

Palm Beach County Animal Care and Control Ordinance 98-22

Animals Chapter 4*

***Editor's note:** 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 references: Home rule powers of chartered counties, Fla. Const., art. VIII, § 1(g).

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Sec. 4-1. Short title.

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

(Ord. No. 98-22, § 1, 6-16-98)

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.

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

Advertising shall mean any statement made in connection with the solicitation of an animal service, animal business, and/or the sale of an animal and includes without limitation, statements and representations made in a newspaper or other publication, on the radio, television, or internet 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.

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

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

Animal care and control division or division shall mean an entity of the board of county commissioners.

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 operating in Palm Beach County.

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.

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.

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

Dangerous dog shall mean 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.

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

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

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

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

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.

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

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).

Harboring 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 studing of a dog or a cat or engages in the breeding of up to two (2) litters of dogs or cats or nineteen (19) dogs or cats per household or premises per one-year period.

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 accepts members from the public at-large and the controlling board is elected by the general membership. A humane society operates from a business facility on commercially 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 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.

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

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

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

Official certificate of veterinary inspection shall mean a legible certificate of veterinary inspection which has been 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, harboring, or 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 engages in the sale of more than two (2) litters of dogs or cats or twenty (20) dogs or cats, whichever is greater, per calendar year, but who does not engage in breeding dogs or cats. This definition excludes humane societies, private not for profit animal shelters, and government animal control shelters.

Pet shop shall be held to include any place or 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 not for profit animal shelters, and government animal control 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 any person, group or corporation which is registered as a nonprofit organization according to state law and is sheltering, adopting, fostering, providing rescue or old age homes for dogs and/or 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.

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.

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

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

Stable, commercial shall mean those premises where:

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

(2) Equine 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) equine are kept which do not belong to the owner or occupant of the premises.

Sterilization shall mean dogs and cats rendered permanently incapable of reproduction by surgical alteration, implantation of a device or other physical means, or permanently incapable of reproduction because of physiological sterility, but only where the neutered or spayed condition has been certified by a veterinarian licensed in any state.

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.

Unaltered shall mean an animal that has not been spayed or neutered.

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)

Sec. 4-3. Females in heat.

The owner or keeper of a female dog or cat in heat (estrus) shall 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 controlled and intentional breeding purposes.

(Ord. No. 98-22, § 3, 6-16-98)

Sec. 4-4. Dog and cat control.

(a) *Dogs.*

(1) It shall be unlawful for any dog to be off the owner's property (which property is exclusive to the owner and does not include common areas) unless the dog is under the restraint or control of a person by means of a chain, leash or other device or is sufficiently near its handler to be under his direct control and is obedient to that handler's commands or is caged/crated.

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

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

(c) A fine schedule for violations of this section shall be established by the board by resolution. As a means to encourage more owners to sterilize dogs/cats, the following additional procedure has been implemented: When a first offense citation is issued to an owner of an unsterilized dog or cat for violating paragraph (a) and/or paragraph (b) herein, the division is authorized to hold the citation for fifteen (15) working days, allowing time for the owner to have said animal 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 days, the citation will be processed.

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

(Ord. No. 98-22, § 4, 6-16-98)

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 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.
- (d) It is declared by the board that animals which bite, attack or threaten to bite human beings constitute a public nuisance.
- (1) Any animal which has bitten, attacked or threatened to bite or attack a human being while off the property of the owner may be impounded by the division. Such animal may be removed from the owner's property and impounded unless the animal is under the direct control of its owner or confined in a humane manner within a secure building or enclosure unable to come into contact with any person(s).
 - (2) Any costs incurred by the division related to any animal impoundment pursuant to this section shall be reimbursed to the division prior to release of the impounded animal.
 - (3) The owner of any animal impounded pursuant to paragraph (d)(1) herein shall be mailed notice of said impoundment by certified mail or notified by personal service by an animal control officer before the end of the following business day of the impoundment, unless the owner has claimed the impounded animal.
 - (4) If the address of the owner of any animal impounded pursuant to paragraph (d)(1) herein is unknown to the division, or the addressee of a certified letter mailed pursuant to paragraph (d)(3) herein fails to claim an impounded animal within five (5) days of the mailing of the certified letter, or receipt of personal service, the division shall cause notice of the animal's impoundment to be published once in a newspaper of general circulation within the county informing any concerned person of the impoundment between six (6) and fifteen (15) days of the impoundment.
 - (5) If an animal impounded pursuant to paragraph (d)(1) herein is not claimed within fifteen (15) calendar days from the impoundment, the impounded animal may be disposed of in a manner according to law.

