Memorandum

MIAMI-DADE COUNTY

(Second Reading 3-3-09)

Date: December 2, 2008

Agenda Item No. 7(F)

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Chapter 5-Ordinance Update Pertaining to Animal Services

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Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the proposed changes to Chapter 5 of the Miami-Dade County Code pertaining to animals and to the associated Implementing Order 4-51. Four changes are requested. First, that the fee for a dog tag for a qualifying low income dog owner be set at $3 regardless of sterilization status and that low income owners who purchased a license tag at a discounted price prior to the effective date of this ordinance be deemed to be in compliance with the licensing requirements of Chapter 5. Second, that a 'junior tag' be required for a puppy between four (4) months and twelve (12) months of age and that 'puppy tags' only be required of pet dealers at no cost. Third, that Chapter 5 specifically authorize the Department to issue multi-year licenses for rabies vaccinations that last for several years (The creation of a 3-year tag was approved by the BCC in September of 2008 and added to Implementing Order 4-51, but was not added to Chapter 5 at the time). Fourth, that Chapter 5 specify that working police dogs and fire rescue dogs remain exempt from license fees.

Scope

Chapter 5 and Implementing Order 4-51 affects Miami-Dade County in its entirety.

Fiscal Impact/Funding Source

Low Income Fee

No additional resources will be requested in association with this ordinance. The proposed tag fee for a low income owner is $3 for an intact dog, as the Code is currently silent in this category. The fee was increased with BCC approval in September of 2008 from $2 to $3 with a projected $6,000 positive fiscal impact, which covers the cost of the vaccination.

Proposed Junior Tag

It is requested that a new category, a 'junior tag,' be created and required when the puppy is due for its rabies vaccination at four (4) months of age, instead of requiring a puppy tag (which would only be essential for pet dealers). The fee for this category would be $25, regardless of sterilization status and the puppy would be eligible for up to 12 months of age.

Puppy Tag

It is requested that no fee be associated with the puppy tag and that it only be required of Pet Dealers at no cost so that the Animal Services Department can enter the puppy's information in its database. The approximately $800 annual cost of mailing the puppy tags to Pet Dealers would be offset by the revenue generated from the sale of junior tags for Pet Dealers which begin at 4 months of age.

Track Record/Monitor

The Animal Services Department currently licenses/tags approximately 150,000 of the estimated 500,000 dogs residing in Miami-Dade County. Creating the *Low Income Fee*, which sets fees at a price that low income constituents can afford, will likely increase voluntary compliance, aiding the Department in its efforts to uphold and enforce the provisions of Chapter 5. Similarly, the *Proposed Junior Tag* will encourage voluntary compliance by timing its expiration with the puppy's second rabies shot at 4 months.

Background

Low Income Fee

In January of 2008, many updates to Chapter 5 were approved by the BCC. In September of 2008, the BCC approved an Implementing Order associated with those changes, but the Ordinance was not updated at that time. As of October 1, the dog tag fee for a sterilized dog whose owner is low income is $3, however, no fee for an intact dog belonging to a low income owner was included. This ordinance update specifically includes the fee of $3 for an intact dog as opposed to the regular fee for an intact dog of $50.

Proposed Junior Tag Fee

The current puppy tag is for two (2) month old puppies at a cost of $10 which expires at the age of four (4) months after which time the adult license would be purchased. Veterinarians in the community have expressed their concern and disagreement with the fee of $50 for the intact dog license for puppies since they often do not sterilize the puppies until after they are four (4) months of age. Therefore we are proposing that puppy tags only be issued to Pet Dealers and that a $25 Junior Tag be required at the time the puppy receives his first rabies vaccination at four (4) months of age. A puppy would be eligible for the Junior Tag until twelve (12) months of age.

Alina T. Hudak
Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: March 3, 2009

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

SUBJECT: Agenda Item No. 7(F)

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 Mayor'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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(F)
3-3-09

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ANIMALS; AMENDING SECTIONS 5-7 AND 5-11 OF THE CODE; AMENDING REQUIRED LICENSES, CATEGORIES OF LICENSE FEES, AND DURATION OF LICENSES FOR DOGS; 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. Chapter 5 of the Code of Miami-Dade County is hereby amended as follows:[1]

Sec. 5-2. Enforcement.

* * * *

(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. . . .

* * * *

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

[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.

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 >>; it is provided, however, that the Department may issue a multi-year license tag that is valid for the duration of a multi-year rabies vaccination, and such license tag shall not require renewal until the revaccination is due<<. 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 >>12 months old or more<<;

(2) Intact dog >>12 months old or more<<;

>>(3) Dog between 4 months old and 12 months old ("*Junior tag*");

(4) Dog less than 4 months old ("*Puppy tag*"), which shall be provided free of charge;

(5) Dog<< [[~~(3) Sterilized dog~~]] owned by an indigent person as defined by implementing order approved by the Board of County Commissioners; and

[[~~(4)~~]]>>(6)<< Replacement for a lost or damaged license tag.

[[~~(5)~~]]>>(7)<<Service animals >>and working police dogs and fire rescue dogs<< 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.

>>(3) Any indigent person who obtained a Department-issued license tag at a reduced fee prior to the effective date of this ordinance shall be deemed to have complied with the registration and licensing requirements of this section until the expiration of that license tag.<<

(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.

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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 >>required by § 5-7<< 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 >>required by § 5-7<< available for purchase at the time and place a dog is sold. >>Pet dealers who sell dogs that are less than 4 months old shall provide puppy tags free of charge.<<

(e) [[~~All veterinarians and pet dealers transferring ownership of puppies under four (4) months of age 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 >>, except that puppy tags shall be provided free of charge<<. Veterinarians and pet dealers shall be responsible for the value of all tags held by them for sale to dog owners.

[[~~(g)~~]]>>(f)<< 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 >>, and shall submit all registration information for all puppy tags provided the previous month<<. The Department shall have the authority to assess interest for any payments received after the deadline established in this section.

[[~~(h)~~]]>>(g)<< 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)~~]]>>(h)<< 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)~~]]>>(i)<< 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.

Section 2. 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 3. 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 4. This ordinance shall become effective ten (10) 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: APW

Prepared by: DAK/APW

Dennis A. Kerbel