

ORDINANCE NO. 2016-_____

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2
3 AN ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF PALM BEACH COUNTY,
5 FLORIDA, AMENDING PALM BEACH COUNTY CODE,
6 CHAPTER 4 (ORDINANCE 98-22, AS AMENDED BY
7 ORDINANCES 2001-065, 2003-27, 2005-44, 2008-004, 2009-
8 019, 2011-005 and 2015-027) PERTAINING TO ANIMAL
9 CARE AND CONTROL, AMENDING SECTION 4-1
10 (SHORT TILE); AMENDING SECTION 4-2
11 (DEFINITIONS); AMENDING SECTION 4-23 (KENNEL,
12 EXCESS ANIMAL HABITAT, COMMERCIAL BREEDER,
13 PET DEALER, PET SHOP, GROOMING PARLOR, AND
14 COMMERCIAL STABLE PERMITS); AMENDING
15 SECTION 4-26 (ANIMAL AGENCIES); AMENDING
16 SECTION 4-27 (AGGRESSIVE DOGS, DANGEROUS
17 DOGS AND VICIOUS DOGS); AMENDING SECTION 4-28
18 (STERILIZATION PROGRAM FOR DOGS AND CATS);
19 AMENDING SECTION 4-29 (HOBBY BREEDER
20 PERMITS); AMENDING SECTION 4-30 (ANIMAL CARE
21 AND CONTROL SPECIAL MASTER HEARINGS);
22 PROVIDING FOR REPEAL OF LAWS IN CONFLICT;
23 PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR
24 SEVERABILITY; PROVIDING FOR INCLUSION IN THE
25 CODE OF LAWS AND ORDINANCES; PROVIDING FOR
26 ENFORCEMENT; PROVIDING FOR PENALTY;
27 PROVIDING FOR CAPTIONS; AND PROVIDING FOR
28 AN EFFECTIVE DATE.

29
30 WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County
31 Commissioners of Palm Beach County to adopt ordinances to protect the health, safety, and
32 welfare of the citizens and animals of Palm Beach County; and

33 WHEREAS, pursuant to its authority, the Board of County Commissioners (the
34 "Board") enacted Palm Beach County Animal Care and Control Ordinance 98-22, as amended
35 ("Ordinance"); and

36 WHEREAS, according to the Humane Society of the United States ("HSUS"),
37 hundreds of thousands of dogs and cats have been housed and bred at substandard breeding
38 facilities known as "puppy mills" and "kitten factories" (collectively "Facilities") that mass-
39 produce animals for sale to the public; and

40 WHEREAS, these Facilities engage in mass-breeding with an emphasis on profit over
41 animal welfare and animals are often housed in overcrowded and unsanitary conditions without
42 adequate veterinary care, shelter, food, water, grooming, exercise, socialization or affection;
43 and

44 WHEREAS, many animals produced in these Facilities are purchased by retail pet
45 shops and pet dealers for sale to the public; and

1 **WHEREAS**, because of the lack of proper animal husbandry practices at many of
2 these Facilities, animals born and raised there are more likely to suffer from health, social and
3 temperament problems that result in costly treatment or even death; and

4 **WHEREAS**, health certificates received by the County from local pet shops show that,
5 in 2015, puppies were sold to consumers with conditions ranging from luxating patellas
6 (floating kneecap), inguinal and umbilical hernias, heart murmurs, and open fontenels (soft spot
7 on the skull); and

8 **WHEREAS**, County pet shop records reveal that, in 2015, six of the County's eight pet
9 stores received dogs from Facilities that have been listed on HSUS's *The Horrible Hundred* list
10 of Facilities with animal welfare violations; and

11 **WHEREAS**, the Board has determined that additional requirements should be placed
12 on existing pet stores and pet dealers to ensure that puppies and kittens are obtained from
13 humane breeders; and

14 **WHEREAS**, prohibiting additional pet shops and pet dealers from operating while
15 placing additional requirements on existing pet shops and pet dealers will promote and protect
16 the general health, safety and welfare of the community, protect consumers, and promote the
17 County's Countdown 2 Zero program whereby no adoptable dog or cat will be at risk of
18 euthanasia; and

19 **WHEREAS**, it is necessary to amend the Ordinance to revise language pertaining to
20 aggressive, dangerous and vicious dogs for consistency with Chapter 767, Florida Statutes; to
21 prohibit the breeding of cats other than pedigreed cats; to require animal agencies to maintain
22 records regarding the intake and disposition of animals, to provide records to the Division and
23 to allow for inspection of animal agency facilities and records by the Division.

24 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
25 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that:

26 **SECTION 1. CHAPTER 4 (ANIMALS) OF THE PALM BEACH COUNTY CODE IS**
27 **HEREBY AMENDED AS FOLLOWS:**

28
29

30 **Sec. 4-1. Short Title; applicability.**

31 (a) This chapter shall be designated and may be cited as the "Palm Beach County Animal Care
32 and Control Ordinance of 1998."

33 (b) The provisions of this Ordinance shall be applicable to the incorporated and unincorporated
34 areas of Palm Beach County, unless a municipal exemption applies. Unless otherwise provided,

1 nothing in this Ordinance shall be construed to relieve any person from compliance with any
2 applicable county or municipal regulations.

3 **Sec. 4-2. Definitions.**

4 ***

5 Adoption means the transfer of ownership of an unwanted, abandoned, abused or stray
6 animal by a shelter, humane society, private nonprofit animal organization, or animal rescue
7 organization to an adoptive owner. The term adoption does not include the sale of an animal
8 for profit.

9 ***

10 Animal rescue organization shall mean any organization engaged in housing dogs or
11 cats in the County for the purpose of adoption.

12 ***

13 Carrier means the operator of any airline, railroad, motor carrier, shipping line, or other
14 enterprise that is engaged in the business of transporting any animals for hire.

15 Class A breeder means a person who holds a class A license issued by the United States
16 Department of Agriculture pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated
17 thereunder.

18 Class B dealer means a person who holds a class B license issued by the United States
19 Department of Agriculture pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated
20 thereunder.

21 ***

22 Domestic animal shall mean any dog, cat, horse, pony, mule, cow, goat, sheep, pig, fowl
23 chicken, goose, duck, or rabbit that is owned by a person or any animal defined in F.S. §
24 585.01(10), that is owned by a person.

25 ***

26 Finally determined means a determination of a federal agency where all rights to
27 challenge such determination at available administrative tribunals and courts of law have been
28 exhausted or the time period within which such challenge may be filed has expired.

29 ***

30 Intermediate handler means any person (other than a dealer, research facility, exhibitor,
31 any person excluded from the definition of a dealer, research facility, or exhibitor, an operator

1 of an auction sale, or a carrier as defined in 9 C.F.R. § 1.1), who is engaged in any business in
2 which he/she receives custody of animals in connection with their transportation in commerce.

