

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Alternate
Agenda Item No. 2(a)
(Public Hearing 4-4-89)

TO: Honorable Mayor and Members
Board of County Commissioners

DATE: April 4, 1989

SUBJECT: Pit Bull Dog Ordinance

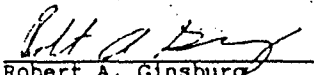
FROM: Robert A. Ginsburg
Dade County Attorney

O#89-22

The attached ordinance was prepared and placed on the agenda at the request of Commissioner Gersten. The ordinance is also cosponsored by Commissioners Valdes, Schreiber and Dusseau.

The alternate ordinance, also attached, differs from the original agenda item in the following respects:

1. It specifically allows municipalities to provide for more stringent regulation of pit bull dogs and pit bull dog owners;
2. It limits the available methods for showing financial responsibility to those enumerated in the ordinance; and
3. It makes technical and clerical corrections.


Robert A. Ginsburg

RAG:mkd
Attachments

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BK0016P1945

ORDINANCE NO. 89-22

ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA, RELATING TO THE REGULATION OF "PIT BULL" DOGS AND OWNERS OF "PIT BULL" DOGS; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR CONFINEMENT OF PIT BULL DOGS; PROVIDING FOR FINANCIAL RESPONSIBILITY OF OWNERS OF PIT BULL DOGS; PROVIDING REGISTRATION, ENFORCEMENT, TIME OF COMPLIANCE AND PENALTIES; AMENDING CHAPTER 8CC OF THE CODE TO ADD CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in recent months Dade County has experienced a tragic series of incidents in which citizens have been attacked and seriously injured by pit bull dogs; and

WHEREAS, concurrent with these attacks upon human beings, the community has also experienced an increasing number of animal killings resulting from pit bull attacks; and

WHEREAS, pit bull breeds were developed for the purpose of fighting dogs and other animals; and

WHEREAS, to increase its effectiveness as a fighter, certain pit bull traits have been selected and maximized by controlled breeding, including 1) a set of powerful jaws with an exceptional ability to grip, lock and tear when the dog bites; 2) a unique insensitivity to pain that causes pit bulls to be exceedingly tenacious in the attack; 3) an unusually aggressive temperament towards human beings and animals; and 4) an extraordinary directness in their method of attack that does not include the common warning signs such as barking or growling displayed by other breeds;

WHEREAS, for the above reasons, pit bull dogs present a danger to the health and welfare of the citizens of Dade County, different in degree and kind, from the dangers presented by other breeds of dog.

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APR 11 1989
DADE COUNTY
CLERK OF COUNTY
I HEREBY CERTIFY THAT THIS INSTRUMENT IS A TRUE COPY OF THE ORIGINAL AS SUBMITTED TO THE CLERK OF COUNTY AND WAS RECORDED IN THE PUBLIC RECORDS IN A LEGAL AND PROPER MANNER AND THAT THE INSTRUMENTS ARE CORRECTLY INDEXED AND FILED IN THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.
DADE COUNTY CLERK

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. The aforementioned findings are hereby incorporated by reference and made a part hereof.

Section 2. Section 5-17 of the Code of Metropolitan Dade County, Florida shall read as follows:^{1/}

Sec. 5-17. Reserved Legislative Intent.

This article is intended to utilize the authority and powers of Metropolitan Dade County in order to secure for the citizens of this County the protection of their health, safety and welfare. It is intended to be applicable to dogs which are commonly referred to as "pit bulls" and which are defined herein. This article is designed to regulate these pit bull dogs and to ensure responsible handling by their owners through confinement, registration, and liability insurance. The unique history, nature and characteristics of pit bull dogs have been determined to require the special regulations and provisions contained within this article which the County Commission hereby finds reasonable and necessary.

Section 3. Section 5-17.1 of the Code of Metropolitan Dade County, Florida, shall read as follows:

Sec. 5-17.1. Definition and Identification of a Pit Bull Dog.

(a) The term "pit bull dog" as used within this article shall refer to any dog which exhibits those distinguishing characteristics which:

- (1) Substantially conform to the standards established by the American Kennel Club for American Staffordshire Terriers or Staffordshire Bull Terriers; or
- (2) Substantially conform to the standards established by the United Kennel Club for American Pit Bull Terriers.