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

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 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, 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 and maintaining feral cats.

- (a) It shall be unlawful for any person in the county to harbor, feed and/or keep any stray animal unless he/she has notified the division within twenty-four (24) hours from the time such animal came into his/her possession. Upon receiving such notice, an animal control officer may take such animal and place it in the animal shelter. 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 who possess a stray dog or cat and who wish to provide it a permanent home, to legally adopt such animal by adhering to the following procedures:
 - (1) Take the found stray animal to the division 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) Provide the division with clear identifying color photographs showing the animal from a side view and a front view. Each photograph must 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) If the animal becomes injured or sick while under the potential adopter's care, that person shall be required to pay all necessary veterinary expenses. 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.

(6) All potential adopters must agree to relinquish the 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.

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

- a. Photographs and identifying information have been posted at the division for ten (10) working days;
- b. The animal has been given a rabies inoculation and county tag;
- c. The animal has been sterilized; and
- d. The animal has been 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.

(c) *Feral cat harbinger/caregiver requirements.*

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

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

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

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

- b. Assure responsibility and arrangements for feeding the cat or cat colony/colonies regularly throughout the year, including weekends, holidays and vacations of the "feral cat harbinger/caregiver."
- c. Sterilize all cats.
- d. Sterilize all kittens over eight (8) weeks of age and before sixteen (16) weeks of age.
- e. Make every attempt to remove kittens from the colony by eight (8) weeks of age for domestication and placement.
- f. Remove any sick or injured cat from the colony/colonies for immediate veterinary care or humane euthanasia.

- g. Ear crop all cats on the left ear and provide either a tattoo (as specified in section 4-11, Dog and cat rabies/license tags) on the inside right ear or an electronic animal identification device (EAID).
 - h. Vaccinate as required by law, all cats against rabies (with a three-year vaccine) and any other infectious diseases as mandated by the county or state.
 - i. Maintain proof of sterilization, vaccination, tattoo and medical records for all cats. These records must be provided to the division upon request.
- (2) The division has the right to seize/remove the colony because:
- a. Of public health and safety concerns (rabies, other zoonotic epidemics and certain animal-to-animal diseases as identified by the county public health unit or the county veterinary association/society);
 - b. The cats are creating a public nuisance as defined in section 4-5, Animals creating nuisance; or
 - c. The "feral cat harborer/caregiver" fails to abide by these requirements.
- (Ord. No. 98-22, § 8, 6-16-98; Ord. No. 01-065, § 2, 10-2-01; Ord. No. 01-065, § 2, 10-2-01)

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 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 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.

(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 to the owner and animal care and control as directed by the division.

(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) *Adult dogs and cats.*

- (1) Every person who is the owner of any adult dog or cat shall secure from the division or an authorized veterinarian/clinic an adult dog or cat rabies/license tag. The division shall provide suitable tags for sale through authorized veterinarians/clinics.
- (2) No adult 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 (1) year from the date of vaccination and must be renewed annually. No adult 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 adult 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.
- (4) All adult dogs shall be required to wear a valid county tag, except as provided for in Laws of Florida, Chapter 69-1432, Section 1. Any person to whom a tag has been issued shall cause the tag to 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 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 and confirmation show and/or match are not required to wear such tags during the time of the event.
- (5) All adult cats shall be required to:
 - a. Wear a valid county tag, except as provided for in Laws of Florida, Chapter 69-1432, Section 1. Any person to whom a tag has been issued shall cause the tag to be securely fastened about the cat's neck by a collar, harness or other substantial device so as to be clearly visible at all times; or
 - b. Be tattooed on the inside right ear with a number that is not to exceed six (6) digits. Such number shall be tattooed at the owner's sole expense. Each number is to be at least one-quarter (1/4) inch in height and be clearly visible. Such number is to be provided by the owner on all official county vaccination and tag certificates; or
 - c. Be implanted with an electronic animal identification device (EAID).
- (6) Every person who owns an adult 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;
 - 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 jurisdiction covered by this article.
- (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 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.