3 ***

4 *Pet dealer* shall mean any person who, in commerce, for compensation or profit engages in
5 the sale of more than two (2) litters of a dog(s) or cat(s) for use as a pet or twenty (20) dogs or
6 eats, whichever is greater, per calendar year, but who does not engage in breeding dogs or cats.
7 This definition excludes humane societies, ~~private not for profit animal shelters~~, private animal
8 nonprofit organizations, animal rescue organizations and ~~government animal control shelters~~.

9 *Pet shop* shall be held to include any place ~~of~~ or business where pet/companion animals
10 (including small animals intended for use as reptile food) are kept for retail or wholesale
11 purchase. Excluded are those animals regulated and controlled by the State Fish and Wildlife
12 Conservation Commission. This definition excludes humane societies, ~~private not for profit~~
13 ~~animal shelters~~, private animal nonprofit organizations, animal rescue organizations and
14 ~~government animal control shelters~~.

15 *Shelter* means a governmentally operated animal care and control facility.

16 ***

17 **Sec. 4-23. - Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop,**
18 **grooming parlor, and commercial stable permits.**

19 (a) *Applicability of this chapter and other laws.*

20 ***

21 (2) This section shall not be interpreted to require a permit from a veterinary clinic/hospital
22 establishment working under the direct authority and control of a veterinary
23 clinic/hospital, humane society, private animal nonprofit organization, animal rescue
24 organization ~~government animal control shelter, hobby breeder or private stable~~. All
25 other animal establishments as defined in this chapter are required to secure a permit.

26 (b) Permit procedures and requirements.

27 ***

28 (3) The permit is valid for a period of one (1) year from the date of issue, unless otherwise
29 stated or revoked. The permit shall be renewed annually. Said permit is not
30 transferable, assignable or refundable except as specifically provided for herein.

1 Renewal applications for permits shall be made at least thirty (30) days prior to the
2 expiration date. The Board shall be by resolution establish late fees for untimely
3 permit renewal applications. Failure to timely apply for a permit renewal may result in
4 a lapse in the permit.

5 ***

6 ~~(8) No permit shall be renewed hereunder if an applicant has outstanding and unsatisfied
7 civil penalties imposed due to violations of this chapter.~~

8 ~~(8)(9)~~ No permit shall be issued without written approval from the Palm Beach County
9 Zoning Division or the applicable municipal zoning office to confirm that the animal
10 establishment may legally operate at the proposed location.

11 ~~(9)(10)~~ An animal control officer may conduct an investigation of any complaint
12 concerning any animal establishment within the County.

13 ~~(10)(11)~~ If an inspection of an animal establishment reveals noncompliance with this
14 chapter, an animal control officer may issue a citation, setting forth the name of the
15 establishment being cited, to owners or managers of an animal establishment. ~~Said
16 citation shall be issued in the name of the animal establishment's owner and also state
17 the name of the person signing for the owner of the animal establishment.~~

18 ~~(11)(12)~~ By notice of adverse action, the Division may deny, revoke or suspend any permit
19 if it is determined that:

20 a. There has been a material misstatement or misrepresentation in the permit
21 application;

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

24 c. The permit holder/applicant has outstanding and unsatisfied civil penalties
25 imposed due to a violation of this chapter; ~~The permit holder/applicant has failed
26 to pay a fine or to request a hearing in County Court to answer the charges of a
27 citation within thirty (30) days of issuance of the violation;~~

28 d. The permit holder/applicant ~~any of his agents~~ or a member of the household if a
29 home-based business has ~~have~~ been convicted of a violation of law involving
30 cruelty to animals;

- 1 e. An animal under the care and responsibility of a permit holder/applicant has been
2 found to be in need of immediate veterinary care that, if not treated, would result
3 in suffering, pain or death;
- 4 f. The permit holder/applicant and/or ~~their~~ his/her/its employees/agents, refuses to
5 allow the inspection of the premises;:-
- 6 g. The permit holder/applicant or a member of the household if a home-based
7 business has had a final judgment entered against him/her/it based upon a finding
8 of animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or
9 comparable statute; or
- 10 h. The permit holder/applicant knowingly employs/employed an employee who
11 has been convicted of a violation of law involving cruelty to animals or who has
12 had a final judgment entered against him/her based upon a finding of animal
13 neglect or mistreatment pursuant to Florida Statutes § 828.073 or comparable
14 statute.

15 (12)(13) No permit fee shall be refunded for a permit that is revoked or suspended. For a
16 permit that is denied after review and inspection, the permit fee shall be refunded as
17 provided by the Board by resolution.

18 (13) After November 1, 2016, no new permit shall be approved for any pet shop that offers
19 for sale dogs or cats. Notwithstanding the foregoing, existing pet shops that offer for
20 sale dogs or cats may renew their pet shop operating permit or relocate the business
21 provided they are in compliance with this Ordinance and may transfer, assign or sell
22 their business provided that the transferee, assignee or new owner meets all
23 requirements for licensure under this Ordinance. After November 1, 2016, any pet
24 shop that offers for sale dogs or cats shall not open additional stores.

25 (14) After November 1, 2016, no new permit shall be approved for any pet dealer that
26 offers for sale dogs or cats. Notwithstanding the foregoing, existing pet dealers that
27 offer for sale dogs or cats may renew their pet dealer operating permit or relocate the
28 business provided they are in compliance with this Ordinance and may transfer, assign
29 or sell their business provided that the transferee, assignee or new owner meets all
30 requirements for licensure under this Ordinance. After November 1, 2016, any pet

1 dealer that offers for sale dogs or cats shall not operate from additional business
2 premises.

3 (15) No cat shall be bred unless it is a pedigreed cat registered as such with the Cat
4 Fancier Association or The International Cat Association. No permit shall be issued
5 for any commercial cat breeding operation unless the cats to be bred are pedigreed cats
6 registered as such with the Cat Fancier Association or The International Cat
7 Association.

8 ***

9 (i) Minimum operational standards for pet shops and pet dealers.

10 (1) General requirements for pet shops and pet dealers. For the purpose of this section, the
11 word dog means a dog of any age and the word cat means a cat of any age.

12 a. For each dog and cat transported into the County from outside of the State of
13 Florida for sale, the tests, vaccines, and anthelmintics required by this chapter
14 must be administered by or under the direction of a veterinarian, licensed by the
15 state of origin and accredited by the United States Department of Agriculture,
16 who issues the Official Certificate of Veterinary Inspection (OCVI). The tests,
17 vaccines, and anthelmintics must be administered no more than thirty (30) days
18 and no less than fourteen (14) days before the dog or cat's entry into the State of
19 Florida. An OCVI certifying compliance with this chapter must accompany each
20 dog and cat transported into the State of Florida for sale.

21 b. Each OCVI shall contain records for only one dog or cat.

