-16-98; Ord. No. 2015-027 , § 1, 6-23-15)

~~Sec. 4-17. Reserved.~~

~~Editor's note(s)—Ord. No. 2015-027 , § 1, adopted June 23, 2015, repealed § 4-17 which pertained to placement and impoundment of honeybee hives and derived from Ord. No. 98-22, § 17, adopted June 16, 1998.~~

Sec. 4-~~18~~17. Guard dogs.

(a) *Guard dog permit.*

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

(2) A guard dog permit is valid for a period of twelve (12) months from the date of issuance and must be renewed annually. Renewal applications for permits shall be made at least thirty (30) days prior to expiration.

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

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

(b) *Obtaining a guard dog permit.*

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

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

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

b. A statement as to whether the applicant or any officer or employee of the guard dog service has ever been ~~convicted of an offense involving cruelty to animals~~ convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence or has had a final judgment entered against that person under Florida Statutes § 828.073 or any other statute prohibiting animal neglect or mistreatment. Case names and numbers must be included in the application;

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

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

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

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

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

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

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

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

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

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

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

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

d. The applicant/permit holder, his/her employee, or an officer of the guard dog service has been convicted ~~of a violation of law involving cruelty to animals or has had a final judgment entered against him/her pursuant to Florida Statutes § 828.073~~ or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates animal cruelty or abuse, sexual activities involving animals, child abuse, domestic violence, or has had a final judgment entered against him/her pursuant to Florida Statutes § 828.073 or a comparable statute; or

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

f. The facility has unresolved citations for a violation of section 4-23, Animal care; manner of keeping.

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

(d) *Appeal process.*

(1) Any applicant or permit holder who has been denied a permit or whose permit has been revoked or suspended may appeal the adverse action to a Special Master by filing a written notice of appeal and appeal bond with the Division within ten (10) days of issuance of the notice of adverse action. The Board of County Commissioners is hereby authorized to establish the amount of the appeal bond by

resolution. The appeal bond shall be remitted to the Division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the County.

(2) The appeal will be heard by a Special Master within thirty (30) calendar days after the applicant or permit holder has submitted a notice of appeal. The initial hearing on the appeal may be continued by the Division, the Special Master, or the applicant or permit holder beyond the thirty (30) calendar days for good cause shown.

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

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

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

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

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

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

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

(f) *Registration of guard dogs.*

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

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

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

c. A color photograph of the guard dog;

d. Other distinguishing physical features of the guard dog;

e. Certification of rabies vaccination;

f. The guard dog license tag number;

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

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

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

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

(2) At least every six (6) months, each guard dog shall be examined by a veterinarian who is licensed in Florida to determine whether the dog is healthy and physically fit to perform service as a guard dog.

The owner shall obtain the certification form from the Division, shall provide it to the examining veterinarian for completion, and, upon completion, shall provide it to the Division.

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

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

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

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

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

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

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

(~~10~~9) Each guard dog must be implanted with an EAID used and approved by the Division.

(~~11~~10) *Maintenance of guard dog registration system; transfer, death, disappearance, and rabies inoculation as affecting registration system.* The Division shall maintain a guard dog registration system which shall contain all data required by the Division. Immediately upon transfer of ownership, death or disappearance of a guard dog, the guard dog service or guard dog owner shall notify the Division. Upon receipt of the information, the appropriate entry shall be made in the guard dog registration system. If the dog has disappeared, an entry should be made to reflect the location of such disappearance.

(g) *Inspection/records.*

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

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

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

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

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

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

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

(5) On a bi-weekly basis, guard dog services shall provide the Division with complete records identifying the name, address, and telephone number of every customer procuring the use of a guard dog and the physical location of every guard dog (with license tag number). <u>The method of reporting shall be as directed by the Division.</u>

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

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

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

(h) *Transportation of guard dog.*

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

(2) No guard dog shall be transported in the trunk of a car. No guard dog shall be transported in the open bed of a truck unless the guard dog is inside a sturdy well ventilated crate that is large enough for the dog to comfortably stand up with its head fully raised and lie down and turn around and is securely fastened within the bed of the truck to prevent movement of the crate. The crate must be protected from the extremes in weather so as to not compromise the welfare of the guard dog.

(3) No guard dog shall be transported in violation of section 4-~~24~~23~~(h)~~(i) and (k), Animal care; manner of keeping.

(i) *General requirements for guard dogs.*

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

(2) Only compatible dogs may be kept in the same enclosure. Appropriate resources such as food, water and bedding must be provided to minimize competition or resource guarding and ensure access by all cohoused animals.

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

(4) The guard dog enclosure shall be made of chain link or similar material with a solid roof over the entire enclosure. The enclosure shall contain a shelter inside the enclosure large enough to allow all dogs present to comfortably stand up, turn around and lie down in the shelter simultaneously. The shelter within the enclosure shall provide protection from the direct rays of the sun and direct effect of the wind and rain, a wind and rain break and provide ventilation. The shelter shall be raised off the ground at least six (6) inches, have a solid roof, have flooring made of a nonporous easily cleanable surface, have at least three (3) covered sides and an opening large enough for each guard dog to access the shelter, have adequate ventilation with windows or openings to allow air to circulate, and have fans or an air conditioning unit as required by this chapter. Enclosures or shelters that are covered on all sides in a manner that prevents adequate ventilation are prohibited.

The enclosure and shelter within the enclosure must be structurally sound, kept in good repair, must be constructed and maintained such that it:

a. Has no sharp points or edges that could injure the dog.

b. Protects the dog from injury.

c. Enables the dog(s) to remain dry and clean.

d. Provides shelter from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dog.

e. Has floors that are constructed in a manner that protects the dog's feet and legs from injury, and that, if of mesh or slatted construction, does not allow the dog's feet to pass through any openings in the floor.

(5) The ~~shelter~~ enclosure shall have clean, dry bedding or a reasonably soft comfortable surface for each dog to lie down on to prevent a dog from getting calluses or pressure sores.

(6) When the outdoor temperature rises above eighty-five (85) degrees Fahrenheit guard dogs must be provided air conditioning or, at minimum, one (1) twenty-inch electric fan directed into enclosure and one (1) twenty-inch electric fan directed into the shelter within the enclosure. When the temperatures fall below forty (40) degrees Fahrenheit, guard dogs must be moved indoors or provided adequate heating in their enclosure and shelter to maintain temperatures above forty-five (~~40~~45) degrees Fahrenheit.

(7) Guard dog enclosures and the area immediately surrounding the enclosures shall be cleaned at least once a day to remove any food waste and excrement to prevent soiling of the dogs and to reduce disease hazards, insects, pests, and odors. Standing water must be removed, and animals must be protected from coming into contact with contaminated water and other waste during cleaning. All surfaces coming into contact with a guard dog including the primary enclosure and food and water receptacles must be appropriately sanitized at least weekly but as often as necessary to prevent accumulation of dirt, debris, food waste, excreta, and other disease hazards. Materials that cannot be sanitized via live steam under pressure, washing with hot 180F water and soap or detergent, or use of a detergent/disinfection product followed by a clean water rinse, must be sanitized by removal of contaminated material such as gravel, grass, sand, earth or absorbent bedding. ~~excrement and to sanitize all surfaces coming into contact with a guard dog~~. All excrement and waste shall be removed from the property.

(8) Guard dogs shall ~~have~~ be provided with easy and convenient access to clean ~~fresh~~ food ~~and water at all times~~. Dogs must be fed at least once a day. The food must be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the individual animal's age and condition. Each guard dog enclosure shall be checked three (3) times a day to ensure that clean fresh water is available.

(9) Each guard dog shall be examined daily for signs of illness or injury. Any guard dog that is sick, injured, lame, or diseased shall be immediately examined by a licensed veterinarian and removed from use as a guard dog until deemed healthy by the veterinarian. If, during an inspection, the Division determines that a guard dog on commercial premises is sick, injured, lame, or diseased, the dog shall be immediately impounded by the Division and may be redeemed in accordance with section 4-12, Redemption and adoption, unless a petition is filed under Florida Statutes § 828.073.

(10) Guard dogs maintained in an enclosure shall have at least one-half (½) hour of exercise within each twelve (12) hours of confinement. Guard dog services and guard dog owners shall maintain a daily record identifying each guard dog by license tag number and providing the date, time, location, and name of the person who exercised the guard dog.

(11) Guard dogs must be given a humane existence, and shall at all times be maintained in accordance with section 4-24, Animal care; manner of keeping, unless otherwise specified in this section.

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

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

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

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

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

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

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

(Ord. No. 98-22, § 18, 6-16-98; Ord. No. 2011-005, § 3, 3-15-11; Ord. No. 2015-027 , § 1, 6-23-15)

Sec. 4-~~19~~18. Evictions, incarcerations, community service adjudications, and other involuntary occurrences; effect on animals.

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

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

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

(Ord. No. 98-22, § 19, 6-16-98; Ord. No. 2015-027 , § 1, 6-23-15)

Sec. 4-~~20~~19. Disposal of bodies of dead animals.

(a) Any owner of any animal, upon the death of such animal, shall immediately dispose of the carcass by burning, burying at least two (2) feet below the surface of the ground, providing the animal to a company licensed to perform cremation or other ~~or~~ disposal, or other ~~authorized~~ method of disposal authorized by law~~; however, nothing in this section shall prohibit the disposal of such animal carcass to companies licensed to do business in this County~~.

(b) It is unlawful to dispose of the carcass of any animal by dumping such carcass on any public or private property, or in any place where such carcass can be eaten by another animal.

(c) Any owner of any animal shall be responsible for the costs of disposing of the animal in instances where the Division disposes of the animal due to any emergency or the owner's failure to act. The costs of disposal shall be established by the Board by resolution.

(Ord. No. 98-22, § 20, 6-16-98)

Sec. 4-~~21~~20. Livestock.

(a) *Livestock fences.* Every owner of livestock shall erect and/or maintain a fence to contain and confine all livestock kept or maintained on his/her premises. Such fence shall be sufficiently strong and substantial so as to prevent egress of livestock. Failure to so erect and/or maintain the fence in reasonably good condition shall be deemed a violation of this chapter. The owner of livestock shall, within twenty-four (24) hours of initial warning from the Division, repair or erect a fence and/or make arrangements for the placement of livestock so as to have the livestock confined. If the fence is not repaired or erected, or arrangements have not been made for the placement of livestock within the twenty-four-hour period, the owner may receive a civil citation.

(b) *Livestock at large.* Any owner of livestock who unlawfully, intentionally, knowingly or negligently permits the same to run at large or stray upon any street, roadway, right-of-way, other public area or the private property of another without consent shall be deemed to be in violation of this chapter.

(c) Livestock impounded at the Division shall be held for redemption by the owner for three (3) business days. To the extent provided by law, ~~L~~livestock not claimed within three (3) business days (that the Division is open for public access) by the owner shall become the property of the County and may be placed for adoption, transferred to a humane society or private animal nonprofit organization, placed in foster care or disposed of in a humane manner.

(d) Every owner of livestock maintained on land without a building or structure that is approved for human occupancy and that is used and occupied by a person on a daily basis shall post contact information for the owner or the owner's agent or a reference number lodged with the Division that will link to the owner's contact information so that in the event of an emergency such as loose, sick, or injured livestock the owner or owner's agent may be contacted. This contact information or reference number will be posted at every gate and/or access point to the property.

(~~d~~e) *Equine infectious anemia/Coggins.*

(1) All horses moving within the County must have a report of a negative Coggins (EIA) test conducted within the previous twelve (12) months. A foal under six (6) months of age, is exempted from test requirements when accompanied by its dam which has a report of a negative Coggins test conducted within the past twelve (12) months.

(2) All horses ~~other than those sold for slaughter,~~ must have a report of a negative Coggins test conducted within the previous twelve (12) months for change of ownership. The negative Coggins test report must be provided to the new owner or custodian at the time of change of location or ownership.

(Ord. No. 98-22, § 21, 6-16-98; Ord. No. 2015-027 , § 1, 6-23-15)

Sec. 4-~~22~~21. Number of animals; acreage restrictions/excess animal habitats.

(a) The chart set forth below prescribes the maximum number of dogs and/or cats, other than community cats, per specified acreage restrictions for animals living on the property for more than twenty-four hours:

Number of Dogs and/or Cats	Less Than 1.5 Acres	1.5 to Less Than 2.5 Acres	2.5 or More Acres
1—10 dogs and/or cats	Allowed	Allowed	Allowed
11—20 dogs and/or cats	Prohibited	Allowed	Allowed
21—30 dogs and/or cats	Prohibited	Prohibited	Allowed
Acreage determination excludes easements for roads or other areas that must allow public egress and ingress. All property must be contiguous.			

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

(c) If it is determined that a person is in violation of this section, such person shall be allowed thirty (30) days from the notice of violation to cure same.

(d) Any person who wishes to exceed the maximum number of thirty (30) dogs and/or cats on two and one-half (2.5) acres or more must apply to the Division for a special "excess animal habitat" permit. The owner must comply with all animal care standards as required in section 4-23 of this chapter. Public animal shelters and humane societies in compliance with local zoning laws are exempt from animal acreage requirements provided they are on a minimum of one (1) acre.

(e) Unowned community cats, when not contained to the property, are not to be counted in the number of animals present.

(f) All animals on a property, no matter the size of the property, must be provided at least with the minimum physiological and psychological elements for humane care as noted in Section 4-23.