(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 tag costs.

(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 adult 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.

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

Sec. 4-12. Redemption and adoption.

(a) All animals that have been impounded shall be held for redemption by the owner for a minimum of five (5) business days that the division is open for public access, except that cats shall be held for redemption by the owner for a minimum of three (3) calendar days if the director determines that insufficient space exists to hold such animals. Notwithstanding the foregoing, whenever an animal is so injured or diseased as to appear to be suffering and it reasonably appears that such animal 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 animal or the owner's agent, then the division, acting in good faith and upon reasonable belief, may humanely euthanize the animal upon the advice of a veterinarian licensed to practice in the state. If the division locates the owner or the owner's agent, the division shall notify him or her of the animal's location and condition and such person shall either immediately redeem and provide care for the animal or relinquish the animal to the division. The division shall be required to attempt to contact the owner of any animal impounded wearing a tag, exhibiting a recognizable tattoo, or implanted with an electronic animal identification device (EAID). Those animals not claimed within five (5) 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 or disposed of in a humane manner. Impounded animals that have no tag, recognizable tattoo, EAID or other identification of ownership and that are infected with a contagious disease that poses a threat to the animals or staff at the shelter or to the public shall be immediately humanely euthanized.

(b) All feral cats without identification shall be held two (2) business days (that the division is open for public access) for the owner to reclaim the cat and for re-evaluation by the division. All feral cats not reclaimed within said two (2) business days may be humanely euthanized.

(c) 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.

(2) *Rabies vaccination and license tag.* No dog or cat shall be released from the division without a current rabies vaccination and license tag, except as provided in section 4-11(b) herein.

(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.

(d) The division shall have the authority of final approval for the adoption and 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 animals are to be housed.
- (7) Disposition/temperament of animal to be adopted.
- (8) Observations and determination of field investigator.

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

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

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

(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) 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) 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)

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) The division shall prepare a pamphlet codifying local animal laws current in the county and shall make copies of this available upon request at no charge.

(Ord. No. 98-22, § 15, 6-16-98)

Sec. 4-16. Animal bites and quarantining.

(a) A rabies control program, including the investigation of all reported animal bites, may be carried out through a mutual agreement with the health unit using the requirements of Florida Department of Health Rules and Regulation, Chapter 10 D-3, Florida Administrative Code; Laws of Florida, Chapter 69-1432 and this chapter as a basis for enforcement and program implementation.

(b) Any dog or cat without a current rabies vaccination and which has bitten a person or is suspected of rabies as defined in Florida Department of Health Rules and Regulation, Chapter 10 D-3, Florida Administrative Code, shall be quarantined for rabies observation. The owner of such dog or cat shall relinquish control of the dog or cat for the purpose of quarantine. The 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 for rabies quarantine.

Additionally, it shall be unlawful for any person to fail to inform the division of any such animal's whereabouts if the owner has relinquished possession of said animal or caused said animal to be taken from the owner's premises.

(c) Any dog or cat with a current rabies vaccination and which has bitten a person as defined in Florida Department of Health Rules and Regulation, Chapter 10 D-3, Florida Administrative Code, may be quarantined at home. The division and/or the county health unit 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 animal is not able to sufficiently confine the animal, the owner shall relinquish control of the animal to the division. The 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 which has bitten a person 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 county health unit.

(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) It shall be unlawful for any dog to bite a human being while off the owner's property or in violation of section 4-4(a)(1) hereinabove, unless the injury or damage is sustained by a person

who, at the time, was unlawfully on the property or was tormenting, abusing or assaulting the dog, its owner or a family member.

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

(h) 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 the animal bite coordinator 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 when the animal bite coordinator is not able to obtain all necessary information pursuant to section 4-16(h)(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 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 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.

(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 4-30, Violations, civil infractions, civil penalties.