22 cb. No dog or cat imported into the State of Florida for sale shall be offered for sale
23 without an OCVI issued by a veterinarian licensed in the state of origin.

24 de. The following tests, vaccines, and anthelmintics must be administered to each dog
25 before the dog is offered for sale in the County, unless a licensed, accredited
26 veterinarian certifies on the OCVI that to inoculate or deworm the dog is not in
27 the best medical interest of the dog, in which case the vaccine or anthelmintic
28 may not be administered to that particular dog:

29 1. Canine distemper.

30 2. Leptospirosis.

1 3. Bordetella (by intranasal inoculation or by an alternative method of
2 administration if deemed necessary by the attending veterinarian and noted
3 on the health certificate, which must be administered in this State once before
4 sale).

5 4. Parainfluenza.

6 5. Hepatitis.

7 6. Canine parvo.

8 7. Rabies, provided the dog is over three (3) months of age and the inoculation
9 is administered by a licensed veterinarian.

10 8. Roundworms.

11 9. Hookworms.

12 If the dog is under four (4) months of age, the tests, vaccines, and anthelmintics
13 required by this chapter must be administered no more than twenty-one (21) days
14 before sale within the County. If the dog is four (4) months of age or older, the
15 tests, vaccines, and anthelmintics required by this chapter must be administered at
16 or after three (3) months of age, but no more than one (1) year before sale within
17 the County.

18 ed. The following tests, vaccines, and anthelmintics must be administered to each cat
19 before the cat is offered for sale in the County, unless the licensed, accredited
20 veterinarian certifies on the OCVI that to inoculate or deworm the cat is not in the
21 best medical interest of the cat, in which case the vaccine or anthelmintic may not
22 be administered to that particular cat:

23 1. Panleukopenia.

24 2. Feline viral rhinotracheitis.

25 3. Calici virus.

26 4. Rabies, if the cat is over three (3) months of age and the inoculation is
27 administered by a licensed veterinarian.

28 5. Hookworms.

29 6. Roundworms.

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

7 fe. Every dog and cat offered for sale by a pet shop or pet dealer must be
8 accompanied by a current OCVI at all times while being offered for sale within
9 the County. The examining veterinarian must retain one (1) copy of the OCVI on
10 file for at least one (1) year after the date of examination.

11 gf. Each dog and cat in the possession of a pet shop or pet dealer shall be examined
12 by a veterinarian licensed to practice in Florida no more than thirty (30) days
13 before the sale within the County. The examination must include, but not be
14 limited to, an evaluation for possible congenital defects and contagious diseases
15 and a fecal test to determine if the dog or cat is free of internal parasites, including
16 hookworms, roundworms, tapeworms, and whipworms. If the examination
17 warrants, the dog or cat must be treated with a specific anthelmintic. In the
18 absence of a definitive parasitic diagnosis, each dog or cat must be given a broad
19 spectrum anthelmintic. At the conclusion of the examination, the veterinarian
20 shall complete an OCVI including all medical findings, which shall remain
21 current for a period of thirty (30) days. Each dog and cat in the possession of a pet
22 shop or pet dealer shall be re-examined by a veterinarian every thirty (30) days
23 and the pet shop or pet dealer shall ensure that a current OCVI is completed by
24 the examining veterinarian.

25 hg. Each dog over six (6) months of age must be tested by a veterinarian for
26 heartworms before being offered for sale and the results of the tests must be listed
27 on the OCVI.

28 ih. Each cat must be tested by a veterinarian for feline leukemia before being offered
29 for sale and the results of the tests must be listed on the OCVI.

- 1 ji. Each dog and cat obtained by the pet shop or pet dealer for the purpose of sale
 2 shall be examined by a veterinarian licensed in Florida within two (2) business
 3 days of the day the pet shop or pet dealer obtains the dog or cat.
- 4 kj. No pet shop or pet dealer shall possess, offer for sale, sell, transport, or arrange
 5 for the transportation of any dog or cat that is less than eight (8) weeks of age.
- 6 lk. No pet shop or pet dealer shall import a dog into the United States in violation of
 7 7 U.S.C. 2148, Importation of live dogs.
- 8 m. Except as provided in Section 4-23(i)(10), it shall be unlawful for any pet shop or
 9 pet dealer to display, offer for sale, deliver, barter, give away, transfer or sell any
 10 dog or cat from any source that does not hold a valid license issued by the United
 11 States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq., or successor
 12 provision of law as of the date such pet shop or pet dealer received such dog or
 13 cat. Pet shops or pet dealers shall only obtain dogs and cats from:
- 14 1. A breeder holding an active class A license issued by the United States
 15 Department of Agriculture pursuant to 7 U.S.C. § 2131, et seq. and
 16 regulations promulgated thereunder.
- 17 2. A dealer holding an active class B license issued by the United States
 18 Department of Agriculture pursuant to 7 U.S.C. § 2131, et seq. and
 19 regulations promulgated thereunder, and if the class B license holder is not
 20 the breeder, obtained the dog or cat from a breeder who is licensed by the
 21 United State Department of Agriculture.
- 22 3. A transporter holding an active license as a carrier or intermediate handler
 23 issued by the United States Department of Agriculture pursuant to 7 U.S.C. §
 24 2131, et seq. and regulations promulgated thereunder and who obtained the
 25 dog or cat from a breeder who is licensed by the USDA.
- 26 nn. It shall be unlawful for any pet shop or pet dealer to ~~shall~~ obtain a dog or cat from
 27 any source, including but not limited to a breeder or dealer, if the source or, an
 28 owner, operator or employee of the source:
- 29 1. has been convicted of cruelty to animals under any Federal, State or local
 30 law.

- 1 2. has had a final judgment entered against it/him/her based upon a finding of
2 animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or
3 comparable statute.
- 4 3. has been ~~temporarily or~~ permanently enjoined from breeding, selling,
5 handling, transporting or dealing in dogs or cats by any court.
- 6 4. whose license/permit issued by any local government, State, or Federal
7 government to breed, sell, handle, transport or otherwise deal in dogs or cats
8 is suspended or revoked.
- 9 5. ~~a current license/permit to breed, sell dogs or cats as required by the~~
10 ~~applicable local, State or Federal law.~~ that has received a finally determined
11 citation for any "direct" noncompliance violation as indicated on any United
12 States Department of Agriculture inspection report at any time during the
13 prior two years.
- 14 6. that has received a finally determined citation for failure to provide a United
15 States Department of Agriculture inspector access to property, animals or
16 records as required by 9 C.F.R. § 2.126, unless a subsequent inspection has
17 been performed at which no direct or indirect violations were found by the
18 inspector.
- 19 7. that has received three or more finally determined noncompliance citations
20 for violations other than "direct" noncompliance or a violation of 9 C.F.R. §
21 2.126 at any time during the prior two years.
- 22 8. that has received a finally determined repeat noncompliance citation at any
23 time during the prior two years.
- 24 9. that has received a finally determined cease and desist order pursuant to 7
25 U.S.C. § 2149 at any time during the prior two years.

