Memorandum

MIAMI-DADE COUNTY

Date: September 18, 2007

Agenda Item No. 4(B)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Amending Chapter 5 of the Miami Dade County Code Pertaining to Animal Services

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Recommendation

It is recommended that the Board of County Commissioners approve the attached amendments to Chapter 5 of the Code of Miami-Dade County, pertaining to Animal Services. Some sections of Chapter 8CC relating to code enforcement are also recommended for amendments in the attached ordinance in order to be consistent with Chapter 5.

Scope

Chapter 5 of the Miami Dade County Code addresses regulatory processes for pets (predominantly dogs and cats) countywide. Most of the code has not been amended in over a decade, and currently there is contradictory and vague information within this chapter. 8CC is the section of the Miami-Dade County Code that provides a schedule of civil penalties for each corresponding code violation.

Fiscal Impact/Funding Source

The proposed changes would result in a positive fiscal impact if the following proposed amendments were adopted.

- Ability to cite instead of warn if no history of compliance (rabies vaccine and license)
- Establishing an annual hobby breeder's fee as opposed to a lifetime license
- Ability to cite if an owner did not have their pet examined by a vet after a rabies quarantine
- An increase in the redemption fee for an unsterilized pet
- The addition of a $5.00 surcharge to each civil penalty, to be used to pay the costs of training for Animal Control Officers

Track Record/Monitor

The Animal Services Department will continue to monitor Chapter 5 of the Miami-Dade County Code, and enforce relevant sections of Chapter 8 as proposed here.

Background

Animal Services became an independent department in October 2005. At that time, a comprehensive analysis of the department was undertaken by a task force that reviewed recommendations from the United States Humane Society. One of the team's findings was the conflict that existed between Chapter 5 and Chapter 33 pertaining to zoning. These proposed changes resolve any conflicts with other County ordinances or state statutes, and corrects numerous redundant provisions that needed reorganization to group relevant provisions together. In January 2006, the State of Florida mandated that local animal control agencies permit animals to be vaccinated against rabies using vaccines that are valid for several years; the County Code had previously required animals to receive the rabies vaccine annually. Other provisions, such as those governing pet dealers and the euthanasia process, are revised to more closely conform with all applicable statutes.

In early 2006, the Animal Services Department (Department) invited the community to join a Volunteer Legislation group. Over thirty people, including rescue volunteers, breeders, staff members, attorneys and veterinarians have been discussing and reviewing these proposed Code

amendments over the course of the year. As many groups and individuals as possible were invited to join this effort in order to recommend proposed changes that would be acceptable to all groups.

During this time, the Department has also worked closely with the Department of Planning & Zoning to ensure that Chapter 5 and Chapter 33 are consistent. For example, Chapter 33 designates the number of dogs that can be kept on residential property before the property is deemed to be a kennel. A kennel requires both zoning approval (based on whether the kennel use is acceptable on the subject property) and a license from Animal Services (based on the applicant's ability to care for animals). These proposed revisions to Chapter 5, and a companion ordinance on today's agenda for your consideration proposing amendments to Chapter 33 will ensure that the definition of kennel is consistent in both chapters.

It should be noted that, although municipalities may have different zoning requirements for kennels, and even if a use is not considered a kennel under the applicable municipal Code, the property owner may nevertheless be subject to the kennel license requirements of Chapter 5, which regulate the proper care of the animals. The companion zoning ordinance also provides for kennels to be permitted "as a matter of right" in Industrial (IU-1) and certain business (BU-3) zoning districts, provided they meet certain enumerated conditions. Currently, kennels cannot be established in any zoning district without a public hearing.

The following descriptions outline the most significant revisions. Except where otherwise specified, the section numbers in the outline refer to the proposed Code, as the entire chapter was re-organized and the section numbers have changed. The attached chart cross-references the current and proposed Code amendments.

Section 5-1 Definitions

Definition of Hobby Breeder
In the original Code, a Hobby Breeder was permitted to sell one litter of puppies or kittens per year per female animal. The new Code permits a Hobby Breeder to sell two litters per year per household, provided that the total number of dogs on the property does not constitute a kennel. Hobby breeders are also no longer being deemed to be pet dealers. They will be subject to the license requirements of Chapter 5, but they will not have to be zoned for kennel uses or be subject to the same requirements as kennels, pet dealers, and other animal-related businesses. The companion amendment to Chapter 33 incorporates the revised definition of Hobby Breeder in the definition of a dog kennel.

Definition of Puppy
Throughout the original Code, a puppy had been defined in some provisions as a 4 month old dog and in others as a 6 month old dog. In an effort to be consistent throughout the Code where the definition of a puppy is important, such as the age at which to vaccinate against rabies, a puppy is defined as a dog that is younger than 4 months of age.

Definition of Breeder
The proposed definition of a breeder eliminates the distinction between commercial and non-commercial breeders, to be consistent with the definition of a kennel in Chapter 33, which applies to all breeders.

Definition of a Kennel
In the original Code, housing more than four dogs on residential property was considered a kennel and would require a public hearing to obtain zoning approval to operate a kennel. In the

proposed Code (and the companion zoning ordinance), the number of dogs allowed will be based on the size of the property. A constituent could house four adult dogs on residential property that is less than one acre in gross area, up to six dogs on residential property that is at least one (1) acre, but less than two (2) acres in gross area; and up to eight dogs maximum on property that is two acres or more in gross area. The revised definitions also permits up to four (4) guard dogs on vacant, commercial, or industrial property; the current zoning Code definition permits only one guard dog.

Definition of Animal Rescue Organization
No guidelines were previously in place to ensure that 501c3 animal rescue organizations were operating within federal, state and local laws governing animal care and control. In an effort to ensure that pets released to rescue groups were cared for properly and that state-mandated spay/neuter regulations were followed, the proposed Code establishes criteria for animal rescue organizations to receive animals from the County's shelter, whether for medical foster care, adoption, or adoption to third parties. In the proposed Code, an animal rescue organization is defined as a 501c3 organization that is properly registered with the State of Florida and the Internal Revenue Service. Section 5-5 codifies the formal program the Department instituted to regulate rescue groups and to facilitate their adoption of animals from the Animal Services Department.

Definition of a Service Animal
To be consistent with the Americans with Disabilities Act, 'seeing eye dog' has been replaced with 'service animal.'

Section 5-2. Enforcement
This section consolidates numerous provisions in the current Code concerning enforcement. It specifically provides for Chapter 5 to be enforced in the same manner as other County Code sections, including the use of civil violation notices, criminal penalties, consent agreements, or judicial relief.

This section also imposes a $5.00 surcharge on each civil penalty imposed for violations of Chapter 5, to be used to pay the costs of training for Animal Control Officers. Section 828.27(4)(b) of the Florida Statutes provides for the imposition of this surcharge. Per Florida Statutes (Section 828), all county Animal Control Officers and Investigators are to complete Florida Animal Control Association (FACA) Certification in animal control and handling, and to issue civil violation notices.

Section 5-3. Wild animals and reptiles
This section is being revised to ensure that the regulation of wolf-hybrids is consistent with the regulations and jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Section 5-4. Cruelty
The revisions to this section update and clarify terms and definitions, such as:

- The use of animals for fighting, such as dog fighting or cock fighting, is specifically prohibited.
- 'Necessary sustenance' is defined (adequate nutrition – wholesome food, water free of debris and contamination, and medical attention if necessary.)
- The failure to provide adequate shelter is being made a separate provision, as is the abandonment of an animal; both had previously been included in a single provision that listed numerous violations.
- The intentional tripping, felling, roping, or lassoing the legs of a horse has been added as a violation, based on section 828.12 of the Florida Statutes.

Section 5-5 Adoption of animals from the Department; sterilization requirements; requirements for animal rescue organizations; authority to negotiate and enter into agreements

The revisions to this section state that the Department specifically encourages the adoption of animals impounded at the County animal shelter that are not reclaimed by an owner.

In addition, in response to many inquiries from unverified rescue organizations and the fact that many were not operating within the law, the Department created a formal approval process to ensure each rescue organization complies with the County Code and applicable statutes governing animal care and control. This section codifies that process, which permits properly registered rescue groups to adopt animals from the shelter at reduced fees and to receive animals for medical foster care.

Section 823.15 of the Florida Statutes requires animals adopted from the County animal shelter to be sterilized prior to adoption, or for the adopter to enter into an agreement to sterilize the animal. Should the adopter enter into an agreement, a deposit is required, and if the agreement is not honored, the owner is cited and the deposit is forfeited. The revised Code provides for the amount of the deposit to be established by implementing order approved by the Board of County Commissioners. The new provision also allows the Department to negotiate lower deposit amounts with properly registered animal rescue organizations.

This section also delegates to the Director the authority to negotiate and enter into agreements, which require no expenditure of County funds, with other persons or organizations to encourage the adoption of animals or to provide for animals in the custody of the Department. Examples of such agreements include partnerships with Job Corps and the American Association of Retired Persons, and externship programs with schools.

Section 5-6. Vaccination against rabies for dogs, cats, and ferrets

The current Code mandates that dogs, cats, and ferrets be vaccinated against rabies every year. In January 2006, the state legislature amended section 828.30 of the Florida Statutes to require all local governments to honor the duration of the rabies vaccination as provided by the manufacturer. That means that constituents have the option of administering a vaccine that is valid for one year or one that is valid for three years. This section is being amended to be consistent with the statute.

Another significant change is the designation of the 'anniversary date'. Under the current Code, when a pet receives the rabies vaccination, it is entered into the Animal Services database with a renewal date one year later. If the constituent is late in renewing the vaccine, the veterinarian typically sends a reminder card for the following year based on the late vaccination date. However, the anniversary date is kept as the original vaccination date, regardless of when the animal was revaccinated. The current process creates many customer service issues with constituents and the veterinarian community. For example, veterinarians have been unwilling to give a vaccine one month early simply because Animal Services kept the original anniversary date. The proposed Code amendment will adjust the anniversary date to coincide with the veterinarian's due date. The constituent may still be cited for the first late revaccination, but the problem will not recur every year.

Also under the current Code, the Department is required to give a warning before issuing a citation for violations of this section. Normally, this warning consists of an advance notice before the renewal is due, so a constituent that is late in renewing a vaccination, the citation is immediately issued. But if a constituent had never complied with the registration requirement, the

Department would still be required to give a warning. This process is highly inequitable to constituents who complied with the Code by registering their animals. The proposed amendments to the warning requirement give the Department the option of citing the constituent who was not historically compliant.

Section 5-7 License tags required for all dogs; conditions for issuance of tags
In the current Code, a similar problem concerning the anniversary date exists in the issuance of license tags. When a license tag is purchased, the anniversary date remains the same even if a renewal tag is purchased later. The subsequent renewal tag must then be purchased less than one year later or a civil violation will be issued for late renewal. Since the license tag was usually purchased at the time of the rabies vaccine, this led to many complaints since the veterinarians would not administer a rabies vaccine before the due date they had recorded. In the proposed Code, similar to the vaccination section, the anniversary date is adjusted based on the actual renewal date and a citation issued if it was over thirty (30) days late.

Section 5-8. Voluntary Cat Registration
In addition to the license tags being required for dogs, the department seeks to establish a voluntary cat registration program. As a prerequisite, the Department will require satisfactory proof that such cat has been vaccinated against rabies in accordance with the provisions of § 5-6 of this chapter. The registration tag shall be worn at all times by the cat; and the owner may also choose to have the registration number tattooed on the inner thigh of the cat or to have the cat implanted with a microchip, which shall be registered with the applicable national registry as well as the Department.

Section 5-9. Standards of care for kennels, pet dealers, pet care centers, and professional trainers
The existing Code contained separate sections addressing the standards of care for kennels, pet dealers, commercial groomers, and commercial trainers. Because the requirements were essentially identical, the revised Code consolidates all of the requirements into a single section.

Section 5-10. Requirements for sales of dogs and cats
In this section the requirement for pet dealers to test cats for Feline Immunodeficiency Virus (FIV) was added to conform to the recommendations of the American Association of Feline Practitioners. Over 32,000 pets are abandoned at Animal Services each year. Many do not have any identification, and many that do have microchips are typically not registered to an owner. In addition, many purebreds are registered to pet stores or breeders who do not keep records that would enable the Department to reunite the pets with their owners. A requirement was added for pet dealers to not only implant the microchips (already in the existing Code) but to register the new owners as well.

In addition, the Department has encountered problems with pet sellers providing pet buyers with photocopies of health certificates that appeared to be forged, invalid, or related to different dogs. The proposed Code requires the seller to provide the original veterinary health certificate to the buyer.

Section 5-11. Report and sale of license tags
This section is largely unchanged, except to consolidate separate sections into one. Also, this section of the proposed Code provides the Department the authority to allow approved rescue organizations to sell license tags. This would assist the Department with compliance of licensing dogs, as currently only an estimated twenty six percent (26%) of the dogs in Miami-Dade County are licensed by the Department.

Section 5-13. Kennel, pet dealer, pet care center, professional trainer, and hobby breeder license requirements; appeal process

Requirements for all types of licenses were consolidated into this section. In the current Code, Hobby Breeders had a lifetime license but in the proposed Code, an annual license is recommended so as to be consistent with other groups that are licensed by Animal Services. If a license is denied, the proposed amendment provides for an appeal process in accordance with Chapter 8CC.

Section 5-15. Transportation of animals

The proposed amendment in this section will require that a dog being transported in the back of an open-bed truck or similar vehicle be double-tethered to a harness, not a collar. This will help to prevent a dog from choking if jumping from the truck.

The current Code allows for the transport an animal in a secure animal carrier, but the proposed amendment requires that carriers permit normal postural movements, and that carriers in the back of open-bed trucks or similar vehicles be secured to the vehicle so as to be immovable.

Section 5-17 through 5-17.7. Pit Bull Ordinance

There are no proposed changes to the Pit Bull Ordinance.

Section 5-18. Impounding; animals found in distress; redeeming by owner; disposition of unredeemed animals

These proposed amendments codify the different circumstances under which the Department may impound animals and the required confinement period based on the circumstance under which the Department received the animal. In FY 05/06, only 0.05%—or 1,300 out of 24,000—of the stray animals impounded were reclaimed by their owners. None of those reclaimed were puppies; the majority of puppies left in the facility are with their litter. Because there is a constant high volume of pets in the shelter, limiting the spread of infectious disease is a tremendous challenge. Puppies are highly susceptible to a variety of infectious diseases, such as kennel cough. Since puppies are in high demand and are adopted quickly, this proposed amendment will decrease the hold period for puppies from five days to 24 hours in order to increase the number of puppies adopted.

