

MEMORANDUM

Agenda Item No. 4 (E)

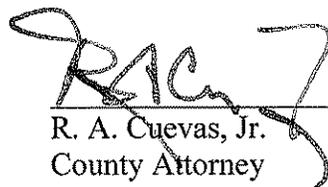
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 24, 2012

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

SUBJECT: Ordinance pertaining to animals; creating Miami-Dade County Companion Animal Protection Act; renaming Animal Services Department; amending regulations pertaining to impoundment, adoption or transfer of animals from the department and euthanasia of animals; creating regulations pertaining to feral cats; amending Sections 5-1, 5-5, 5-18, 5-24 and 8CC-10 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsors Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 24, 2012

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

SUBJECT: Agenda Item No. 4 (E)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4 (E)
1-24-12

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ANIMALS; CREATING MIAMI-DADE COUNTY COMPANION ANIMAL PROTECTION ACT; RENAMING ANIMAL SERVICES DEPARTMENT; AMENDING REGULATIONS PERTAINING TO IMPOUNDMENT, ADOPTION OR TRANSFER OF ANIMALS FROM THE DEPARTMENT, AND EUTHANASIA OF ANIMALS; CREATING REGULATIONS PERTAINING TO FERAL CATS; AMENDING SECTIONS 5-1, 5-5, 5-18, 5-24, AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; 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. SHORT TITLE. This Ordinance may be cited as the “Miami-Dade County Companion Animal Protection Act.”

Section 2. The Miami-Dade County Animal Services Department is hereby renamed the Miami-Dade County Animal Services Department and Adoption Center.

Section 3. Section 5-1 of the Code of Miami-Dade County is hereby amended to read as follows:¹

Sec. 5-1. Definitions

As used in this chapter, unless otherwise provided, the following terms shall be defined as follows:

(1) >>Adoptable means an animal that: (a) is healthy or, if injured or sick, has at least a good prognosis for rehabilitation or recovery as

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.

determined by a veterinarian and is not carrying a contagious, infectious, zoonotic, or communicable disease that is of a dangerous nature; and (b) is not vicious, dangerous, or aggressive.

(1.1)<< *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.

* * * *

(3) *Animal Rescue Organization* means >>a group of persons who hold themselves out as an animal rescue group and who accept or solicit dogs or cats or other animals with the intent of finding permanent adoptive homes or providing lifelong care for such dogs or cats or other animals and who use foster homes as the primary means of housing animals, or a group of persons formed for the prevention of cruelty to animals<< ~~[[a humane society or other nonprofit 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]].~~

>>(9.1) *Animal Sheltering Agency* means an organization that (1) operates a facility that is used for housing or containing dogs or cats or other animals and that is a state, county, municipality, or other governmental entity, a humane society, an animal welfare society, a society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of dogs, cats, or other animals.<<

* * * *

(9) *Department* means the Miami-Dade County Animal Services Department >>and Adoption Center<<.

(10) *Director* means the Director of the Miami-Dade County Animal Services Department >>and Adoption Center or the Director's designee<<.

* * * *

(31) *Sterilize* >>or Spay/Neuter<< means to remove an animal's reproductive organs, whether by spaying or castration.

* * * *

Section 4. Section 5-5 of the Code of Miami-Dade County is hereby deleted and replaced in its entirety as follows:

Sec. 5-5. Miami-Dade County Companion Animal Protection Act.

A. *Purpose and Intent.* It is the intent of the Board of County Commissioners of Miami-Dade County, Florida, to end the euthanasia of adoptable animals in the county. To accomplish this, the Board of County Commissioners finds and declares that:

- (1) protecting animals is a legitimate and compelling public interest;
- (2) efforts must be taken to end the euthanasia of adoptable animals in county shelters;
- (3) animals should not be euthanized if they can be placed in a suitable home, if an dog or cat rescue organization or animal sheltering agency is willing to take care and custody of the animal, or, in the case of feral cats, if an animal rescue organization or animal sheltering agency is willing to take care and custody of the animal.
- (4) animals held in shelters deserve proper care and humane treatment, including prompt veterinary care as resources permit, adequate nutrition, water, shelter, environmental enrichment as resources permit, and, when volunteer staffing permits, exercise.
- (5) shelters should strive to make adoptable animals available for adoption for as long as possible;
- (6) owners of lost animals should have a reasonable period of time within which to redeem their animals;
- (7) efforts should be made to encourage the voluntary spaying and neutering of animals;
- (8) when animals are euthanized, it should be done as humanely and compassionately as possible;
- (9) taxpayers and community members deserve full and complete disclosure about how animal shelters operate; and
- (10) saving the lives of animals, identifying and eliminating animal neglect and abuse, and protecting public safety are compatible interests.

B. *Feral Cats.*

- (1) Caretakers of feral cats shall abide by all provisions of law related to the feeding of stray or feral cats, requiring the confinement of cats, or limiting the number of cats a person can own, harbor, or have custody of.
- (2) The Department shall not lend, rent, or otherwise provide traps to the public to capture cats, except: to catch and reclaim a

person's wayward pet cat; to capture injured or sick cats or cats otherwise in danger; to capture feral kittens for purposes of taming and adoption; or, in the case of feral cats, for purposes of spay/neuter and subsequent release to an animal shelter or rescue group or in the case where there is a welfare or public safety/health concern. For purposes of this subsection, the location of the cats, without more, does not constitute "otherwise in danger."

(3) To encourage the increased save rate of cats the Department will establish programs with rescue organizations for release of cats to shelters or rescue organizations

(4) It is a violation of this act to release any non-native or domestic animal in a public park or environmentally protected property.

C. *Impoundment.* 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; 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.

(6) 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, Fla. Stat.

D. *Holding Periods.*

(1) Upon impounding an animal, the Department will check each animal for a license, identification tag, and microchip and will make reasonable efforts to identify and notify the animal's owner, such as notification by telephone or e-mail, or first-class U.S. mail to the last known address as resources permit. Missing animals may be reported to the Department, on a form prescribed by the Director for that purpose. The Department will make reasonable efforts to determine whether missing animals reported to the Department have been impounded.

(2) To provide owners with a reasonable amount of time to redeem their stray pets, the required holding period for a stray animal impounded by the Department shall be at least five, twenty-four hour periods, except as provided herein. The holding period may be extended when the animal is registered to an owner but there is no working phone or email contact information and the owner is notified by first-class U.S. mail. Upon the expiration of the holding period, the animal shall be available for adoption, transfer to an animal rescue organization or animal sheltering agency, or other legal, humane disposition.

(3) *Owner-relinquished dogs.*

(a) The department will make best efforts to allow for the same holding period for owner-relinquished dogs as for stray dogs, except that owner-relinquished dogs may be adopted into a new home or transferred to an animal rescue organization or animal sheltering agency immediately after impoundment.

(b) The Department shall not be required to euthanize adoptable, owner-relinquished animals at the request of the owner.

(4) The following animals shall be subject to a holding period of five business days: 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 law enforcement agencies.

(5) The following animals shall be immediately available for adoption, transfer to an animal rescue organization or animal sheltering agency, or other humane, lawful disposition: 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.; puppies and kittens; and cats without identification and without ear tipping.

7

(6) *Foster care during holding period.* During a holding period, any animal may be transferred for foster care to an animal rescue organization or animal sheltering agency, and an animal without a license, microchip, or other form of traceable identification may be transferred for foster care to an individual Miami-Dade County resident who intends to adopt the animal upon the expiration of the holding period, subject to the following conditions:

(a) A transfer during a holding period shall comply with subsection (G & H) below, except that the animal shall be released unsterilized, and the transferee shall enter into a sterilization agreement; and

(b) The transferee shall return the animal to the Department if the animal's owner requests to redeem the animal prior to the expiration of the holding period, in which event all fees or deposits paid pursuant to this section shall be refunded.

(7) *Publication of impounded animals.* The Department will provide notice to the public of impounded animals as follows:

(a) Upon being impounded, animals will be posted on the internet with sufficient detail to allow them to be recognized and reclaimed by their owners.