26 om. An OCVI must:

- 27 1. be signed on the date of examination by the examining veterinarian who is
28 licensed by the state of origin and accredited by the United States Department
29 of Agriculture and must include the veterinarian's license number.

- 1 2. show the date of birthage, sex, breed, color, EAID number, if applicable, and
- 2 health record of the dog or cat examined.
- 3 3. contain the printed or typed names and addresses of the person or business
- 4 from whom the dog or cat was obtained, the consignor or seller, the
- 5 consignee or purchaser, and the examining veterinarian.
- 6 4. for each dog or cat, list all tests performed, the results of all tests performed,
- 7 all vaccines and deworming medications administered, including the
- 8 manufacturer, vaccine, type, lot number, expiration date, and the dates of
- 9 administration thereof.
- 10 5. state that the examining veterinarian warrants that, to the best of his or her
- 11 knowledge, the dog or cat has no sign of contagious or infectious diseases
- 12 and has no evidence of internal or external parasites, including coccidiosis
- 13 and ear mites, but excluding fleas and ticks.
- 14 6. state whether the examining veterinarian has detected any physical
- 15 abnormalities or congenital defects in the dog or cat including but not limited
- 16 to a heart murmur, an umbilical hernia, entropion, an inguinal hernia, patellar
- 17 luxation and cryptorchidism.
- 18 7. be completed in a legible manner.

19 An OCVI that does not meet the above-cited requirements shall not comply with
 20 this chapter. The pet shop or pet dealer shall ensure that the OCVI is properly
 21 completed with all relevant information.

22 ~~pn.~~ It shall be a violation of this chapter to falsify any information provided in any
 23 OCVI.

24 ~~qe.~~ All dogs and cats offered for sale and copies of OCVI's held by a pet shop, pet
 25 dealer or veterinarian are subject to inspection by any agent of the Division, the
 26 Department of Agriculture and Consumer Services, any agent of the United States
 27 Department of Agriculture, any law enforcement officer, or any agent appointed
 28 under Florida Statutes § 828.03.

29 ~~rp.~~ All dogs and cats offered for sale by a pet shop or pet dealer shall be implanted
 30 with an electronic animal identification device (EAID) attachment # 2

1 (2) Records.

2 a. Each pet shop ~~and~~ or pet dealer shall maintain the following written records on
3 each dog and cat offered for sale for a period of not less than two (2) years after
4 disposition of each dog and cat:

5 1. ~~The name, and address, USDA license number and state and local license~~
6 ~~number, if applicable, of the every breeder, dealer, intermediate handler and~~
7 ~~carrier that has owned, possessed or handled the dog or cat. If the breeder of~~
8 ~~the dog or cat is licensed by the United States Department of Agriculture, a~~
9 ~~state, or a local government to breed, sell or otherwise deal in dogs and cats,~~
10 ~~the pet shop or pet dealer shall maintain the license number, identification~~
11 ~~number, or other permit number.~~

12 ~~2. The name and address of any other person who or business that owned or~~
13 ~~possessed the dog or cat from its birth to the point of sale. If such person or~~
14 ~~business is licensed by the United States Department of Agriculture, a state,~~
15 ~~or a local government to breed, sell or otherwise deal in dogs and cats, the pet~~
16 ~~shop or pet dealer shall maintain the license number, identification number,~~
17 ~~or other permit number.~~

18 ~~3.~~ 23. The date the dog or cat was born and the date the pet shop or pet dealer
19 received the dog or cat.

20 ~~4.~~ 34. The breed, sex, color, and identifying marks of the dog or cat. If the breed is
21 unknown or mixed, the record shall so indicate.

22 ~~5.~~ 45. If the dog or cat is being sold as capable of registration, the names and
23 registration numbers of the sire and dam and litter number.

24 ~~6.~~ 56. A copy of each OCVI that has been completed for the dog or cat up to the
25 point of sale.

26 ~~7.~~ 67. A complete record of any medical treatment or medication provided to or
27 recommended for each dog or cat by a veterinarian and any medical
28 diagnosis made by a veterinarian concerning each dog or cat up to the point
29 of sale. If such information is contained in an OCVI, the OCVI shall be

1 sufficient; if not, the pet shop or pet dealer shall obtain a copy of each dog or
2 cat's medical records from the veterinarian.

3 ~~78.~~ A record of any known disease, illness, or congenital or hereditary condition
4 that adversely affects the health of the dog or cat at the time of sale or is
5 likely to adversely affect the health of the dog or cat in the future.

6 b. For a period of two (2) years from the disposition of each dog and cat, the pet
7 shop or pet dealer shall maintain records specifying the date and nature of
8 disposition of each dog and cat and the name, address, and phone number of the
9 purchaser ~~(or~~ and owner (if different than the purchaser) of each dog or cat.

10 c. ~~Once per month~~ By the fifteenth (15th) day of the month, each pet shop and pet
11 dealer shall provide the Division with the following records for each dog and cat
12 sold, disposed of or that died during the previous month ~~indicating:~~

13 1. a copy of each OCVI that has been completed for such dog or cat; ~~1. the~~
14 ~~number of dogs and cats sold or disposed of during the previous month;~~

15 2. the name, ~~and~~ physical address (no P.O. boxes), USDA license number and
16 state and local license number, if applicable, of the every breeder, dealer,
17 intermediate handler and carrier that has owned, possessed or handled the dog or
18 cat. ~~that transported the dog or cat, dealer, or source from which each dog and cat~~
19 ~~was obtained;~~

20 4. the date each dog and cat was obtained; and

21 5. the date each dog and cat was sold, died, or was otherwise disposed of by the
22 pet shop or pet dealer; and

23 6. the name, physical address (no P.O. boxes), and telephone number of the
24 purchaser ~~and~~ or owner (if different from the purchaser) of each dog and cat sold
25 during that month, including the EAID number, breed, color, sex, and age of each
26 dog and cat.

27 d. If any dog or cat dies while in the possession of a pet shop or pet dealer, the pet
28 shop or pet dealer shall maintain a record of the date of death and known or
29 suspected cause of death. Any dog or cat that dies while being treated by a
30 veterinarian or person at the request of the pet shop or pet dealer shall be

1 considered in the possession of the pet shop or pet dealer at the time of death. The
2 veterinarian shall specify the date of and known or suspected cause of death on
3 the dog or cat's OCVI. ~~Upon the death of a dog or cat~~ Within fifteen (15) days
4 following the death of a dog or cat, the pet shop or pet dealer shall provide the
5 Division with records reflecting the date and cause of the dog or cat's death. The
6 pet shop or pet dealer shall maintain a copy of such record for a period of two (2)
7 years from the date of the dog or cat's death.