(Ord. No. 98-22, § 16, 6-16-98)

Sec. 4-17. Placement and impoundment of honeybee hives.

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

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

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

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

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

- (f) The division may impound any beehives if either of the following exists:
- (1) When a beekeeper has placed his/her hives on the property of another without the property owner's consent; or
 - (2) When the beehive's location or condition poses an imminent danger to the public's health, safety and general welfare.

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

The owner may redeem the hives within thirty (30) calendar days by payment of the impoundment and redemption fees. These fees shall be established by the board by resolution. All hives impounded, if not claimed within thirty (30) calendar days, will be sold at public auction after notice of the auction is published in a newspaper of local circulation.

(Ord. No. 98-22, § 17, 6-16-98)

Sec. 4-18. 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 or has had a final judgment entered against that person under Florida Statutes § 828.073 or any other statute prohibiting animal neglect or mistreatment;
 - 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

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 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) Each guard dog must be implanted with an EAID used and approved by the division.

(11) *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).

(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 and lie down and is securely fastened within the bed of the truck to prevent movement of the crate.

(3) No guard dog shall be transported in violation of section 4-24(h), 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.
- (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 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 ventilation are prohibited.
- (5) The shelter 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. 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 (40) degrees Fahrenheit.
- (7) Guard dog enclosures and the area immediately surrounding the enclosures shall be cleaned at least once a day to remove any 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 access to clean fresh water at all times. 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 (1/2) 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 "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)

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

In cases of evictions, jail terms over five (5) calendar days, 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 the property subject to eviction proceedings, the person to be jailed or the subject of adjudication, owns any animal and such animal is referred to the division by the sheriff's office or other official agency. The division shall have the authority to place for adoption such animals or dispose of such animals 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.

(2) The owner of the animal shall have fifteen (15) calendar 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 division does not receive notification of the owner's intent within the aforementioned time period, the division shall have the authority to carry out the actions as described herein.

(Ord. No. 98-22, § 19, 6-16-98)

Sec. 4-20. 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 or other authorized method of disposal; 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.

(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. 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) *Authority to impound livestock running at large or strays.* It shall be the duty of the sheriff or his deputies, or any other law enforcement officer of the county and/or the division to pick up, confine, hold and impound any livestock found to be running at large or straying, to be disposed of as hereinafter provided.

(d) *Disposition of impounded livestock.*

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

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

"To Whom it May Concern:

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

(DATE)

of Palm Beach County, Florida."

(3) Unless the impounded livestock is redeemed within three (3) days from date of notice, the division shall forthwith give notice of sale thereof which shall be held not less than five (5) days nor more than ten (10) days (excluding Sundays and holidays) and by

posting a copy of such notice at the main courthouse. Such notices of sale shall be in substantially the following form:

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

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

(DATE)

of Palm Beach County, Florida."

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

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

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

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

(i) *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)

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

(a) The chart set forth below prescribes the number of dogs and/or cats per specified acreage restrictions: _____

TABLE INSET:

If You Have:	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 eight (8) months. There are no restrictions on the number of dogs and cats younger than eight (8) 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.

(Ord. No. 98-22, § 22, 6-16-98)

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

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

(1) In addition to this chapter, 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 Ordinance 92-20, as amended; Palm Beach County Ordinance No. 72-7, as amended, "Business Taxes"; and any and all other applicable rules and regulations, policies 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, government animal control shelter, hobby breeder or private stable. 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 permit shall be issued upon 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 be renewed annually. Said permit is not transferable, assignable or refundable. 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 renewed hereunder if an applicant has outstanding and unsatisfied civil penalties imposed due to violations of this chapter.

(9) No permit shall be issued or renewed without proof of a current business tax receipt issued by the county tax collector in accordance with Palm Beach County Ordinance No. 72-7, as amended.

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

(11) 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. Said citation shall be issued in the name of the animal establishment's owner and also state the name of the person signing for the owner of the animal establishment.

(12) 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 permit holder has been cited for at least two (2) violations within a one-year period, each resulting in the imposition of a fine;
- c. The 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 violation;
- d. The permit holder or any of his agents have been convicted of a violation of law involving cruelty to animals;
- e. An animal under the care and responsibility of a permit holder has been found to be in need of immediate veterinary care that, if not treated, would result in suffering, pain or death; or
- f. The permit holder and/or their employees/agents, refuses to allow the inspection of the premises.

