 ORDINANCE NO. 2013-10

AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
PERTAINING TO ANIMAL CARE AND ADOPTION;
AMENDING VARIOUS SECTIONS OF CHAPTER 4 OF
THE BROWARD COUNTY CODE OF ORDINANCES
("CODE"), "ANIMALS AND FOWL"; AND PROVIDING FOR
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
BROWARD COUNTY, FLORIDA:

Section 1. Chapter 4 of the Broward County Code of Ordinances, "Animals
and Fowl," is hereby amended to read as follows:

Chapter 4

ANIMALS AND FOWL

Sec. 4-1. Short title and intent.

This chapter shall be known and may be cited as the Broward County Animal
Care and Regulation Adoption Ordinance and shall serve to define the requirements
and regulate the care and adoption of animals in Broward County.

Sec. 4-2. Definitions.

For the purposes of this chapter, the following terms shall have the meanings
indicated. No attempt is made to define any words which are used in accordance with
their established dictionary meaning, except when necessary to avoid
misunderstandings.

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*underscored* type are additions.
Abandon shall mean to forsake an animal in a street, road, or public or private place without providing for the care, sustenance, protection, and shelter of such animal.

(b) Adult dog or cat shall mean any dog or cat that is four (4) months of age or older. Aggressive dog shall mean any dog that, according to the records of the Division, has killed a domestic animal while unprovoked and off the owner's property.

(c) Animal shall mean every living non-vertebrate other than a human creature being.

(d) Animal care officer specialist shall mean any person employed by the County, or such agents or employees as are lawfully designated by such officer animal care specialist to perform the duties of such officer animal care specialist, who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty, and to issue citations as provided herein. An animal care officer specialist is not authorized to bear arms or make arrests.

(e) Animal rescue organization shall mean a humane society or other non-profit organization that is dedicated to the protection of domestic animals, duly registered with the Florida Department of State, and properly organized as a charitable organization under Section 501(c)(3) of the Internal Revenue Code.

(f) At large shall mean not on the owner's property, and not under restraint or the direct control, custody, charge, or possession of the owner, or other responsible person. "Direct Control" shall mean immediate, continuous physical control of an animal at all times, such as by means of a fence, leash, cord or chain of sufficient strength to restrain the animal.
(g) **Citation** shall mean a written notice or an electronically-generated notice, issued to a person by an officer, or by the Division, with probable cause to believe that the person has committed a civil infraction in violation of this chapter, or an electronically generated notice issued to a person at a division facility or by certified mail/return receipt requested.

(h) **Commissioners** shall mean the Board of County Commissioners of Broward County, Florida.

(i) **Community cat** shall mean any free-roaming, unowned cat living in a particular area as part of a colony of cats that may be cared for by one (1) or more known or unknown residents of the immediate area where the colony is based. A community cat may or may not be feral. Community cats may be returned to the colony once registered and neutered through a County or other program designed to trap, neuter and return cats to their colony.

(j) **Control** shall mean the regulation of the possession, ownership, care, and custody of animals.

(k) **County** shall mean Broward County.

(l) **Cruelty** shall mean every action, omission to act, or neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue when there is reasonable remedy or relief, except when done in the interest of medical science and performed in compliance with applicable Florida Statutes, rules, and regulations.

(m) **Dangerous Dog** means any dog that according to the records of the Division:
(1) Has aggressively bitten, attacked, endangered, or has inflicted severe injury on a human being on public or private property;

(2) Has more than once severely injured or killed a domestic animal while off the owner's property; or

(3) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or

(4) Has, when not under the direct control of any person and, when unprovoked, chased, or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one (1) or more persons and dutifully investigated by the appropriate authority.

Notwithstanding anything else contained in this Chapter, a dog shall not be classified by the Division or a Hearing Officer as dangerous if the threat, injury, or damage sustained by a person was sustained at a time when the person was unlawfully on the property of the dog's owner, or while a person was lawfully on the property of the dog's owner but was tormenting, abusing, or assaulting the dog, its owner, or a family member or guest of the owner; or if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(n) "Direct control" shall mean immediate, continuous physical control of an animal at all times, such as by means of a fence, leash, cord, or chain of sufficient strength to restrain the animal.

(1) (o) Director shall mean the Director of the Animal Care and Regulation Permitting, Licensing and Consumer Protection Division for Broward County, or any successor agency.

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(p) Division shall mean the Broward County Permitting, Licensing and Consumer Protection Division, Animal Care and Adoption Section.

(q) Domestic animal shall mean any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry, ostrich, emu, rhea, or other tamed, raised, or kept beast or bird.

(r) Feral means a wild animal that exists in an untamed state or that has returned to an untamed state generally not socialized to human contact and is no longer considered domesticated. Feral animals shall include, but not be limited to cats, dogs, and hogs.

(s) Foster shall mean to provide a transition from intake by the Division to an adoptable age or status for dogs and cats by maintaining human contact with the fostered animal in a home-like environment.

(t) Harboring shall mean the act of keeping and caring for an animal, or of providing premises to which the animal returns for food, shelter, or care for a period of at least forty-eight (48) hours. Harboring shall not include circumstances where in which an individual captures, locates, and attempts to find the animal's owner in good faith. Harboring shall also not include the keeping of stray animals, including but not limited to community cats, pursuant to County programs designed to reduce pet overpopulation and infectious diseases.

(u) Health Department shall mean the State Department of Environmental Health Florida Department of Health.

(v) Hoarding shall mean the intentional accumulation of a group of animals which has overwhelmed a person's ability to provide minimal standards of nutrition.
sanitation, and care to the animals, coupled with an inability or refusal to acknowledge
that the condition of the animals is deteriorating.

(o) (w) "Home Confinement" shall mean that the animal is kept isolated from the
public within the owner's physical dwelling or attachment thereon or, if outside, chained
properly secured in the owner's yard or under the immediate direct control of the owner
or member of the owner's family.

(p) (x) "Individual with Disability" shall mean a person who is visually impaired,
blind, hearing impaired, deaf, or physically challenged, or a similarly health-impaired
person who by reason thereof is aided by a service animal.

(q) "Juvenile Dog or Cat" shall mean any dog or cat that is at least two (2)
months of age but not older than four (4) months of age.

(r) (y) "Kennel" shall mean any place of business at which dogs and/or cats
are kept for sale, breeding, boarding, treatment, or grooming purposes as allowed by
the applicable zoning regulations of Broward County. "Kennel" shall not include any
humane society, animal protection agency, veterinarian clinic, or hobby breeder as
defined herein.

(s) (z) "Officer" shall mean any law enforcement officer as defined in
Section 943.10, Florida Statutes, or any animal care officer specialist.

(t) (aa) "Owner" shall mean any natural person, firm, association, or corporation
who owns, keeps, or harbors or controls an animal, and For purposes of this
chapter, the knowledge and acts of agents and employees of corporations business
entities in regard to animals transported, owned, employed by, or in the custody of a
corporation business entity shall be held deemed to be the knowledge and act of such

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corporation business entity. If the owner is a minor as defined by statute, the minor’s parent(s) or legal guardian(s) shall be deemed the owner for purposes of this chapter.

(bb) **Proper enclosure of a dangerous dog** shall mean that, while on the owner’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 adequately 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, shall provide access to clean water and food, and shall also provide protection from the elements.

(cc) **Rabies vaccination** shall mean the vaccination of a dog, cat or other domestic animal, or ferret with an antirabies vaccine approved by the United States Department of Agriculture and the Compendium of Rabies Control developed by the National Association of State Public Health Veterinarians or other organization as authorized pursuant to the Florida Statutes and administered by a veterinarian.

(dd) **Rescue Partnership, Animal Rescue Group, or Rescue Group** means a group of persons who possess a current, valid Broward County Rescue Partner agreement, hold themselves out as an animal rescue group, accept or solicit dogs, cats, or other animals with the intent of finding permanent adoptive homes or providing lifelong care for such dogs, 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.

(ee) **Service Animal** shall mean any guide dog, signal dog, or other animal individually and specifically trained to provide assistance to an individual with a disability 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. Section 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. Additionally, "service animal" shall mean an animal used for medical reasons, including without limitation, cancer, diabetes, and seizure detection, and any animal used for emotional support pursuant to a doctor's prescription.

(w) (ff)  *Severe injury* shall mean any physical injury to a human being or domestic animal that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery, or as further defined in Section 767.11, Florida Statutes, as may be amended from time to time.

(gg)  *Stray* shall mean any dog or cat that is found to be at large, whether lost by its owner or otherwise, or that is on the common areas of apartments, condominiums, trailer parks, or other multi-residential premises, that does not have an identification tag, and for which there is no identifiable owner.

(x) (hh)  *Unprovoked* shall mean that the victim, who has been conducting himself or herself peacefully and lawfully, has been bitten or chased in a menacing fashion or attacked by a dog or cat.

(y) (ii)  *Veterinarian* shall mean a veterinarian duly licensed and regulated by the State of Florida in accordance with Chapter 474, Florida Statutes.

(z) (iii)  *Wild animal* shall mean any nonhuman primate, raccoon, skunk, fox, ferret, poisonous snake, leopard, panther, tiger, lion, lynx, or any other animal so classified by the Florida Game and Fresh Water Fish Commission.
(aa) *Aggressive Dog* means any dog that, according to the records of the Division, has killed a domestic animal while unprovoked and off the owner's property.

(bb) *Division* shall mean the Broward County Permitting, Licensing, and Consumer Protection Division, Animal Care and Regulation Section.

(cc) *Proper enclosure of a dangerous dog* means while on the owner'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.

(kk) *Wildlife trapper or nuisance trapper* shall mean an individual or business charging a fee and acting as an agent for a property owner, legal occupant, or local jurisdiction or agency to take nuisance animals, including feral cats and wildlife, for the purpose of controlling or preventing property damage, preventing a threat to public safety, alleviating nuisance problems, or resolving public health risk concerns.

**Sec. 4-3. Dogs at large prohibited.**

(a) It shall be a violation of this section for any person to permit any dog to be at large as defined herein.

(b) No dog shall be allowed to stray, run, or go at large upon any public property or street, sidewalk, park, or on the private property of another without the consent of the property owner.

(c) Any dog that is on private property without the consent of the property owner or resident may be captured in a humane trap or otherwise humanely confined. A person capturing an at-large dog will be responsible for the humane care of the dog.
until the captured dog is turned over to the Division, or other humane organization, or licensed wildlife trapper. A person shall not entice a dog to become at large for the purpose of trapping or apprehending when that dog would otherwise not be at large.

(d) Any person confining or leashing a dog must do so in a manner that is not injurious to the dog’s health.

(e) In order for a dog to be allowed on a public street, road, park, or other public property, unless otherwise specifically permitted, the dog shall be under the direct control of the owner or keeper, except while hunting, pursuant to a permit or during an obedience demonstration, show, trial, training exercise, competition, show, and/or match, or an educational program, so long as if sufficient precautions are taken by the owner of the dog, and/or sponsor of the event to ensure the safety and protection of both the public and other animals.

(f) The owner of any dog at large that has attacked or bitten any person or domestic animal in an unprovoked attack shall be in violation of this section.