(Ord. No. 98-22, § 22, 6-16-98; Ord. No. 2015-027 , § 1, 6-23-15)

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

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

(1) ~~In addition to~~ The requirements within this chapter~~,~~ are in addition to any requirements that may be set forth in: ~~all licensees must comply with:~~ Florida Statutes, Ch. 588, "Livestock at Large"; Florida Statutes, Ch. 585, "Animal Industry"; Florida Statutes, Ch. 828, "Cruelty to Animals"; Florida Department of Health and Rules and Regulations Chapter 64D-3 Florida Administrative Code, Control of

Communicable Diseases and Conditions Which May Significantly Affect Public Health"; Unified Land Development Code of Palm Beach County as adopted by Ordinances 2003-067, 2003-068, and 2003-070 ~~92-20~~, as amended or recodified; Palm Beach County Ordinance No. 72-7, as amended, "Business Taxes"; and any and all other applicable rules and regulations, policies, ordinances and local, state, or federal ~~and~~ laws.

(2) This section shall not be interpreted to require a permit from a veterinary clinic/hospital ~~establishment working under the direct authority and control of a veterinary clinic/hospital, humane society, private animal nonprofit organization, animal rescue organization shelter or private stable~~ for medical services regulated by the Department of Business and Professional Regulation; however, veterinary clinics/hospitals providing services, including but not limited to, boarding, grooming, and training unrelated to medical treatment must obtain an appropriate permit. All other animal establishments as defined in this chapter are required to secure a permit.

(b) *Permit procedures and requirements.*

(1) No person shall operate, solicit business, or advertise an animal establishment without first obtaining an operational permit (hereinafter, "permit") issued by the Division.

(2) Permit applications shall be valid for thirty (30) days in order for applicants to make corrections to meet minimum compliance specifications. A permit shall be issued only after the Division completes an inspection and determines that the minimum requirements and standards, as set forth herein have been met. ~~After approval, a~~ No permit shall be issued ~~upon~~ until receipt of payment of the applicable fee. The permit shall be prominently displayed on the premises where animals are located. The cost of a permit and other related fees shall be established by the Board by resolution.

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

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

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

(6) If there is a change in ownership of any animal establishment, the new owner shall obtain a permit.

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

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

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

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

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

a. There has been a material misstatement or misrepresentation in the permit application or the permit has been transferred in an effort to avoid the requirements of this chapter;

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

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

d. The permit holder/applicant or a member of the household if a home-based business has been ~~convicted of a violation of law involving cruelty to animals;~~ convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence;

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

f. The permit holder/applicant and/or his/her/its employees/agents refuses to allow the inspection of the premises or the records required to be maintained by this chapter or by state law;

g. The permit holder/applicant or a member of the household if a home-based business has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence or had a final judgment entered against him/her/it based upon a finding of animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or comparable statute; or

h. The permit holder/applicant knowingly employs/employed an employee who has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence ~~of a violation of law involving cruelty to animals~~ or who has had a final judgment entered against him/her based upon a finding of animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or comparable statute.

i. The permit holder/applicant/company/parent company/subsidiary company has been convicted or found guilty in a criminal or civil lawsuit of selling animals known to be ill; deceptive sales/trade practices; racketeering; misrepresentation; false statement; failure to honor warranties; violation of Section 828.29, Florida Statutes, or similar law.

j. The permit holder/applicant purchased an animal from a source pending, open, unresolved violations of local, state, or federal animal welfare laws.

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

(13) After October 1, 2016, no new permit shall be approved for any pet shop or pet dealer that offers for sale dogs or cats. Notwithstanding the foregoing, existing pet shops or pet dealers that offer for sale dogs or cats may renew their pet shop operating permit or relocate the business provided they are in compliance with this chapter and may transfer, assign or sell their business provided that the transferee, assignee or new owner meets all requirements for licensure under this chapter. After October 1, 2016, any pet shop or pet dealers that offers for sale dogs or cats shall not open additional stores or operate from additional business premises.

~~(14) After October 1, 2016, no new permit shall be approved for any pet dealer that offers for sale dogs or cats. Notwithstanding the foregoing, existing pet dealers that offer for sale dogs or cats may renew their pet dealer operating permit or relocate the business provided they are in compliance with this chapter and may transfer, assign or sell their business provided that the transferee, assignee or new owner meets all requirements for licensure under this chapter. After October 1, 2016, any pet dealer that offers for sale dogs or cats shall not operate from additional business premises.~~

(~~15~~14) No cat shall be bred unless it is a pedigreed cat registered as such with the Cat Fancier Association or the International Cat Association. No permit shall be issued for any commercial cat breeding operation unless the cats to be bred are pedigreed cats registered as such with the Cat Fancier Association or the International Cat Association.

(~~16~~15) No dog or cat shall be rented or leased and no permit shall be issued for such purpose.

~~(c) *Reserved.*~~

~~(d)~~(c) *Appeal process.*

(1) Any person who has been denied a permit or whose permit has been revoked or suspended may appeal this action to a Special Master within the ten-day period after the Division originates the adverse action. A written notice of appeal and appeal bond must be filed with the Division within ten (10) days of the notice of adverse action. The Board of County Commissioners is hereby authorized to establish the amount of the appeal bond by resolution. The appeal bond shall be remitted to the Division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the County.

(2) The appeal must be heard by a Special Master within thirty (30) calendar days after the owner has submitted a notice of appeal. The appeal may be delayed by the Division, the Special Master, or the permit applicant or permit holder beyond the thirty (30) calendar days for good cause shown.

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

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

(5) The denial, revocation or suspension of the permit shall be upheld or revoked by the Special Master.

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

(1) If the notice of adverse action of denial, revocation or suspension of a permit issued under this section is not appealed, the animal establishment shall be required to humanely dispose, by means of returning to owner, sale, gift, euthanasia performed by a licensed veterinarian or other humane method, all animals in its possession that it is not otherwise entitled to possess under this chapter, within fifteen (15) days after ~~the deadline to appeal has passed~~ notice of adverse action. If the notice of adverse action of denial, revocation, or suspension of a permit issued under this section is upheld on appeal, the animal establishment shall be required to humanely dispose, by means of returning to owner, sale, gift, euthanasia performed by a licensed veterinarian or other humane method, all animals in its possession that it is not otherwise entitled to possess under this chapter, within fifteen (15) days after the appeal hearing unless otherwise ordered by the Special Master. The permit applicant or permit holder shall provide the Division with written notification of the disposition and location of each animal, including the name, address, and telephone number of each new owner. If the animals have not been humanely disposed of as described above, the Division shall attempt to notify owner(s), if applicable, and may impound any animals found to be housed or kept in violation of this chapter. Such animals may be redeemed in accordance with section 4-12, Redemption and adoption.

(2) Any person whose permit has been revoked may not reapply for a period of one (1) year. Each reapplication shall be accompanied by a fee to be established by the Board by resolution.

(3) Any person who has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence ~~with a guilty adjudication of animal cruelty~~ within the past five (5) years may not ~~hold~~ apply for a permit to operate an animal establishment in the County.

~~(f)~~(e) *Inspection procedures.*

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

(2) Inspections of animal establishments shall be made without notice, during normal business hours or at any reasonable time during daylight hours. All inspections shall be made in the presence of the owner, manager or person in charge of the establishment whenever possible.

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

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

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

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

~~(g)~~(f) *Minimum general operational standards.*

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

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

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

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

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

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

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

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

(9) All cleaning solutions and disinfectants shall be stored and used in accordance with the manufacturer's instructions, properly labeled as to content, and shall be stored so as to not come into any contact with animals or items intended for animal consumption.

(10) All equipment, buildings, appurtenances, plumbing, electrical wiring and electrical appliances/equipment shall be in good repair and appropriate for intended use.

(11) Wherever animals are housed or cared for, floors, moldings, walls, shelves and work areas shall be of a nonporous material impervious to fecal matter and urine that can be easily swept, wiped, mopped and disinfected daily. Carpeting as a flooring or wall covering shall not be used wherever animals are housed or maintained. Notwithstanding the foregoing, the Division may in writing approve the use of alternative materials when the animal establishment provides a written plan for keeping all surfaces in the animal enclosure clean and properly disinfected and demonstrates compliance with such plan. (Stables refer to requirements in subsection (k)).

(12) All aisles shall be kept clear to provide safe, free access throughout the animal establishment.

(13) Animal establishments which fail to obtain licensed veterinary care or show proof of same, for any sick or injured animal found in the animal establishment's custody may be charged for violating section 4-24, Animal care; manner of keeping, of this chapter or Florida Statutes Ch. 828, "Cruelty to Animals." Proof of adequate, timely, veterinary care must be provided to the inspecting officer upon request.

~~(14) Bodies of dead animals must be disposed of according to this chapter and any and all other applicable County and State regulations, policies and laws.~~

(14) All animals in an animal establishment must be given a humane existence, and shall at all times be maintained in accordance with section 4-24, Animal care; manner of keeping.

(~~16~~15) A commercial breeder's permit number shall be included in all advertisements offering a dog or cat for sale.

(~~17~~16) No person shall maintain unsterilized dogs over six (6) months of age or unsterilized cats over four (4) months of age of opposite genders together without first obtaining an appropriate breeding permit from the Division.

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

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

a. Kennels, training establishments, commercial breeders and excess animal habitats shall keep records on all animals currently bred, born, boarded, housed and/or being trained. These records shall be maintained on each animal individually.

b. The information in these records shall include but not be limited to rabies vaccination, all other inoculations and prescription or medical treatment administered. In addition, kennels shall be required to obtain the owner's name, address, emergency telephone number, proof of owner's identification, and name and telephone number of owner's veterinarian. Excess animal habitats shall also include records indicating where the animal was obtained. The above information shall be available to the inspecting officer upon request.

c. A medical release must be obtained from the owner or his designee, for each animal and shall become part of the animal's record so that emergency treatment can be given if the animal shows signs of illness or is injured while in the care and custody of the kennel.

d. Commercial breeders shall comply with section 4-245, Dogs and cats offered for sale; health requirements, and shall maintain a separate file for each dog and cat containing all Official Certificate of Veterinary Inspection's (OCVI) and medical records for each individual dog and cat. Such records shall be kept on file at all times on the premises and available to the inspecting officer upon request. Such records shall be maintained for a period of two (2) years after an animal is sold or otherwise disposed of.

e. All dogs housed at a kennel or training establishment for training purposes shall have a training contract. The training contract shall state that the dog is housed specifically for training. The dog shall be housed in an enclosure appropriate for its breed and size to stand holding tail fully erect or sit erect, walk several steps, lie down ~~in a comfortable normal position~~ at full body length, stretch out and turn ~~about~~ around freely. The contract shall include notice that the dog will be interacting with other pets in training classes. The contract shall be signed by the dog's owner.

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

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

(2) *Animal housing requirements—Kennels, training establishments and excess animal habitats.*

a. For kennels and training establishments, dogs must be separated by a wall at least four (4) feet high or one (1) foot higher than the top of each dog's head (excluding the ears), when the dog is standing on all four (4) feet. Nothwithstanding the foregoing, the Division may in writing approve a plan to separate dogs without walls.

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

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

1. Dogs from cats.

2. Unsterilized males from females.

3. Nursing mothers with their young from all others.

4. Boarding dogs from registered guard dogs.

By special request of the owner, as noted in the record, animals from the same household may be boarded together and may be allowed to interact with other animals during supervised play periods. Appropriate resources (e.g. food, water, bedding, etc.) must be provided to minimize competition or resource guarding and ensure access by all cohoused animals.

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

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

f. Kennel operators and training establishments boarding dogs overnight shall comply with the following requirements:

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

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

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

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

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

a. Floors and walls of all animal enclosures shall be made of nonporous material impervious to fecal matter and urine that can be easily disinfected. The floors shall slope toward the drains or troughs. Notwithstanding the foregoing, the Division may in writing approve the use of alternative materials when the animal establishment provides a written plan for keeping all surfaces in the animal enclosure clean and properly disinfected and demonstrates compliance with such plan.

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

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

d. Animal enclosures.

1. General requirements.

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

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

i. Have no sharp points or edges which could injure the dogs and cats;

ii. Protect the dogs and cats from injury;

iii. Keep predators and unauthorized individuals from accessing the enclosure;

iv. Enable the dogs and cats to remain dry and clean;

v. Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs and cats;

vi. Are shaded to shelter all the dogs and cats housed in the animal enclosure;

vii. Provide the dogs and cats with easy and convenient access to clean food and water;

viii. Enable all surfaces in contract with the dogs and cats to be readily cleaned and disinfected; and

ix. Have floors which are constructed in a manner that protects the dogs' and cats' appendages from injury and that will not allow the dogs' and cats' appendages to pass through any openings in the floor.

x. Provide a separation or distance between living space and toileting space.

C. Airline type containers normally used for shipping and transporting animals shall not be used to ~~permanently~~ house animals for more than 1 hour, except under the guidance of a veterinarian for medical treatment.

D. Space requirements for dogs:

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

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

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

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

v. Indoor/outdoor dog enclosures for dogs eleven (11) to twenty (20) pounds shall be at least eight (8) square feet, per dog.

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

vii. The interior height of an indoor/outdoor dog enclosure must be at least one (1) foot higher than the highest point of the body (normally the ears) of the dog in the enclosure when it is in a normal standing position.

E. Space requirements for cats.

i. Each cat that is housed in any animal enclosure must be provided minimum space as follows:

(a) ~~Each animal enclosure housing cats or kittens must be at least twenty-four (24) inches high~~ A minimum of 11 square feet for a cage confined cat or queen with a nursing litter;

(b) ~~Adult cats and kittens over four (4) months old must be provided with at least four (4) square feet, per cat~~ A minimum of 18 square feet per cat for cats housed in a free roam enclosure; and

ii. Compatibility.

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

(b) Queens in heat may not be housed in the same animal enclosure with any mature males unless an appropriate breeding permit has been obtained.

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

(d) Kittens under four (4) months of age may not be housed in the same animal enclosure with adult cats other than their mother.

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

iii. Cat litter.

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

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

iv. Resting surfaces (perches).

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

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

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

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

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

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

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

(5) *Cleaning procedures for kennels, training establishments, commercial breeders, pet dealers and excess animal habitats.*

a. All ~~animal~~ dog enclosures including floors, walls and doors shall be cleaned, disinfected and dried daily. Cat enclosures shall be spot cleaned daily and disinfected completely once the cat leaves the enclosure.