The current Code provides for animals to be reclaimed by owners who present proof of ownership. This section's proposed amendment provides standards for acceptable proof of ownership and adds a requirement that an owner's agent present proof of agency, such as a power of attorney, to redeem an animal. These revisions were made in order to address the problem of animals that are impounded at the shelter having conflicting identification information; for example an identification tag, a license tag and a microchip that have different owner information. This is a common scenario when pets become lost and/or change ownership.

Animal Services works in conjunction with the Miami-Dade Police Department and other law enforcement agencies upon request, such as in the confiscation of an animal should a person be arrested or involuntarily committed. The current Code (section 5-2.5(b)(2)), requires a hold on the pet for ten days. In past situations where an owner was involuntarily absent, the Department has impounded as many as 50 animals at one time, which can overwhelm the available space at the shelter and put those animals, and other animals impounded at the shelter, at risk of contracting infectious diseases. The proposed amendment reduces the impoundment period to 5 business days. This would limit the time the pet would have to stay in the shelter and be exposed to a variety of infectious diseases, while still providing time for the owner or the owner's agent to reclaim the animal.

Currently, if a pet is abandoned by a known owner at an animal hospital (based on standards set forth in section 705.19, Fla. Stat.), the pet is then released to Animal Services where there is another five day stray hold. In the proposed Code, the five day stray hold is eliminated as the pet was already held ten days at the animal hospital and the owner knowingly abandoned them. This would enable the Department to bring closure for the pet, whether through adoption or euthanasia and decrease the amount of time the pet must remain in the shelter.

When an owner reclaims a pet, there is an impoundment fee of $40 and a boarding fee of $5 per day. In an effort to use a variety of ways to decrease the number of unwanted births and reduce animal overpopulation, the Department proposes increasing the impoundment fee for unsterilized pets to $50. As an alternative to the impound fee we offer owners the option of paying for the adoption fee, which includes sterilization, as well as vaccinations. This proposed fee increase will come back to the Board for approval in the implementing order referenced previously in Section 5-5.

Section 5-19. Rabies quarantine; report of animal bites
If a pet is quarantined for rabies in the owner's home, as is allowed if a pet is vaccinated against rabies, the owner is required to take the pet to be examined by a veterinarian after the mandatory ten day observation period. The proposed amendment allows the Department to cite an owner for not following up with their veterinarian, or for failing to properly confine an animal during the quarantine period.

Section 5-20.1 Confinement of intact female dog during estrus
In an effort to prevent unwanted births and reduce animal overpopulation, the proposed amendment requires a female dog in heat to be securely confined so a male dog does not have the opportunity to impregnate a female dog without the owner's consent.

Section 5-21. Tethering of dogs
Research indicates that keeping dogs tethered chronically often leads to aggression, poor sociability, and neglect. Dogs are often tethered in a manner that amounts to animal cruelty, such as in a location that does not provide adequate shelter from the sun or rain, or without access to adequate food or water. The proposed amendment establishes standards for dogs to be tethered, including a requirement that the owner be present with the dog.

Section 5-22/5-23. Dangerous dogs
The existing provisions have been reorganized, and the descriptions of the standards have been revised to provide greater clarity. For example, the definition of "severe injury" has been clarified to mean multiple bites, a broken bone, a deep puncture wound that requires drainage, or a disfiguring laceration requiring stitches or reconstructive surgery. In the current Code, the definition of severe injury included "punctures." Based on that definition, any dog that bites a human, even if it is a minor bite that punctures the skin but does not require stitches, would have to be euthanized. In addition, the proposed sections specify that Code enforcement penalties may be applied.

Aggression is associated with intact male dogs and females who are protecting their young. The proposed amendments also require that any dog designated as dangerous by the Department is sterilized.

Currently, a dog designated as dangerous is required to be microchipped. The proposed amendments also require that the owner register the microchip with the appropriate national registry and the Department. Lack of positive identification is a major problem for the Department, and it is absolutely crucial that all dangerous dogs be positively identified.

Section 5-24. Euthanasia of injured and diseased animals, impounded animals, and abandoned animals

These proposed amendments allow for a Euthanasia Technician certified by the Florida Animal Control Association to make decisions regarding euthanasia. As is consistent with shelter standards of care nationwide, the volume of animals handled by shelters far exceeds the resources of a staff veterinarian. These types of decisions are not medical inasmuch as they are largely based on the animal's health, adoptability and aggressive behavior. Trained staff are designated as the ones making the daily decisions regarding euthanasia while the head veterinarian—or—as in the case currently in this Department, the Director and Assistant Director of Veterinary Services, both veterinarians—sets strict protocols for that decision making process.

Section 8CC. Schedule of civil penalties

Section 8CC of the Miami-Dade County Code provides the framework for enforcement activities and a schedule of related civil penalties. In this section, the appeal process was updated to conform with the code enforcement process used by all other County departments. Any constituent receiving a uniform civil citation has the right to appeal said citation in a Special Masters Appeal (SMA) Hearing, which consists of a trial before a special master. In the case of all other County departments, the constituent could appeal the special master's decision to the Appellate Division of the Circuit Court; that process entails a review of the record before the special master. However, under the current code, citations related to Animal Services receive a trial before a special master, and if appealed, require a second trial before the County Court, the results of which could then be appealed to the Appellate Division of the Circuit Court. The proposed Code eliminates the second trial and brings appeals of Animal Services citations into conformity with the process for all other code enforcement appeals.

These proposed changes will greatly improve process and eliminate some of the inconsistencies and redundancies previously reflected in the code. The community's involvement and input throughout this process reinforces the efforts of the department. The department will initiate a community outreach and dissemination campaign to educate the general public regarding the changes in the code.

Assistant County Manager

Chapter 5 Equivalency Table

NEW CODE SECTION	EXISTING CODE SECTION(S)
5-1. Definitions.	5-2.2(a). Breeders, kennels and pet stores - Definitions 5-2.7(a). Commercial grooming of animals - Definitions 5-2.8(a). Commercial training of animals. – Definitions 5-3. Definitions. 5-19. Definitions.
5-2. Enforcement.	5-1. Enforcement. 5-8.4. Enforcement. 5-15. Enforcement; rules of County Manager. 5-15.1. Enforcement; hindering, resisting Animal Control Officers; penalties.
5-3. Wild animals and reptiles.	5-2. Wild animals and reptiles. 5-2.2(d). Sale and breeding of Wolf-hybrids.
5-4. Cruelty to animals.	5-2.5. Cruelty to animals.
5-5. Adoption of animals from the Department; sterilization requirements; requirements for animal rescue organizations; authority to negotiate and enter into agreements.	5-2.1. Sterilization requirements for animals adopted from the Miami-Dade County Animal Shelter.
5-6. Vaccination against rabies for dogs, cats, and ferrets.	5-7. Vaccination against rabies. (dogs) 5-14. Racing greyhounds, and others, exempt. 5-20. Vaccinations against rabies. (cats) 5-25. Ferrets vaccination against rabies.
5-7. License tags requires for all dogs; conditions for issuance of tags.	5-8. License tags required for all dogs; conditions for issuance of tags. 5-9. Duration and cost of license tags for dogs. 5-14. Racing greyhounds, and others, exempt.
5-8. Voluntary registration of cats.	5-21. Voluntary registration of cats.
5-9. Standards of care for kennels, pet dealers, pet care centers, and professional trainers.	5-2.2. Breeders, kennels and pet stores. 5-2.7. Commercial grooming of animals. 5-2.8. Commercial training of animals.
5-10. Requirements for sales of dogs and cats.	5-2.2(c). Animal sale health requirements. 5-8.3(a). Vaccination of dogs, sale of tags and report of vaccination or sale of puppy tags upon sale or transfer of ownership of dogs or puppies.
5-11. Report and sale of license tags.	5-8.1. Legislative intent. 5-8.2. Report of vaccination and sale of license tags by veterinarians. 5-8.3 Vaccination of dogs, sale of tags and report of vaccination or sale of puppy tags upon sale or transfer of ownership of dogs or puppies. 5-8.4. Enforcement. 5-8.5. Authority of Tax Collector's Office to promulgate rules.
5-12. Additional restrictions on sales of animals.	5-2.3. Possession, sale, etc., of baby chickens, ducklings, rabbits, when artificially colored. 5-2.3.1. Sale, etc., of live turtles—Prohibited; exception. 5-2.3.2. Same—Warning to be posted at displays of turtles for retail sale.

	5-2.4. Penalty.
5-13. Kennel, pet dealer, pet care center, professional trainer, and hobby breeder license requirements; appeal procedures.	5-2.2(e). Commercial breeder license requirements. 5-2.2(f). Hobby breeder license requirements 5-2.2(g). Kennel license requirements 5-2.2(h). Pet store license requirements 5-2.2(i). Appeal procedures 5-2.7. Commercial grooming of animals. 5-2.8. Commercial training of animals.
5-14. Trapping of dogs and cats; license requirements for professional trappers	5-2.6. Commercial trapping of animals.
5-15. Transportation of animals.	5-2.4.1. Transportation of animals.
5-16. Taking of peafowl prohibited.	5-2.9. Taking of peafowl prohibited.
5-17 through 5-17.7. (Pit Bull ordinance) – **NOT AMENDED**	5-17 through 5-17.7 (Pit Bull ordinance)
5-18. Impounding; animals found in distress; redeeming by owner; disposition of unredeemed animals.	5-2.5(b)(2) (animals abandoned at veterinary hospital; impoundment of animals because of involuntary absence) 5-11. Impounding; redeeming by owner; disposition of unredeemed dogs.
5-19. Rabies quarantine; report of animal bites.	5-12. Dogs or other animals suspected of having rabies. 5-13. Report of animal bites.
5-20. Regulations on dogs in public areas.	5-4. Prohibited in parks and on beaches. 5-4.1. Exception, blind persons. 5-5. Permitting dogs to defecate, etc., on public or common property. 5-6. Running at large. 5-6.1. Public nuisance.
5-20.1 Confinement of intact female dog during estrus.	**NEW PROVISION**
5-21. Tethering of dogs.	**NEW PROVISION**
5-22. Dangerous dogs; authority to designate dog as dangerous; confiscation; appeal procedures.	5-6.2. Dangerous dogs.
5-23. Additional regulations relating to dangerous dogs.	5-6.2. Dangerous dogs.
5-24. Euthanasia of injured and diseased animals, impounded animals, and abandoned animals.	5-11.1. Summary destruction of injured and diseased animals, impounded dogs and abandoned animals. 5-11.2. Review of reports of missing animals; notification of owners prior to destruction by the Animal Control Division.
5-25. Municipalities authorized to adopt additional regulations.	5-16. Municipalities authorized to adopt additional regulations.

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: September 18, 2007

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 4(B)

Please note any items checked.

_____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(B)
9-18-07

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ANIMALS; DELETING AND REPLACING SECTIONS 5-1 THROUGH 5-16 AND 5-18 THROUGH 5-25 IN THEIR ENTIRETY; AMENDING SECTIONS 8CC-8 AND 8CC-10 OF THE CODE; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Sections 5-1 through 5-16 of the Code of Miami-Dade County are hereby deleted and replaced in their entirety as follows:[1]

[[~~ARTICLE I. IN GENERAL~~]]

Sec. 5-1. Definitions
As used in this chapter, unless otherwise provided, the following terms shall be defined as follows:
(1) *Animal* means any non-human living creature, including without limitation dogs, cats, ferrets, rabbits, turtles, gerbils, hamsters, cows, horses, sheep, and other domestic animals or livestock.
(2) *Animal Control Officer* means a person employed by the Department who meets the qualifications set forth in § 828.27, Florida Statutes. Animal Control Officers shall be authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty, to issue citations for violations of this chapter, and to assist in criminal investigations relating to animal control or cruelty.
(3) *Animal Rescue Organization* means a humane society or other non-profit organization that is: dedicated to the protection of animals; duly registered with the Florida Department of State and the Florida Department of Agriculture and Consumer Services; and properly organized as a charitable organization under § 501(c)(3) of the Internal Revenue Code.

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(4) *At large* means off the responsible party's property, and not under the responsible party's physical custody and control.
(5) *Breeder* means any person or entity that causes animals to reproduce. An establishment used for breeding, except for a hobby breeder as provided in this chapter, shall be regulated as a kennel.
(6) *Cat* includes both male and female.
(7) *Control* means the possession, ownership, care, or custody of animals.
(8) *Cruelty* means any neglect or act of torture or torment that causes pain or suffering to an animal.
(9) *Department* means the Miami-Dade County Animal Services Department.
(10) *Director* means the Director of the Miami-Dade County Animal Services Department.
(11) *Dog* includes both male and female.
(12) *Euthanasia technician* means an employee or agent of the Department that is certified to euthanize animals in accordance with § 828.058(4)(a), Fla. Stat.
(13) *Grooming* means caring for the appearance of an animal, including, without limitation, bathing, clipping, dipping, brushing, and pedicure services.
(14) *Hobby breeder* means a person or entity that is an active member of a national, state, or local breeder organization and that houses or breeds dogs or cats at or adjoining a private residence for the purpose of exhibiting dogs or cats at shows operated by a national, state, or local breeder organization or for the purpose of improving the breed. A hobby breeder may sell two (2) litters of puppies or kittens per year per household, so long as the total number of dogs kept on the premises does not constitute a kennel as defined in this section. A hobby breeder that sells more than two litters per year per household shall be deemed to be a pet dealer.
(15) *Housing facility* means the larger structure within which primary enclosures containing animals are stored.
(16) *Intact* means that the animal has not been sterilized.
(17) *Kennel.* The following uses shall constitute a kennel:
(i) The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding, or treatment purposes, except by a hobby breeder as defined in this chapter or, as provided by law, in a dog hospital, dog beauty parlor, pet care center, pet shop, dog racing establishment, governmental agency, laboratory, or facility housing animals for medical research that is approved by a federal agency; or
(ii) The keeping of dogs, 4 months of age or older, on premises used for residential purposes, in excess of the following numbers: (a) four (4) dogs on property that is less than 1 acre in gross area, or

in any individual residence unit in a multi-family zoning district; (b) six (6) dogs on property that is less than 2 acres in gross area; and (c) eight (8) dogs on property that is 2 acres or more in gross area; or

(iii) The keeping of more than four (4) guard dogs on vacant property or on property used for business or industrial purposes.