(g) "At Large" shall not include dogs actually working livestock, guarding livestock, or dogs being trained to work livestock.

(h) Any dog found by an officer to be at large may be seized and impounded and, as an alternative or in addition to impoundment, the officer finding said dog at large shall issue a citation as provided in section 4-28. An officer shall issue a citation for any dog found by the officer to be at large as provided in Section 4-28. Additionally, the officer may seize and impound the at-large dog.

Sec. 4-4. Nuisance dogs and cats.

(a) Any person wishing to capture and remove a nuisance dog or cat from his

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or her property may obtain a live animal trap from the division. The division is
authorized to charge a refundable trap deposit for use of such trap and a trap usage fee
as established by the board of county commissioners for each day the trap is used.
(b) Any animal dog or cat found to be a nuisance pursuant to Section 4-8, and
removed to the division a designated County animal shelter facility, shall be impounded
in accordance with sSection 4-5.

Sec. 4-5. Impoundment.
(a) When a dog or cat is impounded, it shall be held for a period of at least
seventy-two (72) hours during which period the owner shall be notified, if possible.
Reasonable diligence shall be exercised by the division in ascertaining the ownership of
said animal. The Division may impound and keep a dog or cat at a place maintained or
designated for that purpose whenever:
(1) The dog or cat is a stray or has been found at large in any manner in
violation of Section 4-3;
(2) The dog's or cat's owner has voluntarily surrendered ownership of the
animal to the Division;
(3) The dog or cat has been abandoned. A dog or cat 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 dog or cat may be turned over to the
Division for disposition in any lawful manner at the discretion of the
Director or designee, as provided in Section 705.19, Florida Statutes.
Abandonment shall constitute the relinquishment of all rights and claims
by the owner to such dog or cat;

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

(5) The Division receives the dog or cat from a law enforcement agency.

(b) Any dog or cat which is wearing a license tag, or traceable identification,
and which is impounded shall be held for a period of at least one hundred twenty (120)
hours, excluding legal holidays. The division shall make a reasonable effort to notify the
owner of an impounded licensed dog or cat, and that the animal may be picked up
during normal business hours at the division. The final responsibility for locating an
impounded animal shall be that of the owner. Prior to disposing of any dog or cat, the
Division shall make reasonable efforts to identify and notify the owner of the dog or cat.
The owner may redeem the dog or cat upon payment of the redemption fees provided
for by resolution of the Commission. Missing dogs or cats may be reported to the
Division on forms prescribed for that purpose by the Director. A dog or cat voluntarily
surrendered by its owner to the Division, however, shall become the immediate property
of the Division and may be immediately disposed of pursuant to this section.

(c) Confinement period. Dogs or cats impounded pursuant to this section and
not claimed by the owner of the dog or cat shall be held and not disposed of by the
Division for a period of at least seventy-two (72) hours after impoundment and prior to
disposition, except as provided herein:
(1) The confinement period before disposition shall be at least one hundred twenty (120) hours for any dog or cat that is wearing a rabies registration tag or other traceable identification.

(2) The confinement period before disposition shall be at least one hundred twenty (120) hours for dogs or cats impounded because the owner is unable to care for the animal due to injury, illness, incarceration, or other involuntary absence, and for dogs or cats received from a law enforcement agency.

(3) The confinement period before disposition for dogs and cats less than four (4) months of age shall be twenty-four (24) hours to enable the dog or cat to be placed at either a foster home or an appropriate facility to protect the health of the dog or cat.

(4) Dogs and cats that have been abandoned while in the custody of a licensed veterinarian or kennel and that have been turned over to the Division after the ten (10) day notice period required by Section 705.19, Florida Statutes, shall not be subject to any confinement period.

(e) (5) In the event that the County Administrator declares a State of Emergency in Broward County, the Director, taking into account the number of animals in the custody of the Division at that time, may increase or decrease the holding periods contained in this section as circumstances may require.

(d) Dogs or cats impounded by the Division shall be released to their owner upon presentation of proof of ownership and after proper vaccination, licensing, and payment of impounding fees and redemption charges established by resolution of the
Commission. 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 may include: information registered with the Division; information contained on a microchip implanted in the animal and registered with the Division or the applicable national microchip registry; pictures of the animal; and evidence provided by a licensed veterinarian who has treated the animal.

(2) Additional fees or redemption charges established by resolution of the Commission shall be assessed upon the release of the dog or cat if the impounded dog or cat is not either spayed or neutered or if, within a twelve (12) month period, an owner has redeemed more than one (1) animal or the same animal on more than one (1) occasion.

(e) Those dogs or cats not redeemed by an owner within the confinement periods described in (c) above may, at the discretion of the Director or designee, be put up for adoption, released to approved animal rescue organizations, humanely euthanized, or disposed of in such other humane manner 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, firm, association, corporation, or individual for experimentation or vivisection purposes, or to any person, firm, association, corporation, or individual providing, selling, or supplying animals to any medical school, college, university, person, firm, association, corporation, or individual for experimentation or vivisection purposes.
(f) Nothing contained in this section shall restrict the ability of an officer to take custody of a neglected or mistreated animal as provided in Section 828.073, Florida Statutes.

Sec. 4-6. Confinement during heat. Care of dogs and cats; manner of keeping.

Any unspayed female dog or cat in heat (estrus) shall be confined during such period of time in a house, building or secure enclosure. Such enclosure shall be constructed so that no other dog or cat may gain access to the confined animal, except for intentional breeding purposes.

(a) It shall be unlawful for any person keeping a dog or cat to fail to provide:

(1) Clean, sanitary, safe, and humane conditions;
(2) Sufficient quantities of appropriate food daily;
(3) Proper air ventilation and circulation;
(4) Adequate quantities of visible, clean, and fresh water available at all times; and
(5) Medical attention or necessary veterinary care when the dog or cat is sick, diseased, or injured. Upon request of the Division, written proof of medical attention or veterinary care must be provided.

(b) Any unspayed female dog or cat in heat (estrus) shall be confined during such period of time in a house, building, or secure enclosure. Such enclosure shall be constructed so that no other dog or cat may gain access to the confined animal, except for intentional breeding purposes.

(c) Dogs or cats with a known history of fighting should not be confined together or be allowed to be accessible to each other.

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It shall be unlawful for any person keeping a dog or cat to fail to provide shelter for that animal. Outdoor shelter for dogs and cats must be of sound construction and provide adequate protection from rain, wind, sun, and all elements at all times. The following elements shall be provided as essential components of shelter:

1. When the outdoor temperature falls below forty-five (45) degrees Fahrenheit, all cats and those dogs that cannot tolerate such temperatures without stress or undue discomfort (i.e., short-haired breeds, sick, aged, young, or infirm) must be protected from the cold and heat by being moved indoors or provided adequate heating to maintain the air temperature above forty-five (45) degrees Fahrenheit. When the outdoor temperature rises above eighty-five (85) degrees Fahrenheit, all dogs and cats must be provided air conditioning, a fan, or another cooling source to maintain the temperature in the shelter at or below eighty-five (85) degrees Fahrenheit.

2. Clean and dry bedding material.

3. Sufficient space for each dog or cat to comfortably stand up, sit down, lie down, and turn around in the shelter, without touching the top or sides of the shelter. If the shelter is used for more than one (1) dog or cat at the same time, it must provide enough space for both animals to comfortably stand up, sit down, lie down, and turn around simultaneously.

4. A solid weatherproof roof, a solid sanitary floor, and adequate ventilation.

5. All areas where dogs and cats are kept must be cleaned and the fecal matter disposed of in a sealed trash receptacle so as not to attract insects or rodents, become unsightly, or cause objectionable odor.
(e) Any dog weighing twenty (20) pounds or less that is maintained outdoors for all or part of the day in a fenced yard or other type of enclosure shall be provided a minimum of one hundred (100) square feet of open space. Any dog weighing more than twenty (20) pounds that is maintained outdoors for all or part of the day in a fenced yard or other type of enclosure shall be provided a minimum of two hundred (200) square feet of open space. An additional forty (40) square feet shall be required for each additional dog kept in the same enclosed area. The enclosed area shall be large enough to provide each dog sufficient shelter within the required open space. Any enclosed area where a dog is confined shall be kept free of objects that may injure the dog. Dogs shall not be maintained outdoors during periods of extreme weather including, but not limited to, hurricanes, tropical storms, and tornados.

(f) Dogs shall be given appropriate daily exercise.

(g) Hoarding of dogs or cats is not permitted and shall be deemed cruelty to animals pursuant to Section 4-17.

Sec. 4-7. Adoption, rescue, and redemption of animals dogs and cats.

(a) All animals Dogs and cats which have been impounded and are not suffering from or suspected to have an infectious or contagious disease, or which have not been injured to such an extent that it would cause, in the opinion of the County veterinarian, unjustifiable pain or suffering, and which have not demonstrated extreme aggression against humans or other animals, shall be held for redemption for a minimum of seventy-two (72) hours for untagged animals, and one hundred twenty (120) hours for tagged animals, excluding legal holidays, for the time period specified in Section 4-5. Those dogs and cats not claimed within the time limit specified in Section 4-5 become property of the County and may be placed for adoption or rescue or
may be disposed of in a humane manner. The director or his or her designated representative of the Division shall attempt to contact the owner of any animal dog or cat impounded and wearing an current identification tag or other traceable identification before humane disposition of the animal dog or cat. These animals not claimed within the time limit specified become property of the county and may be placed for adoption or may be disposed of in a humane manner.

(b) Animals Dogs and cats that have been impounded shall be released to their owners upon presentation of proof of ownership and upon payment of fees, including a reclaim fee, rabies vaccination and/or licensing registration fee, and boarding fees, if applicable. Said fees shall be established by resolution of the board of county commissioners.

(c) Dogs and cats placed for adoption or rescue shall be vaccinated, licensed registered by Broward County, and sterilized before custody is relinquished or the adopter may enter into a written agreement that sterilization will be performed within thirty (30) calendar days of the date of adoption.

(1) Sterilization of the animal must be performed within thirty (30) calendar days of the date of the adoption, or prior to sexual maturity, unless such sterilization is not advisable during these time limits, as evidenced in writing by a veterinarian.

(2) Written evidence by the veterinarian performing the sterilization must be presented to the division within thirty (30) calendar days from the date of sterilization or written proof of any disposition of the animal prior to sterilization must be presented to the division within thirty (30) calendar days of such disposition.
Transfer of ownership shall not be effected until sterilization has occurred. If these requirements are not complied with within the time specified, the division shall have the right to reclaim the animal.

(d) Any individual interested in adopting an animal whose animal history card is not stamped ADOPTABLE dog or cat which is still impounded for the required confinement period may indicate his or her interest in adopting the animal by completing an adoption application and paying an non-refundable adoption fee deposit in the amount set by resolution. The prospective adopter must have his or her adoption application approved by staff prior to paying the non-refundable adoption fee deposit.

1. In the event the County veterinarian or designee determines that the animal dog or cat is not adoptable, the adoption fee deposit will be returned to the prospective adopter.