(b) The standards of the American Kennel Club and the United Kennel Club referred to in subsection (a) above, are attached hereto and incorporated herein by reference as "Exhibit A" and shall remain on file with the

^{1/} Words stricken through shall be deleted. Underscored words constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

THIS INSTRUMENT IS A TRUE COPY OF THE ORIGINAL, BOOK NUMBERED COPY FILED IN THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND IS BEING REPRODUCED FOR INFORMATIONAL PURPOSES ONLY. THE ORIGINAL INSTRUMENT IS FILED IN THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, UNDER FILE NO. 89-22.

Animal Services Division of the Public Works
Department of Metropolitan Dade County.

(c) Technical deficiencies in the dogs' conformance to the standards described in subsection (b) shall not be construed to indicate that the subject dog is not a "pit bull dog" under this article.

(d) Testimony by a veterinarian, zoologist, animal behaviorist, or animal control officer that a particular dog exhibits distinguishing physical characteristics of a pit bull shall establish a rebuttable presumption that the dog is a pit bull.

Section 4. Section 5-17.2 of the Code of Metropolitan Dade County, Florida, shall read as follows:

Sec. 5-17.2. Confinement of Pit Bull Dogs.

(a) Because of the pit bull dog's inbred propensity to attack other animals, and because of the danger posed to humans and animals alike by a pit bull dog when running loose or while running together in a pack, pit bull dogs must at all times be securely confined indoors, or confined in a securely and totally enclosed and locked pen, with either a top or with all four sides at least six (6) feet high, and with a conspicuous sign displaying the words "Dangerous Dog."

(b) At any time that a pit bull dog is not confined as required in subsection (a) above, the dog shall be muzzled in such a manner as to prevent it from biting or injuring any person or animal, and kept on a leash with the owner or custodian in attendance. Provided, however, that no pit bull dog may be walked within fifty (50) feet of any public school ground nor enter onto such school ground.

(c) An exception to these confinement requirements is hereby provided for any pit bull dog in attendance at, and participating in, any lawful dog show, contest or exhibition sponsored by a dog club, association, society or similar organization.

(d) An exception to these confinement requirements is hereby provided for any pit bull dog when the dog is actually engaged in the sport of hunting in an authorized area and supervised by a competent person.

Section 5. Section 5-17.3 of the Code of Metropolitan Dade County, Florida, shall read as follows:

Sec. 5-17.3. Liability Insurance or Other Evidence of Financial Responsibility Required to be Maintained By Owner of Pit Bull Dogs.

In order to protect the public and to afford relief from the severe harm and injury

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1/19/88

DADE COUNTY

which is likely to result from a pit bull dog attack, every owner of a pit bull dog shall maintain and be able to provide evidence of the owner's financial ability to respond in damages up to and including the amount of three hundred thousand dollars (\$300,000.00) for bodily injury to or death of any person or damage to property which may result from the ownership, keeping or maintenance of such dog. Proof of ability to respond in damages shall be given by filing with the animal control office a certificate of insurance from an insurance company authorized to do business in the state, stating that the owner is and will be insured against liability for such damages; or by posting with the animal control office a surety bond conditioned upon the payment of such damages during the period of such registration; or by posting a personal bond secured by a mortgage in real property or security interest in personal property; or a sworn statement of the owner of his/her financial ability to respond in damages up to and including the amount of three hundred thousand dollars (\$300,000.00).

Section 6. Section 5-17.4 of the Code of Metropolitan Dade County, Florida, shall read as follows:

Sec. 5-17.4. Registration of Pit Bull Dogs.

(a) Every owner of a pit bull dog in Metropolitan Dade County shall register the dog with the Animal Services Division of the Public Works Department of the County. The registration shall include the following: Name, address and telephone number of the dog's owner; the address where the dog is harbored, if different from the owner's address; a complete identification of the dog including the dog's sex, color and any other distinguishing physical characteristics; a color photograph of the dog; a description of the method of compliance with the confinement requirements; proof of the liability insurance or other evidence of financial responsibility required pursuant to this article; and a registration fee.