(18) *Kitten* means a cat that is less than four (4) months old.

(19) *Official certificate of veterinary inspection* means a legible certificate of veterinary inspection signed by the examining veterinarian licensed by the state of origin and accredited by the United States Department of Agriculture, that shows the age, sex, breed, color, and health record of the dog or cat, the printed or typed names and addresses of the person or business from whom the animal was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian, and the veterinarian's license number. The official certificate of veterinary inspection must list all vaccines and deworming medications administered to the dog or cat, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of administration thereof, and must state that the examining veterinarian warrants that, to the best of his or her knowledge, the animal 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. The official certificate shall be on a form prescribed by the Florida Department of Agriculture and Consumer Services.

(20) *Person* means an individual or a corporation, proprietorship, partnership, trust, association, or other legal entity.

(21) *Pet care center* means an establishment, operating during daytime hours only, that provides supervised care for cats or dogs in an air-conditioned indoor facility for the purpose of the animal's general well-being, including supervised interaction with other cats or dogs, boarding, feeding, and grooming services. A pet care center shall not include breeding services. For purposes of this chapter, this classification shall include dog beauty parlors and mobile facilities that provides grooming services.

(22) *Pet dealer* means any person that, in the ordinary course of business, engages in the sale to the public of more than two litters, or 20 dogs or cats, per year, whichever is greater. This classification shall include pet shops as well as breeders who sell directly to the consumer. Animal rescue organizations and hobby breeders shall be exempt from this classification.

(23) *Pet shop* means a retail establishment that, in the ordinary course of business, engages in the sale of dogs or cats.

(24) *Primary enclosure* means a structure where an animal is housed and maintained, including without limitation cages, pens, and runs.

(25) *Professional* means to provide a product or service, in commerce, for compensation or profit.
(26) *Puppy* means a dog that is less than four (4) months old.
(27) *Responsible party* means any person owning, harboring, or having custody or control of an animal. Wherever the term "owner" is used in this chapter, it shall mean responsible party.
(28) *Sale* means the transfer of ownership in exchange for compensation or profit, including money, goods, and services. This definition shall not include adoption fees charged by an animal rescue organization.
(29) *Service animal* means an animal individually trained to do work or perform tasks for the benefit of an individual with a disability (as defined in the Americans with Disabilities Act of 1990, 42 U.S.C. § 12102), including without limitation, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.
(30) *Shelter* means a structure, including without limitation a dog house or a stable, that protects an animal from sun, rain, and other inclement weather or environmental conditions.
(31) *Sterilize* means to remove an animal's reproductive organs, whether by spaying or castration.
(32) *Structurally sound* means that the physical condition of the structure meets the construction standards established by the applicable building code or the manufacturing industry.
(33) *Trainer* means a person that coaches animals to perform for shows, teaches animals obedience, or performs other related services.
(34) *Veterinarian* means a person who is licensed to engage in the practice of veterinary medicine under Chapter 474, Florida Statutes, and is accredited by the United States Department of Agriculture.

Sec. 5-2. Enforcement.
(a) The provisions of this chapter shall apply in the incorporated and unincorporated areas of Miami-Dade County. The Department, through Miami-Dade County Animal Control Officers, shall be responsible for enforcing the sections of this chapter. County and municipal law enforcement officers shall also be authorized to enforce the provisions of this chapter relating to cruelty to animals. The Director shall have the authority to amend and modify the administration of the Department's operating procedures and to establish rules, procedures, and forms to carry out the Department's responsibilities pursuant to this chapter.
(b) In addition to any other responsible party described in this chapter, the owner of any real property, upon which any animal regulated herein is

maintained, shall be responsible for that animal to the same extent as the responsible party.

(c) It shall not constitute a trespass for Animal Control Officers, in the performance of their lawful duties, to enter upon any public or private property in Miami-Dade County, except a building designated for and used for residential purposes, and to take with them any necessary equipment. Nothing contained herein shall be construed to authorize an Animal Control Officer to enter upon private property without consent of the property owner or without a valid warrant where such warrant is required; provided, however, that an Animal Control Officer or law enforcement officer may take custody of a neglected or mistreated animal as provided in § 828.073, Florida Statutes.

(d) It shall be unlawful to resist, obstruct, or oppose the Director or designee or any Animal Control Officer in the discharge of their duties under this chapter.

(e) Any person who shall violate a provision of this chapter, or fail to comply therewith, or with any of the requirements thereof, shall upon conviction thereof in the County Court, be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment.

(f) Any person who violates or fails to comply with this chapter shall also be subject to civil penalties in accordance with Chapter 8CC of this code. Each day of violation or noncompliance shall constitute a separate offense. In addition to any other surcharges provided in Chapter 8CC, a $5.00 surcharge shall be added to each civil penalty provided for in this chapter; proceeds shall be used to pay the costs of training for animal control officers. Civil penalties imposed pursuant to this provision may be appealed in accordance with Chapter 8CC, or in accordance with any other procedure allowed by law; it is provided, however, that the filing of any appeal shall be deemed to be a waiver of any other available appeal.

(g) Any person who violates a provision of this chapter or any lawful rule, regulation, or written order promulgated under this chapter is subject to injunction or other equitable relief to enforce compliance with or prohibit the violation of this chapter. Further, such person is liable for any damage to Miami-Dade County caused by such violation, and for the reasonable costs and expenses incurred by Miami-Dade County in enforcing the provisions of this chapter, including but not limited to the costs of enforcement inspections, preparation of enforcement reports, attorney's fees, photographs, title searches, postage, and other demonstrable administrative costs for enforcement and collection. All such sums shall become immediately due and payable upon expenditure by the County and shall become delinquent if not paid within thirty (30) days after receipt by the violator of the Department's bill itemizing the

enforcement costs incurred in enforcing the provisions of this chapter (the "due date"). All such delinquent sums shall bear interest at the rate of twelve (12) percent per annum.

(h) In addition to the foregoing, any person who violates a provision of this chapter or any lawful rule, regulation, or written order promulgated under this chapter is subject to the judicial imposition of a civil penalty for each offense of an amount not to exceed five thousand dollars ($5,000.00) per offense. In assessing the penalty, the court may receive evidence in mitigation. Each day during any portion of which a violation occurs constitutes a separate offense.

(i) Upon the rendition of a judgment or decree by any of the courts of this State against any person and in favor of the Director or the County in any action to enforce compliance with or prohibit the violation of the provisions of this chapter, the court shall adjudge or decree against that person and in favor of the Director or the County a reasonable sum as fees or compensation for the attorney acting on behalf of the Director or the County in the suit in which recovery is had. Such fees or compensation shall be included in the judgment or decree rendered in the case. This provision shall apply to all civil actions filed after the effective date of this ordinance. Cessation of the violation of any of the provisions of this chapter prior to rendition of a judgment or prior to execution of a negotiated settlement, but after an action has been filed by the Director or the County to enforce the provisions of this chapter, shall be deemed for the purposes of this section the functional equivalent of a confession of judgment or verdict in favor of the Director or the County, for which attorney's fees shall be awarded as set forth in this section.

(j) The Director is hereby authorized to institute actions on behalf of the County in any court of competent jurisdiction in this State to seek enforcement of this chapter and all remedies for violations thereof.

(k) The Director or designee may, in his or her discretion, terminate an investigation or an action commenced under the provisions of this chapter upon execution of a written consent agreement between the Director or designee and the persons who are the subject of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of this chapter by such persons. The consent agreement may in addition provide for the following: Mitigation of injuries accruing on account of the violation investigated or sued upon; compensatory damages; punitive damages; civil penalties; costs and expenses of enforcement; attorneys' fees; and remedial or corrective action. Except as expressly and specifically provided in the executed written consent agreement, an executed written consent agreement shall neither be evidence of a prior violation of this chapter nor shall such agreement be deemed to impose any limitation or action by the Director or the County in enforcing any of the provisions of this chapter,

nor shall the agreement constitute a waiver of or limitation upon the enforcement of any federal, state, or local law or ordinance. Each violation of any of the terms of an executed written consent agreement shall constitute a separate violation under this chapter by the persons who executed the agreement and by their respective officers, directors, agents, servants, employees, attorneys, heirs, successors and assigns, and by any persons in active concert or participation with any of the foregoing persons and who have received actual notice of the consent agreement. Each day during any portion of which each such violation occurs constitutes a separate offense under this chapter.

(l) Nothing in this section shall be construed to permit or require the Director to bring an action on behalf of any private person.

(m) Nothing in this chapter shall be construed to affect the powers and duties of: the Department of Planning and Zoning to enforce Chapter 33 of this code; municipal zoning authorities to enforce municipal zoning regulations; or the Florida Fish and Wildlife Conservation Commission to regulate animals subject to Chapter 372, Florida Statutes, including without limitation wild animals, birds, freshwater organisms, marine life, fur-bearing animals, and reptiles.

[[~~ARTICLE II. DOGS*~~]]

Sec. 5-3. Wild animals and reptiles.

(a) It shall be unlawful for any person to possess, maintain, or have custody or control of any wild animal, bird, freshwater organism, marine life, fur-bearing animal, or reptile without first complying with the provisions of Chapter 372, Florida Statutes, and all regulations promulgated by the Florida Fish and Wildlife Conservation Commission.

(b) Wolf-hybrids that are 25% or less domestic dog are considered wild animals subject to the regulations promulgated by the Florida Fish and Wildlife Conservation Commission. Wolf-hybrids not regulated by the Florida Fish and Wildlife Conservation Commission shall be regulated as dogs in accordance with this chapter; provided, however, that no wolf-hybrid that is 50% or less domestic dog may be bred, sold, or purchased in Miami-Dade County. *Wolf-Hybrid* shall mean any domestic dog with genetic makeup from a wolf in its inheritance, as the result of breeding between a dog and a wolf.

Sec. 5-4. Cruelty to animals.

(a) *Legislative intent.* It is the intent of the Board of County Commissioners of Miami-Dade County, Florida, to provide an orderly and consolidated procedure wherein cruelty to animals may be corrected and the animals protected.

(b) *Acts deemed cruelty to animals.* It shall be unlawful to commit any act that constitutes cruelty to animals. The following acts shall be deemed cruelty to animals (see §§ 828.12, 828.13 and 828.16, Fla. Stat.):

(1) To torture, torment, mutilate, kill, or unnecessarily overdrive any animal or to cause the same to be done. Using an animal for the purpose of fighting, including, without limitation, dog fighting or cock fighting, shall be deemed to be a violation of this provision.

(2) To intentionally commit an act to any animal which results in the cruel death of the animal, or the excessive or repeated infliction of unnecessary pain or suffering to the animal, or to cause the same to be done.

(3) To deprive an animal of necessary sustenance, whether by neglect or refusal. For purposes of this section, *necessary sustenance* means: food and water that is of sufficient quantity and nutritive value to meet the minimal daily requirements for the condition and size of the animal as set forth by the commercial food industry or by a licensed veterinarian; food and water that is free of contaminants and vermin and insect infestation; and proper medical attention for any illness, injury, infection, skin disorder, and internal parasite. Feeding a cow on feed that produces impure or unwholesome milk shall be deemed to be a violation of this section.

(4) To deprive an animal of shelter.

(5) To impound or confine an animal in any place and during such confinement: to fail to supply the animal with a sufficient quantity of good and wholesome food and water; to fail to provide the animal with wholesome exercise and change of air; to keep the animal in an enclosure that does not permit the animal to make normal postural movements; to keep the animal in an enclosure that contains excess excreta. Enclosing an animal in a vehicle without adequate ventilation shall be deemed to be a violation of this provision.

(6) For a responsible party to abandon an animal in a street or other public place, or to abandon an animal if it is maimed, infirm, or diseased. For purposes of this section, *abandon* means to forsake an animal for which one is responsible without providing for its care, necessary sustenance, protection, and shelter.

(7) If an animal is known to have or to have been exposed to a contagious or infectious disease: to transfer possession of such animal without first disclosing the condition of the animal to the person to whom the animal is transferred; to knowingly permit such animal to run at large; or to knowingly permit such animal to come into contact with any animal of another person without the other person's knowledge or permission.

(8) To transfer or offer to transfer ownership of any live animal as a prize in any game, drawing, sweepstakes or other promotion.

(9) To intentionally trip, fell, rope, or lasso the legs of a horse by any means for the purpose of entertainment or sport. As used in this subsection, "trip" means any act that consists of the use of any wire, pole, stick, rope, or other apparatus to cause a horse to fall or lose its balance, and "horse" means any animal of any registered breed of the genus *Equus*, or any recognized hybrid thereof. The provisions of this subsection shall not apply when tripping is used:

(i) To control a horse that is posing an immediate threat to other livestock or human beings;

(ii) For the purpose of identifying ownership of the horse when its ownership is unknown; or

(iii) For the purpose of administering veterinary care to the horse.

(c) *Enforcement.*

(1) Whenever any person complains of cruelty to animals or upon independent observation of an Animal Control Officer, an Animal Control Officer will attempt to ascertain and investigate whether the facts alleged in the complaint or observation constitute an act of cruelty to animals. Nothing contained herein shall authorize an Animal Control Officer to enter upon private property without consent of the property owner or without a valid warrant where such warrant is required; provided, however, that an Animal Control Officer or law enforcement officer may take custody of a neglected or mistreated animal as provided in § 828.073, Florida Statutes.

(2) If the Animal Control Officer has reason to believe, subsequent to his investigation, that an act of cruelty to animals may have been committed, the Department will immediately institute appropriate proceedings against the person responsible for the act of cruelty, issue the appropriate civil violation notice, and/or, where appropriate, seek custody of the animal as provided in § 828.073, Florida Statutes. Nothing herein contained shall restrict a private citizen from instituting an appropriate proceeding pursuant to the Florida Statutes. Nothing contained in this section shall restrict enforcement by criminal penalty pursuant to Chapter 828, Florida Statutes.

Sec. 5-5. Adoption of animals from the Department; sterilization requirements; requirements for animal rescue organizations; authority to negotiate and enter into agreements.

(a) The Department shall encourage the adoption of animals in its custody. The Department may charge fees for transferring ownership of such animals and for vaccination, sterilization, and other medical care provided to such animals. Fees shall be fixed by implementing order approved by the Board of County Commissioners, provided that animal

rescue organizations acquiring ownership of animals may be charged reduced fees in accordance with this section.