2. In the event the County veterinarian or designee determines that the animal dog or cat is adoptable and the prospective adopter adopts the animal dog or cat, the adoption fee deposit shall be deducted from the adoption fee.

3. In the event the County veterinarian or designee determines that the animal dog or cat is adoptable and the prospective adopter does not adopt the animal dog or cat, the Division shall keep retain the adoption fee deposit.

Sec. 4-8. Permitting animal dogs or cats to commit a nuisance.

(a) It shall be a violation of this section and it shall be deemed to be a nuisance for any person who owns or harbors any animal dog or cat to permit said animal to defecate upon:
(1) The sidewalk of any public street; or

(2) Any public park or beach, or school ground, other than in areas designated for that purpose; or

(3) Any private property not belonging to the owner of the animal dog or cat, unless said person makes an immediate effort to remove any feces deposited by the said animal dog or cat; or

(4) Any swale or street right-of-way serving to convey storm water to a canal, lake, or other receiving water, unless said person makes an immediate effort to remove any feces deposited by the animal dog or cat.

(b) The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or harms a member of the general public, or damages the property of others.

(c) It shall be unlawful for any person to own, keep, possess, or maintain an animal dog or cat in such a manner so as to constitute a public nuisance. The actions of a dog or cat constitute a nuisance when the dog or cat disturbs the rights of, threatens the safety of, or harms a member of the general public, or damages the property of others. Additionally, by way of example and not of limitation, the following acts or actions by an owner or possessor of an animal dog or cat are hereby declared to be a public nuisance:

(1) Allowing or permitting any animal dog or cat to habitually bark, whine, howl, crow, cackle scream, or meow, or to make other loud and continual noise, resulting in a serious annoyance or interference to neighboring residents shall be deemed to be committing an act in violation of this section.
(2) Allowing or permitting an animal dog or cat to continually damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers, spraying with urine, or damaging gardens, flowers landscaping, or other plant material personal property.

(3) Maintaining an animal dog or cat with a medical condition that could lead to a widespread epidemic that would ultimately be dangerous to the public health, unless the animal dog or cat is kept in a manner that minimizes the public health threat and is undergoing treatment for the disease in accordance with locally accepted veterinary standards.

(4) Maintaining an animal or animals dog or cat in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal dog or cat or to the public health, welfare or safety.

Sec. 4-9. Unwanted animals dogs or cats.

Owners of an unwanted animals dog or cat may bring such animals dog or cat to the division a designated County animal shelter facility and, at no cost to the owner, with proof of ownership and payment of the appropriate fee, if applicable, as established by resolution, release the animal dog or cat to the Division. The fee will be charged to any owner that is surrendering an unwanted dog or cat and is not a resident of Broward. At the discretion of the Division, said animals dog or cat will may be made available for adoption or euthanasia humanely euthanized in accordance with Chapter 828, F.S Florida Statutes at the discretion of the division.

Sec. 4-10. Rabies vaccination required for dogs, and cats, and ferrets.

(a) Any person who owns a dog, or cat, or ferret in Broward County shall have such animal vaccinated against rabies by four (4) months of age with a twelve (12)
month vaccine approved by the United States Department of Agriculture and the
Compendium of Rabies Control developed by the National Association of State Public
Health Veterinarians, or approved by another organization as authorized pursuant to
Florida Statutes.

(b) The owner or keeper of every dog, or cat, or ferret shall revaccinate said
animal within twelve (12) months after the initial vaccination. Thereafter, revaccination
shall occur every twelve (12) months or every three (3) years based on the type of
vaccine previously administered. Veterinarians shall recognize vaccinations for their
duration of immunity as indicated by the manufacturer’s guidelines.

(c) Evidence of a rabies vaccination shall consist of a fully completed County
rabies vaccination certificate in conformance with Florida Statutes signed by the
veterinarian administering the vaccine. One (1) copy of the certificate shall be retained
by the veterinarian for at least one (1) year after the vaccination expires, and the other
copies shall be distributed to the owner and to the Animal Care and Regulation
Division.

(d) Vaccination is excused where a licensed veterinarian certifies in writing
that a vaccination would be injurious to the animal’s health. However, such animal shall
be vaccinated against rabies as soon as its health permits, and said dog, cat, or ferret
shall wear a license registration tag as required in this chapter [see Section 4-11].

(e) The cost of a rabies vaccination required by this section shall be the
responsibility of the person owning the animal dog, cat, or ferret.

Sec. 4-11. Licensing Registration of dogs and cats.

(a) Any person who owns or keeps in Broward County a dog or cat two (2)
four (4) months of age or older shall have such dog or cat licensed registered by and in
Broward County and shall obtain and keep a current rabies registration tag. The Animal
Care and Regulation Division shall provide suitable adult and juvenile dog and cat licenses rabies registration tags for sale through authorized representatives or through the Division. Adult and juvenile licenses may be obtained from the Animal Care and Regulation Division or an authorized representative. No person shall be issued a juvenile license for any animal over four (4) months of age. A separate license rabies registration tag shall be issued for each dog or cat, and a license rabies registration tag issued for one (1) dog or one (1) cat is not valid for any other dog or cat.

(1) A license for a juvenile animal shall consist of a juvenile tag for the juvenile animal’s collar or harness. Every person or entity that obtains a juvenile dog or cat license as required by this section shall have the dog or cat vaccinated against rabies by the age of four (4) months.

(2) A license rabies registration tag for an adult animal dog or cat shall consist of a tag for the animal’s collar or harness. The Director shall design an appropriate rabies registration tag, and shall issue the tag to authorized representatives.

(b) Any nonresident who brings a dog or cat two (2) four (4) months of age or older into Broward County with the intent to reside within the County permanently, or temporarily for a period of at least three (3) months, shall have such dog or cat licensed registered by and in Broward County within thirty (30) days ef after arrival.

(c) The license rabies registration tag required by this section shall be renewed annually by the person owning the dog or cat, provided by paying the applicable fee, and by providing documentation that said dog or cat has a current rabies vaccination or is exempt from such vaccination under the terms of this chapter.

(d) The juvenile license required by this section shall expire twelve (12) months from the date the owner obtains a rabies vaccination provided the animal
receives the rabies vaccination by the time it is four (4) months old. Failure to obtain a rabies vaccination by four (4) months of age shall void the juvenile license. In such cases the owner must obtain an adult license. After the initial twelve (12) month period, all owners of dogs and cats with a juvenile license must comply with the adult license requirements. A pet owner who fails to purchase an adult license upon expiration of the juvenile license is subject to citation for violation of Section 4-11. A late renewal penalty as set by resolution shall be imposed if the adult license is not purchased within thirty (30) calendar days of the expiration of the juvenile license.

(e) The director shall design the rabies certificate and license, and shall issue these to licensed veterinarians and authorized representatives.

(f) The board of county commissioners shall establish by resolution the fees to be charged for licensing rabies registration tags. This may include discount fees for sterilized dogs and/or cats. Any such discount shall be allowed only upon presentation of a certificate of sterilization signed by a veterinarian licensed in any state or other documentation of the dog’s or cat’s inability to reproduce, signed by a veterinarian licensed in any state, or upon presentation of proof of prior issuance of a license registration for the dog or cat at a similarly discounted fee. Dogs and cats that are sterilized and vaccinated in connection with special County programs to encourage spaying and neutering may also be eligible for a discount registration fee. The Division shall provide free licenses rabies registration tags to all individuals with disabilities for animals that the Division has recognized as official service animals. The Division Director shall establish the guidelines for approving and denying free licenses or discounted rabies registration tags.
In the event a license rabies registration tag distributed under the provisions of this section is lost, stolen, or destroyed, a replacement license tag shall be distributed by the Director or his or her designee upon presentation of the corresponding rabies certificate and payment of the appropriate fee.

The Broward County adult or juvenile license rabies registration tag required by this section shall be worn by the dog or cat at all times, subject to the exceptions in this subsection. It shall be a violation of this chapter for any person to remove the license tag of any licensed registered dog or cat within Broward County except:

1. When the dog or cat is participating in an organized exhibition, field trial, or competition, or is in training for these events, or is engaged in a legal sport under supervision of its owner, or is undergoing grooming; or

2. When the dog or cat is confined in a licensed kennel, grooming facility, or a veterinary hospital, in which case the license rabies registration tag number shall be recorded and readily identifiable with the dog or cat to which it belongs. If the animal is not licensed registered, the facility shall clearly indicate such on its records; or

3. When a licensed veterinarian orders in writing that the license rabies registration tag, collar, or harness be removed for the dog’s or cat’s health, in which case the dog or cat shall be confined in a building, kennel, or secure enclosure until the veterinarian permits the collar, harness, or license registration tag to be placed on the dog or cat.
(g) It shall be a violation of this chapter for any person to use or possess a stolen, counterfeit, or forged license, rabies registration tag, rabies vaccination certificate, or any other documentation required by or issued pursuant to this section.

(h) It shall be a violation of this chapter for owners to fail to register an implanted microchip with the manufacturer of the microchip. The owner shall have thirty (30) days to cure and register the microchip without penalty after notice by the Division.

Sec. 4-11.5. Aggressive dog classification procedures, requirements, owner responsibilities, and penalties.

... 

(c) Each failure to comply with a requirement or responsibility contained in paragraph Subsection (b) immediately above shall constitute a noncriminal infraction punishable by a fine of two hundred fifty dollars ($250) payable to the Division County. The owner may contest the fine and citation as provided in Section 4-28.

Sec. 4-12. Dangerous dog classification procedures, requirements, owner responsibilities, and penalties.

(a) Procedures to classify a dog dangerous.

(1) Investigation. The Division shall investigate reported incidents involving any dog whose actions may result in the dog being classified as dangerous. As part of the investigation, the Division shall, if possible, interview the dog’s owner and require a sworn affidavit from any person, including any animal care officer, specialist or law enforcement officer, who may have information relating to whether the dog might be dangerous.

(2) Initial Determination. Upon completing its investigation, the Division shall make an initial determination as to whether there is sufficient cause to
classify the dog as dangerous. If the Division determines that there is sufficient cause, the Division shall provide written notification of its initial determination to the owner by registered mail, certified mail, return receipt requested; hand delivery (signed receipt), by an officer evidenced by an affidavit of delivery; or service in conformance with the provisions of Chapter 48, Florida Statutes, as amended, relating to service of process.

(3) Availability of Hearing to Challenge the Initial Determination. The written notification referenced in paragraph Subsection (2) above shall inform the owner that, notwithstanding any other provisions of this Chapter, if the owner wishes to challenge the initial determination, the owner must file a request for a hearing with the Division within seven (7) calendar days after the owner receives notice of the Division’s initial determination.