Section 7. Section 5-17.5 of the Code of Metropolitan Dade County, Florida, shall read as follows:

Sec. 5-17.5. Enforcement.

It shall be the duty and responsibility of all Metropolitan Dade County animal control officers to enforce the provisions of this article.

Section 8. Section 5-17.6 of the Code of Metropolitan Dade County, Florida, shall read as follows:

Sec. 5-17.6. Time for Compliance.

(a) All persons subject to this article shall have ninety (90) days from the effective date of this ordinance to comply with all confinement, registration, and liability insurance requirements.

(b) No pit bull dogs may be sold, purchased, obtained, brought into Dade County, or otherwise acquired by residents of Dade County anytime after the passage of ninety (90) days after the effective date of this ordinance. No such newly-acquired pit bull dogs may be kept, maintained, or otherwise harbored within Dade County, and each day any such newly-acquired pit bull is so kept, maintained, or harbored shall constitute a separate violation of this section.

- (1) Violation of subsection (b) may result in the issuance of a civil violation notice, and
- (2) Humane destruction of the pit bull dog by order of a court of competent jurisdiction. The County Manager or his designee may apply to the court for such order pursuant to this paragraph.

(c) Failure to register a pit bull dog as required by this article within the ninety (90) day grace period shall be prima facie evidence that the pit bull dog is a newly-acquired pit bull dog.

Section 9. Section 8CC-10 of the Code of Metropolitan Dade County, Florida, is amended as follows:

Sec. 8CC-10. Schedule of Civil Penalties.

<u>Reference Number</u>	<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
	*	*	*
7	5-8	Failure to obtain required license tag for dog	50.00
_____	5-17.2	Failure to confine pit bull dog	500.00
_____	5-17.3	Failure of owner of pit bull dog to maintain insurance or other evidence of financial responsibility	500.00
_____	5-17.4	Failure to register pit bull dog	500.00
_____	5-17.6	Improper Keeping of Pit Bull Dogs	500.00

Section 11. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 12. Nothing in this article shall prevent municipalities from providing for more stringent regulation of pit bull dogs and pit bull dog owners.

Section 13. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Metropolitan Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 14. This ordinance shall become effective ten (10) days after the date of enactment.

PASSED AND ADOPTED: APR 04 1989

Approved by County Attorney as to form and legal sufficiency.

Prepared by:

RAG
md

RECEIVED
APR 11 1989
COUNTY CLERK
DADE COUNTY
FLORIDA

89-2201

APPENDIX

EXHIBIT A

OFFICIAL U.K.C. AMERICAN PIT
BULL TERRIER STANDARD

Revised January 1, 1978

HEAD: Medium length. Brick like in shape. Skull flat and widest at the ears, with prominent cheeks free from wrinkles.

MUZZLE: Square, wide and deep. Well pronounced jaws, displaying strength. Upper teeth should meet tightly over lower teeth, outside in front.

EARS: Cropped or uncropped (not important). Should set high on head, and be free from wrinkles.

EYES: Round. Should be set far apart, low down on skull. Any color acceptable.

NOSE: Wide open nostrils. Any color acceptable.

NECK: Muscular. Slightly arched. Tapering from shoulder to head. Free from looseness of skin.

SHOULDERS: Strong and muscular, with wide sloping shoulder blades.

BACK: Short and strong. Slightly sloping from withers to rump. Slightly arched at loins, which should be slightly tucked.

CHEST: Deep, but not too broad, with wide sprung ribs.

RIBS: Close. Well-sprung, with deep back ribs.

TAIL: Short in comparison to size. Set low and tapering to a fine point. Not carried over back. Bobbed tail not acceptable.

LEGS: Large, round boned, with straight, upright patterns, reasonably strong. Feet to be of medium size. Gait should be light and springy. No rolling or pacing.

THIGH: Long with muscles developed. Hocks down and straight.

COAT: Glossy. Short and stiff to the touch.

COLOR: Any color or marking permissible.

WEIGHT: Not important. Females preferred from thirty to fifty pounds. Males from thirty-five to sixty pounds.