8 e. Each pet shop and pet dealer shall maintain on the premises all records required
9 by this chapter and shall make such records available to the Division upon
10 request.

11 f. The failure to maintain complete records on each dog and cat as required by this
12 chapter shall constitute a separate violation as to each record missing or
13 incomplete.

14 (3) Notices and disclosures to purchasers.

15 a. Each pet shop and pet dealer shall post conspicuously on the cage or enclosure of
16 each dog and cat offered for sale a written notice in twelve-point ~~sixteen-point~~ or
17 greater type ~~(minimum of ¼ inch in height)~~ identifying the breed, sex, and date of
18 birth of each dog and cat, any illness found by the veterinarian during the most
19 recent examination, any congenital defect found by any veterinarian who has
20 previously examined the dog or cat, and the name, ~~and address,~~ USDA license
21 number and state and local license number, if applicable, of every breeder, dealer,
22 intermediate handler and carrier that has owned, possessed or handled the dog or
23 cat. of the sources that bred each dog and cat and sold each dog and cat to the pet
24 shop.

25 b. Each pet shop and pet dealer shall post conspicuously in close proximity to the
26 cages or enclosures where dogs and cats are offered for sale a notice in at least
27 fifty-point type containing the following:

28 "Notice to consumers: Before purchasing a dog or cat you may request
29 information concerning each dog or cat's health, medical history, and the source
30 from which the dog or cat was obtained. Upon your request, the pet shop or pet

1 dealer is required to show you these records before you purchase a dog or cat and
2 to give you a copy of these records when you purchase a dog or cat."

3 c. At the time of sale, each pet shop and pet dealer shall provide the purchaser with a
4 written notice in twelve-point or greater type stating:

5 Pursuant to the Palm Beach County Animal Care and Control Ordinance, every
6 owner of a dog or cat is required to obtain a license tag for each dog and cat from
7 the Palm Beach County Division of Animal Care and Control ("Division") or an
8 authorized veterinarian. The license tag must be renewed every year, and proof of
9 an up to date rabies vaccination is required to obtain or renew a license tag.

10 The Palm Beach County Board of County Commissioners has determined that the
11 unintended or uncontrolled breeding of dogs and cats leads to pet overpopulation
12 at great expense to the community and that every feasible means of reducing the
13 number of unwanted dogs and cats should be encouraged. The Board of County
14 Commissioners has also determined that spaying and neutering every dog and cat
15 is one of the best ways to reduce the number of unwanted pets. Therefore, every
16 dog ~~and cat in Palm Beach County~~ must be spayed or neutered by the time the
17 dog ~~or cat~~ is six (6) months old and every cat must be spayed or neutered by the
18 time the cat is four (4) months old, unless certain exceptions apply.

19 Every owner ~~of a dog or cat~~ must obtain an annual unaltered license tag from the
20 Division or a veterinarian for each dog ~~or cat~~ over the age of six (6) months and
21 every cat over the age of four (4) months that is not spayed or neutered. A dog or
22 cat with an unaltered license tag cannot be bred unless an appropriate breeding
23 permit is first obtained from the Division.

24 No person shall breed any dog or cat in Palm Beach County without first
25 obtaining a breeding permit.

26 Contact the Division at (561) 233-1200 or
27 www.pbcgov.com/publicsafety/animalcare/ with questions about regulations
28 pertaining to your new dog or cat.

29 The Division shall have the authority to establish an alternative written disclosure
30 form that includes the essential elements of the written notice provided herein. 2

- 1 d. At the time of sale, each pet shop and pet dealer shall deliver to the purchaser of
2 each dog and cat a written disclosure(s) containing all of the information required
3 in Section 4-23(i)(2)a.1. through 7. the following:
- 4 1. ~~The name, and physical address (no P.O. boxes of the breeder of the dog or~~
5 ~~cat. If the breeder of the dog or cat is licensed by the United States~~
6 ~~Department of Agriculture, a state, or a local government to breed, sell or~~
7 ~~otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the~~
8 ~~license number, identification number, or other permit number.~~
- 9 2. ~~The name and physical address (no P.O. boxes) of any other person who or~~
10 ~~business that owned or possessed the dog or cat from its birth to the point of~~
11 ~~sale. If such person or business is licensed by the United States Department~~
12 ~~of Agriculture, a state, or a local government to breed, sell or otherwise deal~~
13 ~~in dogs and cats, the pet shop or pet dealer shall maintain the license number,~~
14 ~~identification number, or other permit number.~~
- 15 3. ~~The date the dog or cat was born and the date the pet shop or pet dealer~~
16 ~~received the dog or cat.~~
- 17 4. ~~The breed, sex, color, and identifying marks of the dog or cat. If the breed is~~
18 ~~unknown or mixed, the record shall so indicate.~~
- 19 5. ~~If the dog or cat is being sold as capable of registration, the names and~~
20 ~~registration numbers of the sire and dam and litter number.~~
- 21 6. ~~A copy of each OCVI that has been completed for the dog or cat up to the~~
22 ~~point of sale.~~
- 23 7. ~~A complete record of any medical treatment or medication provided to or~~
24 ~~recommended for the dog or cat by a veterinarian and medical diagnosis~~
25 ~~made by a veterinarian concerning the dog to cat up to the point of sale. If~~
26 ~~such information is contained in an OCVI, the OCVI shall be sufficient; if~~
27 ~~not, the pet shop or pet dealer shall obtain provide a copy of each dog or cat's~~
28 ~~medical records from the veterinarian.~~

1 8. ~~A record of any known disease, illness, or congenital or hereditary condition~~
2 ~~that adversely affects the health of the dog or cat at the time of sale, or is~~
3 ~~likely to adversely affect the health of the dog or cat in the future.~~

4 A ~~The pet shop store or and~~ pet dealer shall provide all of the above-cited written
5 disclosures containing all of the information required in Section 4-23(i)(2)a.1.
6 through 7. to the prospective purchaser of each dog or cat for review prior to the
7 purchase upon request. The pet shop or pet dealer shall maintain a copy of the
8 above-cited written disclosures for a period of two years from the date of sale of
9 each dog and cat and shall make such copies available to the Division upon
10 request.

11 ***

12 (10) Exemption for humane societies, private nonprofit animal organizations animal
13 rescue organizations and shelters.

14 a. A pet shop that allows a humane society, private nonprofit animal organization, animal
15 rescue organization or shelter to use the pet shop's premises for the purpose of making
16 animals available for adoption shall be exempt from the provisions of Subsections
17 (i)(1)(2)(3) and (4) with respect to such animals, provided the pet shop does not have an
18 ownership interest in such animals and the provisions of Section 4-26 are followed. In
19 addition, the pet shop shall post conspicuously on the cage or enclosure of each dog and
20 cat offered for adoption a written notice in twelve-point or greater type identifying the
21 humane society, private nonprofit animal organization, animal rescue organization or
22 shelter from which the dog or cat may be adopted, the breed, the sex, the age, the relevant
23 information known about the dog or cat and that the dog or cat must be sterilized prior to
24 adoption.