(4) Effect of Not Timely Requesting Hearing. If the owner fails to timely request a hearing pursuant to paragraph Subsection (3) above, the dog shall be classified as dangerous. The Division shall provide written notice of this classification to the owner by registered mail, certified mail, return receipt requested; hand delivery (signed receipt), by an officer evidenced by an affidavit of delivery; or service in conformance with the provisions of Chapter 48, Florida Statutes, as amended, relating to service of process. The notice shall inform the owner that he or she may, within ten (10) business days after receipt of the notice, file a written request for a hearing in the County Court for the Seventeenth Judicial Circuit in and for Broward County to appeal the classification.
(5) *Effect of Timely Requesting Hearing.* If the owner timely requests a hearing pursuant to paragraph Subsection (3) above, the hearing shall be held no sooner than five (5) calendar days after filing of the request and no later than twenty-one (21) calendar days after the filing. The hearing shall be conducted in accordance with Section 4-12.5 below. If the Hearing Officer determines that the dog should be classified as dangerous, the Division shall provide written notice of such classification (along with a copy of the Hearing Officer's decision) to the owner by registered mail, certified mail, return receipt requested; hand delivery (signed receipt), by an officer evidenced by an affidavit of delivery; or service in conformance with the provisions of Chapter 48, Florida Statutes, as amended, relating to service of process. The notice shall inform the owner that he or she may, within ten (10) business days after receipt of the notice, file a written request for a hearing in the County Court for the Seventeenth Judicial Circuit in and for Broward County to appeal the classification. A decision of a Hearing Officer may be reviewed by Petition for a Writ of Certiorari to the Seventeenth Judicial Circuit within thirty (30) days of the date of rendition of the decision of the Hearing Officer as provided by the Florida Rules of Appellate Procedure.

(7) *Timing for Compliance with Dangerous Dog Requirements.* Within fourteen (14) calendar days after a dog has been classified as dangerous under paragraphs Subsections (4) or (5) above, or within fourteen (14) calendar days after such classification has been upheld in any appeal
(dismissal of the appeal shall be deemed to uphold the classification), the
owner of the dog must comply with all of the Dangerous Dog
Requirements referenced in subpart Subsection (b) below. If the owner
has not demonstrated full compliance with those requirements within such
fourteen (14) day period, the Division may confiscate and impound the
dog and subsequently dispose of the dog in a humane manner at the
owner's expense.

(b) Dangerous Dog Requirements.

(1) Registration and Licensure. Any person who owns (or keeps, if a person
other than the owner) a dangerous dog that has been classified as a
dangerous dog within Broward County must register the dog as dangerous
with the Division and obtain a dangerous dog license. Any person who
brings a dog into Broward County that has been declared dangerous by
another jurisdiction, and who intends to reside in Broward County with
such dog, shall register the dangerous dog and obtain a dangerous dog
license within fourteen (14) calendar days of establishing residency in the
county. Failure to timely register or license a dangerous dog will subject
an owner to citation for non-compliance of this ordinance. The fees for
registration and licenses shall be as established by resolution. Financial
penalties as set by resolution shall be imposed if a dangerous dog is not
timely registered and licensed. The Division may issue dangerous dog
registrations, licenses, and license renewals only to owners at least
eighteen (18) years of age.
(2) *Conditions Precedent to Registration.* No dangerous dog may be registered with the Division unless and until all of the following requirements have been met:

... e. The owner shall execute a document consenting to the Division staff entering the exterior of property or any buildings or structures on the owner’s property, with or without prior notice, for the sole purpose of conducting inspections to ensure that the dog’s owner is meeting his or her responsibilities, as applicable, under Subsection (c) below.

f. The owner shall, at the owner’s expense, have the dog evaluated by a credentialed animal behavior specialist, provide a copy of the written evaluation to the Division, and agree in writing to comply in full with all recommendations made by the specialist.

g. The owner shall be required to sign an agreement provided by the Division to pay the victim’s documented, reasonable veterinary expenses and disposal costs, if applicable, of the victim of the attack that resulted in the dog’s classification as dangerous. The owner of the dangerous dog shall deliver a check, payable to the victim, or other form of payment acceptable to the Division within fifteen (15) days after being provided with the documented, reasonable veterinary expenses and disposal costs.

(c) *Responsibilities of Owners of Dangerous Dogs Owners.* The owner (or keeper, if other than the owner) of a dangerous dog shall:

Coding: Words in *struck-through* type are deletions from existing text. Words in *underscored* type are additions.
(1) Renew the dangerous dog license annually. Failure to renew the dangerous dog license within thirty (30) calendar days after the expiration of the previous license shall result in the assessment of a late renewal penalty as set by resolution, and will subject the owner to citation for non-compliance with this chapter. In the event a current dangerous dog license is lost, destroyed, misplaced, or otherwise missing, the owner must obtain a replacement dangerous dog license at the fee set by resolution.

(2) Ensure that the dog, while on the owner's property, is securely confined indoors, or securely confined in a proper enclosure of a dangerous dog as defined in Subsection 4-12(a)(6) above. At any time that a dangerous dog is not so confined, the dog shall be muzzled and restrained in such a manner as to prevent it from biting or injuring any person or animal, and kept on a substantial chain or leash by a person able to exercise control over the dog. 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. However, the foregoing requirements of this paragraph subsection do not apply:

a. When the dog is in attendance at and participating in any dog show, contest, or exhibition not prohibited under Section 828.122, Florida Statutes, as amended, and that is sponsored by a dog club, association, society, or similar organization.

...
(3) Notify the Division immediately if the dangerous dog becomes loose, unconfined, attacks, or bites a human being or another animal, dies, is sold, or is given away. In the event of the dog's death, the owner shall provide to the Division satisfactory evidence (as determined by the Division) of the dog's death. If the dangerous dog is sold or given away, the owner shall provide to the Division the name, address, and telephone number of the new owner of the dangerous dog. The new owner shall, if located in Broward County, within fourteen (14) calendar days after receiving the dog, execute a new document to be supplied by the Division, acknowledging that he or she is aware of the dangerous dog classification, and agreeing that the new owner shall comply with all of the requirements of this Chapter.

(6) Have the dangerous dog disposed of in a humane manner at his or her sole expense by the Division or a licensed veterinarian if the owner is unable or unwilling to comply with all applicable requirements and mandates contained in this Chapter.

(7) Be and remain in full compliance with all recommendations made by the animal behavior specialist referenced above in Subsection 4-12(b)(2)e(f).

(8) Meet the obligation under any agreement executed as referenced in Subsection 4-12(b)(2)e(g).

(d) The Division shall have the authority to make whatever reasonable inspections are deemed necessary to ensure that the provisions of this Chapter are complied with. The Division may impound a dangerous dog if the owner fails to comply
in full with the dangerous dog mandates and responsibilities cited requirements provided herein. A dangerous dog impounded on that basis for the owner’s failure to comply may be redeemed by the owner upon the owner’s demonstration of full compliance therewith and payment of any boarding fees, impound fees, and other applicable fees established by resolution. If the owner does not comply with the dangerous dog mandates and responsibilities requirements and redeem the dangerous dog within fourteen (14) days of the date the dog was impounded pursuant to the terms of this paragraph subsection, the dog shall be destroyed disposed of in an expeditious and humane manner or the Division, at its sole discretion, may release the dog to an animal rescue or animal welfare agency.

(e) The owner of a dangerous dog may surrender the dangerous dog to the Division if the owner is unable or unwilling to comply with the requirements of this Chapter.

(f) The sections of this Chapter related to dangerous dogs shall not apply to dogs owned and used by a law enforcement agency.

(g) Violations of Dangerous Dog Requirements or Responsibilities of Owners of Dangerous Dogs Owners. Each failure to comply with a dangerous dog requirement or responsibility of a dangerous dog owner contained in this Chapter shall constitute a noncriminal infraction, punishable by a fine of five hundred dollars ($500) payable to the Division County. The owner may contest the fine and citation as provided in Section 4-28.

(h) Impoundment, Confiscation, and Destruction Disposing of Dangerous Dogs.

Coding: Words in struck-through type are deletions from existing text. Words in underscored type are additions.
(1) In the event that any officer animal care specialist of the Division has sufficient cause to believe that a dog is dangerous and that the owner is unable or unwilling to securely confine the animal, the Division officer animal care specialist may, if deemed by such officer animal care specialist to be necessary to protect the public, impound the dog pending completion of any investigation, hearing, or appeal. An owner's refusal to surrender a dog for such impoundment shall constitute a violation of this chapter.

(2) If a dog that has previously been classified as dangerous attacks or bites a person or a domestic animal without provocation, the Division shall immediately confiscate and impound the dog, and after The Division shall provide ten (10) days' written notice to the owner and to allow the owner to request a hearing under Section 4-12.5. If the owner has not requested a hearing prior to the expiration of ten (10) business days from the date the owner receives the notice, the Division is authorized to destroy dispose of such dangerous dog in an expeditious and humane manner. This ten (10) day time period shall allow the owner to request a hearing under Section 4-12.5.

(3) If a dog attacks and causes severe injury to or death of any human, the dog shall be immediately confiscated by the Division, placed in quarantine, if necessary, for the proper length of time, or otherwise impounded, and held, for ten (10) business days after the owner is given written notice, and thereafter destroyed in an expeditious and humane manner. This ten (10) day time period shall allow the owner to request a hearing under

Coding: Words in *struck-through* type are deletions from existing text. Words in *underscored* type are additions.
Section 4-12.5. The Division shall provide ten (10) days’ written notice to the owner to allow the owner to request a hearing under Section 4-12.5. If the owner has not requested a hearing prior to the expiration of ten (10) business days from the date the owner receives the notice, the Division is authorized to dispose of such dangerous dog in an expeditious and humane manner.

(4) For any period of impoundment or quarantine referenced in paragraphs Subsections (1), (2), or (3) above, or referenced elsewhere in this Chapter, the owner shall be responsible for payment of all boarding costs and other fees associated therewith.

(5) Notice under this Section (h) shall be effected by registered mail, certified mail, return receipt requested; hand delivery (signed receipt), by an officer evidenced by an affidavit of delivery; or service in conformance with the provisions of Chapter 48, Florida Statutes, as amended, relating to service of process.

(6) If the owner requests a hearing or files an appeal under paragraph Subsections (2) or (3) above, the dog must be held by the Division, at the owner’s expense, and may not be destroyed disposed of while the hearing or appeal is pending. The dog may be relocated to and held, at the owner’s sole expense, at a licensed boarding facility or veterinary clinic, if necessary, at the sole discretion of the Director.

(i) If any owner or keeper of a dangerous dog is a minor, the parent or guardian of such minor shall be responsible for complying with the provisions of this Chapter.
Sec. 4-12.5. Hearings.

(a) Hearing Officer. There is hereby created for the purposes of this Chapter the position of Hearing Officer. For purposes of all proceedings related to dangerous dogs, each Hearing Officer shall be a member in good standing of the Florida Bar.

(b) Burden of Proof. The Division shall bear the burden of establishing that a dog is dangerous by a preponderance of clear and convincing evidence. The owner shall bear the burden of establishing any factual or legal defense to the classification of dangerousness by a preponderance of evidence.

(c) Hearing Procedures.

(1) These procedures govern hearings before Hearing Officers as provided in this Chapter. Such hearings shall provide an opportunity for the owner to be heard. All hearings shall be conducted in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code, except as otherwise stated herein. However, the hearing shall be conducted in an informal manner to the extent practicable. Each party shall be afforded the following rights:

a. To be accompanied, represented, and advised by counsel;

b. To offer the testimony of witnesses and examine opposing witnesses on relevant matters; and

c. To present his or her case by oral or documentary evidence.