(b) Prior to transferring ownership of a dog or cat to any person, the Department shall sterilize the animal, unless sterilization is not medically recommended at the time of transfer.

(1) Where sterilization is not medically recommended, the new owner shall enter into a written agreement guaranteeing that sterilization will be performed within thirty (30) days from the date custody is acquired or as soon as sterilization is medically permissible. Breach of the agreement shall be a separate violation of this section. A person acquiring ownership of an intact dog or cat from the Department shall also give the Department a sufficient, refundable deposit per animal to ensure that the animal will be sterilized, as required by § 823.15, Fla. Stat. The Department shall refund the deposit upon presentation of written evidence by the veterinarian performing the sterilization that the animal has been sterilized. The amount of the deposit shall be established by implementing order approved by the Board of County Commissioners.

(2) Notwithstanding the provisions of subsection (b)(1), the Department may, at its sole discretion, transfer unsterilized animals to animal rescue organizations that comply with the requirements set forth in subsection (c).

(c) The Department may, at its discretion, transfer animals to an animal rescue organization for medical care, for adoption, for adoption to third parties, or for any other lawful purpose, in accordance with the following provisions:

(1) The animal rescue organization shall be registered with the Department and shall provide proof that it is duly registered with the Florida Department of State and the Florida Department of Agriculture and Consumer Services and properly organized as a charitable organization under § 501(c)(3) of the Internal Revenue Code.

(2) The animal rescue organization shall enter into a written agreement signed by the Director and approved by the County Attorney's Office as to form and legal sufficiency that provides for the following: a guarantee that the organization will comply with the sterilization requirements set forth in § 823.15(2)(b), Florida Statutes; a requirement that the organization periodically report to the Department on the disposition of animals acquired from the Department; and that the Department shall have the right to reclaim animals that are being maintained in violation of this chapter or other provisions of this code. Breach of the agreement shall be a separate violation of this section.

(3) In deciding whether to transfer animals to an animal rescue organization, the Director may consider, among other factors:

(i) The resources of the organization to care for animals.

(ii) The facilities where the animals will be kept.

(iii) The prior experience of the organization or its members or agents in the field of animal care.

(iv) Whether the organization or its members or agents are, or have previously been found to be, operating in violation of any of the provisions of this chapter, of any federal, state, or local laws governing public health or sanitation, or of the applicable zoning code governing the keeping of animals.

(v) Any additional burdens on the Department for partnering with the organization.

(d) The Director is hereby delegated the authority to negotiate and enter into agreements, which require no expenditure of additional funds by the County, with other persons to encourage the adoption of animals or to provide for animals in the custody of the Department.

Sec. 5-6. Vaccination against rabies for dogs, cats, and ferrets.

(a) All dogs, cats, and ferrets that are four (4) months of age or older shall be vaccinated by a licensed veterinarian against rabies with a vaccine that is licensed by the United States Department of Agriculture for use in that species. Every owner of a dog, cat, or ferret shall have the animal revaccinated 12 months after the initial vaccination. Thereafter, the interval between vaccinations shall conform to the vaccine manufacturer's directions. The cost of vaccination shall be borne by the animal's owner.

(b) Evidence of vaccination shall consist of an official certificate prescribed for that purpose by the State of Florida Department of Agriculture and Consumer Services, and signed by the licensed veterinarian administering the vaccine. The certificate in triplicate shall show: (1) the date and type of vaccination; (2) the name and address of the owner; (3) for dogs and cats, the breed, age, color, and sex, and the year and serial number of the registration tag, if applicable; and (4) the microchip number, if applicable, and other pertinent data for proper identification of the dog, cat, or ferret. The original certificate shall be given to the owner, one (1) copy shall be filed by the veterinarian with the Animal Services Department, and one (1) copy shall be retained by the veterinarian. Evidence of circulating rabies-virus-neutralizing antibodies shall not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations.

(c) A dog, cat, or ferret shall be exempt from vaccination against rabies where a licensed veterinarian has examined the animal and signed a

written certificate stating that at such time vaccination would endanger the animal's health because of its age, infirmity, debility, or other medical consideration. The certificate shall state the period of exemption from the vaccination requirement and shall not be valid for more than twelve (12) months from date of issuance. Postmarked no later than the tenth day of each month, all veterinarians providing such certificates shall, as to each dog certified, deliver to the Department one (1) copy of the certificate prepared the previous month. An exempt animal shall be vaccinated against rabies as soon as its health permits.

(d) It shall be a violation of this section to fail to timely vaccinate or revaccinate an animal.

(1) The Department may issue a courtesy notice before the animal is due for vaccination or revaccination. It is provided, however, that issuance of a courtesy notice shall not be deemed to be a prerequisite to enforcement of the provisions of this section.

(2) If an animal has been untimely revaccinated, the due date of the next rabies revaccination shall be based on the date of the untimely revaccination.

(f) Exemptions. This section shall not apply to greyhounds kept, maintained, or brought into the County for the purpose of racing at licensed greyhound tracks, or to animals used as part of entertainment acts when properly controlled, or to animals that remain in the County for a period of less than thirty (30) days.

Sec. 5-7. License tags required for all dogs; conditions for issuance of tags.

(a) Every person owning, keeping, or harboring any dog over four (4) months of age within Miami-Dade County, Florida, or bringing any dog over four (4) months of age into this County shall, within thirty (30) days of the dog entering this County, register the dog with the Department and obtain a license tag, which the dog shall wear at all times.

(b) The Department shall require, as a prerequisite to the issuance of a license tag for any dog, satisfactory proof that such dog has been vaccinated against rabies in accordance with the provisions of § 5-6. The official certificate prescribed pursuant to § 5-6 shall be accepted as conclusive evidence as to the fact and time of vaccination, or a certificate providing that vaccination for rabies would endanger the health of the particular dog, as provided by § 5-6 of this chapter, may be accepted.

(c) Each license tag shall be renewed annually by the anniversary of the dog's most recent rabies vaccination, even if the rabies vaccination is effective for more than one year. If the dog is not timely revaccinated, and the license tag not timely renewed, then the responsible party shall be subject to civil penalties in accordance with this chapter, but thereafter the

due date for the renewal of the license tag shall be the anniversary of the untimely revaccination.

(d) License fees shall be established by implementing order approved by the Board of County Commissioners based on the following categories:

(1) Sterilized dog;

(2) Intact dog;

(3) Sterilized dog owned by an indigent person as defined by implementing order approved by the Board of County Commissioners; and

(4) Replacement for a lost or damaged license tag.

(5) Service animals shall be exempt from license fees.

(e) It shall be a violation of this section to fail to timely register a dog, to fail to timely obtain or renew a license tag, or to fail to have the dog wear the license tag.

(1) The Department may issue a courtesy notice before the dog is due for registration or the license tag is due for renewal. It is provided, however, that issuance of a courtesy notice shall not be deemed to be a prerequisite to enforcement of the provisions of this section.

(2) Any person who is fined under this section for an intact dog may have the penalty reduced to the level of a sterilized dog by having the dog sterilized within thirty (30) days of receipt of the civil violation notice.

(f) Exemptions. This section shall not apply to greyhounds kept, maintained or brought into the County for the purpose of racing at licensed greyhound tracks, or to dogs used as part of entertainment acts when properly controlled, or to dogs that remain in the County for a period of less than thirty (30) days.

Sec. 5-8. Voluntary registration of cats.

The Director is hereby authorized to establish a voluntary cat registration program. The Department shall require, as a prerequisite to the issuance of a registration tag for any cat, satisfactory proof that such cat has been vaccinated against rabies in accordance with the provisions of § 5-6 of this chapter. The official certificate prescribed pursuant to § 5-6, or a certificate of a qualified veterinarian certifying that inoculation for rabies would endanger the health of the particular cat, as provided by § 5-6 of this chapter, may be accepted. Upon payment of the fee prescribed herein, a registration tag shall be issued to each cat owner for each cat, said tag to be worn at all times by the cat for which issued, unless the cat owner chooses to have the registration number tattooed on the inner thigh of the cat or to have the cat implanted with a microchip, which shall be registered with the applicable national registry as well as the Department. A record of the name and address of the cat owner and a description of the

cat, as well as the registration number, microchip number, and other identifying information assigned thereto, shall be maintained by the Department on each cat registration, and such other information that the Director may deem proper. The registration fee shall be established by implementing order approved by the Board of County Commissioners. Registration shall be valid for the life of the cat. The fee may be reduced by one-half if a certificate that the cat has been sterilized is presented upon application for registration hereunder. There shall be a fee established by implementing order approved by the Board of County Commissioners for the duplication of a lost cat tag. Registration of cats shall be voluntary, and this section does not require a cat owner to purchase a tag as provided hereunder.

Sec. 5-9. Standards of care for kennels, pet dealers, pet care centers, and professional trainers.

In addition to complying with the provisions of § 5-4 of this code regarding cruelty to animals, all kennels, pet dealers, pet care centers, and professional trainers located in or engaging in business in Miami-Dade County shall comply with the following minimum standards for the care of animals:

(a) *Housing facilities.* Indoor and outdoor housing facilities for animals shall be maintained so as to contain the animal on the property at all times and to protect the animal from injury.

(b) *Storage of food.* Supplies of food shall be stored in sealed containers or other containers which protects the food against insect and vermin infestation and contamination. Refrigeration shall be provided where necessary to prevent the spoiling of food.

(c) *Ventilation.* Indoor housing facilities for animals shall be ventilated with fresh air by means of windows, doors, vents, fans, or air conditioning to provide for the animals' health, comfort and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation. Ambient temperature in an indoor housing facility shall be maintained between fifty (50) degrees and eighty-five (85) degrees Fahrenheit.

(d) *Primary enclosures.* All primary enclosures for animals shall conform to the following minimum requirements, except where indicated otherwise in writing by a licensed veterinarian for medical reasons.

(1) Primary enclosures shall be structurally sound and constructed so as to permit the animal within them to remain dry.

(2) The floors of the primary enclosure that are not a solid surface shall be of an open-weave construction, where the openings are smaller than the size of the flattened foot of the animal contained inside. The solid surface of the mesh which the floor is made, shall be not less than one-fourth (1/4) inch wide in

diameter. Where the floor of the primary enclosure is a solid surface, newspaper or a receptacle containing litter shall be provided to contain excreta.

(3) Primary enclosures shall be maintained in good repair and shall not have sharp points or edges that could injure an animal.

(4) *Separation.* The following restrictions apply to primary enclosures that house multiple dogs and cats:

(i) Intact females in heat (estrus) shall not be housed in the same primary enclosure with males, except for breeding purposes.

(ii) Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams or surrogate dams.

(iii) Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals.

(e) *Sanitation.* Housing facilities shall be cleaned at least daily. Primary enclosures, including top, sides, floor, grate, and door, shall be cleaned with soap and disinfectant at least daily. Pet care centers shall clean each primary enclosure after each animal occupant departs for the day.

(f) *Quarantine.* Animals under quarantine or treatment for a communicable disease shall be housed according to generally accepted veterinary medical requirements, except that a pet care center shall not accept any animal that has a known or suspected communicable or infectious disease.

(g) *Records and medical release forms.* Records of all animals currently on the premises shall be maintained. Pet care centers, professional trainers, kennels, and pet dealers keeping an animal that is the property of a third party shall also obtain from the owner of each animal a medical emergency release form providing that emergency treatment may be provided if the animal shows signs of illness or is injured while in the care and custody of the pet care center, professional trainer, kennel, or pet dealer. The medical release form shall include the owner's name, address, emergency telephone number, veterinarian, and veterinarian's telephone number.

(h) *Grooming.* Where grooming services are provided:

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

(2) Clean, separate drying towels shall be used for each animal.

(3) Grooming bathtubs shall be cleaned with soap and disinfectant and rinsed after each animal and shall be maintained free of mold and mildew.

(4) All grooming equipment shall be maintained in good repair.

(i) *Toys and training articles.* Toys and articles used for training must be free of sharp points and other characteristics that could injure an animal.

(j) County-operated or City-operated animal control agencies shall be exempt from this section.

Sec. 5-10. Requirements for sales of dogs and cats.

(a) Before a dog is offered for sale it shall receive from a veterinarian vaccines and anthelmintics against the following diseases and internal parasites:

(1) Canine distemper.
(2) Leptospirosis.
(3) Bordetella (which shall be administered in the State of Florida once before sale by intranasal inoculation or by an alternative method of administration if deemed necessary by the attending veterinarian and noted on the official certificate of veterinary inspection).
(4) Parainfluenza.
(5) Hepatitis.
(6) Canine parvo.
(7) Rabies, if the dog is four (4) months of age or older and the inoculation is administered by a veterinarian.
(8) Roundworm.
(9) Hookworm.
(10) Whipworm.

Each dog over six (6) months of age shall be tested for heartworm before being offered for sale.

(b) Before a cat is offered for sale it shall receive from a veterinarian vaccines and anthelmintics against the following diseases and internal parasites:

(1) Panleukopenia.
(2) Feline viral rhinotracheitis.
(3) Calici virus.
(4) Rabies, if the cat is four (4) months of age or older and the inoculation is administered by a veterinarian.
(5) Hookworm.
(6) Roundworm.

Each cat shall also be tested for feline leukemia virus and feline immuno-deficiency virus (FIV) before being offered for sale.

(c) The tests, vaccines, and anthelmintics shall be administered prior to the dog or cat being offered for sale, unless a veterinarian certifies on the official certification of veterinary inspection that to vaccinate or deworm the dog or cat is not in the best medical interest of the dog or cat,

in which case the vaccine or anthelmintic may not be administered to that particular dog or cat.

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

(e) All dogs and cats sold in the County shall have a microchip implanted prior to sale. The seller shall register the microchip with the national registry associated with the microchip and shall provide the microchip number and other identifying information to the Department. The seller shall also notify the Department and the applicable national registry within 48 hours of the sale of the dog or cat and shall provide the name, address, and telephone number of the new owner of the dog or cat.

(f) Each dog and cat shall be accompanied by an original current official certificate of veterinary inspection at all times while being offered for sale within the County. The buyer shall receive the original certificate. Copies of these certificates shall be held by the seller and the veterinarian for a period of three (3) years.

(g) The examination of each dog and cat by a veterinarian shall take place no more than thirty (30) days before the sale within the County.

(h) No person may offer to sell or transfer any dog or cat that is less than eight (8) weeks of age.