(b) The Department will provide a process to advise animal rescue organizations and animal sheltering agencies that are registered with the Department pursuant to this section of special cases of impounded animals.

(c) The Department may promote the adoption of impounded animals to the community through local media.

(d) The Department may hold adoption events at the shelter or at other venues throughout the community.

E. *Animal Care Standards.*

(1) The Department shall provide all animals during the entirety of their shelter stay with a sufficient quantity of nutritive and clean food and water.

(2) To promote their psychological well-being, the Department shall provide animals at the shelter with environmental enrichment such as socialization, toys, and treats, when available and appropriate, and when funding permits. The Director shall make determinations regarding toys based on animal behavior and welfare.

(3) During the entirety of their shelter stay, animals shall be provided prompt and necessary cleaning of their cages, kennels, or other living environments no less than two times per day, to ensure

environments that are welcoming to the public and hygienic for both the public and animals, and to prevent disease.

(a) Kennel and cage cleaning protocols shall ensure dogs are not directly exposed to water from hoses or sprays, cleaning solutions, detergents, solvents, or chemicals.

(4) When resources and staffing permit, animals will be provided with prompt and necessary veterinary care, including without limitation: appropriate preventative vaccinations as determined by the Director or designee; cage rest; and pain management and antibiotics sufficient to alleviate any pain caused by disease or injury, to prevent a condition from worsening, and to allow animals to leave the shelter in reasonable condition, even if the animals are not candidates for redemption, transfer, or adoption. Notwithstanding any other provisions in this section to the contrary, veterinarians shall have the discretion to determine the need for euthanasia based on medical considerations, animal welfare, and shelter population health.

(5) Daily exercise shall be provided to dogs when volunteer staffing levels permit, as daily exercise or dog walking is not a funded activity, and the resources for walking dogs are the same resources utilized for shelter cleaning and animal health management. Dogs who are vicious to people or dangerous dogs may but are not required to be exercised during the holding period.

(6) The Department shall develop and follow a care protocol to ensure proper care and humane treatment for animals with special needs, including, without limitation, nursing mothers, unweaned animals, sick or injured animals, geriatric animals, and animals needing therapeutic exercise.

(7) The Department shall develop and follow a protocol to prevent the spread of disease, including, without limitation: appropriate evaluation and testing of newly impounded animals; administration of vaccines; proper isolation and handling of sick animals; and measures to protect those animals most vulnerable to infection.

(8) Animal rescue organizations and animal sheltering agencies that take animals that have a medical condition from the Department shall provide those animals with veterinary care.

F. *Redemption.* 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, without limitation: information registered with the Department; information contained on a microchip implanted in the animal and registered with the Department 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:

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

G. *Adoptions from the Department.* The Department shall have programs to encourage the adoption of animals in its custody, including programs to place animals into homes and to transfer animals to animal rescue organizations and animal sheltering agencies for adoption; promotion of animals to the community through means such as the local media and the Internet; evening and weekend adoption hours; and community-based adoption events or venues at locations other than the shelter

(1) The Department may charge fees for adoption and transferring ownership of animals impounded by the Department and for vaccination, sterilization, and other medical care provided to such animals. Animal rescue organizations and animal sheltering agencies may be charged reduced fees. Fees shall be fixed by implementing order approved by the Board of County Commissioners.

(2) Prior to transferring ownership of a dog or cat to any person, the Department shall sterilize the animal, except that the Department may release unsterilized animals in either of the following circumstances.

- (a) The new owner enters 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.

(b) The Department may, at its sole discretion, transfer unsterilized animals to animal rescue organizations or animal sheltering agencies in accordance with this subsection and (H) below.

(3) *Limitations on adoptions.*

(a) The Department will not restrict the adoption of an impounded animal based on criteria such as breed, age, or color, except that the Department shall ensure that pit bull dogs impounded by the Department are not acquired by residents of Miami-Dade County in violation of § 5-17.6 of this chapter.