(f) Written Determinations of the Hearing Officer.

(1) After conducting a hearing, the Hearing Officer shall issue a determination within twenty (20) calendar days of the hearing.
(2) All determinations of the Hearing Officer shall be in writing, signed, and dated by the Hearing Officer, shall contain findings of fact and conclusions of law, and shall be served upon the owner by registered mail, certified mail, return receipt requested; hand delivery (signed receipt), by an officer evidenced by an affidavit of delivery; or service in conformance with the provisions of Chapter 48, Florida Statutes, as amended, relating to service of process.

(g) **Obligation to Pay Hearing Officer's Fee; Deposit.**

(1) The non-prevailing party shall be responsible for paying the Hearing Officer's fee in full.

(2) When filing a written request for a hearing, the owner shall provide a deposit in the amount established by resolution as security for payment of the Hearing Officer's fee. If the owner prevails in the hearing, the deposit shall be returned in full. If the owner does not prevail, and the Hearing Officer's fee exceeds the deposit, the owner shall pay the difference within ten (10) days after written demand is made by the Division. If the owner does not prevail, and the deposit exceeds the Hearing Officer's fee, the Division shall return the excess deposit to the owner within ten (10) days after paying the Hearing Officer's fee the date of the hearing.

(3) Notwithstanding paragraphs **Subsections** (1) and (2) immediately above, if the appealing dog owner **appellant** submits documentation to the Division demonstrating that the owner meets the applicable federal low income guidelines, the Division shall not require the appealing dog owner.
appellant to pay a deposit or the Hearing Officer's fee in connection with
the hearing.

..."Sec. 4-13. Guard dogs.
(a) For purposes of this section, the following terms shall have the meanings indicated:
..."

(4) Registration: The process of presenting a guard dog to Animal Care and
Regulation the Division is for purposes of licensing registering and
documenting the existence of the guard dog in Broward County.

(b) No guard dog service or individual shall own or keep a guard dog without
registering the guard dog with the Division and obtaining a guard dog license
registration tag. A late registration penalty as set by resolution shall be imposed if the
guard dog is not registered within the time period specified in Subsection (c) below.

The procedures and requirements for registering the guard dog are as follows:

(1) Prior to required registration, the owner of the guard dog service or the
owner of the guard dog shall have the dog inoculated with an anti-rabies
vaccine by a licensed veterinarian.

(2) The guard dog service or owner of the guard dog shall complete a guard
dog registration form for each guard dog and pay a one-time guard dog
registration fee as set by resolution for each guard dog being registered.

(3) The owner of the guard dog service or the owner of the guard dog shall, at
his or her own the owner's expense, have the guard dog implanted with a
division-approved electronic animal identification device (microchip) and
provide the Animal Care and Regulation Division with the microchip manufacturer and number. The owner of the guard dog service or the owner of the guard dog may obtain the microchip for each guard dog registered from the Animal Care and Regulation Division at the fee set by resolution. The microchip number will become the guard dog registration number.

(4) A guard license dog registration tag shall be obtained at the fee set by resolution. The guard dog license registration tag must be renewed annually. Failure to renew the guard dog license registration tag within thirty (30) calendar days from the expiration of the previous tag will result in the assessment of a late renewal penalty as set by resolution and will subject the owner of the guard dog service or owner of the guard dog to citation for non-compliance of this ordinance. In the event a current guard dog license registration tag is lost, destroyed, or misplaced, or otherwise missing, a replacement guard dog license registration tag must be obtained at the fee set by resolution for replacement guard dog license registration tags.

(5) The owner of the guard dog service or the owner of the guard dog shall comply with sections 4-10 and 4-11 of this chapter, to the extent such sections do not conflict with this section. A guard dog is not required to wear an adult license tag in addition to the guard dog license tag.

(5) Registration information shall include the following for each dog:

a. Name, address, and telephone number of the owner and manager;

b. The breed, sex, weight, age, and color(s) of the guard dog;

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c. A color photograph of the guard dog;
d. Other distinguishing physical features of the guard dog;
e. Proof of ownership (i.e., bill of sale, receipt, or notarized affidavit) including the name and address of the person from whom the dog was obtained;
f. A notarized affidavit signed by the previous owner acknowledging that the dog will be used as a guard dog. This requirement shall be waived if the dog has been previously registered to the guard dog owner for more than one (1) year in the county; and
g. A current certification from a veterinarian who is licensed in Florida stating that the guard dog has been examined and is healthy and physically fit to perform service as a guard dog. The owner shall obtain the certification form from the Division and shall provide it to the examining veterinarian for completion.

(6) At least every six (6) months, each guard dog shall be examined by a veterinarian who is licensed in Florida to determine whether the dog is healthy and physically fit to perform service as a guard dog. The owner shall obtain the certification form from the Division, shall provide it to the examining veterinarian for completion and, upon completion, shall provide it to the Division.

(7) No dog shall be used as a guard dog unless and until the dog has been registered with the Division.

(8) No dog shall be registered or used as a guard dog if a veterinarian deems that the dog is physically unfit to perform service as a guard dog.
(9) No dog shall be used as a guard dog while it is pregnant or lactating.

(10) If any dog is used as a guard dog prior to being registered, a double registration fee shall be imposed to register the guard dog.

(c) Guard dogs newly acquired by guard dog services shall be registered with the Division and either be vaccinated for rabies or the owner shall have submitted proof of vaccination to the Division and registered with the division no later than seventy-two (72) hours after acquisition.

(d) The owner of the guard dog service or the owner of a guard dog shall comply with Sections 4-10 and 4-11 of this chapter, to the extent such sections do not conflict with this section. The guard dog does not need is not required to wear an adult rabies registration tag in addition to the guard dog license registration tag.

(e) The Director shall maintain records of all guard dogs registered with the Division. Immediately upon transfer of ownership, death, or disappearance of a guard dog, each guard dog service or owner shall notify the Director. Upon receipt of the information, the appropriate entry shall be made to the guard dog registration record. If the guard dog has disappeared, an entry should be made to reflect the locale and reason of the circumstances resulting in such disappearance.

(f) An officer animal care specialist shall at any reasonable time, unannounced, upon presentation of proper credentials, have the right to enter and inspect all kennels housing guard dogs and other nonresidential premises where such dogs are in use, being trained, or kept. All records for each guard dog, including vaccination, veterinary, and medical treatment records, and all records concerning the training, sale, or use of a guard dog, shall be accessible for determination of compliance.

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with this section. Refusal to allow inspection of a guard dog, premises, or records shall
be a violation of this chapter.

(1) Guard dog services shall require any customer that procures the use of a
guard dog to sign an agreement authorizing officers of the Division to
perform unannounced inspections of any guard dog and premises where
the guard dog is being used as a guard dog.

(2) Guard dog services shall maintain records identifying the name, address,
and telephone number of each customer procuring the use of a guard dog
and the physical location of each guard dog (with registration number), if
different than the customer's address.

(3) On a bi-weekly basis, guard dog services shall provide the Division with
complete records identifying the name, address, and telephone number of
every customer procuring the use of a guard dog and the physical location
of every guard dog (with registration tag number).

(4) Guard dog services and guard dog owners shall immediately notify the
Division in writing when a guard dog is temporarily or permanently
removed from service due to sickness, injury, a medical condition, or
death.

(5) Guard dog services and guard dog owners shall maintain records of the
acquisition, transfer of ownership, death, or disappearance of a guard dog.

(6) The records required to be maintained herein shall be maintained for a
period of at least two (2) years from the date of creation, and shall be
provided to the Division upon request, unless otherwise provided herein.
(g) It shall be unlawful for any person, firm, or corporation to own or harbor any guard dog in the County that has not been inoculated, registered, licensed and implanted with an electronic animal identification device as provided by this section.

(h) *Transportation of guard dogs.*

(1) The vehicle of every guard dog service or owner transporting any guard dog must be clearly marked, showing that it is transporting a dangerous registered guard dog. A compartment separate from the driver is required which shall be arranged to ensure adequate ventilation for the animal dog.

(2) No guard dog shall be transported in the trunk of a car or in an unenclosed portion of a vehicle, including, but not limited to convertibles, pickups, trucks, open-bed trucks, or flat-bed trucks. However, a guard dog may be transported in an unenclosed portion of a vehicle if the animal is securely confined within a cage. The cage must be securely anchored to the vehicle in order to prevent its jostling movement about within the vehicle.

(i) *Use of guard dogs.*

(1) Each business which hires or uses a guard dog shall provide adequate fencing or some other confining structure to keep the guard dog within the guarded area. The business owner or person responsible for managing each business that hires or uses a guard dog is responsible for each guard dog under his or her control hired or used. The guard dog shall wear a current guard dog license registration tag with proof of rabies inoculation available for inspection by the Division and shall be implanted with an electronic animal identification device as required by this section.

...
Guard dogs shall be given a humane existence, and shall at all times be maintained in accordance with the requirements of Section 4.6. Guard dogs that are confined in a cage shall have at least one-half (½) hour of exercise within each twelve (12) eight (8) hours of confinement. It shall be unlawful for any person, owner, or manager keeping a guard dog to fail to provide, clean, sanitary, safe, and humane conditions; sufficient quantities of wholesome food daily; adequate quantities of visible, clean, and fresh water available at all times; proper air ventilation and circulation; if located outside, full protection and shelter from the elements; and medical attention and necessary veterinary care when it is sick, diseased, or injured.

Any person who uses the service of a guard dog shall be responsible to assure that the guard dog is provided a humane existence in accordance with Section 4-6, and shall immediately contact the Division to report any guard dog that is sick, diseased, lame, or injured.

The Division shall impound any guard dog owned by a person that is cited and found to be in violation of Section 4-6, or 4-13(i)(5) herein. The guard dog may be redeemed in accordance with Section 4.5, upon submittal of evidence satisfactory to the Division, that the cause of the violation has been remedied. The guard dog shall only be released after a satisfactory review of the living conditions of the guard dog by an animal care specialist.
Each person or business that rents or uses a guard dog to patrol the premises after that business's operating hours shall provide adequate fencing, or some other confining structure, to keep the guard dog within the premises.

Guard dog permits required for operators of guard dog services and owners of guard dogs.

Any person seeking to operate a guard dog service or who owns a dog being used to defend, patrol, or protect property or life at any nonresidential establishment in Broward County shall obtain a guard dog permit.

A guard dog permit is valid for a period of twelve (12) months after the date of issuance and must be renewed annually. Renewal applications for permits shall be made at least thirty (30) days prior to expiration.

A guard dog permit is not transferable, assignable, or refundable.

The guard dog permit fee shall be established by the Commission by resolution.

Any person holding a guard dog permit who keeps, on commercial premises, any guard dog that is not registered as a guard dog, or who has been found in violation of Section 4-13, shall forfeit the guard dog permit, and shall not conduct business as a guard dog service until such time that the person holding the guard dog permit is in full compliance with Section 4-13.