(i) County-operated or City-operated animal control agencies and animal rescue organizations shall be exempt from the requirements of this section.

Sec. 5-11. Report and sale of license tags.

(a) Legislative intent. This section utilizes the authority and powers of Miami-Dade County in order to secure for the citizens of this County the protection of their health, safety and welfare. It is applicable to all practicing licensed veterinarians and pet dealers. This section is designed to regulate veterinarians by requiring that license tags be available for purchase at the time and place of vaccination of a dog against rabies, and that a report be forwarded to the Department containing the names of persons refusing to purchase these license tags. This section further requires that license tags be available for purchase by the dog owner at the time and place of sale or transfer of a dog, and that puppy tags be sold with every puppy sold or transferred. These measures are intended to ensure that the County has the necessary information and capital resources to enforce the County's already existing licensing ordinance. The unique history and lack of success with other measures attempted at controlling stray dogs and enforcing the licensing ordinance have been determined to

require the special regulations and provisions contained within this section which the County Commission hereby finds reasonable and necessary.

(b) Postmarked no later than the tenth day of each month, all veterinarians administering rabies vaccinations shall, as to each dog vaccinated, deliver to the Department one (1) copy of the certificate prescribed under § 5-6 as evidence of each vaccination administered the previous month.

(c) It shall be the duty of all veterinarians, upon vaccinating a dog against rabies, to have Miami-Dade County license tags available for purchase at the time and place of vaccination. All veterinarians shall also have Miami-Dade County license tags available for purchase, at the time and place of presentation, by a responsible party who presents evidence to the veterinarian that the party's dog has a current rabies vaccination.

(d) All pet dealers who sell dogs shall have Miami-Dade County license tags available for purchase at the time and place a dog is sold.

(e) All veterinarians and pet dealers transferring ownership of puppies shall, at or prior to the transfer of the puppy, sell to the owner a puppy tag, designed to be worn by the puppy until such time as the owner obtains a Miami-Dade County license tag pursuant to § 5-7. The term *puppy tag* means a license tag for dogs under four (4) months of age, and shall be evidence of registration of the puppy with Miami-Dade County.

(f) Veterinarians and pet dealers who sell Miami-Dade County license tags or puppy tags may collect as payment for each tag no more than the value of the tag as established by Miami-Dade County, and a maximum premium of twenty (20) percent of the value of the tag. Veterinarians and pet dealers shall be responsible for the value of all tags held by them for sale to dog owners.

(g) Postmarked no later than the tenth day of each month, each veterinarian and pet dealer shall deliver to the Department one (1) payment containing the value of any and all license tags and puppy tags sold or lost, destroyed, or stolen the previous month. Along with each month's remittance, each veterinarian and pet dealer shall submit to the Department documentation to be provided by Miami-Dade County covering all tags sold, lost, destroyed, or stolen. The Department shall have the authority to assess interest for any payments received after the deadline established in this section.

(h) All veterinarians and pet dealers shall provide all persons who obtain a dog from them or who bring a dog to them for vaccination against rabies with literature, prepared by Miami-Dade County for this purpose, stating that Miami-Dade County law requires that every dog be vaccinated against rabies and that every dog wear a license tag that must be renewed annually.

(i) Violations of the requirements of this section shall subject the veterinarian or pet dealer to civil penalties, except when such requirement would violate a confidential doctor-client relationship.

(j) The Director may authorize animal rescue organizations approved by the Department to sell license tags, but an animal rescue organization that chooses to sell license tags shall comply with this section.

Sec. 5-12. Additional restrictions on sales of animals.

(a) It shall be unlawful for any person to possess, sell, or otherwise transfer within the County any dyed or artificially colored rabbit or other animal, baby chicken, duckling or other fowl.

(b) It shall be unlawful for any person to sell, offer for sale, or otherwise transfer a live turtle except where adequate bacteriological proof is submitted to the Miami-Dade County Department of Public Health that such turtles are free from salmonella contamination. Adequate bacteriological proof as used herein shall consist of a statement issued by the chief public health official of the State from which the lot of turtles is shipped, certifying that the turtles have been found free of salmonella based upon laboratory examination, and stating the examinations upon which the statement is based. Such certificates shall accompany and be provided to the dealer of any turtle to be sold from an approved lot. The Director of the Miami-Dade County Department of Public Health may in addition thereto, withhold approval of any lot of turtles whether certified or not, until a series of at least six (6) consecutive cultures taken at intervals of not less than one (1) week have been found negative for salmonella in a laboratory approved for this purpose by the Miami-Dade County Department of Public Health. The results of such examinations shall be submitted on a form to be provided by the Miami-Dade County Department of Public Health. The Director of the Miami-Dade County Department of Public Health or his duly authorized representative may at any time take samples of tank water or any other appropriate samples from turtles offered for sale and order the immediate euthanasia or transhipment of any lot of turtles found contaminated with salmonella.

(c) The following warning shall be posted conspicuously at every display of turtles for retail sale:

> CAUTION. Turtles may transmit bacteria causing disease in humans. It is important to wash the hands thoroughly after handling turtles or material in a turtle bowl; not to allow water or any other substance from a turtle bowl to come into contact with your food or areas where your food is prepared; and to make sure that these precautions are followed by children or others handling turtles.

Sec. 5-13. Kennel, pet dealer, pet care center, professional trainer, and hobby breeder license requirements; appeal procedures.

(a) No person shall act as or perform services as a kennel, pet dealer, pet care center, professional trainer, or hobby breeder in Miami-Dade County without first obtaining the applicable license from the Department. No person may keep, maintain, or otherwise harbor the number of dogs set forth in § 5-1(17) of this chapter without first obtaining a kennel license as provided in this section; hobby breeders shall be subject to this requirement. Hobby breeders that sell more than two litters per year per household shall be deemed to be pet dealers and shall be regulated as such for purposes of this chapter.

(b) A separate license shall be required for each location that the services of a kennel, pet dealer, pet care center, professional trainer, or hobby breeder are being performed, provided that, if multiple services are offered at the same location, only once license shall be required for that location. No license shall be issued unless the subject location is zoned or approved for that use by Chapter 33 of this code or by the applicable municipal zoning code.

(c) Application for a license shall be on a form prescribed by the Director for a kennel, pet dealer, pet care center, professional trainer, or hobby breeder, respectively.

(d) *Terms of licenses.* Each license for a kennel, pet dealer, pet care center, professional trainer, or hobby breeder shall be renewed annually. All licenses shall expire on September 30 of each year. Each licensee shall be responsible for renewing his license on or before October first of each year as long as the kennel, pet dealer, pet care center, professional trainer, or hobby breeder operates in Miami-Dade County.

(e) Licenses shall not be transferable.

(f) The license fee for each type of license shall be established by implementing order approved by the Board of the County Commissioners. Animal control agencies operated by a municipality that are subject to this section shall be registered with the Department but shall be exempt from license fees.

(g) Premises on which animals are kept and records required to be maintained shall be subject to inspection by the Department for compliance with this chapter.

(i) Hobby breeders shall not be subject to the requirements of Section 5-9 of this chapter. It is provided, however, that upon request from the Department, hobby breeders shall provide records demonstrating that they have not exceeded the sales limit of two litters per year per household. In addition, upon receipt of a complaint, the Department may inspect the premises on which a hobby breeder maintains animals for compliance with Section 5-4 of this chapter.

(h) The Director may deny, suspend, or revoke a license or renewal where the applicant/licensee:

(i) has refused to allow the Department to inspect the premises on which animals are kept or the records required to be maintained by this chapter or by state law, provided that the first such refusal shall result in suspension of the license until inspection is allowed;

(ii) has outstanding unpaid fines for violations of this chapter;

(iii) has been found guilty of repeat violations of this chapter;

(iv) has been found guilty of animal cruelty or neglect under this chapter, Chapter 828, Florida Statutes, or the laws of any other state;

(v) has been an officer, principal, director, partner, division, shareholder owning or controlling ten (10) percent or more of the stock, or other organizational element of a business organization recognized by the State of Florida that meets any of the criteria specified in subsections (i) through (iv) above; or

(vi) is a business organization recognized by the State of Florida, and any of its officers, principals, directors, partners, divisions, shareholders owning or controlling ten (10) percent or more of the stock, or other organizational elements meet any of the criteria specified in subsections (i) through (v) above.

(i) The applicant/licensee shall receive written notice of the Director's determination to deny, suspend, or revoke a license or renewal. The Director's determination may be appealed by providing, within seven (7) calendar days of receipt of the written notice, a written request for an administrative hearing; the request shall be delivered to the address provided on the written notice. If a request for a hearing is received more than seven (7) calendar days from the date of the written notice, the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely. An administrative hearing shall be conducted in accordance with the provisions set forth in Chapter 8CC of this code. No person aggrieved by a determination of the Director may apply to the Court for relief unless they have first exhausted the remedies provided for herein and taken all available steps provided in this section. While an appeal is pending, the Director's determination shall be stayed.

(j) Operating as a kennel, pet dealer, pet care center, professional trainer, or hobby breeder after suspension, revocation, or denial of a license or renewal is a violation of this section.

Sec. 5-14. Trapping of dogs and cats; license requirements for professional trappers.

(a) Trapping of dogs and cats shall be conducted in a humane manner and shall comply with the following minimum standards.

(1) Traps shall be in good condition in that they will not cause any bodily injury to the trapped animal and a trapped animal shall have access to adequate food, water, and shelter.

(2) Use of poisons, poisoned substances or stupefying substances in a trap shall be prohibited.

(3) All traps shall be plainly identified with the name, telephone number, address, and Department-issued trapping license number of the owner of the trap, if applicable.

(4) All traps shall be inspected daily, and no animal shall remain in a trap for longer than twelve (12) hours.

(5) Traps shall be removed in the event of a hurricane warning or tropical storm warning.

(6) All animals that have been trapped shall be brought to the Department, a County-approved animal rescue organization, or a licensed veterinarian for proper disposition.

(b) It shall be unlawful for any person to disturb the trap of another.

(c) The Department may provide traps for rent for private, non-commercial use. In that event, the Department may collect a rental fee and may also collect a deposit that shall be refunded upon return of the trap. The amount of the rental fee and the deposit shall be established by implementing order approved by the Board of County Commissioners.

(d) No professional trapping of dogs or cats shall be conducted in Miami-Dade County without first obtaining a professional trapper's license from the Department.

(1) Application for a professional trapping license shall be on a form prescribed by the Department.

(2) Each license shall be renewed annually. All licenses shall expire on September 30 of each year. Each licensee shall be responsible for renewing his license on or before October first of each year as long as the professional trapper operates in Miami-Dade County.

(3) The trapping fee shall be established by implementing order approved by the Board of County Commissioners.

(4) Licenses shall not be transferable.

(5) Every professional trapper shall submit a monthly report by the 10th day of each month to the Department containing the following information:

(i) The number of animals trapped during that calendar month.

(ii) The location where each animal was trapped.

(iii) The disposition of the animal trapped.

(6) The Director may deny, suspend, or revoke a license or renewal where the applicant/licensee:

(i) has repeatedly failed to submit to the Department the reports required by this section.
(ii) has outstanding unpaid fines for violations of this chapter;
(iii) has been found guilty of repeat violations of the provisions of this chapter;
(iv) has been found guilty of animal cruelty or neglect under this chapter, Chapter 828, Florida Statutes, or the laws of any other state;
(v) has been an officer, principal, director, partner, division, shareholder owning or controlling ten (10) percent or more of the stock, or other organizational element of a business organization recognized by the State of Florida that meets any of the criteria specified in subsections (i) through (iv) above; or
(vi) is a business organization recognized by the State of Florida, and any of its officers, principals, directors, partners, divisions, shareholders owning or controlling ten (10) percent or more of the stock, or other organizational elements meet any of the criteria specified in subsections (i) through (v) above.

(7) The applicant/licensee shall receive written notice of the Director's determination to deny, suspend, or revoke a license or renewal. The Director's determination may be appealed by providing, within seven (7) calendar days of receipt of the written notice, a written request for an administrative hearing; the request shall be delivered to the address provided on the written notice. If a request for a hearing is received more than seven (7) calendar days from the date of the written notice, the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely. An administrative hearing shall be conducted in accordance with the provisions set forth in Chapter 8CC of this code. No person or entity aggrieved by a determination of the Director may apply to the Court for relief unless they have first exhausted the remedies provided for herein and taken all available steps provided in this section. While an appeal is pending, the Director's determination shall be stayed.

(8) Operating as a professional trapper after suspension, revocation or denial of a license or renewal is a violation of this section.

Sec. 5-15. Transportation of animals.

(a) It shall be unlawful to transport a live animal in an animal carrier that does not allow the animal to make normal postural movements.

(b) It shall be unlawful for any person to transport a live animal in an open-bed truck or other similar vehicle from which the animal can easily

escape, unless: the animal is confined in a humane manner inside an animal carrier, which shall be secured within the vehicle so to be immovable when the vehicle is in motion; or the animal is restrained by a minimum of two tethers, with one tether being affixed to each side of the vehicle, and both tethers being attached to the harness of the animal, provided that tethers shall not be attached to an animal's collar.

(c) It shall be unlawful for any person to transport a live animal in an enclosed vehicle trunk.

Sec. 5-16. Taking of peafowl prohibited.

(a) It shall be unlawful for any person to take any peafowl.

(b) As used in this Section, "take" means taking, attempting to take, hunting, molesting, capturing, or killing any peafowl, their nests or eggs, by any means, whether or not such actions result in obtaining possession of peafowl or their nests or eggs.

(c) Exceptions.

(1) The prohibitions of this section shall not apply on property zoned for agricultural use and used for a bona fide agricultural purpose.

(2) Nothing in this section shall prevent a property owner from removing peafowl from his or her own property in a manner that does not physically injure the peafowl.

Section 2. Sections 5-17 through 5-17.7 of the Code of Miami-Dade County shall retain their original numbering.

Section 3. Sections 5-18 through 5-25 of the Code of Miami-Dade County are hereby deleted and replaced in their entirety as follows:

Sec. 5-18. Impounding; animals found in distress; redeeming by owner; disposition of unredeemed animals.