(13) 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.

(c) *Reserved.*

(d) *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) *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. 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 with a guilty adjudication of animal cruelty within the past five (5) years may not hold a permit to operate an animal establishment in the county.

(f) *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) *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 florescent 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 excrement shall be removed by spot 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.

(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.

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

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

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

- a. Kennels, 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 4-25, 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 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 or sit erect, lie down in a comfortable normal position, stretch out and turn about 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 quarterly basis, commercial breeders shall provide the division with the name, address, and telephone number of the new owner of any puppy or kitten placed in the county.

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

- a. For kennels, 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.
- b. Animals shall be confined and not allowed to run at large on the premises, except when housed for training and a training contract has been signed by the owner as stated in subsection (h)(1)e. of this section.
- c. Animals housed in kennels shall be separated in individual cages 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.

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

1. Arrange for a professional behaviorist or trainer to visit once every three (3) months for the purpose of evaluation, therapeutic or obedience training.

2. A veterinarian examination 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.

3. Each week a minimum of fifty (50) minutes for play, interaction, grooming and/or training. This may be done by volunteers, however, dogs with medical conditions prohibiting play or training sessions shall be excluded from this requirement upon written certification of the medical condition by a licensed veterinarian.

4. Records shall be kept at the kennel evidencing compliance with the above.

(3) *Physical facility requirements--Kennels, 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 contact 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.

C. Airline type containers normally used for shipping and transporting animals shall not be used to permanently house animals.

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;

(b) Adult cats and kittens over four (4) months old must be provided with at least four (4) square feet, per cat; 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.

(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, 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 (animal enclosures)--Kennels, commercial breeders, pet dealers and excess animal habitats.*

a. All animal enclosures including floors, walls and doors shall be cleaned, disinfected and dried daily.

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 animal enclosures shall be spot cleaned as necessary to remove animal excrement throughout the day.

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.

(i) *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. 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.

c. 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).
4. Parainfluenza.
5. Hepatitis.
6. Canine parvo.
7. Rabies, provided the dog is over three (3) 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.

d. 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) 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.

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

f. 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, 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, 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.

g. 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.

h. 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.

i. 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.

j. 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.

k. 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*.

l. No pet shop or pet dealer shall 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 of cruelty 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 temporarily or permanently enjoined from breeding, selling 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 or otherwise deal in dogs or cats is suspended or revoked.

5. does not hold a current license/permit to breed, sell or otherwise deal in dogs or cats as required by the applicable local, state, or federal law.

m. 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 age, sex, breed, color, 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 in the dog or cat including but not limited to a heart murmur, an umbilical hernia, entropion, an inguinal hernia, and cryptorchidism.

An OCVI that does not meet the above-cited requirements shall not comply with this chapter.

n. It shall be a violation of this chapter to falsify any information provided in any OCVI.

o. 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.

p. 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 or 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 and address of the breeder of the dog or cat. If the breeder of the dog or cat is licensed by the United States Department of Agriculture, a state, or a local government to breed, sell or otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the license number, identification number, or other permit number.

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

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

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

5. 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.

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

7. 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.

8. 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 (or owner if different than the purchaser) of each dog or cat.

c. Once per month, each pet shop and pet dealer shall provide the division with records indicating the number of dogs and cats sold or disposed of during the previous month; the name and physical address (no P.O. boxes) of the breeder, dealer, or source from which each dog and cat was obtained; the date each dog and cat was obtained; and the date each dog and cat was sold or otherwise disposed of by the pet shop or pet dealer; and the name, physical address (no P.O. boxes), and telephone number of the purchaser or 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. Upon 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, and date of birth of each dog and

cat and the name and address of the sources that bred each dog and cat and sold each dog and cat to the pet shop.

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, 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 the number of unwanted pets. Therefore, every dog and cat in Palm Beach County must be spayed or neutered by the time the dog or cat is six (6) months old, unless certain exceptions apply.