25 b. A pet shop may adopt animals from a humane society, private nonprofit animal
26 organization, animal rescue organization or shelter for the purpose of adopting those
27 animals out through the pet shop. With regard to any animal adopted from a humane
28 society, private nonprofit animal organization, animal rescue organization or shelter for the
29 purpose of adoption through the pet shop, the pet shop shall comply with all requirements
30 found in Section 4-26(a)(2)-(10) and (d). In addition, the pet shop shall post conspicuously
31 on the cage or enclosure of each dog and cat offered for adoption a written notice in

1 twelve-point or greater type identifying the humane society, private nonprofit animal
2 organization, animal rescue organization or shelter from which the dog or cat was
3 obtained, the breed, the sex, the age, the relevant information known about the dog or cat
4 and that the dog or cat must be sterilized prior to adoption.

5 ***

6 **Sec. 4-26. Animal Agencies.**

7 (a) All Humane societies shall; society requirements.

8 (1) ~~Shall~~ Hold stray animals for five (5) days (excluding legal holidays or days the
9 operation is closed to the public) allowing owners access for identifying and
10 reclaiming said animals.

11 (2) ~~Shall~~ For a period of two (2) years from the date of impoundment of each animal, keep
12 records of the impoundment and disposition of all each animals received and record
13 ~~relevant~~ dates, names and addresses of persons from whom each animal was obtained
14 and to whom each animals-is are-released. All such records must be made available to
15 the Division for inspection and copying upon request. By the fifteenth (15th) day of
16 the month, provide the Division with the name and address of each person who has
17 adopted an animal during the previous month and the EAID and license tag number (if
18 applicable) of such animal.

19 (3) ~~Shall~~ Provide dogs and cats released to owners with a rabies inoculation and County
20 rabies/license tag.

21 (4) ~~Shall~~ Provide dogs and cats released to new adopters with:

22 a. A rabies inoculation and County rabies tag.

23 b. An electronic animal identification device (EAID) or tattoo. The numbering
24 system shall be registered with the Division.

25 (5) ~~Shall~~ Reasonably assure that adopted dogs are not used as commercial guard dogs.

26 (6) ~~Shall~~ assure that animals kept longer than twenty-four (24) hours are maintained in
27 animal enclosures that are consistent with subsection 4-23(h).

28 (7) ~~Shall~~ Contact appropriate agencies for the identification of any animals found with
29 tattoos, tags or electronic animal identification devices (EAID).

30 (8) ~~Shall~~ Comply with section 4-24, Animal care; manner of keeping

1 (9) ~~Shall~~ Provide for the sterilization of every adopted dog and cat. Every dog and cat
2 shall be sterilized prior to release, unless a veterinarian licensed to practice in the State
3 of Florida certifies in writing that the dog or cat has a medical condition that would be
4 substantially aggravated by such procedure or would likely cause the dog or cat's
5 death. A dog or cat may be temporarily released to a potential adopter if the adopter
6 agrees in writing to bring the dog or cat to the Humane Society or authorized
7 veterinarian for sterilization ~~sterilize the dog or cat~~ as soon as deemed safe by a
8 veterinarian licensed to practice in the State of Florida.

9 (10) By the fifteenth (15th) day of the month, provide the Division with the following
10 information:

11 a. Number of animals in its possession or being sheltered. This data shall be provided
12 by species.

13 b. Number of dog/cats adopted.

14 c. Number of dogs/cats in foster.

15 (b) All Private nonprofit animal organizations and animal rescue organizations shall:
16 requirements.

17 (1) ~~Shall~~ Comply with section 4-22, Number of animals; acreage restrictions/excess
18 animal habitats.

19 (2) ~~Shall~~ Comply with section 4-24, Animal care; manner of keeping.

20 (3) ~~Shall~~ provide dogs and cats released to owners or new adopters with:

21 a. A rabies inoculation and County rabies/license tag.

22 b. An electronic animal identification device (EAID) or tattoo. The numbering
23 system shall be registered with the Division.

24 (4) ~~Shall~~ Provide for the sterilization of every adopted dog and cat. Every dog and cat
25 shall be sterilized prior to release, unless a veterinarian licensed to practice in the State
26 of Florida certifies in writing that the dog or cat has a medical condition that would be
27 substantially aggravated by such procedure or the procedure would likely cause the
28 dog or cat's death. A dog or cat may be temporarily released to a potential adopter if
29 the adopter agrees in writing to bring the dog or cat to the private nonprofit animal
30 organization or animal rescue organization or authorized veterinarian for sterilization

1 sterilize the dog or cat as soon as deemed safe by a veterinarian licensed to practice in
2 the State of Florida.

3 (5) ~~Shall Hold~~ stray animals for ten (10) days after a found report has been filed at the
4 Division with two (2) clear photographs (at least three (3) inches by three (3) inches)
5 of the dog or cat and a "found" advertisement has been placed in a local newspaper of
6 general circulation.

7 (6) ~~Shall~~ For a period of two (2) years from the date of impoundment of each animal, keep
8 records of the impoundment and disposition of all each animals received and record
9 relevant dates, names and addresses of persons from whom each animal was obtained
10 and to whom each animals-is are released. All such records must be made available to
11 the Division for inspection and copying upon request. By the fifteenth (15th) day of
12 the month, provide the Division with the name and address of each person who has
13 adopted an animal during the previous month and the EAID and license tag number (if
14 applicable) of such animal.

15 (7) ~~Shall~~ Reasonably assure that dogs ~~animals~~ adopted or sold are not to be used as
16 commercial guard dogs.

17 (8) ~~Shall~~ Contact appropriate agencies for the identification of any animals with tattoos,
18 tags or electronic animal identification devices (EAID).

19 (9) By the fifteenth (15th) day of the month, provide the Division with the following
20 information:

21 a. Number of animals in its possession or being sheltered. This data shall be provided
22 by species.

23 b. Number of dog/cats adopted.

24 c. Number of dogs/cats in foster.

25 (c) ~~All animal agencies (County and municipal animal control agencies, humane societies, and~~
26 ~~private nonprofit animal organizations and animal rescue organizations)~~ that accept
27 animals from any member of the public will be required to have such person sign a written
28 statement detailing the reclaim, adoption and euthanasia policies.

29 (d) All animal agencies (County and municipal animal control agencies, humane societies, and
30 private nonprofit animal organizations and animal rescue organizations) that house or

1 shelter animals within a facility open to the public are subject to annual inspection by the
2 Division. ~~Failure to abide by these requirements stated herein shall be deemed a violation~~
3 of this chapter.

4 (e) No humane society, private nonprofit animal organization or animal rescue organization
5 shall provide compensation directly or indirectly to any breeder, pet dealer or other source
6 in exchange for a cat or dog.