(a) The Department may impound an animal at a place maintained or designated for that purpose whenever:

(1) An animal is a stray or has been found at large in any manner in violation of § 5-20; or

(2) The animal's owner has voluntarily surrendered ownership of the animal to the Department; or

(3) An animal has been abandoned. For purposes of this section, *abandon* means to forsake entirely or to neglect or to refuse to provide or perform the legal obligations for care and support of an animal by its owner or the owner's agent. An animal

shall be deemed abandoned if it has been placed in the custody of a licensed veterinarian or kennel and it has not been redeemed after a period of more than ten (10) days after written notice is given to the owner or the owner's agent at the last known address; any such animal may be turned over to the Department for disposition at the discretion of the Director or designee in any lawful manner, as provided in § 705.19, Fla. Stat. Abandonment shall constitute the relinquishment of all rights and claim by the owner to such animal; or

(4) An Animal Control Officer finds that an animal is or will be without proper care because the owner is unable to care for the animal due to injury, illness, incarceration, or other involuntary absence; or

(5) The Department receives an animal from a law enforcement agency.

(b) Prior to disposing of any animal, the Department will make reasonable efforts to identify and notify the animal's owner. The owner may redeem the animal upon payment of the redemption fees provided in this section. Missing animals may be reported to the Department, on a form prescribed by the Director for that purpose. An animal voluntarily surrendered by its owner to the Department, however, shall become the immediate property of the Department and may be immediately disposed of pursuant to this section.

(c) *Confinement period.* Animals impounded pursuant to this section shall be confined by the Department for a period of five (5) days, except as provided herein.

(1) The confinement period shall be five business days for: animals impounded because the owner is unable to care for the animal due to injury, illness, incarceration, or other involuntary absence; and animals received from a law enforcement agency.

(2) The confinement period for puppies and kittens shall be 24 hours.

(3) Animals that have been voluntarily surrendered by their owners to the Department shall not be subject to any confinement period.

(4) Animals that have been abandoned while in the custody of a licensed veterinarian or kennel and that have been turned over to the Department after the 10-day notice period required by § 705.19, Fla. Stat., shall not be subject to any confinement period.

(d) Animals impounded by the Department shall be released to their owners on presentation of proof of ownership and after proper vaccination, licensing, and payment of impounding fees and redemption charges established by implementing order approved by the Board of

County Commissioners. An owner's agent may redeem an animal upon presentation of the foregoing information as well as proof of agency.

(1) For purposes of this section, proof of ownership shall include: information registered with the Department; information contained on a microchip implanted in the animal and registered with the Department and/or the applicable national microchip registry; pictures of the animal; the reaction of the animal to the purported owner; and evidence provided by a licensed veterinarian that has treated the animal.

(2) Additional fees or redemption charges, established by implementing order approved by the Board of County Commissioners, shall be assessed in the following circumstances:

i. Impoundment of a female dog while "in heat."
ii. Impoundment of an intact dog.
iii. An owner has, within a twelve-month period, redeemed more than one animal or the same animal on more than one occasion.

(e) Those animals not redeemed by an owner within the foregoing confinement period may, at the discretion of the Director or designee, be put up for adoption, released to approved animal rescue organizations, humanely euthanized, or such other humane disposition as the Director or designee shall deem appropriate. It is provided, however, that such animals may not be released to any medical school, college, university, person, association, corporation, or individual for experimentation or vivisection purposes, or to any person, firm, corporation, or individual providing, selling, or supplying animals to any medical school, college, university, person, association, corporation, or individual for experimentation or vivisection purposes.

(f) Nothing contained in this section shall restrict the ability of an Animal Control Officer or law enforcement officer to take custody of a neglected or mistreated animal as provided in § 828.073, Florida Statutes.

[[~~ARTICLE III. CATS*~~]]

Sec. 5-19. Rabies quarantine; report of animal bites.

(a) It shall be the duty of every attending practitioner licensed to practice medicine, osteopathic medicine, or veterinary medicine, and every other person knowing of or witnessing an incident, to promptly report to the Department of Health every instance in which a human is bitten by an animal.

(b) Any animal that has bitten a human shall be captured alive, if possible. If the animal shows signs of rabies during the quarantine period provided herein, the animal shall be humanely euthanized in accordance with section 5-24 of this chapter, and its head shall be detached without

mutilation and submitted to the local Department of Health laboratory without delay. An animal that dies before capture or during the quarantine period shall also have its head detached and submitted to the Department of Health. Notwithstanding any other provision in this chapter, stray, abandoned, or surrendered animals may be humanely euthanized and have their heads submitted for testing immediately at the end of the applicable confinement period set forth in § 5-18 of this chapter.

(c) Any animal that has bitten a human shall be, at the discretion of the Director or the Director of the Department of Public Health: impounded and quarantined for ten (10) days from the date of the bite at the responsible party's expense at a place designated for that purpose by the Director or by the Director of the Department of Health; or placed in the custody of a licensed veterinarian; or quarantined at the responsible party's home.

(d) Any animal suspected of having rabies or any animal that has been bitten by a known rabid animal shall be impounded and quarantined at the responsible party's expense at a place designated by the Director or the Director of Public Health for that purpose or placed in the custody of a licensed veterinarian for ten (10) days.

(e) If an animal is quarantined at the home of the responsible party pursuant to this section, the responsible party shall be liable for failing to properly confine the animal during the quarantine period.

(f) Upon completion of the quarantine period, the responsible party shall take the animal to a licensed veterinarian for certification that the animal is in good health and that its rabies vaccinations are current. The responsible party shall provide the veterinarian's certification to the Department within ten (10) days of the veterinary examination.

(g) Service animals and animals used for law enforcement purposes shall be exempt from the quarantine requirements of this section, provided that that the animal's rabies vaccination is current and was administered in accordance with this chapter.

Sec. 5-20. Regulations on dogs in public areas.

(a) *Legislative intent.* It is deemed in the best interests of the health, safety and welfare of the citizenry and visitors of Miami-Dade County, Florida, that all necessary precautions be implemented to prevent cutaneous larva migrans (a frequently severe skin disorder caused by the infective larvae of a dog hookworm which is transmitted by the contact of the human skin with soil contaminated by dog feces), and visceral larva migrans (a disease caused by the ingestion of larvae dog roundworms which commonly occurs when young children swallow dirt).

(b) It shall be unlawful for a responsible party to allow, whether willfully or through failure to exercise due care or control, a dog into or upon any public park or beach in the county; provided, however, this

provision shall not apply to parkways, wayside parks, or other park areas in which dogs are specifically authorized.

(c) It shall be unlawful for a responsible party to allow, whether willfully or through failure to exercise due care or control, a dog to commit any nuisance upon: the sidewalk of any public street; the floor of any common hall in any apartment house, hotel, or other multi-family dwelling; or any entranceway, stairway or wall immediately abutting on a public sidewalk; or the floor of any theatre, shop, store, office building or other building used in common by the public. "Nuisance," for the purposes of this section, shall be defined as defecation and/or urination. If a dog defecates on the grassy swale of a public right-of-way or other such public property, or on private property without the express or implied consent of the property owner, the responsible party shall remove the defecation and deposit it in an appropriate trash receptacle, sanitary disposal unit, or other sealed container.

(d) It shall be unlawful for a responsible party to allow, whether willfully or through failure to exercise due care or control, a dog to be unrestrained or to be at large in any manner in or upon: public property; a common area of a private building or development; or the private property of others without the express or implied consent of the property owner. A dog engaged in the sport of hunting in an authorized area and supervised by a competent person shall not be deemed to be at large. An intact dog running at large shall be subject to higher civil penalties than a sterilized dog; provided, however, that if the dog is sterilized within 30 days of receipt of the civil violation notice, the penalty shall be reduced to the amount for a sterilized dog. An intact dog shall be sterilized if it has received more than two civil violation notices for violations of this section that, if appealed, have been affirmed.

(e) It shall be unlawful for a responsible party to fail to exercise proper care and control of his dog or dogs so as to allow the dog or dogs to become a public nuisance. Chasing vehicles or persons and trespassing upon public or private property in such a manner as to damage property shall be deemed a public nuisance.

(f) *Exceptions.* Subsections (a) through (d) of this section shall not apply to a person using a service animal or to a law enforcement officer using an animal for law enforcement purposes.

Sec. 5-20.1 Confinement of intact female dog during estrus.

An intact female dog in heat (estrus) shall be confined during such period of time so that no other dog may gain access to the confined animal, except for intentional breeding purposes.

Sec. 5-21. Tethering of dogs.

(a) As used in this section, *tether* means to restrain a dog by tying the dog 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 to walk a dog.

(b) It shall be unlawful for a responsible party to tether the dog while outdoors, except when all of the following conditions are met:

(1) The dog remains on the responsible party's property.

(2) The dog is in visual range of the responsible party, and the responsible party is located outside with the dog.

(3) The dog is not tethered for more than 3 hours.

(4) The tether is connected to the dog by a buckle-type collar or a body harness made of nylon or leather, not less than one inch in width.

(5) The tether has the following properties: it is at least five times the length of the dog's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than 1/8 of the dog's weight; and it is free of tangles.

(6) The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement.

(7) The dog is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes.

(8) The dog has access to water, shelter, and dry ground.

(9) The dog is at least four months of age. Puppies shall not be tethered.

(10) The dog is not sick or injured.

(11) Pulley, running line, or trolley systems are at least 15 feet in length and are less than 7 feet above the ground.

(12) If there are multiple dogs, each dog is tethered separately.

(c) Nothing in this section shall be construed to excuse a violation of § 5-20 of this chapter.

(d) This section shall not apply to the transportation of dogs, and in the event of a conflict with § 5-15 of this chapter, § 5-15 shall govern.

Sec. 5-22. Dangerous dogs; authority to designate dog as dangerous; confiscation; appeal procedures.

(a) For purposes of this section and § 5-23 of this chapter, the following definitions shall apply:

(1) *Dangerous dog* means any dog that has been designated as dangerous by the Department pursuant to this section.

(2) *Unprovoked* means that the victim was acting peacefully and lawfully when encountering the dog and that the dog was not acting defensively or responding to a threat.

(3) *Severe injury* means any physical injury that results in: wounds from multiple bites; a deep puncture wound that requires drainage; a broken bone; or a disfiguring laceration requiring sutures or reconstructive surgery.

(4) *Proper enclosure of a dangerous dog* means that, while on the responsible party's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure, and shall also provide protection from the elements. The pen or structure shall allow the dog to make normal postural movements and to walk around and shall also comply with the minimum standards for primary enclosures set forth in § 5-9(b)(1)-(3) of this chapter.

(b) The responsible party shall be liable if a dog commits any of the following acts:

(1) To, when unprovoked, endanger, attack, or bite a human;

(2) To, when unprovoked and while off the responsible party's property, severely injure or kill a domestic animal;

(3) To have been used for dog fighting, or to be trained for dog fighting; or

(4) To, when unprovoked, chase or approach a human in a menacing fashion or apparent attitude of attack upon the streets, sidewalks, or any other public property or common area of a private building or development.

(c) The Director or designee shall designate a dog as dangerous if the dog commits one (1) or more of the acts specified in subsection (b) above.

(1) An individual desiring to have a dog designated as dangerous shall attest in a sworn affidavit to the incident giving rise to the request and shall submit the affidavit to the Department within 30 days of the incident.

(2) Upon receipt of a sworn affidavit, an Animal Control Officer will investigate the complaint and will, if possible, interview the party responsible for the dog under investigation before designating the dog as dangerous.

(d) Notwithstanding any other provision of this section, the responsible party shall not be liable, and the dog shall not be designated as dangerous, if the threat, injury, or damage was sustained:

(1) by a human who, at the time, was unlawfully on the property of the responsible party; or

(2) by a human who, while lawfully on the property of the responsible party, was tormenting, abusing, or assaulting the dog, the responsible party, or another person lawfully on the property; or

(3) while the dog was protecting or defending a human within the immediate vicinity of the dog from an unjustified attack or assault; or

(4) by a human who was engaged in or attempting to engage in a criminal activity at the time of the attack; or

(5) while the dog was engaged in a legal hunt or in a legal sport or exhibition such as an obedience trial, conformation show, field trial, hunting/retrieving trial, or herding trial; or

(6) while the dog was engaged in law enforcement work under the direction of a law enforcement officer.

(e) *Confiscation and confinement.* Animal Control Officers are hereby authorized to confiscate dogs that are the subject of dangerous dog investigations, and the Director is hereby authorized to institute appropriate proceedings in any court of competent jurisdiction if necessary to effectuate the seizure of the dog. The Animal Control Officer shall issue the responsible party a written notice of the confiscation. Any animal that is the subject of a dangerous dog investigation and that is not impounded by the Department shall be humanely and safely confined by the responsible party in a securely fenced or enclosed area, pending the outcome of the investigation and resolution of any hearings related to the dangerous dog designation. The address of where the animal resides shall be provided to the Department. The responsible party shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedures.

(f) A dog that is the subject of a dangerous dog investigation shall not be relocated or have its ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog designation. In the event that a dog is to be euthanized, the dog shall not be relocated, and ownership of the dog shall not be transferred.

(g) If the Director or designee determines that there is sufficient cause to designate the dog as dangerous, written notification of that determination shall be delivered to the responsible party by registered mail, certified hand delivery, or service of process in conformance with Chapter 48, Fla. Stat. That determination, and any related fines issued pursuant to Chapter 8CC, may be appealed by providing, within seven (7) calendar days of receipt of the written notification, a written request for an administrative hearing; the request shall be delivered to the address provided on the written notice. If a request for a hearing is received more than seven (7) calendar days from the receipt of the written notification,

the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely.

(h) *Appeal procedures*. Upon receipt of a timely written request for an administrative hearing, the Director or designee shall schedule an administrative hearing to be held not later than 21 calendar days, and not sooner than 5 days, after receipt of the written request. The administrative hearing shall be conducted in accordance with the provisions set forth in Chapter 8CC of this code. Determinations of dangerousness and fines based on the same incident shall be heard at the same administrative hearing. No person aggrieved by a determination to designate a dog as dangerous may apply to the Court for relief unless he has first exhausted the remedies provided for herein and taken all available steps provided in this section. While an appeal is pending, the determination shall be stayed; provided, however, that pending resolution of the appeal, the responsible party shall confine the dog in a securely fenced or enclosed area. If the Department has confiscated the dog, the responsible party 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 procedures.

(i) The responsible party shall be liable for failing to properly confine a dog pending an appeal.

(j) The responsible party shall be liable if a dog that has not previously been declared dangerous attacks and causes severe injury or death to a human when unprovoked.