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

c. Drains and walkways adjacent to all animal enclosures shall be hosed and disinfected daily.

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

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

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

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

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

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

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

b. Each OCVI shall contain records for only one (1) dog or cat.

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

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

1. Canine distemper.

2. Leptospirosis.

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

4. Parainfluenza.

5. Hepatitis/Canine Adenovirus type 2.

6. Canine parvovirus.

7. Rabies, provided the dog is over ~~three (3)~~ four (4) months of age and the inoculation is administered by a licensed veterinarian.

8. Roundworms.

9. Hookworms.

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

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

1. Panleukopenia.
2. Feline viral rhinotracheitis.
3. Calici virus.
4. Rabies, if the cat is over ~~three (3)~~ four (4) months of age and the inoculation is administered by a licensed veterinarian.
5. Hookworms.
6. Roundworms.

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

f. Every dog and cat offered for sale by a pet shop or pet dealer must be accompanied by a current OCVI (paper or electronic) 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.

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

k. No puppy or kitten shall be separated from its mother for the purpose of sale or transfer until the puppy or kitten reaches the age of eight (8) weeks old. No pet shop or pet dealer shall possess, ~~offer for sale~~, sell, transport, or arrange for the transportation of any dog or cat that is less than eight (8) weeks of age.

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

m. Except as provided in section 4-23(i)(10), it shall be unlawful for any pet shop or pet dealer to display, offer for sale, deliver, barter, give away, transfer or sell any dog or cat from any source that does not hold a valid license issued by the United States Department of Agriculture pursuant

to 7 U.S.C. § 2131 et seq., or successor provision of law as of the date such pet shop or pet dealer received such dog or cat. Pet shops or pet dealers shall only obtain dogs and cats from:

1. A breeder holding an active class A license issued by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq. and regulations promulgated thereunder.
2. A dealer holding an active class B license issued by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq. and regulations promulgated thereunder, and if the class B license holder is not the breeder, obtained the dog or cat from a breeder who is licensed by the United State Department of Agriculture.
3. A transporter holding an active license as a carrier or intermediate handler issued by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq. and regulations promulgated thereunder and who obtained the dog or cat from a breeder who is licensed by the USDA.
4. An animal agency.

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

1. Has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence ~~to animals~~ under any Federal, State or local law.
2. Has had a final judgment entered against it/him/her based upon a finding of animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or comparable statute.
3. Has been permanently enjoined from breeding, selling, handling, transporting or dealing in dogs or cats by any court.
4. Whose license/permit issued by any local government, State, or Federal government to breed, sell, handle, transport or otherwise deal in dogs or cats is suspended or revoked.
5. That has received a finally determined citation for any "direct" noncompliance violation as indicated on any United States Department of Agriculture inspection report at any time during the prior three (3) years.
6. That has received a finally determined citation for failure to provide a United States Department of Agriculture inspector access to property, animals or records as required by 9 CFR § 2.126, unless a subsequent inspection has been performed at which no direct or indirect violations were found by the inspector.
7. That has received three (3) or more finally determined noncompliance citations for violations other than "direct" noncompliance or a violation of 9 CFR § 2.126 at any time during the prior three (3) years.
8. That has received a finally determined repeat noncompliance citation at any time during the prior three (3) years.
9. That has received a finally determined cease and desist order pursuant to 7 U.S.C. § 2149 at any time during the prior three (3) years.

o. An OCVI must:

1. Be signed on the date of examination by the examining veterinarian who is licensed by the state of origin and accredited by the United States Department of Agriculture and must include the veterinarian's license number.
2. Show the date of birth, sex, breed, color, EAID number, ~~if applicable,~~ and health record of the dog or cat examined.
3. Contain the printed or typed names and addresses of the person or business from whom the dog or cat was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian.
4. For each dog or cat, list all tests performed, the results of all tests performed, all vaccines and deworming medications administered, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of administration thereof.
5. State that the examining veterinarian warrants that, to the best of his or her knowledge, the dog or cat has no sign of contagious or infectious diseases and has no evidence of internal or external parasites~~, including coccidiosis and ear mites, but excluding fleas and ticks~~.
6. State whether the examining veterinarian has detected any physical abnormalities or congenital defects in the dog or cat including but not limited to a heart murmur, an umbilical hernia, entropian, 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.*

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

1. The name, address, USDA license number and state and local license number, if applicable, of every breeder, dealer, <u>animal agency</u>, intermediate handler and carrier that has owned, possessed or handled the dog or cat.
2. The date the dog or cat was born and the date the pet shop or pet dealer received the dog or cat.
3. The breed, sex, color, and identifying marks of the dog or cat. If the breed is unknown or mixed, the record shall so indicate.
4. If the dog or cat is being sold as capable of registration, the names and registration numbers of the sire and dam and litter number.
5. A copy of each OCVI that has been completed for the dog or cat up to the point of sale.

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

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

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

c. By the fifteenth day of the month, each pet shop and pet dealer shall provide the Division with the following records for each dog and cat sold, 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.*

a. Each pet shop and pet dealer shall post conspicuously on the cage or enclosure of each dog and cat offered for sale a written notice in twelve-point or greater type identifying the breed, sex, date of birth of each dog and cat, any illness found by the veterinarian during the most recent examination, and the name, address, 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.

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

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

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

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

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

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

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

Contact the Division at (561) 233-1200 or www.pbc.gov ~~.com~~/publicsafety/animalcare/ with questions about regulations pertaining to your new dog or cat.

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

d. At the time of sale, each pet shop and pet dealer shall deliver to the purchaser of each dog and cat a written disclosure(s) containing all of the information required in section 4-~~23~~22(i)(2)a.1. through 7. The pet shop and pet dealer shall provide all of the above-cited written disclosures containing all of the information required in section 4-~~23~~22(i)(2)a.1. through 7., to the prospective purchaser of each dog or cat for review prior to the purchase upon request. The pet shop or pet dealer shall maintain a copy of the above-cited written disclosures for a period of two (2) years from the date of sale of each dog and cat and shall make such copies available to the Division upon request.

(4) *Warranties for dogs and cats.*

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

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

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

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

b. If a dog or cat is unfit for purchase for any of the above-cited reasons, the pet shop or pet dealer shall afford the purchaser the right to choose one (1) of the following options:

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

2. The right to return the dog or cat and receive an exchange dog or cat of the purchaser's choice of equivalent value, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering; or

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

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

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

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

e. If a pet shop or pet dealer wishes to contest a demand for veterinary expenses, refund, or exchange made by a purchaser under this section, the pet shop or pet dealer may require the purchaser to produce the dog or cat at a mutually agreed upon time and place for examination by a licensed veterinarian designated by the pet shop or pet dealer. Upon such examination, if the purchaser and the pet shop or pet dealer are unable to reach an agreement that constitutes one (1) of the options set forth in this chapter within ten (10) business days following examination by the pet shop or pet dealer's designated veterinarian, the purchaser may initiate

an action in a court of competent jurisdiction to recover or obtain reimbursement of veterinary expenses, refund, or exchange.

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

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

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

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

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

(5) *Animal housing requirements—Pet shops and pet dealers.*

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

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

c. Any animal that cannot stand on its own or that has a life threatening disease must be hospitalized, housed under the direct care of a veterinary hospital/clinic or humanely euthanized.

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

(6) *Animal care—Pet shops and pet dealers.*

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

b. Failure to obtain adequate, timely care from a licensed veterinarian for any diseased or injured animal found in the custody of any establishment shall be a violation of this chapter and/or Florida Statutes Ch. 828, "Cruelty to Animals". Proof of adequate and timely veterinary care must be provided to the Division upon request.

c. All animals that show signs or symptoms of injury, contagious or infectious disease shall be seen by a veterinarian within twenty-four (24) hours and at least one (1) other time prior to being sold to certify that they are free from illness or injury.

d. All animals other than dogs and cats (i.e., rabbits, gerbils, hamsters, guinea pigs, all other rodents, birds, and reptiles) shall be cared for pursuant to general guidelines and accepted animal husbandry standards for each species.

(7) *Physical facility requirements—Pet shops.*

a. All animals shall be contained in appropriate animal enclosures and shall not be permitted to be at large in the facility.

b. All cages and animal enclosures shall be constructed in such a way that they can be maintained in a clean, dry and sanitary manner. All cages and animal enclosures shall be made of non-porous material, impervious to fecal matter and urine, which can be easily disinfected.

c. Heating, cooling and temperature.

1. Indoor housing facilities for animals must be sufficiently heated and cooled when necessary to protect the animals from cold and hot temperatures and to provide for their health, comfort and well-being.

2. When animals are present, the ambient temperature in the facility must not fall below fifty (50) degrees F (ten (10) degrees C) for animals not acclimated to lower temperatures. Such animals would include short-haired breeds, sick, aged, young, infirm dogs and cats, and small domestic animals.

3. The ambient temperature must not fall below fifty (50) degrees F (ten (10) degrees C) or must not rise above eighty-five (85) degrees F (thirty-five (35) degrees C) at any time.

d. Ventilation.

1. Indoor housing facilities for animals must be sufficiently ventilated at all times when animals are present to provide for their health, comfort and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation.

2. Air, preferably fresh air, must be provided through windows, vents, fans (exterior) or air-conditioning.

3. Auxiliary ventilation or air-conditioning must be provided when the ambient temperature is eighty-five (85) degrees F (thirty (30) degrees C) or higher.

e. Cages/animal enclosures.

1. Animal enclosures must be designed and constructed of suitable materials so they are structurally sound. Animal enclosures must be maintained in good repair.

2. Animal enclosures must be constructed and maintained so that they:

A. Have no sharp points or edges that could injure animals;

B. Protect animals from injury;

C. Keep predators and unauthorized individuals from accessing the enclosure(s);

D. Provide animals with easy and convenient access to clean food and water;

E. Enable all surfaces in contact with animals to be readily cleaned and disinfected.

F. Have floors which are constructed in a manner that protects the animals' appendages from injury, and that if of mesh or slatted construction, will not allow the animals' appendages to pass through any openings in the floor.

3. Space requirements for dogs.

A. The guideline for minimum size for an animal enclosure for a dog ten (10) pounds and under shall be three and one half (3.5) square feet.

B. The guideline for minimum size for an animal enclosure for a dog from eleven (11) to twenty (20) pounds shall be six (6) square feet.

C. The guideline for minimum size for an animal enclosure for a dog from twenty-one (21) to thirty-five (35) pounds shall be eight (8) square feet.

D. The guideline for minimum size for an animal enclosure for a dog from thirty-six (36) to fifty (50) pounds shall be twenty (20) square feet.

E. The guideline for minimum size for an animal enclosure for a dog over fifty (50) pounds shall be twenty-four (24) square feet.

F. The interior height of each animal enclosure for a dog must be at least six (6) inches higher than the highest point of the body (normally the ears) of the dog in the enclosure when it is in a normal standing position.

G. All dogs shall be exercised daily. ~~over thirty-five (35) pounds shall be required to be exercised on a leash three (3) times per day for a minimum of ten (10) minutes per exercise period.~~

4. Space and other requirements for cats.

A. Each cat that is housed in any animal enclosure must be provided minimum vertical space and floor space as follows:

i. A minimum of 11 square feet for a cage confined cat or queen with a nursing litter ~~Each animal enclosure housing cats must be at least twenty-two (22) inches in interior height.~~

ii. A minimum of 18 square feet per cat for cats housed in a free roam enclosure ~~Cats up to and including nine (9) pounds must be provided with at least three (3) square feet.~~

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

B. Compatibility.

i. All cats housed in the same animal enclosure must be compatible, as determined by observation.

ii. Kittens under four (4) months of age may not be housed in the same animal enclosure with adult cats other than their mother.

C. Litter.

i. In all cat enclosures, a receptacle containing sufficient clean litter must be provided to collect excreta and body wastes.

ii. Litter pans shall be cleaned and changed daily or more often if necessary.

D. Resting surfaces.

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

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

iii. The resting surfaces shall not be considered part of the minimum floor space.

(8) *Food and water requirements—Pet shops.*

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

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

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

(9) *Cleaning procedures—Pet shops.*

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

b. The entire cage of each dog ~~and cat~~ including top, sides, floor, grate, wall and door shall be cleaned with soap and disinfected, rinsed and dried daily. Cat enclosures shall be spot cleaned daily and disinfected completely once the cat leaves the enclosure.

c. Drains and walkways adjacent to all cages and animal enclosures shall be cleaned with soap and disinfected daily.

d. Runs and cages shall be spot cleaned as necessary to remove animal excrement throughout the day.

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

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

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

a. A pet shop that allows an animal agency ~~a humane society, private nonprofit animal organization, animal rescue organization~~ or shelter to use the pet shop's premises for the purpose of making animals available for adoption shall be exempt from the provisions of subsections (i)(1)(2)(3) and (4) with respect to such animals, provided the pet shop does not have an ownership interest in such animals and the provisions of section 4-~~26~~ 25 are followed. In addition, the pet shop shall post conspicuously on the cage or enclosure of each dog and cat offered for adoption a written notice in twelve-point or greater type identifying the an animal agency ~~a humane society, private nonprofit animal organization, animal rescue organization~~ or shelter from which the dog or cat may be adopted, the breed, the sex, the age, the relevant information known about the dog or cat and that the dog or cat must be sterilized prior to adoption.

b. A pet shop may adopt animals from an animal agency ~~a humane society, private nonprofit animal organization, animal rescue organization~~ or shelter for the purpose of adopting those animals out through the pet shop. With regard to any animal adopted from an animal agency ~~a humane society, private nonprofit animal organization, animal rescue organization~~ or shelter for the purpose of adoption through the pet shop, the pet shop shall comply with all requirements found in section 4-~~26~~25(b)(1)-(8)~~(a)(2)—(10) and (d)~~. In addition, the pet shop shall post conspicuously on the cage or enclosure of each dog and cat offered for adoption a written notice in twelve-point or greater type identifying the animal agency ~~humane society, private nonprofit animal organization, animal rescue organization~~ or shelter from which the dog or cat was obtained, the

breed, the sex, the age, the relevant information known about the dog or cat and that the dog or cat must be sterilized prior to adoption.