Obtaining a guard dog permit.
(1) A person seeking a guard dog permit shall apply to the Division on a form approved by the Division.

(2) The permit application shall include but is not limited to the following information:

a. The name, address, and telephone number of the applicant and a description of the location(s) at which guard dogs will be maintained;

b. A statement as to whether the applicant or any officer or employee of the guard dog service has ever been convicted of an offense involving cruelty to animals or has had a final judgment entered against that person under Section 828.073, Florida Statutes, or any other statute prohibiting animal neglect or mistreatment;

c. The breed, sex, age, color(s), and guard dog registration tag number (microchip number) of each dog that will be used as a guard dog;

d. If applicable, a complete list containing the name, address, and telephone number of every customer procuring the use of a guard dog and the physical location of every guard dog (identified by registration tag number), if different than the customer's address;

e. The name, address, and telephone number of the applicant's veterinarian(s);

f. The name, address, and telephone number(s) of the person(s) responsible for training and providing food, water, exercise, and care to each guard dog; and

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(3) The permit applicant shall complete an application, supply all information requested by the Division, and pay the applicable permit fee established by the Commission by resolution. No application shall be deemed complete and reviewable until the permit fee is paid.

(4) Applicants shall meet all minimum compliance specifications within thirty (30) days after filing the permit application. Failure to do so will require a new application to make corrections to meet minimum compliance specifications.

(l) Permit denial, revocation, and suspension.

(1) The Division may deny, revoke, or suspend any permit if it is determined by the Division that:

a. There has been a material misstatement or misrepresentation in the permit application or in any information or documents required to be maintained or provided to the Division;

b. The applicant or permit holder has been cited for at least two (2) violations of this Chapter within a one-year period, each resulting in the imposition of a fine;

c. The applicant or permit holder has failed to pay a fine or to request a hearing in compliance with this Chapter to answer the charges of a citation within thirty (30) days after issuance of the citation;

d. The applicant or permit holder, or officer of the guard dog service has been convicted of a violation of law involving cruelty to animals.
or has had a final judgment entered against him or her pursuant to Section 828.073, Florida Statutes; or
e. An animal under the care and responsibility of an applicant or permit holder has been found to be in need of immediate veterinary care that, if not treated, would result in suffering, pain, or death.

(2) No permit fee shall be refunded for a permit that is revoked or suspended. For a permit that is denied after review and inspection, the permit fee shall be refunded as provided by the Commission by resolution.

(m) Appeal process.

(1) Any applicant or permit holder who has been denied a permit or whose permit has been revoked or suspended may appeal the adverse action to a hearing officer by filing a written notice of appeal with the Division within ten (10) days after issuance of the notice of adverse action.

(2) The appeal will be heard by a hearing officer within thirty (30) calendar days after the applicant or permit holder has submitted a notice of appeal. The initial hearing on the appeal may be continued by the Division, the hearing officer, or the applicant or permit holder beyond the thirty (30) calendar days for good cause shown.

(3) Unless otherwise provided herein, the hearing before the hearing officer shall be governed as provided in Section 4-12.5.

(4) The denial, revocation, or suspension of the permit shall be upheld or reversed by the hearing officer.

(n) Requirements following notice of adverse action and/or appeal process.

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(1) If the notice of denial, revocation, or suspension of a guard dog permit is not appealed within ten (10) days after the notice of the written decision of the hearing officer is issued, the applicant or permit holder shall immediately cease and desist operation of a guard dog service or use of a guard dog for the purpose of defending, patrolling, or protecting property or life at any nonresidential establishment in Broward County.

(2) Any person whose permit has been revoked may not reapply for a period of one (1) year.

(3) Each reapplication for a permit shall be accompanied by a fee to be established by the Commission by resolution.

(4) Any person with a guilty adjudication of animal cruelty within the past five (5) years may not hold a permit to operate a guard dog service in the County.

Sec. 4-14. Reporting bites from animals dogs, cats, or ferrets.

Any person who has been bitten or has knowledge of or treats any person bitten by any animal dog, cat, or ferret shall report the incident to the State Florida Department of Environmental Health and/or to the Animal Care and Regulation Division within twelve (12) hours of the earlier of the occurrence of, or learning of, the incident. Birds and reptiles are not considered to be transmitters of the rabies virus, and therefore bites from these animals are excluded from the reporting requirements of this section.

(a) Owners of animals dogs, cats, or ferrets which have been reported to have bitten any person shall be charged an animal bite investigation fee as set by resolution when Division staff investigates an animal bite by telephone or by review of correspondence or records to determine the vaccination status and quarantine
requirements for the animal and it has been proven by a preponderance of the clear and convincing evidence that the animal dog, cat, or ferret has bitten any person. Such fee shall not be assessed in those instances where the owner and the victim are the same, or are within the immediate family, or are living in the same household, and the animal dog, cat, or ferret has a current rabies vaccination. The director of the Animal Care and Regulation Division or its designee will review all bite cases where the bite has not been clearly determined before a fee is charged.

(b) Owners of animals dogs, cats, or ferrets which have been reported to have bitten any person shall be charged a field investigation fee in the amount set by resolution when Division staff is not able to obtain all necessary information pursuant to subsection (a) above and an animal care officer specialist is dispatched to conduct a field investigation. If the animal care officer specialist is required to make a visit to the victim of the animal bite to verify the dog, cat, or ferret bite or wound and obtain copies of all medical treatment provided by a hospital or doctor treating the bite victim, an additional field investigation fee will be charged as set by resolution. The director of the Animal Care and Regulation Division or its designee will review all bite cases where the bite has not been clearly determined before a fee is charged.

(c) If a quarantine is required at a quarantine facility and the owner of the dog, cat, or ferret has failed to submit the dog, cat, or ferret to the facility after a period of twenty-four (24) hours after notice of a quarantine requirement at a quarantine facility, the Division shall have the right to pick up the dog, cat, or ferret and transport said animal to the quarantine facility. The owners of animals which have been reported to have bitten any person and who are required to have such animal quarantined at an approved quarantine facility shall be charged a transportation fee in the amount set by resolution.
resolution when the Animal Care and Regulation Division transports the animal dog, cat, or ferret after the owner has failed to transport said animal to a quarantine facility within twenty-four (24) hours after notification of said requirement.

(d) At the end of each quarantine period for rabies observation, owners of animals a dog, cat, or ferret which have has been reported to have bitten any person are required to call Animal Care and Regulation the Division to verify that the animal dog, cat, or ferret reported to have bitten any person is alive and healthy to assure that it is free of a rabies infection. A quarantine release fee in the amount set by resolution shall be charged when the owner fails to call and Animal Care and Regulation the Division was unsuccessful in reaching the owner by telephone within forty-eight (48) hours following the expiration of the quarantine period, thereby requiring the dispatch of an officer animal care specialist to observe the animal dog, cat, or ferret.

(e) An invoice reflecting the fees imposed pursuant to this Ordinance shall be sent to the owner of the animal dog, cat, or ferret. Payment shall be made by the owner within thirty (30) calendar days of the date of said invoice. Any person who fails to pay the invoice is subject to a civil action by Broward County to collect the fees.

Sec. 4-14.5. Animal Dog and cat bites with injuries.

(a) The owner or keeper of A any animal dog or cat that inflicts severe injuries as defined in Section 4-2 or attacks and/or kills a domestic animal as described in Section 4-2 and that animal(s) owner or keeper shall be subject to the provisions of Section 4-14 above. If the Animal Care and Regulation Division concludes, following an animal bite investigation, that the animal dog or cat inflicted severe injuries while unprovoked, the owner or keeper shall, at all times that the animal dog or cat is not securely confined indoors or confined in an enclosure:

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(1) Muzzle the animal dog or cat in such a manner as to prevent it from biting or injuring any person or other animal; and

(2) Keep the animal dog or cat on a leash with the owner or keeper in attendance.

(b) Failure to comply with the requirements above shall constitute a violation of this section. Any person cited for an infraction for bites and/or unmuzzled animals dog(s) or cat(s) shall pay be assessed the civil penalty or penalties in the amount set by resolution.

Sec. 4-15. Bite cases without injuries; Suspected rabies cases.

Whenever the State Florida Department of Environmental Health and/or the Animal Care and Regulation Division is informed that any dog, or cat, or ferret has bitten any person or is suspected of having or showing suspicious symptoms of rabies, the State Florida Department of Environmental Health shall require that said dog, or cat, or ferret be captured and confined for observation at the owner’s expense for a period of ten (10) calendar days from the date of the bite. The procedure and place of confinement and observation shall be pursuant to rules and regulations promulgated by the State Florida Department of Environmental Health and/or the Animal Care and Regulation Division. Home confinement of a dog, or cat, or ferret required to be confined for observation shall be allowed upon approval of the State Florida Department of Environmental Health and/or the Animal Care and Regulation Division.

It shall be a violation of this section for any person to remove from any place of confinement any dog, or cat, or ferret which has been confined pursuant to the requirements of this section without the consent of the State Florida Department of Environmental Health and/or the Broward County Animal Care and Regulation Division.
If a rabies alert exists in Broward County as announced by the State Florida Department of Environmental Health, the Division shall have the authority to conduct emergency rabies clinics to protect the public.

Sec. 4-16. Surrender of animals for quarantine.

The owner of any dog, or cat, or ferret that has been reported to have inflicted a bite on any person, or that has been reported as being suspected or of having or showing the symptoms of rabies, shall, on demand, produce the dog, or cat, or ferret for confinement or observation as prescribed in this chapter. Refusal to surrender said dog, or cat, or ferret shall be deemed a violation of this section.

The owner of any other animal that has been reported to have inflicted a bite on any person and that is considered to be capable of transmitting rabies shall produce such animal for testing as required by the State Florida Department of Environmental Health or the Animal Care and Regulation Division.

Sec. 4-17. Cruelty to animals.

Any person who beats, cruelly ill-treats, torments, overloads, overworks, fails to provide sanitary living conditions, starves, fails to provide reasonable medical care for illness or injury, tethers a dog in violation of Section 4-8.5, hoards animals, or otherwise abuses an animal or intentionally causes such animal to be mutilated or inhumanely killed, or causes the same to be done, or otherwise treats an animal in a cruel or inhumane manner, shall be deemed to be in violation of this section.

Sec. 4-19. Abandonment of animals.

It shall be deemed a violation of this section for any person to willfully abandon any animal for a period in excess of twenty-four (24) hours without providing adequate

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fresh food, clean water, proper shelter, and protection from the weather and elements, including rain and direct sun, and necessary veterinary care for the animal. Animals locked unattended in a vacant house, trailer, or other similar structure or stored unattended in a boarding facility in excess of twenty-four (24) hours shall be considered abandoned.

. . .

Sec. 4-23. Harboring of stray animals.

It shall be a violation of this section for any person to harbor any stray animal unless he or she has notified the Division within forty-eight (48) twenty-four (24) hours of becoming aware of the presence of the stray animal. Upon receiving such notification, the Division may take such animal and place it in the animal shelter. Refusal to surrender any such stray animal upon request of the Division shall be deemed an additional violation of this section.