7 **Sec. 4-27. Aggressive dogs, dangerous dogs and vicious dogs.**

8 (a) Classification of dogs as aggressive and dangerous.

9 ***

10 (2) A dog shall not be declared dangerous if the threat, injury or damage was sustained by
11 a person who, at the time, was unlawfully on the property or, while lawfully on the
12 property, was tormenting, abusing, or assaulting the dog or its owner or a family
13 member. No dog may be declared aggressive or dangerous if the dog was protecting or
14 defending a human being within the immediate vicinity of the dog from an unjustified
15 attack or assault.

16 ***

17 (4) After its investigation, the Division shall make an initial determination as to whether
18 there is sufficient cause to classify the dog as aggressive or dangerous. The Division
19 shall provide written notification of sufficient cause finding, to the owner, by
20 registered mail, certified hand delivery (signed receipt) or service of process. The
21 owner shall be afforded an opportunity for a hearing before a Special Master prior to a
22 final determination of the classification. If the owner decides to appeal the initial
23 determination, the owner shall file a written request with the Division for a hearing
24 before the Special Master within seven (7) calendar days from the date of receipt of
25 the notification of the sufficient cause finding and if requested, the hearing shall be
26 held as soon as possible, no sooner than five (5) calendar days and not more than
27 twenty-one (21) calendar days after receipt of the request from the owner. Said written
28 request must be accompanied by an appeal bond and any applicable fees for the care
29 and boarding of said dog (due through the fifth day following the date of the request
30 for hearing). The appeal bond and any other applicable fees shall be established by the
31 Board by resolution. The appeal bond shall be remitted to the Division in the form of a

1 money order, a certified check, a cashier's check, or a bank check payable to the
2 County. The Division shall provide notice of the hearing to the owner by U.S. mail,
3 electronic mail, facsimile, certified mail or certified hand delivery. If the owner after
4 seven (7) calendar days from the delivery of the "notice of intent to classify/sufficient
5 cause notice," has not filed a written request for a hearing, the determination of the
6 Division shall become final. ~~dog shall be classified as aggressive or dangerous.~~

7 ***

8 (6) ~~Once a dog is classified as aggressive or dangerous~~ Upon an aggressive or dangerous
9 dog classification becoming final after a hearing or by operation of law pursuant to
10 Section 27(a)(4) 4-27(a), the Division shall provide written notification to the owner
11 by registered mail, certified hand delivery (signed receipt) or service of process. The
12 owner may then file a written request for a hearing in the County court to appeal the
13 classification to the Circuit Court of the Fifteenth Judicial Circuit Court in and for
14 Palm Beach County, Florida within thirty (30) days after receipt of written notification
15 that the dog has been classified as aggressive or dangerous in accordance with the
16 Florida Rules of Appellate Procedure. ~~within ten (10) business days after receipt of the~~
17 ~~written determination of aggressive or dangerous dog classification and~~ The owner
18 ~~must confine the dog in a securely fenced or enclosed area pending resolution of the~~
19 ~~appeal.~~ If the Division allows the owner to maintain possession of the dog during a
20 dangerous dog appeal, the owner must confine the dog in a securely fenced or
21 enclosed area to prevent the dog from escaping or coming in contact with any person
22 or domestic animal other than a person or domestic animal in the immediate household
23 of the owner, pending a resolution of the appeal. If the Division allows the owner to
24 maintain possession of the dog during an aggressive dog appeal, the owner must
25 confine the dog in a securely fenced or enclosed area to prevent the dog from escaping
26 or coming in contact with any domestic animal other than a domestic animal in the
27 immediate household of the owner, pending a resolution of the appeal. Pending
28 resolution of an aggressive or dangerous dog appeal, the dog shall at all times wear a
29 muzzle when it is off the owner's property and must be restrained by a substantial
30 leash not exceeding six (6) feet in length and under the control of a competent person.

31 ***

1 (c) Dangerous dog mandates and responsibilities.

2 (1) Mandates for owner. Within fourteen (14) days after a dog has been classified as
3 dangerous or a dangerous dog classification is upheld by the ~~County Court~~ on appeal,
4 [a]n owner of a dangerous dog shall comply with all of the following:

5 ***

6 (2) Responsibilities for owner.

7 ***

8 f. A dangerous dog shall at all times wear a muzzle when it is not securely confined
9 indoors or securely confined outdoors in an enclosed and locked structure on the
10 owner's property. A dangerous dog may be off the owner's premises or out of its
11 enclosure if it is muzzled and restrained by a substantial chain or leash not
12 exceeding six (6) feet in length and under the control of a competent person. The
13 muzzle must be made in a manner that will not cause injury to the dog or interfere
14 with its vision or respiration but must prevent it from biting any person or
15 domestic animal. Notwithstanding the foregoing, the owner may exercise the dog
16 in a securely fenced or enclosed area that does not have a top, with a muzzle but
17 without a leash, if the dog remains within his or her sight and only members of
18 the immediate household or persons 18 years of age or older are allowed in the
19 fenced yard or enclosure while the dog is present.

20 ***

21 (d) Vicious dog.

22 (1) *Upgrading dangerous dog to vicious dog.* If a dog that has previously been declared
23 dangerous attacks or bites a person or a domestic animal, without provocation ~~when~~
24 ~~unprovoked~~, the dangerous dog shall be immediately confiscated by the Division,
25 placed in quarantine, if necessary, for the proper length of time or impounded and held
26 ten (10) business days after the owner is given written notification by certified mail,
27 certified hand delivery (signed receipt) or service of process. The Division shall make
28 an initial determination as to whether there is sufficient cause to upgrade the
29 dangerous classification to vicious.

1 (2) Attack by unclassified dog that causes death of a human. If a dog that has not been
2 declared dangerous attacks and causes the death of any human, the dog may be
3 destroyed in an expeditious and humane manner. The dog shall be immediately
4 confiscated by the Division, placed in quarantine, if necessary, for the proper length of
5 time or held for ten (10) business days after the owner is given written notification by
6 certified mail, certified hand delivery (signed receipt) or service of process. The
7 Division shall make an initial determination as to whether there is sufficient cause to
8 classify the dog as vicious. ~~A dog that has not been previously declared dangerous~~
9 ~~shall not be declared vicious if the severe injury or death was sustained by a person~~
10 ~~who, at the time, was unlawfully on the property or, while lawfully on the property,~~
11 ~~was tormenting, abusing, or assaulting the dog, the owner, or a person in the~~
12 ~~immediate household of the owner.~~

13 (3) ~~Classifying a dog as vicious that has not been previously declared dangerous.~~ Attack
14 by unclassified dog that causes severe injury to a human. If a dog that has not been
15 declared dangerous attacks and causes severe injury to ~~or death of any~~ a human, based
16 upon the nature and circumstances of the injury and the likelihood of a future threat to
17 the public safety, health and welfare, the dog may be destroyed in an expeditious and
18 humane manner. The dog shall be immediately confiscated by the Division, placed in
19 quarantine, if necessary, for the proper length of time or held for ten (10) business
20 days after the owner is given written notification by certified mail, certified hand
21 delivery (signed receipt) or service of process. The Division shall make an initial
22 determination as to whether there is sufficient cause to classify the dog as vicious.