~~(j)~~(i) *Minimum operational standards for grooming parlors and mobile grooming units.*

(1) *Record keeping—Groomers.*

a. All grooming parlors and mobile grooming units shall maintain a record of all animals currently on premises or being groomed.

b. A medical emergency release form must be obtained from the owner of each animal so that emergency treatment can be given if an animal shows signs of illness or is injured while in the care and custody of the grooming parlor/unit.

c. The information on this medical release form shall include, but not be limited to: the owner's name, address, emergency telephone number, owner's veterinarian and veterinarian's telephone number. This information shall be provided to the inspecting officer upon request.

(2) *Physical facility requirements—Groomers.*

a. All animals shall be contained in appropriate animal enclosures and shall not be permitted to be at large in the facility.

b. All cages and animal enclosures shall be constructed in such a way that they can be maintained in a clean, dry and sanitary manner. All cages and animal enclosures shall be made of non-porous material, impervious to fecal matter and urine, which can be easily disinfected.

c. Heating, cooling and temperature.

1. Indoor facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from cold and hot temperatures and to provide for their health, comfort and well-being.

2. When dogs and cats are present, the ambient temperature in the facility must not fall below fifty (50) degrees F (ten (10) degrees C) for dogs and cats not acclimated to lower temperatures and for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds).

3. The ambient temperature must not fall below fifty (50) degrees F (ten (10) degrees C) and must not rise above eighty-five (85) degrees F (thirty (30) degrees C) at any time.

d. Ventilation.

1. Indoor facilities for dogs and cats must be sufficiently ventilated at all times when dogs and cats are present to provide for their health, comfort and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation.

2. Air, preferably fresh air, must be provided through windows, vents, fans or air-conditioning.

3. Auxiliary ventilation or air-conditioning must be provided when the ambient temperature is eighty-five (85) degrees F (twenty-nine and one-half (29.5) degrees C) or higher.

4. Proper ventilation shall ~~insure~~ ensure that the fumes from urine do not adversely affect the lungs of the animals or humans.

e. Cages/animal enclosures.

1. Animal enclosures must be designed and constructed of suitable materials so they are structurally sound. Animal enclosures must be maintained in good repair.

2. Animal enclosures must be constructed and maintained so that they:

    A. Have no sharp points or edges that could injure dogs and cats;

    B. Protect dogs and cats from injury;

    C. Keep predators and unauthorized individuals from accessing the enclosure;

    D. Provide dogs and cats with easy and convenient access to clean water as needed;

    E. Enable all surfaces in contact with dogs and cats to be readily cleaned and disinfected.

    F. Have floors which are constructed in a manner that protects the dogs' and cats' appendages from injury, and that if of mesh or slatted construction, will not allow the dogs' and cats' appendages to pass through any openings in the floor.

3. Animal enclosures for dogs and cats which are housed for less than twelve (12) hours must provide sufficient space for each dog and cat, appropriate to its species, breed and size to stand erect, lie down in a comfortable, normal position, stretch out, and to turn about freely.

4. In order to house animals for more than twelve (12) hours, a kennel permit must be obtained from the Division.

(3) *Animal care—Groomers.*

a. Each cage and animal enclosure including top, sides, floor, grate and door shall be cleaned with soap and disinfected, rinsed and dried after each animal occupant.

b. Clippers, combs, brushes and any other equipment shall be disinfected after each animal grooming.

c. Clean, separate drying towels shall be used for each individual animal groomed.

d. Every grooming facility must use ~~tepid~~ warm water for the purpose of washing dogs and cats. Cold water is not acceptable.

e. Grooming bathtubs shall be cleaned with soap and disinfected and rinsed after each animal grooming. Grooming bathtubs shall be maintained free of mold and mildew.

f. Clippers, dryers, combs, brushes and any other grooming equipment shall be maintained in good repair so that they are appropriate for the intended safe use per the manufacturers' or suppliers' instructions.

g. No animal having a known or suspected communicable or infectious disease, shall be accepted for grooming care by a grooming business.

h. No animal is to be housed overnight at any grooming parlor/unit unless the premise is also permitted as a kennel.

~~(k)~~(j) *Minimum operational standards for commercial stables.* To the extent provided by law, the following standards shall apply:

(1) *Record keeping requirements—Commercial stables.*

a. Commercial stables shall keep a reference file on all animals. These files shall be maintained on each animal individually. The information in these files shall include but not be limited to vaccination records, medical treatment administered at the facility, owner's name, address,

emergency telephone number, proof of owner's identification, and name and telephone number of owner's veterinarian.

b. A medical release must be obtained from the owner or his designee, for each animal and shall become part of the animal's record so that emergency treatment may be given if the animal shows signs of illness or injury while in the care and custody of the commercial stable.

c. A copy of a current (within the previous twelve (12) months) negative Coggins test (equine infectious anemia) shall be on record for each equine (except nursing foals) boarded or kept at a commercial stable. No equine shall be accepted for board unless a current (within the past twelve (12) months) negative Coggins test record is produced by the owner.

d. All records shall be made available to the inspecting officer upon request.

(2) *Physical facility requirements—Commercial stables.*

a. Barn.

1. All barns shall be well ventilated so as to have free flow of air or forced ventilation.

2. All feed and tack rooms shall be kept clean and orderly, clear of litter and refuse. Aisles shall be kept clear to provide free exit of stabled animals.

3. All barns or structures shall be in good repair with no water leaks. The floor of all stalls shall be free of standing water. There shall be sufficient drainage on the property to prevent accumulation of persistent standing water in paddock areas.

4. Manure which has been removed from stalls and paddocks shall be maintained at least seventy-five (75) feet from the nearest animal stall. Manure shall be situated so as to assure that there shall be no run-off into canals or retention ponds.

5. Fly abatement measures must be taken as a deterrent to flies.

b. Pasturing.

1. Every owner or manager of any commercial stable shall make daily observation of all animals housed or boarded on the property.

2. Adequate water containers shall be available in all pasture areas sufficient to supplement all equine during dry periods when retention ponds lack sufficient clean water. Stagnant water with floating algae is unacceptable for drinking.

3. Separate feed buckets for each equine shall be used when feeding. When a feed trough or bunker is used, there shall be two (2) ~~lineal~~ linear feet per head or a two (2) foot feed box for each animal.

4. Every commercial stable shall have sufficient drainage in order to provide sufficient dry land for all animals pastured and to prevent accumulation of persistent standing water over the entire pasture.

5. As necessary, all pasture areas shall be dragged to spread and remove manure. Pasture rotation is recommended if sufficient pasture area is available.

c. Exercise area.

1. A designated safe exercise area, which is a minimum of two thousand five hundred (2,500) square feet, shall be provided for all equines.

2. This exercise area shall be appropriately fenced.

3. Equines shall be provided appropriate exercise as recognized by accepted animal husbandry practices.

d. Paddock area.

1. Paddock areas are not required.

2. If an optional paddock area is provided, the area provided shall be a minimum of one hundred (100) square feet. ~~up to a maximum of two thousand five hundred (2,500) square feet.~~

(3) *Food and water supplies—Commercial stables.*

a. Opened food bags shall be stored in rodent, pest and moisture resistant containers with lids and properly labeled as to content.

b. Unopened food bags shall be stored off the ground and kept clean and dry.

c. Stored hay shall be kept clean and dry.

d. Fresh water, free of algae, shall be available to all animals at all times.

e. Hay provided to equines must be distributed to prevent contamination from manure, urine and stagnant water.

(4) *Animal housing requirements—Commercial stables.*

a. Any animal having a known or contagious disease or suspected of having a contagious disease, shall be contained in an area away from other animals. This area shall be clearly and visibly posted with signage stating: "CONTAINS QUARANTINED ANIMALS."

b. The owner or manager of any commercial stable that has an animal with a known or suspected contagious or infectious disease must seek immediate veterinary care for that animal and follow veterinary instructions.

c. Stalls which are used to house animals shall be large enough to allow the animal to stand in an erect position, turn without touching the sides or move about without restriction.

d. All animals must be securely confined and not permitted to run at large.

e. All fences must be secure and safe to prevent injury (i.e., no broken rails, exposed nails, etc.; barbed (where permitted) or any other kind of wire must be taut and sufficiently marked to be visible to livestock).

(5) *Cleaning procedures—Commercial stables.*

a. Stalls and paddocks shall be cleaned daily. ~~Paddocks shall be cleaned as often as necessary.~~ Manure, urine soaked hay, shavings, straw or bedding must be removed daily and replaced with clean dry hay, shavings, straw or bedding.

b. All stalls and paddock areas shall be free of safety hazards (i.e., nails, wire, rocks, wood, other debris or loose fencing upon which animals may become injured).

c. All water containers, buckets, troughs and the like, shall be maintained in such a manner as to be kept free of floating algae.

d. All owners or managers of any commercial stable shall check for and remove any poisonous plants growing in or near where horses are being housed or boarded.

e. All chemicals, pesticides, cleaning solutions and disinfectants shall be stored in accordance with manufacturers' instructions, properly labeled as to content and away from contact with animals.

(Ord. No. 98-22, § 23, 6-16-98; Ord. No. 05-044, § 2, 9-27-05; Ord. No. 2011-005, § 4, 3-15-11; Ord. No. 2015-027 , § 1, 6-23-15; Ord. No. 2016-045 , § 1, 9-27-16)

Sec. 4-~~24~~2423. Animal care; manner of keeping.

(a) It shall be unlawful for any person keeping an animal to fail to provide for that animal:

(1) Clean, sanitary, safe and humane conditions;

(2) Sufficient quantities of appropriate food daily;

(3) Proper air ventilation and circulation;

(4) Adequate quantities of visibly clean and fresh water available at all times; ~~and~~

(5) Medical attention and/or necessary veterinary care when an animal is sick, diseased or injured. Upon request by the Division, written proof of veterinary care must be provided; and

(6) Adequate protection from the cold and heat to prevent stress, discomfort or harm.

(b) It shall be unlawful for any person keeping an animal to fail to provide shelter for that animal.

(1) Shelter for dogs, cats and small domestic animals must:

a. Provide adequate protection from the cold and heat. When the outdoor temperature falls below forty-five (~~40~~45) degrees Fahrenheit, all cats, small domestic animals and those dogs that cannot tolerate such temperatures without stress or discomfort (i.e., short-haired breeds, sick, aged, young or infirm), must be moved indoors or provided adequate heating to maintain temperature above forty-five (~~40~~45) degrees Fahrenheit range. When the outdoor temperature rises above eighty-five (85) degrees Fahrenheit all dogs, cats, and small domestic animals must be provided air conditioning, a fan, or another cooling source to maintain the temperature in the shelter at or below eight-five (85) degrees Fahrenheit;

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

c. Provide a wind break and rain break;

d. Contain clean, dry, bedding material;

e. Provide protection from the elements at all times;

f. Provide sufficient space for each animal to comfortably stand up, sit down, lie down, and turn around in the shelter. If the shelter is used for more than one (1) animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down and turn around simultaneously; ~~and~~

g. Provide a solid roof;

h. Be structurally sound, kept in good repair, and must protect animals from injury, contain the animals securely, and restrict other animals from entering;

i. Be free of any accumulation of trash, waste, material, junk, weeds, and other discarded materials; and

j. Be cleaned regularly to remove animal waste to provide a clean and sanitary living environment.

(2) To the extent provided by law, s~~S~~helter for equine, bovine, ovine and porcine normally maintained in outdoor areas must:

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

~~b. Provide a wind break and rain break;~~

~~c~~b. Provide a solid roof or tree cover sufficient to provide dry shelter at all times for the entire group of animals;

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

~~e~~d. Provide space for each animal to comfortably stand up, sit down, lie down and turn around in the shelter. If the shelter is used for more than one (1) animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down and turn around simultaneously.

(c) It shall be unlawful for any person maintaining equines or ovines to fail to keep hooves trimmed so as to prevent lameness, discomfort, or ~~and extreme overgrowth causing~~ deformities.

(d) No person shall tether an animal to a stationary or inanimate object as a means of confinement or restraint unless such person is with the animal and the animal is at all times visible to such person. Notwithstanding the foregoing, tethering an animal to a vehicle or trailer is prohibited. Choke or prong type collars shall not be used on an animal while such animal is tethered. As used in this chapter, tether means to restrain an animal by tying the animal to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include using a leash or lead to walk an animal. Notwithstanding the foregoing, an animal may be tethered while actively participating in or attending an organized show, field trial, agility event, herding contest or other similar exposition or event, of a limited duration, that involves the judging or evaluation of animals.

(e) Any dog maintained outdoors for all or part of the day in a fenced yard or other type of enclosure shall be provided a minimum of eighty (80) square feet of open space. An additional forty (40) square feet shall be required for each additional dog kept in the same enclosed area. Each dog shall be provided sufficient shelter within the enclosed area. Any enclosed area where a dog is confined shall be kept free of objects that may injure the dog and shall be cleaned regularly to remove feces. Dogs shall not be maintained outdoors during periods of extreme weather including but not limited to hurricanes, tropical storms, and tornados.

(f) Animals must be given appropriate daily exercise.