Animal rescue organizations, veterinarians, or law enforcement agencies that receive stray animals are required to notify the Division within twenty-four (24) hours of the possession of the stray animals to enable the Division to distribute the information to the public.

Sec. 4-24. Animals Dogs and cats in state of pain and suffering.

(a) In the event any untagged animal, non-registered dog or cat shall be found in a state of pain and suffering that cannot be alleviated or managed in the opinion of the County veterinarian, or becomes so during confinement, the Division is authorized to dispose of such animal dog or cat in a humane manner without complying with the seventy-two (72) hour waiting period set forth in Section 4-5 of this chapter.
(b) Notwithstanding Section 4-5 of this chapter, in the event any tagged animal registered dog or cat shall be found in a state of pain and suffering that cannot be alleviated or managed in the opinion of the County veterinarian, or becomes so during confinement, the Division is authorized to dispose of such animal dog or cat in a humane manner after a waiting period of twenty-four (24) hours and a reasonable and diligent effort to contact the owner.

Sec. 4-25. Interference with officer prohibited.

Any person who hinders, obstructs, or otherwise interferes with an officer while discharging his or her duties under this chapter, or who takes or attempts to take any animal dog or cat from any officer or from any vehicle used by the officer to transport any animal dog or cat, or who takes or attempts to take any animal dog or cat from the Division without proper authority, or who knowingly interferes with any animal trap set by an officer or persons obtaining said traps from the division shall be deemed in violation of this section.

Nothing contained herein shall be construed to authorize an animal care specialist 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 care specialist or law enforcement officer may take custody of a neglected or mistreated animal as provided in Section 828.073, Florida Statutes.

Sec. 4-26. Ownership of wild animals prohibited.

(a) No person shall own or harbor any wild animal as a pet without the appropriate state permits provided for in § Section 372.922 379.3762, F.S. Florida Statutes.
(b) Zoological parks, performing animal exhibitions, and circuses which utilize wild animals in their performances or exhibitions shall be exempt from the provisions of this section.

Sec. 4-27. Dogs or cats prohibited in parks and on beaches.

No person owning or having charge, care, custody, or control of any dog or cat shall permit or allow the dog or cat into or upon any public park or beach in the County; however, this section shall not apply to parkways, wayside parks, beach areas, or other park areas in which dogs or cats are specifically authorized, provided said dog or cat has been registered pursuant to Section 4-11 and the owner, or designee, is present with proof of said pet registration.

Sec. 4-28. Enforcement of violations.

(a) Any person cited for a violation of this chapter shall be deemed to be charged with a civil infraction.

(b) An animal care officer or law enforcement officer who has probable cause to believe that a person has committed an act in violation of this chapter shall issue a citation for a civil penalty as specified in Section 4-29 in an amount set by resolution.

(c) Any person cited for an infraction under this chapter shall sign and accept a citation acknowledging receipt of the citation and indicating a promise to appear in county court hearing if such person wishes to contest the charges.

(d) Any person who wilfully refuses to sign and accept a citation issued by an officer shall be guilty of a misdemeanor of the second degree, punishable as provided by § Sections 775.082 or § 775.083, F.S. Florida Statutes.

(e) Any person cited with a violation of this chapter may pay the civil penalty and applicable costs within ten (10) calendar days of the date of receiving the citation.
If the person cited pays the civil penalty and applicable costs, he or she shall be deemed to have waived his or her right to a trial on the issue of commission of the violation. A person pleading "no contest" neither admits nor denies the charges but waives his or her right to a trial on the issue of whether he or she committed the alleged violation by paying the civil penalty and applicable costs. A person pleading "no contest" shall not be subject to fines as a repeat or subsequent violator; however, a plea of "no contest" need not be accepted by the County, Court, or the Hearing Officer.

(f) In the event an animal is impounded for violation of this chapter and the owner of the animal abandons or surrenders the animal to the Division, the owner remains liable for the civil penalties imposed for violations of this chapter. In the event the animal runs away, is lost, is given away, or dies, the owner of the animal shall be liable for any civil penalty imposed for violations of this chapter.

(g) Any person who fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, shall be deemed to have waived his or her right to contest the citation; and judgment may be entered against the person in the County Court in and for Broward County for an amount not to exceed the maximum civil penalty of five hundred dollars ($500.00).

(h) Any person contesting a citation shall be subject to a processing fee as set by resolution of the Board of County Commissioners. Contested citations issued by the Division shall be processed in the Civil Division of the County Court and heard by the Division Hearing Officer.
(i) Nothing contained herein shall prohibit the enforcement of this chapter by any other means.

(i) A municipality that adopts and enforces additional regulations within the boundaries of such municipality governing the care and control of dogs and cats, other than those regulations provided for in this chapter, shall be responsible for all of the costs of the implementation and enforcement of such additional municipal regulations.

Sec. 4-29. Amount of civil penalties.

(a) Any person cited for an infraction under this chapter shall pay the civil penalty specified for such infraction as set by resolution.

(b) Notwithstanding subsection (a) herein, any person cited for an infraction of Section 4-17, "Cruelty to Animals," shall pay a civil penalty in the amount set by resolution.

(c) If a citation is contested and the court finds by a preponderance of the clear and convincing evidence that a violation occurred, the court shall impose a civil penalty of no less than the amount due under subsection (a) or (b) had the citation been uncontested, and no more than five hundred dollars ($500.00).

(d) In addition to any civil penalties, any person who fails to pay all penalties imposed within the ten (10) calendar day payment period shall pay a delinquency fee as set by resolution.

(e) Any person who fails to come into compliance with any section of this chapter for which he or she is in violation within the ten (10) calendar day payment period shall be subject to citation for second and subsequent offense violations of the same sections of this chapter.
Any person upon whom a civil penalty is imposed shall also pay a surcharge in the amount set by resolution upon each civil penalty so imposed.

Sec. 4-30. Animal Care Trust Fund Account.

(a) There is hereby created a Broward County Animal Care Trust Fund Account for the purpose of accepting and disbursing gifts, grants, and awards of money paid to Broward County for the use and benefit of animals dogs and cats in Broward County.

(b) The Broward County Animal Care Trust Fund Account shall be self-perpetuating year to year unless specifically terminated by the Board of County Commissioners.

(c) All gifts, grants, and awards of money received hereunder from either public or private donors shall be placed in trust for and enure to the use and benefit of animals dogs and cats in Broward County. Unless said funds are directed for a specific purpose, the funds shall be expended, utilized, and disbursed only for the use and purpose of providing for the welfare of animals dogs and cats within Broward County, including those expenses approved by the Subcommittee (as defined below), incurred by the Division in providing for the health and welfare of dogs and cats.

(d) There is hereby created a Broward County Animal Care Trust Fund Account Subcommittee (the Subcommittee) consisting of six (6) members, five (5) of whom shall be members of the Broward County Animal Care Advisory Committee (the Committee) appointed by the Chair of the Committee. The Director, or designee, shall serve as the sixth (6th) member but shall be a non-voting member. A quorum shall consist of a majority of the voting members of the Subcommittee. The affirmative vote of the majority of the voting members is required for approval of a motion. Members of

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the Subcommittee shall serve for two (2) year terms and may be reappointed for one (1)
additional term. No member shall serve for greater than two (2) consecutive terms.
Before incurring an obligation or liability that is anticipated to be paid from the Broward
County Animal Care Trust Fund Account, all persons, including authorized members of
the Broward County Animal Care Advisory Committee, shall obtain authorization from
the Director and assurance that sufficient funds are available to pay such obligation or
liability. All expenditures shall otherwise be in accordance with the criteria set forth
below and shall be subject to the availability of funds from the trust fund. The
expenditure of trust funds shall be subject to the conditions set forth by the donor’s
specific intent, if any, and the criteria set forth by the Committee, which shall include:

1. The trust fund shall provide necessary emergency medical or surgical
treatment and care to sick or injured animals dogs and cats in Broward
County described in Subsection (1)a or Subsection (1)b, below, who come
to the attention of the Committee or any member thereof:
   a. Apparent sStray animals dogs or cats or animals dogs or cats
      apparently abandoned by their owners.
   b. Animals Dogs or cats that are apparently owned and are in need of
      immediate emergency medical or surgical treatment but are not
      within the custody and control of their owners.

2. In all cases involving the provision of necessary medical or surgical
treatment or care to animals dogs or cats described in Subsection (1)a or
Subsection (1)b, above, it shall be the policy of the Committee that the
following procedures be followed:

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underscored type are additions.
1. a. Any member of the Committee is empowered to act immediately on behalf of an afflicted or endangered animal dog or cat in the exercise of sound judgment, independent of any other board Committee member and without a consensus of the board Committee or notice to any other Committee member.

2. b. An animal dog or cat qualifying under Subsections (1)a or (1)b, above, may be taken to any Broward County veterinarian, by a member of the Committee or by Division staff, who shall be instructed to provide such veterinary services as in his or her the veterinarian's sound discretion are necessary to alleviate pain and suffering and to stabilize the animal dog or cat. In such an emergency, up to two five hundred dollars ($200.00) ($500.00) may be expended if no committee member can be reached.

3. c. Such veterinarian shall forward his or her statement to the Subcommittee for reimbursement, describing in detail the condition of the animal dog or cat upon admission to the veterinary facility. Approval for payment of such veterinary statements shall be by a majority of the Subcommittee at a meeting called upon proper notice. Any request for reimbursement for the provision of necessary medical or surgical treatment or care to dogs or cats described in Subsection (1)a or Subsection (1)b, above, arising from a Committee member taking a dog or cat in for veterinary services shall be reimbursed provided the Subcommittee deems the costs for the services reasonable. In the event the
Subcommittee deems the costs for the services to be unreasonable, the Subcommittee shall reimburse the veterinary services at an amount the Subcommittee deems reasonable.

4. d. No person who finds an animal dog or cat in distress and in need of medical or surgical treatment and who subsequently decides to adopt such animal dog or cat shall be precluded from receiving, on behalf of the animal dog or cat, the benefits of the trust fund simply because the animal dog or cat is adopted by the finder.

5. e. Nothing contained herein shall preclude the Subcommittee from carrying out the specific intent of a devise from a donor’s intent that even if said amount exceeds the scope of the foregoing criteria.

6. f. In keeping with the humanitarian philosophy underlying the creation of the trust fund, the broadest possible application shall be given to the foregoing principles.

6. g. Extraordinary expenses, including costs of radiological services and other services not provided at the Broward County Animal Care facility, that are incurred by the Division in treatment and care of dogs and cats, shall be eligible for reimbursement to the Division upon approval of a majority of the Subcommittee.

An animal dog or cat adopted from the Animal Care and Regulation Division that develops medical or surgical problems within a period of six months thirty (30) days from the date of adoption, the cost of which exceeds the financial resources of the adoptive owner, shall also qualify to receive benefits from the trust fund. If the medical or surgical problems of...
such an animal dog or cat cannot be dealt with adequately by the Animal Care County veterinarian and the owner wishes to keep the animal dog or cat but cannot afford treatment, and where such treatment is not the result of apparent abuse or neglect by the owner, the trust fund will may provide for necessary additional treatment of the animal dog or cat by a Broward County licensed veterinarian on a case-by-case basis and at the discretion of the Director of the Animal Care and Regulation Division. A cap of three hundred fifty dollars ($350.00) shall be placed on such expenditures, which may be raised if necessary by a majority vote of the Subcommittee. In no event shall any expenditures of the trust funds be guaranteed by any Subcommittee member or made without approval of a majority of the Subcommittee members at a properly scheduled noticed meeting.