OFFICIAL A.K.C. STANDARDS

American Staffordshire Terrier

Head-Medium length, deep through, broad skull, very pronounced cheek muscles, distinct stop; and ears are set high. Ears-Cropped or uncropped, the latter preferred. Uncropped ears should be short and held half rose or prick. Full drop to be penalized. Eyes-Dark and round, low down in skull and set far apart. No pink eyelids. Muzzle-Medium length, rounded on upper side to fall away abruptly below eyes. Jaws well defined. Underjaw to be strong and have biting power. Lips close and even, no looseness. Upper teeth to meet tightly outside lower teeth in front. Nose definitely black.

Neck-Heavy, slightly arched, tapering from shoulders to back of skull. No looseness of skin. Medium length.

Shoulders-Strong and muscular with blades wide and sloping.

Back-Fairly short. Slight sloping from withers to rump with gentle short slope at rump to base of tail. Loins slightly tucked.

Body-Well-sprung ribs, deep in rear. All ribs close together. Forelegs set rather wide apart to permit chest development. Chest deep and broad.

Tail-Short in comparison to size, low set, tapering to a fine point; not curled or held over back. Not docked.

Legs-The front legs should be straight, large or round bones, pastern upright. No resemblance of bend in front. Hindquarters well-muscled, let down at hocks, turning neither in nor out. Feet of moderate size, well-arched and compact. Gait must be springy but without roll or pace.

Coat-Short, close, stiff to the touch, and glossy.

Color-Any color, solid, parti, or patched is permissible, but all white more than 80 percent white, black and tan, and liver not to be encouraged.

Size-Height and weight should be in proportion. A height of about 18 to 19 inches at shoulders for the male and 17 to 18 inches for the female is to be considered preferable.

Staffordshire Bull Terrier

Head and Skull-Short, deep through, broad skull, very pronounced cheek muscles, distinct stop, short foreface, black nose. Pink (Dudley) nose to be considered a serious fault.

Eyes-Dark preferable, but may bear some relation to coat color. Round of medium size, and set to look straight ahead. Light eyes or pink eye rim to be considered a fault, except that where the coat surrounding the eye is white the eye rim may be pink.

Ears-Rose or half-pricked and not large. Full drop or full prick to be considered a serious fault.

Mouth-A bite in which the outer side of the lower incisors touches the inner side of the upper incisors. The lips should be tight and clean. The badly undershot or overshot bite is a serious fault.

Neck-Muscular, rather short, clean in outline and gradually widening toward the shoulders.

Forequarters-Legs straight and well boned, set rather far apart, without looseness at the shoulders and showing no weakness at the pasterns, from which point the feet turn out a little.

Body-The body is close coupled, with a level topline, wide front, deep brisket and well sprung ribs being rather light in the loins.

Hindquarters-The hindquarters should be well muscled, hocks let down with stifles well bent. Legs should be parallel when viewed from behind.

Feet-The feet should be well padded, strong and of medium size. Dewclaws, if any, on the hind legs are generally removed. Dewclaws on the forelegs may be removed.

Tail-The tail is undocked, or medium length, low set, tapering to a point and carried rather low. It should not curl much and may be likened to an old-fashioned pump handle. A tail that is too long or badly curled is a fault.

Coat-Smooth, short and close to the skin, not to be trimmed or de-whiskered.

Color-Red, fawn, white, black or blue, or any of these colors with white. Any shade of brindle or any shade of brindle with white. Black-and-tan or liver color to be disqualified.

Size-Weight: Dogs, 28 to 38 pounds; bitches, 24 to 34 pounds. Height at shoulders: 14 to 16 inches, these heights being related to weights. Nonconformity with these limits is a fault.