(b) The Department may restrict the adoption or transfer of an impounded animal to protect the health, safety, and welfare of the people and animals of Miami-Dade County, including, without limitation, because of the medical condition or temperament of the animal or the fitness of the adopter to care for the animal.

(c) Animals impounded by the Department shall 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.

(4) *Delegation of Authority.* 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.

H. *Animal Rescue Organizations and At-Risk Registry.*

(1) The Department may, at its discretion, transfer animals for medical care, for adoption, for adoption to third parties, or for any other humane, lawful purpose to animal rescue organizations or animal sheltering agencies that satisfy the following requirements:

- (a) The organization or agency provides proof that it is licensed to do business in the State of Florida as a not-for-profit organization and is properly organized as a charitable organization under § 501(c)(3) of the Internal Revenue Code, except that government agencies shall not be subject to this requirement.
 - (b) The organization or agency 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 it will comply with the sterilization requirements set forth in § 823.15(2)(b), Florida Statutes; a requirement that it periodically report to the Department as to animals taken from the Department that have been adopted, that have died or have been euthanized, or that remain in the care of the rescue group; 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.
 - (c) The organization or agency has adequate resources to care for animals. The organization shall provide veterinary care to animals with a medical condition that it takes from the Department and shall provide the Department with proof of care upon request.
 - (d) The animals will be housed at appropriate facilities.
 - (e) The organization or agency or its members or agents have adequate experience or training in the field of animal care.
 - (f) The organization or agency or its members or agents are not, or have not previously been found to be, operating in violation of: any of the provisions of this chapter; any federal, state, or local laws governing animal cruelty or neglect, public health, or sanitation; or any applicable land use regulations governing the keeping of animals.
 - (g) Partnering with the organization or agency will not place additional burdens on the Department.
- (2) The Department shall maintain a registry of animal rescue organizations and animal sheltering agencies that meet the foregoing requirements and that are willing to accept animals that are at risk of euthanasia. Organizations or agencies that request to be listed on the At-Risk Registry shall at a minimum provide the following information, which shall be included on the registry:
- (a) The name of the organization or agency.

- (b) The mailing and physical addresses and telephone numbers of animal sheltering, kennel, or holding locations.
 - (c) The website, if any.
 - (d) The emergency contact information for the organization or agency.
 - (e) The e-mail address to which euthanasia notifications should be sent.
 - (f) The types of animals about whom the organization or agency wishes to be contacted, including species type and breed.
 - (g) A statement as to whether the organization or agency is willing and able to care for unweaned animals, sick or injured animals, or animals with behavior problems.
- (3) The Department may not euthanize an animal unless the following requirements are satisfied:
- (a) The Department provides notice that the animal is scheduled for euthanasia at least 24 hours before the animal is to be euthanized. The following shall be deemed adequate notice: an e-mail or other verifiable electronic communication listing the animals scheduled for euthanasia and sent to the organizations or agencies listed on the At-Risk Registry at the e-mail addresses provided on the registry; or posting on the Department website or other electronic media identified by the Director.
 - (b) To maximize the number of animals rescued or adopted, the Department will develop policies and programs so that an animal may not be euthanized if a registrant notifies the Department, prior to the scheduled time for euthanasia, that it is willing to take possession of the animal. The Department may euthanize any animal that has been posted on the At-Risk Registry in excess of 48 hours beyond the stray hold period, or if a determination is made based on medical necessity or the welfare of the animal or other shelter animals. Additional holds beyond the initial 48 hour period shall be at the sole discretion of the Department. The Department will make reasonable efforts to maximize the opportunity for all animals to be adopted or rescued and may extend holds where practicable and feasible in consideration of space, welfare, and medical considerations
 - (c) The Department will develop policies and programs to maximize the number of animals rescued or adopted and to ensure that animals being held for transfer to an

organization are not jeopardizing the health and adoption probability of other shelter animals

(4) The Department may euthanize an animal without advance notice in the following cases:

(a) An animal that is suffering from an incurable or untreatable condition or is imminently near death from injury or disease may be euthanized without delay in accordance with § 828.05, Fla. Stat.