(3) (4) An animal dog or cat that is sick or injured and is owned by an individual who is financially unable to be fully responsible for the animal's dog's or cat's treatment shall also qualify to receive benefits from the trust fund. Such treatment shall not exceed three hundred fifty dollars ($350.00), except that the Subcommittee shall have the discretion to raise the ceiling on the expenditures for such treatment when the circumstances of the case warrant increased reasonable expenditure. In the event the Director does not agree with the voting members of the Subcommittee, the Director may present the matter for consideration by the Commission at a properly scheduled meeting.
Any expenditures from the trust fund not covered by the foregoing subsections shall be considered presented for consideration by the Commissioners at any properly scheduled meeting.

(e) All gifts, grants, and awards of money hereunder shall be deposited in the Broward County Animal Care Trust Fund Account, which shall be a separate account established and maintained apart from the general revenue fund and accounts of Broward County.

Money obtained hereunder may be accepted on behalf of Broward County by the Director of the Animal Care and Regulation Division or such other person or persons as may be designated by resolution of the Board of County Commissioners and upon receipt of said money shall cause the same to be delivered to the Broward County Records, Taxes, and Treasury Division, which shall cause the same to be deposited into the Broward County Animal Care Trust Fund Account.

Funds deposited or credited to the Broward County Animal Care Trust Fund Account and not expended by the close of any fiscal year shall be carried forward to the next succeeding fiscal year.

Any gifts, grants, and awards received subject to a condition shall be expended strictly in accordance with such condition. Interest accrued on the trust fund balances will be made available for operational usage or special programs as determined by the Director.

Two Dollars ($2.00) Three dollars ($3.00) from each license registration tag sold for sterilized and unsterilized dogs and cats pursuant to the S.P.O.T. Program shall be deposited into the Animal Care Trust Fund Account, which shall be identified separately and recorded in the accounting records to provide for the sterilization of dogs and cats.
of pet owners meeting the Federal Low Income guidelines. One dollar ($1.00) from each registration tag sold for sterilized and unsterilized dogs and cats pursuant to the S.P.O.T. Program shall be deposited into the Animal Care Trust Fund Account, which shall be identified separately and recorded in the accounting records to be used by the Division to provide for training, marketing of adoption services, and other expenditures necessary for the care and adoption of dogs and cats. Upon repeal of this the S.P.O.T. Ordinance [Ord. No. 2003-32 and Ord. No. 2008-42] on September 30, 2015, all remaining funds shall be used until exhausted through the sterilization program. The Animal Care and Regulation Division shall administer a program consistent with this Ordinance the S.P.O.T. Program.

(f) The Animal Care Advisory Committee shall establish an amount to be set by the Subcommittee annually for pet review of requests from dog or cat owners who cannot afford to pay eligible medical or surgical costs pursuant to Subsection 4-30(d)(2)(3) and (4) due to specific situations, including temporary financial distress or unusual circumstances. To be eligible to receive funds, a pet dog or cat owner must prepare a request indicating why he or she the owner cannot afford to pay the fees. All requests indicating that an owner cannot afford to pay the fees must be verified, and the information provided shall be reliable. In addition, the pet dog or cat owner must agree to have his or her pet the dog or cat spayed or neutered to reduce pet dog or cat overpopulation, and have or obtain a current rabies vaccination and a current Broward County License registration tag. Any exemptions from these criteria must be made by the Subcommittee. The amount payable from the trust fund may be amended by the Subcommittee subject to the availability of funding.
(g) The Animal Care Advisory Committee, through its Subcommittee, shall administer the Animal Care and Regulation Trust Fund Account in accordance with this section.

(h) No trust fund monies, with the exception of accrued interest as provided in Subsection (e) above, shall be disbursed from the Broward County Animal Care Trust Fund Account unless such expenditures have been authorized by a majority of the Subcommittee members present during a vote.

Sec. 4-31. Rules, regulations, and fees.

(a) The County Administrator may promulgate and establish such rules and regulations as may be necessary to give effect to the intent and purpose of this chapter.

(b) Any rules and regulations established hereunder shall be included in the Broward County Administrative Code.

(c) The County may impose such fees necessary to the implementation and administration of this chapter as are approved by resolution of the Board of County Commissioners.

Sec. 4-32. Animals Dogs and cats in vehicles.

(a) No person shall leave an animal dog or cat in a motor vehicle without adequate ventilation, or in such a manner as to expose the animal to extremes of heat or cold.

(b) An officer may remove and impound an animal dog or cat from a vehicle if its safety appears to be in immediate danger from heat or cold or lack of adequate ventilation. The officer is authorized to take all steps reasonably necessary for the removal of such animal dog or cat, including, but not limited to breaking into the vehicle. Neither the officer nor his or her agency shall bear civil liability for damage.

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(c) No person shall transport any animal dog or cat in a motor vehicle unless the animal dog or cat is safely enclosed within the vehicle, or if travelling in an unenclosed vehicle (including, but not limited to convertibles, pickup trucks, open-bed trucks, and flat-bed trucks), is confined by a container, cage, or other device that will prevent the animal dog or cat from falling from or jumping from the motor vehicle. Any such container or cage shall be securely anchored to the vehicle in order to prevent its jostling movement about the vehicle.

Sec. 4-33. Impounded unsterilized pets dogs and cats.

(a) An unsterilized pet dog or cat impound fee in an amount set by resolution will be imposed on the owner of every reclaimed impounded, unsterilized dog or cat at the time the unsterilized pet dog or cat is reclaimed from the Animal Care and Regulation Division. Payment of the unsterilized pet dog or cat impound fee will be waived if the pet owner has the animal dog or cat sterilized by a licensed veterinarian and presents proof of such sterilization to the Division within thirty (30) calendar days of reclaiming the animal dog or cat.

(b) If the pet dog or cat owner does not have the animal dog or cat sterilized, or does not present proof of sterilization, within the thirty (30) calendar day period, the unsterilized pet dog or cat impound fee will become due and payable at that time. If the dog or cat is sterilized and the owner does not present proof of such sterilization to the Division within the thirty (30) calendar days allotted for sterilization, the owner remains liable for the unsterilized dog or cat impound fee. Payment of the unsterilized dog or cat impound fee shall be made by the owner within thirty (30) calendar days of the date the fee becomes due and payable. Any person who fails to pay the unsterilized dog or cat impound fee is subject to a civil action by Broward County to collect the fee. The
Division will deposit all such collected unsterilized pet dog or cat impound fees into an
special account unsterilized pet reserve fund to be used for targeted spay/neuter
programs, to be disbursed at the sole discretion of the Director.

(c) If the animal is sterilized and the pet owner does not present proof of such
sterilization to the division within the thirty (30) calendar days allotted for sterilization,
the pet owner remains liable for the unsterilized pet impound fee.

(d) Payment of the unsterilized pet impound fee shall be made by the owner
within thirty (30) calendar days of the date the fee becomes due and payable. Any
person who fails to pay the unsterilized pet impound fee is subject to a civil action by
Broward County to collect the fee.

(e) Any unsterilized animal dog or cat which is impounded three (3) two (2)
times during any consecutive twelve (12) month period will be sterilized by the County
veterinarian at the owner's expense at a fee set by resolution. Such sterilizations will be
performed based upon the health, age, and general condition of the animal dog or cat.

Sec. 4-34. Animal Care and regulation Adoption Victim Trust Fund account.

(a) There is hereby created a Broward County Animal Care and Regulation
Adoption Victim Trust Fund for the purpose of accepting and disbursing a portion of
animal dog or cat bite fees, gifts, grants, awards of money, and other revenue to pay the
full or partial medical expenses of animal dog or cat bite victims.

(b) The Broward County Animal Care and Regulation Adoption Victim Trust
Fund shall be self-perpetuating from year to year unless specifically terminated by the
Board of County Commissioners. In the event of termination, the Board of County
Commissioners shall have sole discretion concerning the distribution of trust assets;
provided, however, that any trust assets received and accepted subject to a condition shall be utilized and expended strictly in accordance with such condition.

(c) All fees, gifts, grants, awards of money, or property, and other revenue received hereunder from either public or private entities shall be deposited in the Broward County Animal Care and Adoption Victim Trust Fund, which shall be separately established and maintained apart from the general revenue funds and accounts of Broward County and held in trust and shall inure to Broward County, its successors, and assigns, and shall be expended, utilized, and disbursed only for the use and benefit of Broward County animal dog or cat bite victims.

(d) All fees, gifts, grants, awards of money, and other revenue received hereunder shall be deposited in the Broward County Animal Care and Regulation Victim Trust Fund, which shall be separately established and maintained apart from the general revenue funds and accounts of Broward County.

(e) Three Hundred Dollars ($300.00) of every first bite fine paid shall be deposited into the Broward County Animal Care and Regulation Victim Trust Fund to assist victims of animal dog or cat bites with documented, paid medical expenses.

(f) Moneys deposited in and/or credited to the Broward County Animal Care and Regulation Victim Trust Fund and not expended by the close of any fiscal year shall be carried forward into the next succeeding fiscal year. Any fees, gifts, grants, awards, and other revenue received subject to a condition shall be utilized and expended strictly in accordance with such condition.

(g) There is hereby created a Broward County Animal Care and Regulation Adoption Victim Trust Fund Committee consisting of four (4) members, three (3) of which shall be

Coding: Words in **struck-through** type are deletions from existing text. Words in *underscored* type are additions.
whom shall be Broward County residents appointed by the County Administrator. The Director of the Broward County Animal Care and Regulation Division shall serve as the fourth (4th) member but shall be a non-voting member. No trust money shall be disbursed from the Broward County Animal Care and Regulation Adoption Victim Trust Fund unless such expenditures have been authorized by a majority of the Victim Trust Fund Committee. Within its discretion, the Victim Trust Fund Committee shall determine and ascertain the best utilization of trust funds for the benefit of victims.

(h) (g) The animal dog or cat owner or keeper cited for an animal dog or cat bite may elect to pay the victim’s medical expenses if such expenses are paid within fifteen (15) calendar days of the bite. In the event the violator pays the victim’s medical expenses and complies with all applicable provisions of Section 4-14.5 Chapter 4 of the Broward County Code of Ordinances, the violator shall pay a fine in the amount of $300.00 less than the amount of the fine provided in Section 40.71(n)(2) the fine to be assessed pursuant to Chapter 40 of the Broward County Administrative Code, as may be amended from time to time shall be reduced by three hundred dollars ($300.00).

Section 2. SEVERABILITY.

If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

Section 3. INCLUSION IN CODE.
It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Broward County Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

ENACTED February 12, 2013

FILED WITH THE DEPARTMENT OF STATE February 19, 2013

EFFECTIVE February 19, 2013