89-23

MIAMI REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Dade County, Florida

STATE OF FLORIDA
COUNTY OF DADE

Before the undersigned authority personally appeared
Sookie Williams, who on oath says that she is the Vice
President of Legal Advertising of the Miami Review, a daily
(except Saturday, Sunday and Legal Holidays) newspaper,
published at Miami in Dade County, Florida; that the attached
copy of advertisement, being a Legal Advertisement of Notice
in the matter of
**METROPOLITAN DADE COUNTY, FLA.
ORDINANCE AMENDING CHAPTER 5
OF THE CODE RELATING TO THE
REGULATION OF "PIT BULL" DOGS
AND OWNERS**

in the . . . X X X . . . Court.
was published in said newspaper in the issues of

March 20, 1989

Alliant further says that the said Miami Review is a
newspaper published at Miami in said Dade County, Florida,
and that the said newspaper has heretofore been continuously
published in said Dade County, Florida, each day (except
Saturday, Sunday and Legal Holidays) and has been entered as
second class mail matter at the post office in Miami in said
Dade County, Florida, for a period of one year next preceding
the first publication of the attached copy of advertisement; and
attest further says that she has neither paid nor promised any
person, firm or corporation any discount, rebate, commission
or refund for the purpose of securing this advertisement for
publication in the said newspaper.

Sookie Williams
Sookie Williams
Born to and subscribed before me this
20th day of March 1989
Richard P. Brinker
Richard P. Brinker
Notary Public, State of Florida of Large
COUNTY OF DADE

(SEAL)
My Commission expires July 9, 1990

METROPOLITAN DADE COUNTY, FLORIDA

ORDINANCE AMENDING CHAPTER 5 OF THE CODE RELATING TO THE REGULATION OF "PIT BULL" DOGS AND OWNERS.

A public hearing will be held by the Dade County Board of County
Commissioners in the Commission Chambers located on the second
floor of the Metro-Dade Center, 111 N.W. First Street, Miami,
Florida at 9:00 A.M. April 4, 1989 when the Board will consider
second reading and final passage of an ordinance entitled:

ORDINANCE AMENDING CHAPTER 5 OF THE COURT OF
METROPOLITAN DADE COUNTY, FLORIDA, RELATING TO
THE REGULATION OF "PIT BULL" DOGS AND OWNERS OF
"PIT BULL" DOGS; PROVIDING LEGISLATIVE FINDINGS AND
INTENT; PROVIDING DEFINITIONS; PROVIDING FOR CON-
FINEMENT OF PIT BULL DOGS; PROVIDING FOR FINAN-
CIAL RESPONSIBILITY OF OWNERS OF PIT BULL DOGS;
PROVIDING REGISTRATION, ENFORCEMENT, TIME OF
COMPLIANCE AND RESTRICTING NEWLY-ACQUIRED PIT
BULL DOGS AFTER SPECIFIED DATE; PROVIDING
PENALTIES; AMENDING CHAPTER 80C OF THE CODE TO
ADD CIVIL PENALTY; PROVIDING SEVERABILITY, INCLU-
SION IN THE CODE AND AN EFFECTIVE DATE

All interested parties may appear and be heard at the time and
place specified. Copies of this ordinance may be obtained from the
Clerk, Board of County Commissioners, Suite 210, Metro-Dade Center.

A person who decides to appeal any decision made by any board,
agency or commission with respect to any matter considered at its
meeting or hearing, will need a record of the proceedings. Such
person may need to ensure that a verbatim record of the proceedings
is made, including the testimony and evidence upon which the appeal
is to be based.

RICHARD P. BRINKER, CLERK
RAYMOND REDD, DEPUTY CLERK
89-3-02002M

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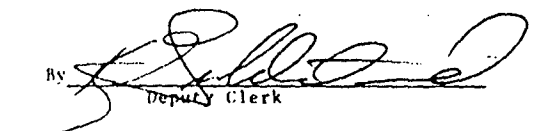
STATE OF FLORIDA)
)
COUNTY OF DADE)

I, TONY COTARELO, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of following denoted ORDINANCE of Dade County, Florida as appears of record.

ORDINANCE NO. 89-22, adopted by the said Board of County Commissioners at its meeting held on APRIL 4, 1989

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 02 day of JANUARY A.D. 1991

MARSHALL ADER, Ex-Officio Clerk
Board of County Commissioners
Dade County, Florida

By 
Deputy Clerk



BK0016P1956

THIS INSTRUMENT IS A TRUE COPY OF THE ORIGINAL BOOK. INCORPORATED IN THE PUBLIC COURT RECORD AND THE INSTRUMENT IS FILED IN THE PUBLIC COURT RECORD IN A SEPARATE BOOK.