Every owner of a dog or cat must obtain an annual unaltered license tag from the Division or a veterinarian for each dog or cat over the age of six (6) 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.pbcgov.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 the following:

1. The name and physical address (no P.O. boxes) of the breeder of the dog or cat. If the breeder of the dog or cat is licensed by the United States Department of Agriculture, a state, or a local government to breed, sell or otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the license number, identification number, or other permit number.
2. The name and physical address (no P.O. boxes) of any other person who or business that owned or possessed the dog or cat from its birth to the point of sale. If such person or business is licensed by the United States Department of Agriculture, a state, or a local government to breed, sell or otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the license number, identification number, or other permit number.
3. The date the dog or cat was born and the date the pet shop or pet dealer received the dog or cat.
4. The breed, sex, color, and identifying marks of the dog or cat. If the breed is unknown or mixed, the record shall so indicate.
5. 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.
6. A copy of each OCVI that has been completed for the dog or cat up to the point of sale.
7. A complete record of any medical treatment or medication provided to or recommended for the dog or cat by a veterinarian and medical diagnosis made by a veterinarian concerning the dog to 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.

8. 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.

A pet store or pet dealer shall provide all of the above-cited written disclosures to the prospective purchaser of each dog or cat for review prior to the purchase 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 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. Each animal enclosure housing cats must be at least twenty-two (22) inches in interior height.

ii. 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.

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; dogs and cats--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.
- 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.

(j) *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 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 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) *Minimum operational standards for commercial stables.*

(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.

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 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 equine.

2. This exercise area shall be appropriately fenced.

3. Equine 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 equine 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 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)

Sec. 4-24. 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.
- (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 (40) 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 (40) 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.
 - (2) Shelter 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. Provide a solid roof;
 - d. Provide protection from the elements at all times; and
 - e. 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 equine or ovine to fail to keep hooves trimmed so as to prevent lameness 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. 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) 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) 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) Animals shall not be allowed on any median or in any roadway, highway or street intersection for any purpose other than crossing same.

(1) Any person trapping an animal must:

(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) Remove the trapped animal within twenty-four (24) hours of capture. All trapped dogs and cats must be returned to their rightful owner, or to a governmentally operated animal shelter or humane society in the county; and

(5) Make every attempt to locate the offspring of any lactating/nursing mother. 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.

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

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

- (a) It shall be unlawful for any person to offer for sale or sell any dog, cat, puppy or kitten without first obtaining an official certificate of veterinary inspection pursuant to Florida Statutes, § 828.29. Dogs, cats, puppies or kittens offered for sale must be at least eight (8) weeks old, free of internal and external parasites, and have proper inoculations as described below.
- (b) The official certificate of veterinary inspection shall document that the following inoculations, tests and treatments have been administered:
- (1) Dogs/puppies.
 - a. Inoculated against: canine distemper, leptospirosis, parainfluenza, hepatitis, canine parvo virus, and bordatella. A rabies inoculation must be provided for any dog three (3) 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 (3) 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) 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. Animal agencies.

- (a) Humane society requirements.
 - (1) Shall hold stray animals for five (5) days (excluding legal holidays or days the operation is closed to the public) allowing owners access for identifying and reclaiming said animals.
 - (2) Shall keep records of the impoundment and disposition of all animals received and record relevant dates, names and addresses of persons to whom animals are released.
 - (3) Shall provide dogs and cats released to owners with a rabies inoculation and county rabies/license tag.
 - (4) Shall provide dogs and cats released to new adopters with:
 - a. A rabies inoculation and county rabies tag.
 - b. An electronic animal identification device (EAID) or tattoo. The numbering system shall be registered with the division.
 - (5) Shall reasonably assure that adopted dogs are not used as commercial guard dogs.
 - (6) Shall assure that animals kept longer than twenty-four (24) hours are maintained in animal enclosures that are consistent with subsection 4-23(h).
 - (7) Shall contact appropriate agencies for the identification of any animals found with tattoos, tags or electronic animal identification devices (EAID).
 - (8) Shall comply with section 4-24, Animal care; manner of keeping.
 - (9) Shall 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 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 sterilize the dog or cat as soon as deemed safe by a veterinarian licensed to practice in the state.
- (b) *Private nonprofit animal organization requirements.*
 - (1) Shall comply with section 4-22, Number of animals; acreage restrictions/excess animal habitats.
 - (2) Shall comply with section 4-24, Animal care; manner of keeping.
 - (3) Shall 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) Shall 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 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 sterilize the dog or cat as soon as deemed safe by a veterinarian licensed to practice in the state.
 - (5) Shall 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) Shall keep records of the impoundment and disposition of all animals received and record relevant dates, names and addresses of persons to whom animals are released.
 - (7) Shall reasonably assure that animals adopted or sold are not to be used as commercial guard dogs.
 - (8) Shall contact appropriate agencies for the identification of any animals with tattoos, tags or electronic animal identification devices (EAID).
 - (c) All animal agencies (county and municipal animal control agencies, humane societies, and private nonprofit animal 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) Failure to abide by these requirements stated herein shall be deemed a violation of this chapter.
- (Ord. No. 98-22, § 26, 6-16-98; Ord. No. 08-004, pt. 5, 2-5-08)