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

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

(i) No person shall leave an animal in a motor vehicle without adequate ventilation, or in such a manner as to expose the animal to extremes of heat or cold. ~~It shall be unlawful for any person to:~~

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

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

~~(3) Subject or cause an animal to be subjected to extreme temperatures that adversely affect the animal's health or safety.~~

(j) An officer who reasonably believes, based on observed conditions, that an animal confined in a motor vehicle is in imminent danger of injury or death may remove and impound the animal from a vehicle if its safety appears to be in immediate danger from heat, cold, or lack of adequate ventilation. The officer is authorized to take all steps reasonably necessary for the removal of such animal, including, but not limited to, breaking into the vehicle. Neither the officer nor his or her agency shall bear civil liability for damage.

~~(j)~~(k) No person shall transport any animal in a motor vehicle unless the animal is safely enclosed within the vehicle or, if travelling in an unenclosed vehicle (including, but not limited to, convertibles, pickup trucks, open-bed trucks, and flat-bed trucks), is confined by a container, cage, or other device that will prevent the animal from falling from or jumping from the motor vehicle. Any such container or cage shall be secured to the vehicle in order to prevent movement about the vehicle. When animals are transported in a pickup truck with a metal bed, the animals shall be provided protection from the metal bed. ~~It shall be unlawful to transport any animal on a public road in any vehicle unless the animal is safely and humanely restrained (at a minimum by a harness with double tethering for dogs) so that the animal is unable to jump or fall out of the vehicle. When animals are transported in a pickup truck with a metal bed, the animals shall be provided protection from the metal bed.~~

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

~~(l)~~(m) Commercial trappers are prohibited from trapping domestic animals except for the purpose of TNVR or to retrieve loose owned animals for the purpose of return to owner. Any animal trapped by a commercial trapper shall be trapped, handled, and transported in a humane manner. When trapping such animals a commercial trapper shall not kill any domestic animal that he/she traps.

(n) Any person trapping a domestic animal shall adhere to the following requirements:

(1) Use a humane trap;

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

(3) Provide fresh water in the trap;

(4) All trapped dogs and cats, other than community cats addressed in subsection (5) below, shall be immediately returned to their rightful owner or to a governmentally operated animal shelter or humane society in the County. Notwithstanding the foregoing, lactating/nursing cats for which no owner can be located shall be immediately released at the location where the cat was trapped unless the kittens can also be immediately retrieved to accompany the mother. For any dog or cat brought to an animal shelter or humane society, the person who trapped the dog or cat shall provide the address or exact location where the dog or cat was trapped; ~~and~~

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

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

(7) Trapping shall occur no earlier than two (2) hours before sunset and no later than two (2) hours after sunrise, and trapped animals shall be removed from any trap within that period, except when trapped by the Division for TNVR or emergency purposes;

(8) Each trap shall include the name, address and telephone number of the person setting the trap on the trap in letters of no less than one-quarter (¼) inch in height; and

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

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

(1) Section 828.058, Florida Statutes;

(2) Section 828.065, Florida Statutes;

(3) Section 828.08, Florida Statutes;

(4) Section 828.12, Florida Statutes;

(5) Section 828.121, Florida Statutes;

(6) Section 828.122, Florida Statutes;

(7) Section 828.123, Florida Statutes;

(8) Section 828.1231, Florida Statutes;

(9) Section 828.125, Florida Statutes;

(10) Section 828.13, Florida Statutes;

(11) Section 828.14, Florida Statutes;

(12) Section 828.16, Florida Statutes;

(13) Section 828.161, Florida Statutes;

(14) Section 828.22, Florida Statutes;

(15) Section 828.23, Florida Statutes;

(16) Section 828.24, Florida Statutes; and

(17) Section 828.252, Florida Statutes.

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

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

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

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

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

~~(5) Kill or physically abuse an animal.~~

(Ord. No. 98-22, § 24, 6-16-98; Ord. No. 03-029, § 1, 8-19-03; Ord. No. 2011-005, § 5, 3-15-11; Ord. No. 2015-027 , § 1, 6-23-15)

Editor's note(s)—Section 17 of Ord. No. 2011-005 specifies that § 4-24(d) and (e) shall become effective on July 1, 2011.

Sec. 4-~~25~~24. Dogs and cats offered for sale; health requirements.

(a) It shall be unlawful for any person to transfer for sale or adoption ~~offer for sale or sell~~ any dog, cat, puppy, or kitten without first obtaining a ~~an official certificate of~~ veterinary examination for the animal in accordance with this section that certifies that the puppy or kitten is free of internal and external parasites and has received proper inoculations as described below. ~~inspection pursuant to Florida Statutes, § 828.29, as amended~~. ~~Dogs, cats,~~ ~~p~~Puppies~~,~~ and ~~or~~ kittens ~~offered for sale~~ must be at least eight (8) weeks old before the puppy or kitten is separated from its mother for the purpose of sale or adoption. ~~free of internal and external parasites, and have proper inoculations as described below.~~

(b) The ~~official certificate of veterinary inspection~~ veterinary examination shall document that the following inoculations, tests, and treatments have been administered:

(1) Dogs/puppies.

a. Inoculated against: canine distemper, leptospirosis, parainfluenza, hepatitis/canine adenovirus type 2, canine parvovirus, and Bordetella. A rabies inoculation must be provided for any dog ~~three~~ four (~~3~~4) months of age or older.

b. Diagnostic tests to detect the following internal parasites: hookworms, roundworms, whipworms, tapeworms, coccidia and giardia. Heartworm detection must occur for dogs six (6) months of age or older. Appropriate treatment for all positive findings must be documented.

(2) Cats/kittens.

a. Inoculated against: panleukopenia, feline viral rhino tracheitis, calici virus and rabies (provided the cat is over ~~three~~ four (~~3~~4) months of age).

b. Diagnostic tests to detect the following internal parasites: hookworms, roundworms, tapeworms and coccidia. Appropriate treatment for all positive findings must be documented.

c. Each cat must be feline leukemia tested prior to being transferred for sale or adoption.

~~(c) The veterinarian shall date the official certificate of veterinary inspection upon the actual examination and administration of the inoculations and/or treatments. The sale of all dogs and cats must take place no more than thirty (30) days after the official certificate of veterinary inspection has been issued. If a dog or cat is not sold within thirty (30) days of the issuance of the official certificate of veterinary inspection, then a new examination and inspection certificate must be obtained.~~

~~(d) The Division, city-operated animal control agencies and registered nonprofit humane societies shall be exempt from the provisions of this section.~~

(Ord. No. 98-22, § 25, 6-16-98)

Sec. 4-~~26~~25. Animal agencies.

(a) Animal agencies wishing to be a stray hold partner shall enter into an agreement with the County agreeing to abide by all requirements of this Chapter. All ~~humane societies~~ Stray Hold Partners shall:

(1) Hold stray animals ~~for five (5) days (excluding legal holidays or days the operation is closed to the public)~~ in accordance with section 4-12, Redemption and adoption. Animals not redeemed in accordance with section 4-12 shall become the property of the Stray Hold Partner holding the animal. In the event there is a dispute with a possible owner during the stray hold period, the animal shall be turned over to the Division. If an owner comes forward during the stray hold period, the Stray Hold Partner may choose to bring the animal back to the Division for redemption or redeem directly back to the owner. ~~allowing owners access for identifying and reclaiming said animals.~~

(2) For a period of ~~two (2)~~ four (4) years from the date of impoundment of each animal, keep records of the impoundment and disposition of each animal received and record dates, names and addresses of persons from whom each animal was obtained and to whom each animal is released. All such records must be made available to the Division for inspection and copying upon request. ~~By the fifteenth day of the month, provide the Division with the name and address of each person who has adopted an animal during the previous month and the EAID and license tag number (if applicable) of such animal.~~

(b) All animal agencies shall:

(~~3~~1) Provide dogs and cats released to owners with a rabies inoculation and instructions on acquiring a County rabies/license tag.

(~~4~~2) Provide dogs and cats released to new adopters with:

a. A rabies inoculation and instructions on acquiring a County rabies tag.

b. An electronic animal identification device (EAID). ~~or tattoo. The numbering system shall be registered with the Division.~~

(~~5~~3) Reasonably ~~assure~~ ensure that adopted dogs are not to be used as commercial guard dogs, bait dogs, or used for dog fighting.

(~~6~~4) ~~Assure~~ Ensure that animals kept longer than twenty-four (24) hours are maintained in animal enclosures that are consistent with subsection 4-~~23~~22(h).

(~~7~~5) Contact appropriate agencies for the identification of any animals found with tattoos, tags, or electronic animal identification devices (EAID).

(~~8~~6) Comply with section 4-~~24~~23, Animal care; manner of keeping.

(~~9~~7) ~~Provide for the sterilization of every adopted dog and cat. Every dog and cat shall be sterilized prior to release, unless a veterinarian licensed to practice in the State of Florida certifies in writing that the dog or cat has a medical condition that would be substantially aggravated by such procedure or would likely cause the dog or cat's death. A dog or cat may be temporarily released to a potential adopter if the adopter agrees in writing to bring the dog or cat to the Humane Society or authorized veterinarian for sterilization as soon as deemed safe by a veterinarian licensed to practice in the State of Florida.~~ Provide for the sterilization of all dogs and cats sold or released for adoption by either:

a. Providing sterilization by a licensed veterinarian before relinquishing custody of the animals; or

b. Entering into a written agreement with the adopter guaranteeing that sterilization will be performed within 30 days or prior to sexual maturity. The animal agency shall require sufficient deposit from the adopter, which deposit shall be refundable upon presentation of written evidence by the veterinarian performing the sterilization that the animal has been sterilized. Upon the request of a licensed veterinarian, and for valid reasons, the time limit within which the animal must be sterilized may be extended.

(8) For a period of one (1) year from the date of impoundment of each animal, keep records of the impoundment and disposition of each animal received and record dates, names, and addresses of persons from whom each animal was obtained and to whom each animal is released. All such records must be made available to the Division for inspection and copying upon request.

~~(10) By the fifteenth day of the month, provide the Division with the following information:~~

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

~~b. Number of dogs/cats adopted.~~

~~c. Number of dogs/cats in foster.~~

(~~b~~c) ~~All private nonprofit animal organizations and animal rescue organizations shall~~ Animal agencies that are not approved as stray hold partners must follow the same requirements as the general public contained in section 4-8, Keeping/Adopting Stray Animals.

~~(1) Comply with section 4-22, Number of animals; acreage restrictions/excess animal habitats.~~

~~(2) Comply with section 4-24, Animal care; manner of keeping.~~

~~(3) Provide dogs and cats released to owners or new adopters with:~~

~~a. A rabies inoculation and County rabies/license tag.~~

~~b. An electronic animal identification device (EAID) or tattoo. The numbering system shall be registered with the Division.~~

~~(4) Provide for the sterilization of every adopted dog and cat. Every dog and cat shall be sterilized prior to release, unless a veterinarian licensed to practice in the State of Florida certifies in writing that the dog or cat has a medical condition that would be substantially aggravated by such procedure or the procedure would likely cause the dog or cat's death. A dog or cat may be temporarily released to a potential adopter if the adopter agrees in writing to bring the dog or cat to the private nonprofit animal organization or animal rescue organization or authorized veterinarian for sterilization as soon as deemed safe by a veterinarian licensed to practice in the State of Florida.~~

~~(5) Hold stray animals for ten (10) days after a found report has been filed at the Division with two (2) clear photographs (at least three (3) inches by three (3) inches) of the dog or cat and a "found" advertisement has been placed in a local newspaper of general circulation.~~

~~(6) For a period of two (2) years from the date of impoundment of each animal, keep records of the impoundment and disposition of all each animals received and record dates, names and addresses of persons from whom each animal was obtained and to whom each animal is released. All such records must be made available to the Division for inspection and copying upon request. By the fifteenth day of the month, provide the Division with the name and address of each person who has adopted an animal during the previous month and the EAID and license tag number (if applicable) of such animal.~~

~~(7) Reasonably assure that dogs adopted or sold are not to be used as commercial guard dogs.~~

~~(8) Contact appropriate agencies for the identification of any animals with tattoos, tags or electronic animal identification devices (EAID).~~

~~(9) By the fifteenth day of the month, provide the Division with the following information:~~

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

~~b. Number of dogs/cats adopted.~~

~~c. Number of dogs/cats in foster.~~

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

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

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

(g) No animal agency shall make an animal available for adoption in Palm Beach County if that animal was purchased by the animal agency from a breeder, pet dealer, pet auction, or other source.

(h) No animal agency shall market an animal as having been “Rescued” or “Saved” if that animal was purchased from a breeder, per dealer, pet auction, or other source.

(i) No animal agency shall import or accept any animal originating from any location outside the state of Florida without obtaining a valid Official Certificate of Veterinary Inspection for that animal. Such document must certify the animal is free of contagious disease and be signed by a state licensed veterinarian from the state of origin within 30 days prior to the date of importation. Such records must be maintained for a minimum of 2 years and must be made available to the Division upon request.

(j) No animal agency shall allow a dog or cat in its possession to breed. This provision shall not prevent the animal agency from providing rescue to a pregnant female dog or cat and placing the mother and puppies or kittens for adoption.

(k) All animal agencies must, in writing, notify any person adopting or accepting the transfer of an animal of any known dangerous propensities, including but not limited to, any history of bites, attacks, or aggressive incidents regardless of whether an injury was sustained and any known medical conditions.

(Ord. No. 98-22, § 26, 6-16-98; Ord. No. 08-004, pt. 5, 2-5-08; Ord. No. 2016-045 , § 1, 9-27-16)

Sec. 4-~~27~~26. Aggressive dogs~~,~~ and dangerous dogs ~~and vicious dogs~~.

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

(1) The Division shall investigate reported incidents involving any dog that may be aggressive or dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, animal control officer, or enforcement officer desiring to have a dog classified as aggressive or dangerous.