(1) The dog shall be immediately confiscated by the Department, placed in quarantine and impounded, held for ten (10) business days after the responsible party is given written notice of the confiscation and the determination of the Department to euthanize the dog, and thereafter euthanized in accordance with § 5-24 of this chapter.

(2) The euthanasia determination, and any related fines issued pursuant to Chapter 8CC, may be appealed by providing, within the ten-day impoundment period, a written request for an administrative hearing; the request shall be delivered to the address provided on the confiscation notice. The administrative hearing shall be conducted in accordance with this section. If a request for a hearing is received after the expiration of the ten-day impoundment period, the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely.

Sec. 5-23. Additional regulations relating to dangerous dogs.

(a) Within fourteen (14) days after a dog has been designated as dangerous, or a dangerous dog designation is upheld on appeal, the

responsible party shall obtain a certificate of registration for the dog from the Department. The responsible party shall renew the certificate annually. Certificates of registration and renewals thereof shall only be issued to competent persons who are at least eighteen (18) years of age and who present to the Department sufficient evidence that:

(1) the dog has been vaccinated in accordance with § 5-6 of this chapter;

(2) the dog has been sterilized;

(3) the dog has been implanted with a microchip, the microchip has been registered with the national registry applicable to the microchip, and the microchip number and other identifying information have been provided to the Department;

(4) the dog shall be confined in a proper enclosure of a dangerous dog; and

(5) a clearly visible warning sign at all entry points informs both children and adults of the presence of a dangerous dog on the property.

(b) Prior to issuance of the certificate of registration and renewals thereof, the responsible party shall pay the Department a fee set by implementing order approved by the Board of the County Commissioners.

(c) The responsible party shall immediately notify the Department in writing:

(1) when a dangerous dog is loose or unconfined;

(2) when a dangerous dog has bitten a human or attacked another animal;

(3) prior to a dangerous dog being sold or given away, or when a dangerous dog dies; or

(4) when a dangerous dog is moved to another address.

(d) If a dangerous dog is sold or given away, the former responsible party shall provide the name, address, and telephone number of the new responsible party to the Department, shall update all relevant information with the national registry applicable to the microchip, and shall provide the Department with confirmation that the microchip information has been updated. The new responsible party shall comply with all of the requirements of this chapter, even if the animal is later moved from this County to another county within the State. If a dog that has been designated by another jurisdiction as dangerous, aggressive, or similar classification is brought into Miami-Dade County, the responsible party shall immediately register the dog with the Department in accordance with this section.

(e) It shall be unlawful for the responsible party to permit a dangerous dog to be outside a proper enclosure unless the dog is muzzled and restrained by a chain or leash, 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 will prevent it from biting any person or animal. When being transported, a dangerous dog shall be safely and securely restrained within a vehicle, provided, however, that nothing contained herein shall be construed to excuse a violation of § 5-15 of this chapter. The responsible party may exercise the dog on the responsible party's property in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the responsible party remains outside with the dog and only members of the responsible party's immediate household or persons eighteen (18) years of age or older are allowed in the enclosure when the dog is present.

(f) The responsible party shall be liable if a dangerous dog attacks or bites a human or a domestic animal when unprovoked.

(1) The dog shall be immediately confiscated by the Department, placed in quarantine and impounded, held for ten (10) business days after the responsible party is given written notice of the confiscation and the determination of the Department to euthanize the dog, and thereafter euthanized in accordance with § 5-24 of this chapter.

(2) The euthanasia determination, and any related fines issued pursuant to Chapter 8CC, may be appealed by providing, within the ten-day impoundment period, a written request for an administrative hearing; the request shall be delivered to the address provided on the confiscation notice. If a request for a hearing is received after the expiration of the ten-day impoundment period, the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely. The administrative hearing shall be conducted in accordance with § 5-22 of this chapter.

(3) The Director is hereby authorized to institute appropriate proceedings in any court of competent jurisdiction if necessary to effectuate the seizure of a dog while a violation of this section is under investigation.

(4) Notwithstanding any other provision in this section, an attack or bite by a dangerous dog shall not be a violation of this section if the dog could not be designated as dangerous for the same conduct pursuant to § 5-22(d) of this chapter.

(g) Upon the euthanasia of a dog based on a violation of § 5-22 or of this section:

(1) The Department shall provide the responsible party written notice containing all costs and fees incurred by the Department in the confiscation, maintenance, quarantine and euthanasia of the dog, with a deadline of not less than thirty (30) days from receipt of the notice of payment of the costs and fees.

(2) Miami-Dade County may thereafter institute proceedings in a court of competent jurisdiction to compel payment of the fees and costs incurred by the Department in the confiscation, maintenance, quarantine and euthanasia of the dog. A certified copy of an order awarding the County its fees and costs may be recorded in the public records and thereafter shall constitute a lien against the land of the violator or, if the violator does not own the land, upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the sheriffs of this State, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After one (1) year from the filing of any such lien which remains unpaid, Miami-Dade County may foreclose on the lien.

(h) Nothing contained herein shall prevent any person from applying to a court of competent jurisdiction for the seizure, impoundment, or euthanasia of a dangerous dog based on the responsible party's failure to comply with the requirements of this section.

Sec. 5-24. Euthanasia of injured and diseased animals, impounded animals, and abandoned animals.

(a) *Legislative intent.* Some animals suffer so greatly from illness, injury, or neglect that human compassion calls for their immediate euthanasia. In addition, some animals become infected with dangerous transmissible diseases that pose a risk to the residents of Miami-Dade County. In addition, the Department maintains an animal shelter where it houses animals that have been impounded pursuant to law and that, in many cases, either possess no evidence of ownership, or have been abandoned by their owners. Some of those animals also suffer greatly from illness, injury, disease, or neglect. The Board of County Commissioners hereby finds that public necessity, human compassion, and the protection of the health, safety, and welfare of the people and animals of Miami-Dade County require the enactment of the following regulations to govern the humane euthanasia of animals.

(b) *Methods of euthanasia.* Animals shall be euthanized only in accordance with the following procedures, unless provided otherwise in this section.

(1) Sodium pentobarbital, a sodium pentobarbital derivative, or other agent the Board of Veterinary Medicine may approve by rule, shall be the only methods used for euthanasia. A lethal solution shall be used in the following order of preference:

(i) Intravenous injection by hypodermic needle.

(ii) Intraperitoneal injection by hypodermic needle.

(iii) Intracardial injection by hypodermic needle if the animal is unconscious.

(iv) Solution or powder added to food.

Before euthanasia is performed, an animal may be tranquilized with a humane substance approved by Board of Veterinary Medicine.

(2) Succinylcholine chloride, curare, curariform mixtures, any substance which acts as a neuromuscular blocking agent, or a chamber which causes a change in body oxygen, except a chamber that uses commercially bottled carbon monoxide gas, may not be used on an animal for any purpose. However, whenever an emergency situation exists which requires the immediate euthanasia of an injured, diseased, or dangerous animal, a law enforcement officer, a veterinarian, a certified euthanasia technician, or an Animal Control Officer may humanely euthanize the animal as provided in subsection (a) above.

(3) Euthanasia shall be performed only by a licensed veterinarian or certified euthanasia technician.

(4) Euthanasia shall be performed in a humane and proficient manner.

(5) No animal may be left unattended between the time euthanasia procedures are first begun and the time death occurs, nor may its body be disposed of until death is confirmed by a licensed veterinarian or certified euthanasia technician.

(c) *Euthanasia of animals impounded by the Department.* An animal impounded by the Department pursuant to section 5-18 of this chapter may be humanely euthanized in accordance with this section after the minimum period of confinement has expired.

(1) Prior to the euthanasia of any animal pursuant to this section, the Director or designee will make reasonable efforts to review the official reports of missing animals that were filed with the Department in the fourteen days preceding the proposed date of euthanasia. If a pertinent report is discovered, the Director or designee will make reasonable efforts to notify the person(s) listed on the official missing animal report of the impoundment and proposed euthanasia of the animal. If the animal is not redeemed in accordance with § 5-18 of this chapter within five (5) days of notification, the Department may proceed with the euthanasia.

(2) The Department may euthanize an animal without regard to any minimum period of confinement when the animal has been voluntarily surrendered to the Department by the owner or when all of the following three (3) conditions are met:

(i) The animal does not bear a Miami-Dade County license tag or other evidence of its owner's identity, or the

Department has been unable to contact the owner after making reasonable efforts.

(ii) The animal is certified in writing by a Florida licensed veterinarian or certified euthanasia technician either: to be suffering from, or afflicted with, a contagious, infectious or communicable disease which is proclaimed in a validly promulgated regulation of the Director to be of a dangerous and transmissible nature; or to be manifesting symptoms of debilitating pain and is certified to be suffering from disease, injury, or extreme neglect. Certification shall be accomplished prior to the euthanasia of the animal and shall include the date and time of examination and certification. All such certifications shall be public records open to the public inspection in accordance with law.

(iii) The euthanasia of the animal is recommended in writing by the Director, a veterinarian, or a certified euthanasia technician.

(3) The Director or designee is authorized to order the immediate euthanasia of any animal within the Department's custody when the owner authorizes such euthanasia. The Department shall maintain a written record of the names and addresses of persons delivering animals to the Department's custody and of persons authorizing the euthanasia of their animals. This record shall include a description of all such animals. Nothing herein shall prohibit the Department from treating, or seeking treatment for, animals within the Department's custody.

(d) *Immediate euthanasia of an injured or diseased domestic animal.*

(1) The purpose of this section is to provide a swift and merciful means whereby domestic animals which are suffering from disease, injury, or extreme neglect may be euthanized without unconscionable delay and in a humane and proficient manner.

(2) The term "officer" as used in this section means any law enforcement officer, any veterinarian, any certified euthanasia technician, any animal control officer, or the Director.

(3) Whenever any domestic animal is so injured or diseased as to be in a suffering condition, and it reasonably appears to an officer that such animal is imminently near death and the officer has made a reasonable and concerted, but unsuccessful, effort to locate the responsible party or a veterinarian, then such officer, acting in good faith and upon reasonable belief, may immediately euthanize such animal by shooting the animal or injecting it with a barbiturate drug. If the officer locates the responsible party, the officer shall notify the responsible party of the animal's location

and condition. If the officer locates only a veterinarian, the officer shall euthanize the animal only upon the advice of the veterinarian.

(4) This section does not prohibit a responsible party from euthanizing his/her own domestic animal in a humane and proficient manner when the conditions described in this section exist.

(5) No officer or veterinarian acting in good faith and with due care pursuant to this section shall be liable either criminally or civilly for such act, nor shall any civil or criminal liability attach to the employer of the officer or veterinarian.

(6) A court order shall not be necessary to carry out the provisions of this section.

Sec. 5-25. Municipalities authorized to adopt additional regulations.
Any municipality may adopt and enforce additional regulations governing the control of dogs within the boundaries of such municipality; provided that any such municipal regulation shall not conflict with the provisions of this chapter, and that the costs of the enforcement of such additional municipal regulations shall be borne by the municipality.

Section 4. Section 8CC-8 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 8CC-8. Appeals.

(a) The named violator or the County may appeal a final order of the Hearing Officer for all violations [[~~except those contained in Chapter 5 of the County Code~~]] by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure for the review of administrative action.

(b) [[~~For violations of Chapter 5 of the County Code, the violator or the County may seek to overturn the order of a Hearing Officer by making application to Miami-Dade County Court for a trial de novo on the merits. Such application shall be filed within thirty (30) calendar days of the issuance of the order sought to be overturned. A violator shall have the right to a de novo proceeding provided that all administrative remedies have been exhausted. Failure to make such application within the prescribed thirty-day period shall render the findings of the Hearing Officer conclusive, binding and final. All findings of the Hearing Officer shall be admissible evidence at any de novo proceeding held pursuant to this section.~~

~~(e)~~]] Unless the findings of the Hearing Officer are overturned in a proceeding held pursuant to Section 8CC-8(a), all findings of the Hearing Officer shall be admissible in any proceeding to collect unpaid penalties.

Section 5. Section 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

Code Section	*Description of Violation*	*Civil Penalty*
>>5-2(d)	Hindering or resisting Animal Control Officer	500.00
5-3(a)	Keeping unpermitted wild animals or reptiles	200.00
5-3(b)	Breeding, sale, or purchase of Wolf-hybrid	500.00
5-4	Cruelty to animals	500.00
5-5	Failure to sterilize animal	500.00
	Breaching agreement to sterilize an animal	500.00
5-6	Failure to vaccinate animal against rabies	50.00
5-7(a)	Failure to obtain license tag for sterilized dog	50.00
	Failure to obtain license tag for intact dog	150.00
5-9(a)	Inadequately maintained housing facility for animals	200.00

Code Section	*Description of Violation*	*Civil Penalty*
5-9(b)	Improperly stored food	100.00
5-9(c)	Inadequate ventilation	200.00
5-9(d)	Failure to meet primary enclosure standards	200.00
5-9(e)	Failure to clean primary enclosure	200.00
5-9(f)	Failure to quarantine animal or improper acceptance of sick animal	500.00
5-9(g)	Failure to maintain records	200.00
5-9(h)	Failure to meet standards for grooming services	200.00
5-9(i)	Failure to meet standards for toys and training articles	500.00
5-10(a)	Failure to administer required vaccines and anthelmintics to a dog or failure to test a dog for heartworm before offering it for sale	500.00
5-10(b)	Failure to administer required vaccines and anthelmintics to a cat or failure to test a cat for feline leukemia or FIV before offering it for sale	500.00
5-10(d)	Failure to administer required vaccines and anthelmintics at appropriate time prior to sale	500.00
5-10(e)	Failure to microchip a dog or cat prior to sale or failure to register microchip or failure to notify of sale	500.00
5-10(f)	Failure to have current official certificate of veterinary inspection at all times dog or cat is being offered for sale or is sold	500.00
	Failure to provide original certificate of veterinary inspection to buyer of dog or cat	500.00
	Failure to retain copy of certificate of veterinary inspection	500.00
5-10(g)	Failure to have dog or cat examined by veterinarian at appropriate time prior to sale	500.00
5-10(h)	Offering for sale or sale of a dog or cat prior to eight (8) weeks of age	500.00
5-11(b)	Failure of veterinarians to timely report vaccination	250.00
5-11(c)	Failure of veterinarians to have license tags available for sale	250.00