(b) A dangerous dog that has bitten or attacked a human or domestic animal may be euthanized without delay in accordance with this chapter or § 767.13, Fla. Stat.

(c) A dog that has not previously been declared dangerous that causes severe injury or death to a human may be euthanized without delay in accordance with this chapter or § 767.13, Fla. Stat.

(d) An unweaned animal is impounded without its mother.

I. *Additional Programs and Duties*

(1) The Department shall strive to maintain operational hours to include weekends to maximize adoption and rescue opportunities.

(2) The Department shall provide the following public services, subject to the availability of funding and resources:

(a) Low-cost spay/neuter services for animals.

(b) Volunteer opportunities for people to assist the shelter, such as fostering animals, socializing animals, assisting with adoptions, and otherwise helping in the operations of the shelter.

(c) Programs to assist people in overcoming situations that may cause them to relinquish or abandon their animals, such as programs that address animal behavior problems, medical conditions, and environmental conditions.

J. *Euthanasia of impounded animals.*

(1) *Preconditions for euthanasia.* An animal impounded by the Department may be humanely euthanized in accordance with this section. The Department shall not euthanize an animal simply because the holding period has expired. Before an animal is euthanized, the following conditions must be met, except as provided in this section:

(a) The animal has not been redeemed by an owner.

(b) There are no empty cages or kennels of sufficient size in adoption areas specifically designated for the

species. Due to animal health, welfare, and medical considerations, cages used for quarantine, isolation, holding, and pre-transfer holding are not considered "empty" for purposes of this section. These cages however, may be used from time to time for purposes other than those listed in this subsection as determined by the Director.

(c) The animal cannot share a cage or kennel with another animal.

(d) A foster home has not taken timely custody of the animal as described in subsections (D) and (H) above.

(e) No registrant on the At-Risk Registry described in subsection (H) above has timely taken custody of the animal.

(f) The animal is not a feral cat subject to sterilization and release to an animal rescue organization or animal sheltering agency.

(g) The Director or designee certifies that the requirements of this subsection have been met.

(h) The determination that the foregoing preconditions have been met shall be made in writing and signed by the Director or designee.

(2) *Exemptions.* The Department may euthanize an animal without regard to any holding period and without meeting the preconditions in subsection (1) above when all of the following conditions are met:

(a) 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, or the owner has voluntarily relinquished the animal to the Department.

(b) 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 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.

- (c) The euthanasia of the animal is recommended in writing by the Director or designee.
 - (d) Nothing herein shall be construed to prohibit the Department from treating, or seeking treatment for, animals within the Department's custody.
- (3) *Methods of euthanasia.* All animals impounded by the Department shall be euthanized, only when necessary and consistent with the requirements of this section, in accordance with the following procedures.
- (a) 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.
 - (b) Euthanasia shall be by lethal intravenous injection, except as follows:
 - (i) Intraperitoneal injections may be used only under the direction of a licensed veterinarian, and only when intravenous injection is not possible for infant animals, companion animals other than cats and dogs, feral cats, or animals with depressed vascular function.
 - (ii) Intracardiac injections may be used only when intravenous or intraperitoneal injection is not possible for animals who are completely unconscious or comatose, and then only under the direction of a veterinarian.
 - (c) Before euthanasia is performed, an animal may be sedated or tranquilized with a humane substance approved by Board of Veterinary Medicine as necessary to minimize their stress or discomfort, or in the case of vicious animals, to ensure staff safety, except as follows. 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.
 - (d) No animal shall be allowed to witness any other animal being killed or being tranquilized/sedated for the purpose of being killed or see the bodies of animals which have already been killed.
 - (e) Animals that are not yet deceased shall be lowered to the surface on which they are being held and shall not be permitted to drop or otherwise collapse without support.

(f) 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. Verification of death shall be confirmed for each animal in all of the following ways:

- (i) by lack of heartbeat, verified by a stethoscope;
- (ii) by lack of respiration, verified by observation;
- (iii) by pale, bluish gums and tongue, verified by observation;
- (iv) by lack of eye response, verified by observation that lid does not blink when eye is touched and pupil remains dilated when a light is shone on it.