(2) In the event that any animal control officer has sufficient cause to believe that a dog is aggressive or dangerous and that the owner is unable or unwilling to humanely, safely and securely confine the dog, the officer may impound the dog pending the investigation and any appeal if deemed necessary to protect the public. Notwithstanding the foregoing, a dog that is the subject of a dangerous dog investigation and that has killed a human being or has bitten a human being and left a bite mark that scores 5 or higher on the Dunbar bite scale must be immediately confiscated by the Division; placed in quarantine, if necessary, for the proper length of time; impounded; and held. The dog must be held pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this chapter. If the dog is to be destroyed, the dog may not be destroyed while an appeal is pending.

(3) The owner shall be responsible for payment of all boarding costs and other fees required for the Division to care for ~~the~~ any dog impounded at the shelter pending the outcome of the investigation and resolution of any hearing or appeal.

(4) An owner's refusal to surrender a dog for impoundment pending the investigation shall constitute a violation of this chapter.

(5) At the discretion of the Division, a dog that is the subject of ~~a~~ an aggressive or dangerous dog investigation, other than those dogs that are required to be confiscated by the Division in accordance with section 4-26 (a)(2), may be confined at a licensed facility approved by the Division or at the residence of the owner if the Division is given adequate assurance by the owner that the dog can be humanely, safely, and securely confined without posing a danger to the public. If the dog remains with the owner pending the outcome of a dangerous dog investigation and resolution of any appeal, the dog shall be at all times maintained in a securely fenced or enclosed area to prevent the dog from escaping or coming into contact with any person or domestic animal other than a person or domestic animal in the immediate household of the owner. If the dog remains with the owner pending the outcome of an aggressive dog investigation and resolution of any appeal, the dog shall be at all times maintained in a securely fenced or enclosed area to prevent the dog from escaping or coming into contact with any domestic animal other than a domestic animal in the immediate household of the owner. Pending resolution of an aggressive or dangerous dog appeal, the dog shall at all times wear a muzzle when it is off the owner's property and must be restrained by a substantial leash not exceeding six (6) feet in length and under the control of a competent person.

(6) No dog that is the subject of an aggressive or dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any appeal related to the determination of an aggressive or dangerous dog classification. The owner shall provide the Division with the address of where the dog will be maintained pending an investigation and any related hearings.

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

(~~3~~8) If a dog is classified as a dangerous dog due to an incident that causes severe injury to a human being, based upon the nature and circumstances of the injury and the likelihood of a future threat to the public safety, health, and welfare, the dog may be destroyed in an expeditious and humane manner.

(9) A dog that is moved into Palm Beach County and that has been ~~involved in known previous animal-to-human bites or has been equivalently classified as dangerous in its past jurisdiction(s), shall be subject to investigation and classification by the Division. All information, past history and reports from other agencies, organizations or persons may be used to determine the appropriate classification~~ equivalently classified as dangerous in another jurisdiction shall be subject to all of the dangerous dog requirements set forth herein. Within seven (7) days after a dog is moved into Palm Beach County, the owner shall obtain a certificate of registration for the dog from the Division.

(~~4~~10) After its investigation, the Division shall make an initial determination as to whether there is sufficient cause to classify the dog as aggressive or dangerous, and as to the appropriate penalty, if classified as Dangerous. The Division shall provide written notification of sufficient cause finding (and proposed penalty for the dangerous dog0 to the owner, by registered mail, certified hand delivery (signed receipt) or service in conformance with the provisions of chapter 48 relating to 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~~ If a hearing is not timely requested regarding the aggressive or dangerous dog classification or proposed penalty, the determination of the Division as to such matter is final.

(~~5~~11) Once a hearing date is set, failure to appear before the Special Master may, at the Special Master's discretion, result in the dismissal of the hearing with prejudice. In such instances, the ~~process will proceed and the dog shall be classified as aggressive or dangerous~~ determination of the Division as to such matter is final.

(~~6~~12) Upon an aggressive or dangerous dog classification becoming final after a hearing or by operation of law pursuant to subsection 4-~~27~~26(a), the Division shall provide written notification to the owner by registered mail, certified hand delivery (signed receipt) or service in conformance with the provisions

of chapter 48 relating to service of process. The owner may appeal the dangerous dog classification, or penalty, or both, to the Circuit Court of the Fifteenth Judicial Circuit Court in and for Palm Beach County, Florida. The owner may appeal the aggressive dog classification by filing a petition for writ of certiorari in the Fifteenth Judicial Circuit Court in and for Palm Beach County ~~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 in contact with any domestic animal other than a domestic animal in the immediate household of the owner, pending a resolution of the appeal. Pending resolution of an aggressive or dangerous dog appeal, the dog shall at all times wear a muzzle when it is off the owner's property and must be restrained by a substantial leash not exceeding six (6) feet in length and under the control of a competent person.~~

(13) Hunting dogs are exempt from this section when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from this section when engaged in any legal procedures. However, such dogs at all other times in all other respects are subject to this chapter. Dogs that have been classified as dangerous may not be used for hunting purposes.

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

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

(c) The Director or designee may, in his or her discretion, enter into a written consent agreement with the owner of a dog sought to be classified as aggressive providing for a one-year probationary period prior to an aggressive dog classification becoming final. The consent agreement shall provide written assurance of voluntary compliance with all provisions of this chapter deemed necessary to ensure public safety. The consent agreement may in addition provide for remedial or corrective action, including but not limited to, evidence of successful completion of dog training courses. Except as expressly provided for in the consent agreement, the consent agreement shall not be deemed to impose any limitation on the County's ability to enforce any provisions of this Chapter. Violation of the consent agreement shall be a violation of this Chapter, may lead to termination of the consent agreement, and may result in an aggressive or, if warranted, dangerous dog classification.

(~~c~~d) *Dangerous dog mandates and responsibilities.*

(1) *Mandates for owner.* Except for any dog that is required to be destroyed pursuant to section 4-26 (a)(8), ~~W~~within ~~fourteen (14)~~ seven (7) days after a dog has been classified as dangerous or a dangerous dog classification is upheld on appeal, [a]n owner of a dangerous dog shall ~~comply~~ obtain a certificate of registration for the dog from the Division and renew the certificate annually. The fee shall be established by the Board by Resolution. The certificate of registration may only be issued to the owner upon sufficient evidence of compliance with all of the following:

a. ~~Provide the Division with a~~ A certificate of rabies vaccination.

b. A proper enclosure to confine the dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points which informs both children and adults of the presence of a dangerous dog on the property. ~~A special dangerous dog tag supplied by the Division shall be purchased annually and affixed to the dog's collar to be worn at all times. The fee shall be established by the Board by resolution.~~

c. The dog shall be implanted with an approved electronic animal identification device (EAID) at the owner's sole expense.

d. The owner of a dangerous dog shall provide the Division with two (2) color photographs of the dog, (front view and side view) that clearly identifies the classified dog. Each photograph shall be at least three (3) inches by three (3) inches.

e. A dangerous dog must be spayed/neutered unless a licensed veterinarian has examined the dog and certified in writing, that at such time spaying/neutering the classified dog would endanger its health because of infirmity, disability, illness or other medical consideration. However, the dog ~~will~~ must be spayed/neutered as soon as its health permits. If there is a disagreement concerning the health status for sterilizing a dangerous dog, the Division may have the animal care and control staff/contract veterinarian examine the dog to determine its eligibility for sterilization. ~~If the disagreement cannot be resolved, the Division and the owner shall agree on a third veterinarian to examine the animal for sterilization eligibility. The cost of the third veterinarian shall be split evenly between the Division and the owner. The opinion of the third veterinarian shall govern.~~

f. Liability insurance coverage in an amount of at least $100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage to the Division.

(2) *Responsibilities for owner.*

a. The owner shall immediately notify the Division when a dangerous dog:

1. Is loose, unconfined or lost/stolen;

2. Has bitten a human being or attacked another domestic animal;

3. Is sold, given away, or dies; or

4. Is moved to another address.

b. Prior to a dangerous dog being sold or given away, the owner shall provide the name, address and phone number of the new owner to the Division. The new owner shall execute a document to be supplied by the Division, acknowledging that the owner is aware of the dangerous dog classification, and that the owner ~~shall~~ must comply with the requirements of this section. The new owner must comply with all of the requirements of this chapter. If the animal is moved out of the County to another jurisdiction within the State, the owner is required to abide by Florida

Statutes Ch. 767. The animal control authority at the new location must be notified by the owner of a dog classified as dangerous, that the dog is in its jurisdiction.

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

d. When being transported, a dangerous dog must wear a muzzle and be safely and securely restrained within a vehicle.

e. The owner shall prominently display a sign to be provided by the Division at the owner's expense, on his/her premises at all entry points warning children and adults that there is a dangerous dog on the property. The fee for this sign shall be established by the Board by resolution.

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

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

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

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

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

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

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

The Division shall have the authority to make inspections to ensure that the provisions cited herein are complied with.

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

(3) *Violations.*

a. The Division is responsible for investigating alleged violations of this section after a dog is classified as aggressive or dangerous. A citation may be issued to the owner of any aggressive or dangerous dog alleged to be in violation of this section. The investigating officer may issue such citation upon the receipt of one (1) sworn affidavit of complaint. This affidavit shall specify the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the owner, if known, and a description of the dog. In the event that a third or subsequent citation is issued to the owner for violation of this section, the owner shall be required to appear in court.

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

(~~d~~e) ~~*Vicious dog*~~ *Attack or bite by dangerous dog or unclassified dog that causes death; confiscation; destruction*.

(1) ~~*Upgrading dangerous dog to vicious dog.*~~ If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal, without provocation, the dangerous dog shall be immediately confiscated by the Division, placed in quarantine, if necessary, for the proper length of time or impounded and held ten (10) business days after the owner is given written notification by certified mail, certified hand delivery (signed receipt), or service in conformance with the provisions of chapter 48 relating to service of process and thereafter destroyed in an expeditious and humane manner. ~~The Division shall make an initial determination as to whether there is sufficient cause to upgrade the dangerous classification to vicious.~~

(2) ~~*Attack by unclassified dog that causes death of a human.*~~ If a dog that has ~~not~~ previously been declared dangerous attacks and causes ~~the~~ severe injury to or death of any human, the dog ~~may be destroyed in an expeditious and humane manner. The dog~~ shall be immediately confiscated by the Division, placed in quarantine, if necessary, for the proper length of time or held for ten (10) business days after the owner is given written notification by registered mail, ~~certified mail,~~ certified hand delivery (signed receipt) or service in conformance with the provisions of chapter 48 relating to service of process and thereafter destroyed in an expeditious and humane manner. ~~The Division shall make an initial determination as to whether there is sufficient cause to classify the dog as vicious.~~

(3) ~~*Attack by unclassified dog that causes severe injury to a human.*~~ If a dog that has not been declared dangerous attacks and causes ~~severe injury to~~ the death of a human, ~~based upon the nature and circumstances of the injury and the likelihood of a future threat to the public safety, health and welfare, the dog may be destroyed in an expeditious and humane manner. T~~the dog shall be immediately confiscated by the Division, placed in quarantine, if necessary, for the proper length of time; impounded; ~~or~~ and held for ten (10) business days after the owner is given written notification by ~~certified~~ registered mail, certified hand delivery (signed receipt) or service in conformance with the provisions of chapter 48 relating to service of process and thereafter destroyed in an expeditious and humane manner. ~~The Division shall make an initial determination as to whether there is sufficient cause to classify the dog as vicious.~~

(4) A dog shall not be ~~declared vicious~~ subject to classification if the threat, injury or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may

be ~~declared vicious~~ subject to classification if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(5) *~~Vicious dog c~~Classification process.*

a. The Division shall investigate any incident involving any dog that may ~~be vicious~~ subject the dog to classification under section 4-26(e) and shall, if possible, interview the owner and require a sworn affidavit from any person, animal control officer, or enforcement officer desiring to have a dog classified ~~as vicious~~. The dog shall be impounded and held by the Division pending the outcome of the investigation and any appeal.

b. The owner shall be responsible for payment of all boarding costs and other fees required for the Division to care for the dog pending the outcome of the investigation and resolution of any appeal.

c. An owner's refusal to surrender a dog for impoundment pending the investigation shall constitute a violation of this chapter. No dog that is the subject of ~~a vicious dog investigation~~ an investigation under section 4-26(e) may be relocated or ownership transferred.

~~b.~~d. After its investigation, the Division shall make an initial determination as to whether there is sufficient cause to ~~classify~~ destroy the dog ~~as vicious~~. The Division shall provide written notification of sufficient cause finding, to the owner, by registered mail, certified hand delivery (signed receipt) or service in conformance with the provisions of chapter 48 relating to service of process. ~~The ten (10) business day time period from date of notification, shall allow the owner to file a written request for a hearing before a Special Master prior to a final determination of the vicious classification.~~ The owner may request a hearing under subsection 4-26(a) during the 10 business days after such notification. The hearing shall be held no sooner than five (5) calendar days and not more than twenty-one (21) calendar days after receipt of the request from the owner. The appeal bond, 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) must accompany the owner's written request. The appeal bond and fees shall be established by the Board by resolution. The appeal bond shall be remitted to the Division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the County. The Division shall provide notice of the hearing to the owner by U.S. mail, electronic mail, ~~facsimile,~~ certified mail or certified hand delivery. If the owner fails to appeal within the ten (10) business days ~~period~~ of the notification, the dog shall be ~~humanely~~ destroyed in an expeditious and humane manner.

~~c.~~e. Once a hearing date is set, failure to appear before the Special Master may, at the Special Master's discretion, result in the dismissal of the hearing with prejudice. In such instances, the process will proceed and the dog shall be ~~classified as vicious~~ destroyed in an expeditious and humane manner. ~~The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the dog during any appeal procedure.~~

(6) *Notice of appeal.* 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 vicious~~ in accordance with the Florida Rules of Appellate Procedure.