Code Section	*Description of Violation*	*Civil Penalty*
5-11(d)	Failure of pet dealer to have license tags available for sale	250.00
5-11(e)	Failure to sell puppy tag upon transfer of ownership of puppy	250.00
5-11(f)	Overcharging for license tag or puppy tag	250.00
5-11(g)	Failure to timely remit payment for or timely file reports of license tags or puppy tags	250.00
5-11(h)	Failure to have County vaccination/licensing literature available	250.00
5-12(a)	Sale or possession of dyed baby chickens, ducklings, rabbits or other animals or fowl	200.00
5-12(b)	Sale of turtles without salmonella test	200.00
5-12(c)	Failure to post warning at displays of turtles for retail sale	200.00
5-13(a)	Keeping in excess of permitted number of dogs on residential property without kennel license	250.00
	Keeping more than 2 guard dogs on vacant, industrial, or commercial property without kennel license	250.00
	Failure to obtain/renew kennel license	250.00
	Failure to obtain/renew pet dealer license	250.00
	Failure to obtain/renew pet care center license	250.00
	Failure to obtain/renew professional trainer license	250.00
	Failure to obtain hobby breeder license	250.00
5-13(e)	Using license of another or allowing another to use one's license	250.00
5-13(g)	Failure to permit inspection of records	500.00
	Failure to permit inspection of premises	500.00
5-13(j)	Operating after suspension, revocation, or denial of license or renewal	500.00
5-14(a)(1)	Using an unsafe or inhumane trap	100.00
5-14(a)(2)	Using poison, a poisonous substance or a stupefying substance in a trap	500.00
5-14(a)(3)	Failure to properly identify a trap	50.00

Code Section	*Description of Violation*	*Civil Penalty*
5-14(a)(4)	Failure to inspect trap daily	100.00
5-14(a)(5)	Failure to remove trap during hurricane warning or tropical storm warning	500.00
5-14(a)(6)	Improper disposition of a trapped animal	500.00
5-14(b)	Disturbing the trap of another	500.00
5-14(c)	Failure to obtain/renew professional trapper's license	250.00
5-14(c)(4)	Using license of another or allowing another to use one's license	250.00
5-14(c)(5)	Failure to submit monthly report	50.00
5-14(c)(8)	Operating after suspension, revocation, or denial of license or renewal	500.00
5-15(a)	Transporting animal in carrier that does not permit normal postural movements	50.00
5-15(b)	Failure to secure animal while transporting in open vehicle	50.00
5-15(c)	Transporting animal in trunk of vehicle	200.00
5-16	Taking of peafowl	500.00<<
[[~~5-2~~	~~Keeping wild animals or reptiles~~	~~200.00~~
~~5-2.1~~	~~Failure to ensure that animal sterilization requirements are met and/or breaching an agreement to sterilize an animal~~	~~500.00~~
~~5-2.2(b)(1)~~	~~Inadequately maintained housing facility for animals.~~	~~200.00~~
~~5-2.2(b)(2)~~	~~Failure to provide water or water not free of debris.~~	~~200.00~~
~~5-2.2(b)(3)~~	~~Improperly stored food.~~	~~100.00~~
~~5-2.2(b)(4)~~	~~Inadequate ventilation.~~	~~200.00~~
~~5-2.2(b)(5)~~	~~Failure to provide shade or insufficient shade.~~	~~200.00~~
~~5-2.2(b)(6)~~	~~Failure to meet primary enclosure standards.~~	~~200.00~~
~~5-2.2(b)(7)~~	~~Inadequate or insufficient food.~~	~~200.00~~
~~5-2.2(b)(8)~~	~~Failure to clean primary enclosure.~~	~~200.00~~
~~5-2.2(b)(9)~~	~~Improper separation of animals~~	~~500.00~~

Code Section	*Description of Violation*	*Civil Penalty*
~~5-2.2(e)(1)~~	~~Failure to administer required vaccines and anthelmintics to a dog or failure to test a dog for heartworm before offering it for sale or the appropriate time prior to sale.~~	~~500.00~~
~~5-2.2(e)(2)~~	~~Failure to administer required vaccines and anthelmintics to a cat or failure to test a cat for feline leukemia before offering it for sale or the appropriate time prior to sale.~~	~~500.00~~
~~5-2.2(e)(3)~~	~~Failure to microchip a dog or cat prior to sale.~~	~~500.00~~
~~5-2.2(e)(4)~~	~~Failure to have current official certificate of veterinary inspection at all times a dog or cat is being offered for sale or is sold.~~	~~500.00~~
~~5-2.2(e)(6)~~	~~Offering for sale or sale of a dog or cat prior to eight (8) weeks of age.~~	~~500.00~~
~~5-2.2(e)(7)~~	~~Failure to provide records for inspection.~~	~~500.00~~
~~5-2.2(d)(1)~~	~~Sale or breeding of Wolf-hybrids.~~	~~500.00~~
~~5-2.2(e)~~	~~Failure to obtain a commercial breeder's license.~~	~~500.00~~
~~5-2.2(e)(6)~~	~~Operating as a commercial breeder after suspension revocation or denial of a commercial breeder's license.~~	~~500.00~~
~~5-2.2(f)~~	~~Failure to register as a hobby breeder.~~	~~250.00~~
~~5-2.2(g)~~	~~Failure to obtain/renew kennel license.~~	~~250.00~~
~~5-2.2(g)(6)~~	~~Operating a kennel after suspension, revocation or denial of a kennel license.~~	~~500.00~~
~~5-2.2(h)~~	~~Failure to obtain/renew pet store license.~~	~~250.00~~
~~5-2.2(h)(6)~~	~~Operating a pet store suspension, revocation or denial of a pet store license.~~	~~500.00~~
~~5-2.3~~	~~Sale or possession of dyed baby chickens, ducklings, rabbits or other animals or fowl~~	~~200.00~~
~~5-2.3.1~~	~~Sale of turtles without salmonella test~~	~~200.00~~
~~5-2.3.2~~	~~Failure to post warning at displays of turtles for retail sale~~	~~200.00~~
~~5-2.4.1(a)~~	~~Failure to secure animal while transporting in open vehicle~~	—
—	~~1st offense~~	~~50.00~~

Code Section	*Description of Violation*	*Civil Penalty*
—	2nd offense	100.00
—	3rd offense	200.00
5-2.4.1(b)	Transporting animal in trunk of vehicle	—
—	1st offense	50.00
—	2nd offense	100.00
—	3rd offense	200.00
5-2.5	Cruelty to animals	500.00
5-2.6(b)	Trapping without a valid trapper's license	250.00
5-2.6(b)(4)	Using a trapping license of another or allowing another to use a trapper's license	250.00
5-2.6(b)(5)	Trapping while license suspended or denied	250.00
5-2.6(c)(1)	Using an unsafe trap	100.00
5-2.6(c)(2)	Using poison, a poisonous substance or a stupefying substance in a trap	500.00
5-2.6(c)(3)	Failure to properly identify a trap	50.00
5-2.6(c)(4)	Failure to inspect traps daily	100.00
5-2.6(c)(5)	Improper disposition of a trapped animal	500.00
5-2.6(c)(6)	Failure to provide monthly report	—
—	1st offense	50.00
—	2nd offense	100.00
—	3rd offense	250.00
5-2.6(d)	Disturbing the trap of another	500.00
5-2.7(b)	Grooming without a valid license	250.00
5-2.7(b)(4)	Using a groomer license of another or allowing another to use your license	250.00
5-2.7(b)(6)	Operating as a groomer after suspension, revocation, or denial of a license	500.00
5-2.7(c)(1)	Failure to meet primary enclosure standards	200.00
5-2.7(d)	Failure to maintain adequate ventilation	200.00

Code Section	*Description of Violation*	*Civil Penalty*
~~5-2.7(e)(1)~~	~~Failure to perform proper record keeping~~	~~50.00~~
~~5-2.7(f)~~	~~Failure to maintain sanitary conditions for animals~~	~~200.00~~
~~5-2.8(b)~~	~~Training without a valid license~~	~~250.00~~
~~5-2.8(b)(4)~~	~~Using a trainer license of another or allowing another to use your license~~	~~250.00~~
~~5-2.8(b)(6)~~	~~Operating as a trainer after suspension, revocation, or denial of a license~~	~~500.00~~
~~5-2.8(c)(1)~~	~~Failure to meet primary enclosure standards~~	~~200.00~~
~~5-2.8(d)~~	~~Failing to maintain adequate ventilation~~	~~200.00~~
~~5-2.8(e)(1)~~	~~Failure to perform proper record keeping~~	~~50.00~~
~~5-2.8(f)~~	~~Inappropriate or inadequately maintained animal apparatus~~	~~200.00~~
~~5-4~~	~~Dog on beach or in park~~	~~50.00~~
~~5-5~~	~~Dog defecating or urinating on public or common property~~	~~50.00~~
~~5-6(a)~~	~~Spayed/neutered dog running at large in any manner~~	~~—~~
~~—~~	~~First Offense~~	~~50.00~~
~~—~~	~~Second Offense~~	~~100.00~~
~~—~~	~~Third Offense~~	~~200.00~~
~~—~~	~~Each Subsequent Offense~~	~~250.00~~
~~5-6(c)~~	~~Intact dog running at large in any manner~~	~~—~~
~~—~~	~~First Offense~~	~~150.00~~
~~—~~	~~Second Offense~~	~~200.00~~
~~—~~	~~Third Offense~~	~~300.00~~
~~—~~	~~Each Subsequent Offense~~	~~350.00~~
~~5-6.1(a)~~	~~Dog becoming a public nuisance~~	~~50.00~~

Code Section	*Description of Violation*	*Civil Penalty*
~~5-6.2(b)~~	~~Failure to confine dog during dangerous dog investigation or hearings; failure to provide address where the animal resides; relocating the dog during the investigation or hearings; or transfer of ownership during the investigation or hearing~~	~~100.00~~
~~5-6.2(d)(17)~~	~~Failure to confine dog during the dangerous dog determination appeal period~~	~~250.00~~
~~5-6.2(e)~~	~~Failure to register dog as dangerous; renewal~~	~~500.00~~
~~5-6.2(g)~~	~~Failure to give notice to Animal Control of certain occurrences involving dangerous dogs~~	~~500.00~~
~~5-6.2(h)~~	~~Failure to notify Animal Control of change of ownership of dangerous dog~~	~~500.00~~
~~5-6.2(i)~~	~~Failure to muzzle or restrain dangerous dog~~	~~500.00~~
~~5-6.2(j)~~	~~Using dangerous dogs in hunting~~	~~500.00~~
~~5-6.2(m)~~	~~Dangerous dog attacks/bites person or other animal~~	~~500.00~~
~~5-6.2(n)(1)~~	~~Dog not classified as dangerous attacks/severely injures or causes death to person~~	~~500.00~~
~~5-6.2(n)(2)~~	~~Dog not classified as dangerous attacks/severely injures or causes death to animal~~	~~500.00~~
~~5-6.2(o)~~	~~Dangerous dog attacks/severely injures or causes death to person~~	~~500.00~~
~~5-7~~	~~Failure to vaccinate dog against rabies~~	~~50.00~~
~~5-8~~	~~Failure to obtain required license tag for spayed/neutered dog~~	~~50.00~~
~~—~~	~~Failure to obtain required license tag for an intact dog~~	~~150.00~~
~~5-8.2~~	~~Failure of veterinarians to report vaccination, have license tags available for sale, and have County licensing literature available~~	~~250.00~~
~~5-8.3~~	~~Failure to sell license and puppy tags upon transfer of ownership of dogs and puppies, to have County licensing literature available, and to report vaccination or sale of tags~~	~~250.00~~
~~5-11.1~~	~~Failure to follow euthanasia requirements~~	~~200.00~~

Code Section	*Description of Violation*	*Civil Penalty*
~~5-15.1~~	~~Hindering or resisting Animal Control Officer or interfering with animal trap~~	~~500.00~~]]
5-17.2	Failure to confine pit bull dog	500.00
5-17.3	Failure of the 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	Acquisition or keeping of pit bull dogs	500.00
5-17.7	Failure to post pit bull sign	500.00
>>5-19(e)	Failure to confine animal during rabies quarantine	500.00
5-19(f)	Failure to provide veterinary certification after rabies quarantine	100.00
5-20(b)	Dog on beach or in park	50.00
5-20(c)	Dog committing nuisance	50.00
5-20(d)	Sterilized dog running at large in any manner	50.00
	Intact dog running at large in any manner	150.00
5-20(e)	Dog becoming a public nuisance	50.00
5-20.1	Failure to confine intact female dog during estrus	100.00
5-21	Unlawful tethering of dog	50.00
5-22(b)(1)	Dog endangers, attacks, or bites a human	500.00
5-22(b)(2)	Dog severely injures or kills domestic animal	500.00
5-22(b)(3)	Dog used for or trained for dog fighting	500.00
5-22(b)(4)	Dog chases or approaches human in menacing fashion	500.00
5-22(e)	Failure to confine dog during dangerous dog investigation or hearings	100.00
	Failure to provide address where the animal resides	100.00
5-22(f)	Relocating dog during dangerousness investigation or hearing	100.00
	Transfer of ownership during dangerousness investigation or hearing	100.00
5-22(i)	Failure to confine dog pending resolution of appeal	250.00

Code Section	*Description of Violation*	*Civil Penalty*
5-22(j)	Dog not previously classified as dangerous severely injures or kills human	500.00
5-23(a)	Failure to register, or timely renew registration of, dangerous dog	500.00
5-23(c)(1)	Failure to notify Department that dangerous dog is loose or unconfined	500.00
5-23(c)(2)	Failure to notify Department that dangerous dog has bitten a human or attacked another animal	500.00
5-23(c)(3)	Failure to notify Department that dangerous dog has been sold, given away, or died	500.00
5-23(c)(4)	Failure to notify Department that dangerous dog has been moved to another address	500.00
5-23(d)	Failure to notify Department of new owner of dangerous dog	500.00
5-23(e)	Failure to muzzle dangerous dog	500.00
	Failure to restrain dangerous dog	500.00
5-23(f)	Dangerous dog attacks/bites human or domestic animal	500.00
5-24	Failure to follow euthanasia requirements	200.00<<
[[~~5-18~~	~~Violations of dogfighting prohibitions~~	~~500.00~~
~~5-20~~	~~Failure to vaccinate cat against rabies~~	~~50.00~~
~~5-25~~	~~Failure to vaccinate ferret against rabies~~	~~25.00~~]]

Section 6. 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 7. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-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 8. This ordinance shall become effective sixty (60) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:
Dennis A. Kerbel