(g) The room in which animals are euthanized shall be cleaned and regularly disinfected as necessary, but no less than once per day on days the room is used, except that the area where the procedure is performed shall be cleaned and disinfected between each procedure.

(h) The room in which animals are euthanized shall have adequate ventilation that prevents the accumulation of odors.

(i) A veterinarian licensed to practice medicine in this state or a euthanasia technician certified by the state euthanasia certification program shall perform these procedures, except that if a state certification program does not exist, the procedure may be performed by a trained euthanasia technician working under the direction of a veterinarian.

K. *Public Accountability.*

(1) The Department must post, in a conspicuous place where animals are being relinquished by owners, a sign that is clearly visible and readable from any vantage point in the area, and at least 17 inches by 22 inches, which has all of the following information identified by species-type:

- (a) the number of animals impounded for the prior calendar year;
- (b) the number of animals impounded for the prior calendar year who were adopted;

- (c) the number of animals impounded for the prior calendar year who were transferred to other organizations or agencies for adoption;
 - (d) the number of animals impounded for the prior calendar year who were reclaimed by their owners;
 - (e) the number of animals impounded for the prior calendar year who were euthanized by the Department.
- (2) The Department must provide all owners who are relinquishing an animal with accurate information, in writing, about the likely disposition of their animal, including without limitation: (1) if the animal is a breed or type that is normally euthanized; (2) if the animal is likely to be euthanized because of characteristics particular to that animal; and (3) the information provided in subsection (J)(1)(a)-(f).
- (3) Any owner surrendering an animal to the Department will be presented with a document to obtain signature acknowledging a statement that states, "I understand that the shelter may euthanize my pet." Similar disclosure for signature may be provided at the Director's discretion. If the person refuses to sign such statement, then a Department representative will indicate on the form that the person "refused to sign."
- (4) The Department must post on its website the animal care protocol and disease prevention protocol required by subsection (E) above.
- (5) The Department must post, on its website and in a conspicuous place near the entrance of the shelter, a list of the organizations and agencies included on the At-Risk Registry established in subsection (H) above, as well as an invitation for all animal rescue organizations and animal sheltering agencies and rescue groups to inquire about being listed on the registry. Registrants may request that certain contact information not be included on public postings. Public postings must also include a disclaimer that the inclusion of an organization or agency on the list shall not be construed as approval or endorsement of the organization by the County.
- (6) The Department shall prepare, for public inspection, a monthly summary that includes the number of animals, by species-type, during the previous month that:
- (a) were impounded by the Department;
 - (b) were euthanized by the Department;
 - (c) were returned to their owners;
 - (d) were adopted;
 - (e) were transferred to other organizations or agencies for adoption; or

- (f) remain in the custody of the Department.
- (7) The Department shall provide an annual summary to the Board of County Commissioners and, upon request, for public inspection, that includes the number of animals, by species-type, that:
 - (a) were impounded by the Department;
 - (b) were euthanized by the Department;
 - (c) were returned to their owners;
 - (d) were adopted;
 - (e) were transferred to other organizations or agencies for adoption; or
 - (f) remain in the custody of the Department.

L. This section does not create a right in any person or a private right of action concerning the provisions of this section.

Section 5. Section 5-18 of the Code of Miami-Dade County is hereby deleted in its entirety.

Section 6. Sections 5-24 of the Code of Miami-Dade County is hereby deleted in its entirety.

Section 7. 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.

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
	* * * *	
5-5	>> <u>Releasing non-native or domestic animal in public park or environmentally protected property</u>	<u>500.00</u> <<
	Failure to sterilize animal	500.00
	Breaching agreement to sterilize an animal	500.00
	>> <u>Breaching animal rescue organization agreement</u>	<u>500.00</u> <<
	* * * *	
[[5-24	Failure to follow euthanasia requirements	200.00]]
	* * * *	

Section 8. 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 9. 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 10. 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:

Rtc
DAK

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Jose "Pepe" Diaz