(Ord. No. 98-22, § 27, 6-16-98; Ord. No. 05-044, §§ 3, 4, 9-27-05; Ord. No. 2009-019, § 2, 7-21-09; Ord. No. 2011-005, § 6, 3-15-11; Ord. No. 2015-027 , § 1, 6-23-15; Ord. No. 2016-045 , § 1, 9-27-16)

Sec. 4-~~28~~27. Sterilization program for dogs and cats.

(a) *Purpose.* The Board has determined that the unintended or uncontrolled breeding of dogs and cats within the County leads to many dogs, cats, puppies, and kittens being unwanted, becoming strays, suffering privation and death, being impounded and euthanized at great expense to the community, and constituting a public nuisance and public health hazard. It is, therefore, declared to be the public policy of the County that every feasible means of reducing the number of unwanted dogs, cats, puppies, and kittens be encouraged.

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

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

a. The dog or cat is registered with a national or international club, association, or registry recognized by the Division, and the owner certifies in writing to the Division that the animal is being used, trained, or considered for use in a show(s), sporting competition(s), or other similar competitive event(s) held by one (1) or more national or international clubs, associations, or registries.

b. A veterinarian licensed in the State certifies in writing that the dog or cat is medically unfit to undergo the required spay or neuter procedure because of a medical condition, including but not limited to age, that would be substantially aggravated by such procedure or would likely cause the dog or cat's death. The writing must state the date by which the dog or cat may be safely spayed or neutered. The Division may extend the time for spaying or neutering a dog or cat or may exempt such dog or cat from the spay/neuter requirement based upon the written medical recommendation of a licensed veterinarian. For a dog or cat that is not spayed or neutered due to a health condition as provided herein, the license tag fee established by the Board for sterilized dogs or cats shall apply. As soon as the medical condition that prevents a dog or cat from being spayed or neutered ceases to exist, it shall be the duty of the owner of such dog or cat to promptly comply with this section.

c. The dog is currently used by a law enforcement agency for law enforcement purposes.

d. The dog is ~~a guide dog or~~ a service animal as defined in section 4-2 of this chapter.

e. The owner wishes to keep the dog unsterilized and certifies in writing to the Division that the dog will not be bred or used for stud purposes unless an appropriate breeder permit is first obtained from the Division. Breeding or using the dog for stud in violation of this provision shall constitute a violation of this chapter.

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

g. The dog or cat is being harbored by a shelter or animal agency~~, humane society, or private animal nonprofit organization, or animal rescue organization~~ whether public or private, whose principal purpose is securing the adoption of dogs or cats or offering sanctuary for dogs or cats, provided that the dog or cat is spayed or neutered ~~prior to being placed for adoption~~ in accordance with Section 4-~~26~~25, Animal agencies.

h. It is a violation of this Chapter to breed a dog or cat without an appropriate breeding permit issued by the Division. As a means to encourage owners to sterilize their dogs and cats or obtain an appropriate breeding permit: When a citation is issued to an owner, the Division is authorized to hold the citation for thirty (30) calendar days, or such other period of time agreed to by the

Division if the owner chooses to sterilize a pregnant or nursing female dog or cat. If proof of sterilization is timely presented to the Division or an appropriate breeding permit is timely obtained, the citation will be administratively dismissed by the Division. If the Division is not timely presented with proof of sterilization or a breeding permit is not timely obtained, the citation will be processed.

(Ord. No. 08-004, pt. 6, 2-5-08; Ord. No. 2015-027 , § 1, 6-23-15; Ord. No. 2016-045 , § 1, 9-27-16)

Editor's note(s)—Ord. No. 08-004, pt. 6, adopted February 5, 2008, amended the Code by renumbering former § 4-28 as a new § 4-30, and adding a new § 4-28.

Sec. 4-~~29~~28. Hobby breeder permits.

(a) *Hobby breeder permits.*

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

(2) Hobby breeders shall:

a. Not breed more than two (2) litters ~~or more than nineteen (19) dogs, cats, puppies, or kittens~~ during a one-year period;

b. Not offer for sale, sell, trade, receive any compensation for or give away more than two (2) litters ~~or more than nineteen (19) dogs, cats, puppies, or kittens~~ during a one-year period;

c. Keep records for the duration of the hobby breeder permit and all permit renewals as to the birth of each litter of puppies or kittens and shall make such records available for review by the Division upon request;

d. Keep records including but not limited to records concerning rabies vaccinations, all other inoculations and any medical condition(s) of each dog, cat, puppy or kitten intended to be sold, given away, or otherwise conveyed;

e. Have each puppy and kitten examined by a veterinarian prior to sale in accordance with section 4-24.~~On a quarterly basis, the name, address, and telephone number of the new owner of any dog, cat, puppy or kitten placed or a notice that no animal was sold during the quarter shall be provided to the Division;~~

f. Furnish to each new owner of a dog, cat, puppy or kitten the hobby breeder permit number so the new owner has proof and assurance that the animal was legally bred;

g. Not separate a puppy or kitten from its mother for the purpose of sale or transfer until the puppy or kitten reaches the age of eight (8) weeks old ~~offer a puppy or kitten under the age of eight (8) weeks for sale, trade, other compensation or free giveaway, with the exception of animals taken to an animal shelter~~;

h. Recommend to each new owner that any animal sold, transferred or given away be examined by a licensed veterinarian within one (1) week of the date of transfer and notify the new owner of State requirements for rabies vaccinations;

i. List the person's hobby breeder permit number on all advertisements and literature concerning the sale or free giveaway of any dog, cat, puppy or kitten of the hobby breeder;

j. Adhere to minimum standards regarding the care and manner of keeping of animals as provided in section 4-~~24~~23, animal care; manner of keeping; and

k. Allow the Division to inspect the premises wherein an animal that is the subject of a hobby breeder permit is maintained and to view any animal that is the subject of the permit, if the Division has probable cause to believe that a violation of section 4-~~24~~23, animal care; manner of keeping, exists. Such inspection will be limited to that necessary to ascertain compliance with section 4-~~24~~23, animal care; manner of keeping. An inspection form shall be used as a guideline for the inspecting officer and the hobby breeder. If a hobby breeder refuses to allow the Division to perform an inspection as provided herein, the Division may apply for a warrant pursuant to Florida Statutes Ch. 933. All reports of such inspections shall be in writing and maintained by the Division.

l. Allow the Division to perform an annual inspection of every animal that is the subject of the permit. Such inspection shall be coordinated between the Division and the permitholder, shall be in the presence of the permitholder or other authorized person, and shall be pursuant to reasonable notice.

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

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

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

(6) After January 12, 2027, one hobby breeder permit shall be issued per parcel of land.

(b) *Obtaining a hobby breeder permit.*

(1) A person seeking a hobby breeder permit shall apply to the Division on a form approved by the Division.

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

a. The name, address and telephone number of the applicant;

b. A statement as to whether the applicant has ever been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to a crime of animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence or had a final judgment entered against the applicant under F.S. § 828.073, or any other statute prohibiting animal neglect or mistreatment;

c. A description (species, breed, sex, age, coloration) of each animal under the permit; and

d. A description of the activity for which the permit is requested.

(3) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued based on false or withheld information shall be revoked.

(4) No person who has previously been ~~convicted of~~ convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to a

crime of animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence or who has had a final judgement entered against him/her pursuant to Florida Statutes 828.073 or comparable statute ~~cruelty to animals or who has had a final judgment entered against him/her pursuant to F.S. § 828.073,~~ shall be issued a hobby breeder permit.

(c) *Permit procedures.*

(1) The permit applicant shall complete an application, supply all information requested by the Division, and pay the applicable permit fee established by the Board by resolution.

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

(d) *Violations.*

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

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

(3) Refusal to allow an animal control officer to inspect an animal or the premises as provided in section 4-~~29~~28(a)(~~2~~3)k. shall constitute a violation.

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

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

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

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

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

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

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

d. The applicant/permit holder, his/her agent or a member of the household has been convicted of, ~~a violation of law involving cruelty to animals or has had a final judgment entered against him/her pursuant to Florida Statutes § 828.073;~~ had adjudication withheld on, or plead nolo contendere to a crime of animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence or has had a final judgment entered against him/her pursuant to Florida Statutes 828.073 or comparable statute; or

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

(2) No permit fee shall be refunded for a permit that is revoked or suspended. For a permit that is denied after review, the permit fee shall be refunded as provided by the Board by resolution.

(f) *Appeal process.*

(1) Any applicant or permit holder who has been denied a permit or whose permit has been revoked or suspended may appeal this action to a Special Master within the ten-day period after the Division originates the adverse action. A written notice of appeal and appeal bond must be filed with the

Division within ten (10) days of the notice of adverse action. The Board of County Commissioners is hereby authorized to establish the amount of the appeal bond by resolution. The appeal bond shall be remitted to the Division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the County.

(2) The appeal will be heard by a Special Master within thirty (30) calendar days after the applicant or permit holder has submitted a notice of appeal. The initial hearing on the appeal may be continued by the Division, the Special Master, or the applicant or permit holder beyond the thirty (30) calendar days for good cause shown.

(3) Unless otherwise provided herein, the hearing before the Special Master shall be governed as provided in section 4-~~30~~29, ~~Animal care and control~~ Special Master hearings.

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

(5) All decisions by the Special Master shall be final and reviewable by writ of certiorari to the County Circuit Court.

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

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

(1) If the notice of adverse action of denial, revocation or suspension of a hobby breeder permit is not appealed, the applicant or permit holder shall come into compliance with this chapter within ten (10) days after the notice of adverse action.

(2) Any person whose permit has been revoked may not reapply for a period of one (1) year. Each reapplication for a permit shall be accompanied by a fee to be established by the Board by resolution.

(h) *Fee waiver.* The Division shall waive the annual hobby breeder permit fee for any person/applicant who applies for a hobby breeder permit on or before August 1, 2008. For persons/applicants who apply for a hobby breeder permit during this period, the Division shall also annually waive the fee for two (2) unaltered dog or cat license tags. The fee waiver shall remain in effect for a hobby breeder so long as the hobby breeder remains in compliance with this chapter and F.S. ch. 828.

(Ord. No. 08-004, pt. 7, 2-5-08; Ord. No. 2011-005, § 7, 3-15-11; Ord. No. 2015-027 , § 1, 6-23-15; Ord. No. 2016-045 , § 1, 9-27-16)

Editor's note(s)—Ord. No. 08-004, pt. 7, adopted February 5, 2008, amended the Code by renumbering former § 4-29 as a new § 4-31, and adding a new § 4-29.

Sec. 4-~~30~~29. ~~Animal Care and Control~~ Special Master hearings.

(a) The Board of County Commissioners shall appoint Special Masters who shall make decisions relating to any hearings that have been initiated as provided in this chapter. ~~Special Masters shall have the qualifications as specified in and shall be appointed~~ selected ~~in accordance with Article 2, Palm Beach County Unified Land Development Code, as amended.~~ The Board shall appoint as many Special Masters as deemed necessary.

1. Special Masters shall at minimum: (a) be a graduate of a law school accredited by the American Bar Association; (b) demonstrate knowledge of local government regulations and procedures; (c) be a member in good standing with the Florida Bar; and (d) meet other such qualifications that may be established by resolution of the Commission.

2. Special Masters shall enter into an agreement with the Board setting forth the terms and conditions of their service.

3. Code Enforcement Special Masters selected in accordance with Article 2 of the Palm Beach County Unified Land Development Code may serve ex officio as Special Masters.

4. The County Administrator shall have authority to remove individual Special Masters with or without cause.

(b) Each case before the Special Master shall be presented by the county. ~~An assistant county attorney shall serve as the prosecuting attorney for the Division.~~

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

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

(e) All testimony shall be under oath and shall be recorded. ~~The Division shall provide notice of any hearing before a Special Master to the alleged violator by U.S. Mail, electronic mail (with delivery receipt), facsimile (with delivery receipt), certified mail, or hand delivery.~~

(f) ~~All testimony shall be under oath and shall be recorded.~~ The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. Upon determination of the Special Master, irrelevant, immaterial or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. Any part of the evidence may be received in written form.

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

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

(i) Any aggrieved party, including the local governing body, may appeal ~~an order~~ a final administrative order of the Special Master concerning a dangerous dog classification under Section 4-26 or a violation of this chapter by filing an appeal in the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Special Master. An appeal shall be filed within 30 days of the execution of the order to be appealed.~~, including the County, to the Circuit Court of the Fifteenth Judicial Circuit Court in and for Palm Beach County. Such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Special Master. Any appeal filed pursuant to this chapter shall be considered timely if it was filed within thirty (30) days of the execution of the order to be appealed.~~ Special Master orders involving a denial, revocation, or suspension any permit issued under this chapter or an aggressive dog classification issued under section 4-26 by may be appealed by filing a petition for writ of certiorari in the Fifteenth Judicial Circuit Court in and for Palm Beach County or in accordance with any other procedure allowed by law. ~~PBC~~ The County may assess a reasonable charge for the preparation of the record to be paid by the petitioner in accordance with F.S. § 119.07.

(j) The Special Master shall have the power to:

(1) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by a sheriff or other authorized persons consistent with Rule 1.410(d), Florida Rules of Civil Procedure upon request by the Special Master.

(2) Subpoena records and other documentary materials.

(3) Take testimony under oath.

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

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

(k) If the County prevails in any hearing before the Special Master, the alleged violator's appeal bond (if required) shall be forfeited, in whole or in part, to the County to the extent necessary to cover the cost of the Special Master. If the alleged violator prevails in any hearing before the Special Master, the appeal bond shall be returned to the alleged violator.

(l) Upon the finding of a violation, the Special Master may impose the maximum fine provided for in section 4-31. If the violation has been corrected prior to the hearing, the Special Master may impose a fine less than the maximum fine provided for in section 4-~~32~~31.

(m) Upon the finding of a violation or ruling in favor of the County, the Special Master may order the violator/respondent to pay the County for the costs and expenses involved in the case.