Sec. 4-27. Aggressive dogs, 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. 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 if deemed necessary to protect the public. 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 hearing related to the aggressive or dangerous dog classification. An owner's refusal to surrender a dog for impoundment pending the investigation shall constitute a violation of this chapter. At the discretion of the division, a dog that is the subject of an aggressive or dangerous dog investigation 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 pending the investigation 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 hearings

related to the dangerous dog classification, 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 hearings related to the aggressive dog classification, 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. 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 hearings 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) 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 person in the immediate household of the owner. No dog may be declared 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) 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.

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

(5) 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.

(6) Once a dog is classified as aggressive or dangerous, the division shall provide written notification to the owner by registered mail, certified hand delivery (signed receipt) or service of process. The owner may then file a petition for certiorari in the Circuit Court of the Fifteenth Judicial Circuit Court to appeal the classification within thirty (30) days after receipt of a written determination of aggressive or dangerous dog classification. 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.

(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.

(c) *Dangerous dog mandates and responsibilities.*

(1) *Mandates for owner.* An owner of a dangerous dog shall comply with all of the following:

- a. Provide the division with a certificate of rabies vaccination.
- b. 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 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.

(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 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 have minimum dimensions of four (4) feet by ten (10) 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.

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) *Vicious dog.*

(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, when unprovoked, 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 of process. The division shall make an initial determination as to whether there is sufficient cause to upgrade the dangerous classification to vicious.

(2) *Classifying a dog as vicious that has not been previously declared dangerous.* If a dog that has not been declared dangerous attacks and causes severe injury to or death of any human, 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 certified mail, certified hand delivery (signed receipt) or service of process. The division shall make an initial determination as to whether there is sufficient cause to classify the dog as vicious. A dog that has not been previously declared dangerous shall not be declared vicious if the severe injury or death 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, the owner, or a person in the immediate household of the owner.

(3) *Vicious dog classification process.*

a. The division shall investigate any incident involving any dog that may be vicious 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 division shall provide written notification of sufficient cause finding, to the owner, by registered mail, certified hand delivery (signed receipt) or 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 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, 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 day period, the dog shall be humanely euthanized.

b. 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. 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.

(4) *Notice of appeal.* If within the thirty-day period after written notification of the special master's decision is received, the owner files a petition for certiorari in the Circuit Court of the Fifteenth Judicial Circuit Court, the dog must be held by the division and may not be destroyed while the appeal is pending.

(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)

Sec. 4-28. 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) No person may own, keep, or harbor a dog or cat six (6) months of age or older that has not been spayed or neutered unless such person holds an unaltered license tag for each unaltered dog or cat, unless the dog or cat is otherwise exempt under this article.

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

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. For a dog or cat that is not spayed or neutered due to current use as a show or competition dog or cat as provided herein, the license tag fee established by the board for unsterilized dogs or cats shall apply.

b. A veterinarian licensed in the state certifies in writing that a specific 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. For a dog that is not spayed or neutered due to current use by a law enforcement agency for law enforcement purposes as provided herein, the license tag fee established by the board for police dogs shall apply.

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

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

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

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

b. The dog or cat is being harbored by a pound, shelter, humane society, or similar 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 or transferred by such organization.

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

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

(c) *Unaltered dog/cat license requirements.*

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

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

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

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

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 jurisdiction covered by this chapter.
- (4) The address of the owner shall be presumed to be the residence of the dog or cat. All changes of address must be reported to the division within thirty (30) calendar days following such change.
- (5) Any change 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.
- (6) Any person who fails to pay an unaltered license tag fee when it is due shall, in addition to paying any past due license fees, also pay a late penalty.
- (d) *License denial or revocation and appeal process.* If an unaltered license tag has been denied or revoked by the division, a person may appeal such action by the division by following the appeal process provided in section 29(f) of this chapter.
- (e) *Counterfeiting or destroying a license tag.* It shall be a violation of this division to counterfeit a license tag, to maliciously destroy a license tag or to fraudulently obtain a license tag.

(Ord. No. 08-004, pt. 6, 2-5-08)

Editor's note: 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. 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. 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. On a quarterly basis, the name, address, and telephone number of the new owner of any dog, cat, puppy or kitten placed in the county 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 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, 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, animal care; manner of keeping, exists. Such inspection will be limited to that necessary to ascertain compliance with section 4-24, animal care; manner of keeping. 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.

(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.

(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 of the offense of cruelty to animals 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 previously convicted of 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(a)(2)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.

(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 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 violation;

d. The applicant/permit holder or his/her agent 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

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, 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.
- (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, or for any person who applies for a permit within ninety (90) days of moving into the county and provides acceptable proof to the division of such relocation. 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)

Editor's note: 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. 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.
- (b) 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) 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 person may appeal a final order of a special master within thirty (30) days by filing a petition for writ of certiorari in the Circuit Court of the Fifteenth Judicial Circuit Court.

(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 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.

(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)

Note: See editor's note, § 4-28.

Sec. 4-31. 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.

(Ord. No. 98-22, § 29, 6-16-98; Ord. No. 08-004, pt. 7, 2-5-08)

Editor's note: 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. Violations, civil infractions, civil penalties.

(a) Any violation of this chapter is a civil infraction.

(b) Any person who has committed an act in violation of this chapter shall 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.

- (c) The county court shall have jurisdiction over all violations of this chapter.
- (d) The county clerk shall:
 - (1) Accept designated fines and issue receipts therefore.
 - (2) Provide a uniform citation form serially numbered for notifying alleged violators to appear and answer to charges of violation of this chapter. Such citation forms shall be issued to and receipted by the division.
- (e) Violation of any provision of this chapter shall be punishable by a fine not to exceed five hundred dollars (\$500.00). Any person who has violated any provision of this chapter shall be fined an amount as established by the board of county commissioners by resolution.
- (f) 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 within the time specified on the citation. 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) All fines collected as a result of said citations (except those fines collected as a result of citations issued by municipal employees pursuant to subsection (n) herein, which shall be remitted by the clerk of the court directly to the municipality issuing the citation) shall be paid into the county treasury and deposited into the general fund for animal care and control revenue. Pursuant to Florida Statutes, §§ 938.01, 938.17 and 938.19, mandatory costs shall be assessed against every person convicted of a 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 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 civil penalty. 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 five hundred dollars (\$500.00) plus court costs.
- (k) If a person fails to pay the civil penalty, or fails to appear in court to contest the citation, he 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 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 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.

(o) Failure to comply with any provision of this chapter shall constitute a separate and distinct violation.

(p) Each day a violation of any provision of this chapter exists shall constitute a separate and distinct violation.

(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)

Note: See editor's note, § 4-31.

Sec. 4-33. First offenders course.

The board of county commissioners may implement by resolution an "animal care and control first offender's course." If implemented, persons found in violation of this chapter may choose to attend an animal control first offender's course in lieu of paying the fines as established by the board by resolution. 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.

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 will delineate which type of offenders are eligible for the school and establish a fee for each person who attends.

(Ord. No. 98-22, § 31, 6-16-98; Ord. No. 08-004, pt. 7, 2-5-08)

Note: See editor's note, § 4-31