(n) A certified copy of an order imposing a fine, or a fine plus costs, may be recorded in the public records and thereafter shall constitute a lien upon any real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section. After 3 months from the filing of any such lien which remains unpaid, the Special Master may authorize the local governing body attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property, which is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under s. 4(a), Art. X of the State Constitution.

(Ord. No. 98-22, § 28, 6-16-98; Ord. No. 05-044, § 5, 9-27-05; Ord. No. 08-004, pt. 6, 2-5-08; Ord. No. 2011-005, § 8, 3-15-11; Ord. No. 2015-027 , § 1, 6-23-15; Ord. No. 2016-045 , § 1, 9-27-16)

Note(s)—See editor's note, § 4-28.

Sec. 4-~~31~~30. Interference with enforcement.

(a) It shall be unlawful for any person to knowingly hinder, resist or oppose any officer or employee of the Division in the performance of his/her duties.

(b) It shall be unlawful for any person to knowingly interfere with or damage any humane animal trap owned by the Division or to molest or release any animal caught therein.

(c) No animal that is the subject of a manner of keeping, animal cruelty, dangerous/vicious dog or animal bite investigation may be relocated or ownership transferred pending the outcome of the investigation.

(d) It shall be unlawful for any person to refuse to present an animal to an officer for examination when that animal is the subject of an investigation.

(e) It shall be unlawful to provide an animal compliance control officer with false information or to take any action that would compromise an investigation.

(f) It shall be unlawful to impersonate any Division personnel and/or forge, alter, mutilate, or use the County's official logo, seal, or any other official insignia in any form without the prior written consent of the County.

(g) It shall be unlawful to falsify information about any animal in an attempt to defraud, mislead, or interfere with an investigation.

(Ord. No. 98-22, § 29, 6-16-98; Ord. No. 08-004, pt. 7, 2-5-08)

Editor's note(s)—Ord. No. 08-004, pt. 7, adopted February 5, 2008, amended the Code by renumbering former § 4-29 as a new § 4-31. In order to prevent duplication of section numbers, former §§ 4-30—4-32 were renumbered as 4-32—4-34 at the discretion of the editor.

Sec. 4-~~32~~31. ~~Violations, civil infractions, civil penalties~~ Enforcement; penalties.

(a) Any violation of this chapter is a civil infraction and may be enforced as provided in Section 828.27, Florida Statutes.

(b) Any person who has committed an act in violation of this chapter ~~shall~~ may receive a citation from the Division by an animal control officer or law enforcement officer who has probable cause to believe that the person has committed a civil infraction in violation of this chapter. The citation form shall include, but not be limited to the following:

1. The date and time of issuance.
2. The name and address of the person.
3. The date and time the civil infraction was committed.
4. A brief statement of facts constituting probable cause.
5. The ordinance violated.
6. The name of the officer.
7. The procedure for the person to follow to pay the civil penalty, to contest the citation, or to appear at the mandatory hearing for certain aggravated violations.
8. The applicable civil penalty if the person elects to contest the citation.
9. The maximum civil penalty if the person elects not to contest the citation.
10. For Special Master Proceedings, notice that failure to pay the civil penalty or to request a hearing within ten (10) days after receipt of the citation, exclusive of weekends and legal holidays, shall constitute a waiver of the person's right to a hearing and may result in the entry of an order against the person and the imposition of a civil penalty in an amount not to exceed the maximum civil penalty.
11. For county court proceedings, notice that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(c) The Special Master and County Court shall have jurisdiction over all violations of this chapter.

(d) For citations processed through county court, t~~T~~he County Clerk shall accept designated fines and issue receipts therefore.

(e) Violation of any provision of this chapter shall be punishable by a fine not to exceed ~~five hundred dollars ($500.00), unless otherwise provided by law. A person who violates Section 828.27(1)(g)(2)(b), Florida Statutes, commits a noncriminal infraction, punishable by a fine not to exceed~~ two thousand five hundred dollars ($2,500) for a first violation, five thousand dollars ($5,000) for a second violation, and seven thousand five hundred dollars ($7,500) for a third or subsequent violation per violation. Any person who has violated any provision of this chapter or a statute incorporated herein by reference shall be fined an amount as established by the Board of County Commissioners by resolution.

(f) The act for which the citation is issued shall cease upon receipt of the citation, unless otherwise specified therein. ~~Any person issued an animal care and control citation shall be deemed to be charged with a civil violation and shall comply with the directives on the citation.~~

(g) Payment shall be made~~, either by mail or in person, to the violations bureau~~ Clerk of Courts ~~within the time specified on~~ as directed within the citation. If the person cited pays the civil penalty, he or she waives the right to a hearing on whether the violation was committed. ~~If a person follows this procedure, he shall be deemed to have admitted the infraction and to have waived his right to a hearing on the issue of commission of the infraction.~~

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

(i) Any person who fails to make payment within the specified period shall be deemed to have waived his/her right to pay the uncontested civil penalty as set forth in the citation.

(j) Any person who elects to appear before the court to contest the citation shall be deemed to have waived his/her right to pay the uncontested civil penalty as set forth in the citation. The court, after a hearing, shall make a determination as to whether a violation has occurred and may impose a civil penalty not to exceed the maximum civil penalty. ~~five hundred dollars ($500.00) plus court costs. or violates Section 828.27(1)(g)(2)(b), Florida Statutes, commits a noncriminal infraction, punishable by a fine not to exceed two thousand five hundred ($2,500) for a first violation, five thousand ($5,000) for a second violation, and seven thousand five hundred ($7,500) for a third or subsequent violation, plus court costs.~~

(k) If a person fails to pay the civil penalty, or fails to appear in court to contest the citation, he or she shall be deemed to have waived his right to contest the citation; and in such case, a default judgment may be entered and the judge shall impose a fine at that time. An order to show cause may be issued~~. If the fine is paid, the case shall be dismissed. If the fine is not paid, judgment may be entered up to the maximum civil penalty.~~

(l) ~~Any person cited for an infraction under this chapter shall sign and accept the citation indicating a promise to pay the fine or appear in court.~~ Any person who willfully refuses to sign and accept a citation issued by an officer shall be guilty of a misdemeanor of the second degree, punishable as provided by Florida Statutes, §§ 775.082 or 775.083.

(m) The Division may require mandatory Special Master or court appearances for certain aggravated violations of this chapter resulting in the unprovoked biting, attacking or wounding of a domestic animal; violations resulting in the destruction or loss of personal property; or violations resulting in the issuance of a third or subsequent citation to a person. The citation shall clearly inform the person of the mandatory ~~court~~ appearance. The Division shall maintain records to prove the number of citations issued to the person. Persons required to appear before a Special Master or in court do not have the option of paying the fine instead of appearing in court.

~~(n) Permission is hereby granted to employees working for county municipal governments to enforce this chapter through the issuance of citations when those employees have been certified as animal control officers pursuant to Florida Statutes, § 828.27(4)(a)1. Enforcement must be in cooperation with and receive the approval of the Division.~~

(n) The following process applies when citations are issued pursuant to the jurisdiction of the Special Master:

1. Whenever, based upon personal investigation and in accordance with the policies and procedures established by the division, the animal control officer has reasonable and probable grounds to believe that a person has committed a violation of this chapter, the officer may issue a citation to the violator.

2. The act for which the citation is issued shall cease upon receipt of the citation unless otherwise specified in the citation, and the person charged with the violation shall elect either to correct the violation and pay the civil penalty in the manner indicated on the citation or, within ten (10) days of receipt of the citation, exclusive of weekends and legal holidays, request an administrative hearing before the Special Master to appeal the issuance of the citation. If the hearing date is not set forth in the citation, a notice of hearing shall be served on the violator as provided herein. Failure of the violator to appeal the decision of the animal control officer within the timeframe as set forth herein shall constitute a waiver of the violator's right to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation and penalties may be imposed accordingly.

3. Upon written notification by the animal control officer that a violator has not contested the citation or paid the penalty within the time allowed on the citation, or if a violation has not been corrected within the time set forth on the citation, the Special Master shall enter an order ordering the violator to pay the civil penalty set forth on the citation. A hearing shall not be necessary for the issuance of such an order. The order shall include a notice, if applicable, that fine(s) were imposed.

4. Upon appeal of a citation, or at such other times as may be necessary, a hearing before the Special Master may be convened in accordance with section 4-29.

5. Any person who, within ten (10) calendar days after receipt of the citation, fails to either come into compliance with the section of this chapter for which he or she is in violation or request a hearing, shall be subject to additional citations for second and subsequent violations of the same section of this chapter.

(o) The violation of any provision of this chapter may also be enforced pursuant to FSS Ch. 162, Local Government Code Enforcement Boards Act, and Article 10 of the Palm Beach County Unified Land Development Code, all as may be amended or recodified from time to time. A Palm Beach County Special master may impose fines as provided for in FSS 162.09(2)(d). In determining the amount of the fine, the Palm Beach County Special Master shall consider:

(1) The gravity of the violation;

(2) Any actions taken by the violator to correct the violation; and

(3) Any previous violations committed by the violator.

The Board of County Commissioners may by resolution adopt recommended fine amounts for consideration by a special master.

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

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

(r) Nothing herein shall limit any other enforcement mechanism authorized by law, including, but not limited to, the right to seek injunctive or any other equitable relief.

(s) It is the purpose of this code to provide additional, cumulative remedies. These sanctions are in addition to any criminal penalties that may be imposed by law.

(t) Except as otherwise specified in section 4-26, proper notice of a citation or hearing is given where notice has been mailed to the violator by certified mail, return receipt requested; by hand delivery by the sheriff, other law enforcement, a certified process server, animal control officer, or other person designated by the local government body; by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; and in the case of commercial premises, leaving the notice with the manager or other person in charge. A notice of hearing may be provided to the violator/respondent by electronic mail with delivery receipt and a confirmation by the violator/respondent of receipt.

(u) The violation of any provision of this chapter may also be enforced pursuant to Chapter 8.5, the Code Enforcement Citation Ordinance of Palm Beach County, Florida.

(Ord. No. 98-22, § 30, 6-16-98; Ord. No. 08-004, pt. 7, 2-5-08; Ord. No. 2011-005, § 9, 3-15-11; Ord. No. 2015-027 , § 1, 6-23-15)

Note(s)—See editor's note, § 4-31.

Sec. 4-~~33~~32. ~~First offenders course~~ Animal Cruelty prevention course.

The Director may approve animal cruelty prevention, an animal care education course that may be taken by persons found to be in violation of this chapter. ~~The Board of County Commissioners may implement by resolution an "animal care and control first offender's course." If implemented,~~ The Director or designee, may in his or her discretion, authorize persons found in violation of this chapter ~~may choose~~ to attend an ~~animal control first offender's~~ animal cruelty prevention and animal care education course selected by the Director or designee in lieu of ~~paying the fines as established by the Board by resolution~~ citation(s) being processed. Failure to attend or complete a course will result in the citation(s) being processed. ~~If a person chooses to attend the animal control first offender's course and satisfactorily completes the course on or before the specified date, the violation shall be deemed a warning and considered as such on that person's animal control violation record.~~ The course must be completed at the location, time and date specified ~~on the citation~~ by the Director or designee. All fees associated with taking the course are the responsibility of the violator.

~~Failure to attend the course will result in the citation being processed as a first offense and an animal control violation and accompanying fine may be assessed against the person.~~ The ~~resolution~~ Director will delineate which type of offenders and offenses are eligible for the ~~school and establish a fee for each person who attends~~ course.

(Ord. No. 98-22, § 31, 6-16-98; Ord. No. 08-004, pt. 7, 2-5-08)

Note(s)—See editor's note, § 4-31

Sec. 4-~~34~~33. Community cats.

(a) The Board establishes the following community cat requirements:

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

(2) All community cat caregivers shall have all un-owned free-roaming cats within their care sterilized, implanted with an EAID, vaccinated against rabies, and ear-tipped for easy identification. It shall be a violation of this chapter for any person to provide care to an un-owned, free-roaming cat without first having the cat sterilized, implanted with an EAID, vaccinated against rabies, and ear-tipped for easy

identification, unless for the purpose of trapping for TNVR (which includes pre-trapping habituation to the trap, i.e. – feeding near or in the trap).

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

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

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

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

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

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

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

(g) Any person who confines a community cat for any extended amount of time, other than short periods necessary for the cat to recover from a medical procedure or treatment as directed by a veterinarian, will be considered the owner of the cat. Medically directed confinement of community cats is allowed for recovery and will not affect the ownership status of the cat. However non-medically directed confinement will change the status of the cat and it will no longer be a community cat, and as such will now be subject to licensure as an owned cat.

(h) Return to field may only be performed by the Division, an animal agency, or a person on behalf of the Division and/or with the permission of the Division.

(Ord. No. 2015-027 , § 2, 6-23-15)

Sec. 4-~~35~~34. Electronic animal identification device implantation (EAID) for all cats.

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

veterinarian. As soon as the medical condition that prevents a cat from being implanted with an EAID ceases to exist, it shall be the duty of the owner of such cat to promptly comply with this section.

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

(c) EAIDs for community cats may be registered to an animal agency ~~a humane society, private animal nonprofit~~ or individual to facilitate return to field, and this in no way implies ownership of said cats.

(Ord. No. 2015-027 , § 3, 6-23-15)

Sec. 4-~~36~~35. Incorporation of State Statutes.

All laws of the State of Florida related to animal control, welfare, cruelty, and care are hereby adopted and incorporated in this chapter by reference. It is the intent of the Board that this chapter shall supplement the provisions of state law, including required procedures, and that in the event of any conflict between the terms of the chapter and state law, state law shall control. If any provision of State Law is not otherwise expressed in this chapter, and animal control officer may issue a citation or violation using this subsection and noting the Section of Florida Statute violated. Such violations shall be subject to a fine noted in Section 4-~~32~~31 or as otherwise provided by law.