23 (4) A dog shall not be declared vicious if the threat, injury or damage was sustained by a
24 person who, at the time, was unlawfully on the property or, while lawfully on the
25 property, was tormenting, abusing, or assaulting the dog or its owner or a family
26 member. No dog may be declared vicious if the dog was protecting or defending a
27 human being within the immediate vicinity of the dog from an unjustified attack or
28 assault.

29 (53) *Vicious dog classification process.*

30 a. The Division shall investigate any incident involving any dog that may be vicious
31 and shall, if possible, interview the owner and require a sworn affidavit from any

1 person, animal control officer, or enforcement officer desiring to have a dog
2 classified as vicious. ~~In the event that any animal control officer has sufficient~~
3 ~~cause to believe that a dog is vicious and that the owner is unable or unwilling to~~
4 ~~humanely, safely and securely confine the dog, the officer may impound the dog~~
5 ~~pending the investigation and any appeal if deemed necessary to protect the~~
6 ~~public. The dog shall be impounded and held by the Division pending the~~
7 ~~outcome of the investigation and any appeal. The owner shall be responsible for~~
8 payment of all boarding costs and other fees required for the Division to care for
9 the dog pending the outcome of the investigation and resolution of any appeal. An
10 owner's refusal to surrender a dog for impoundment pending the investigation
11 shall constitute a violation of this chapter. ~~At the discretion of the Division, a dog~~
12 ~~that is the subject of a vicious dog investigation may be confined at a licensed~~
13 ~~facility approved by the Division or at the residence of the owner if the Division~~
14 ~~is given adequate assurance by the owner that the dog can be humanely, safely,~~
15 ~~and securely confined without posing a danger to the public. If the dog remains~~
16 ~~with the owner pending the outcome of a vicious dog investigation and resolution~~
17 ~~of any appeal, the dog shall be at all times maintained in a securely fenced or~~
18 ~~enclosed area to prevent the dog from escaping or coming into contact with any~~
19 ~~person or domestic animal other than a person or domestic animal in the~~
20 ~~immediate household of the owner. No dog that is the subject of a vicious dog~~
21 ~~investigation may be relocated or ownership transferred, pending the outcome of~~
22 ~~an investigation or any appeal of a vicious dog classification. The owner shall~~
23 ~~provide the Division with the address of where the dog will be maintained~~
24 ~~pending an investigation and any appeal.~~

- 25 b. After its investigation, the Division shall make an initial determination as to
26 whether there is sufficient cause to classify the dog as vicious. The Division shall
27 provide written notification of sufficient cause finding, to the owner, by registered
28 mail, certified hand delivery (signed receipt) or service of process. The ten (10)
29 business day time period from date of notification, shall allow the owner to file a
30 written request for a hearing before a Special Master prior to a final determination
31 of the vicious classification. The hearing shall be held no sooner than five (5)
32 calendar days and not more than twenty-one (21) calendar days after receipt of the

1 request from the owner. The appeal bond, any applicable fees for the care and
2 boarding of said dog (due through the fifth day following the date of the request
3 for hearing) must accompany the owner's written request. The appeal bond and
4 fees shall be established by the Board by resolution. The appeal bond shall be
5 remitted to the Division in the form of a money order, a certified check, a
6 cashier's check, or a bank check payable to the County. The Division shall
7 provide notice of the hearing to the owner by U.S. mail, electronic mail, facsimile,
8 certified mail or certified hand delivery. If the owner fails to appeal within the ten
9 (10) business day period, the dog shall be humanely destroyed euthanized.

10 ***

11 (64) *Notice of appeal.* The owner may appeal the classification to the Circuit Court of the
12 Fifteenth Judicial Circuit Court in and for Palm Beach County, Florida within thirty
13 (30) days after receipt of written notification that the dog has been classified as vicious
14 in accordance with the Florida Rules of Appellate Procedure. ~~The owner may then file~~
15 ~~a written request for a hearing in the County Court to appeal the classification within~~
16 ~~ten (10) business days after receipt of the written determination of vicious dog~~
17 ~~classification and must confine the dog in a securely fenced or enclosed area pending~~
18 ~~resolution of the appeal. Pending resolution of the appeal, the dog shall at all times~~
19 ~~wear a muzzle when it is off the owner's property and must be restrained by a~~
20 ~~substantial leash not exceeding six (6) feet in length and under the control of a~~
21 ~~competent person.~~

22 **Sec. 4-28. - Sterilization program for dogs and cats.**

23 ***

24 (b) *Spaying, neutering of dogs and cats.*

25 (1) Every dog six (6) months of age or older and every cat four (4) months of age or older
26 within the County shall be spayed or neutered, unless proof of one (1) of the following
27 exemptions is provided to the Division:

28 ***

29 f. The dog ~~or cat~~ is used for breeding purposes by a licensed hobby or commercial
30 breeder. The cat is used for breeding purposes by a licensed hobby or commercial

1 breeder and is registered as a pedigreed cat with the Cat Fancier Association or
2 the International Cat Association.

3 ***

4 **Sec. 4-29. Hobby breeder permits.**

5 ***

6 (a) *Hobby breeder permits.*

7 (1) No person shall breed a dog or cat or offer a dog or cat for breeding or stud
8 purposes without first obtaining an appropriate breeding permit issued by the Division. No
9 person shall maintain unsterilized dogs over six (6) months of age or unsterilized cats over four
10 (4) months of age together without first obtaining an appropriate breeding permit from the
11 Division. No cat shall be bred unless it is a pedigreed cat registered as such with the Cat
12 Fancier Association or the International Cat Association. No hobby breeder permit shall be
13 issued unless the cats to be bred are pedigreed cats registered as such with the Cat Fancier
14 Association or the International Cat Association. The cost of the permit and other related fees
15 shall be established by the Board by resolution.

16 ***

17 (e) *Permit denial, revocation, and suspension.*

18 (1) By notice of adverse action, the Division may deny, revoke or suspend any permit if it
19 is determined that:

- 20 a. There has been a material misstatement or misrepresentation in the permit
21 application;
- 22 b. The applicant/permit holder has been cited for at least three (3) violations of this
23 chapter within a two-year period, each resulting in the imposition of a fine;
- 24 c. The permit holder/applicant has outstanding and unsatisfied civil penalties
25 imposed due to a violation of this chapter; ~~The applicant/permit holder has failed~~
26 ~~to pay a fine or to request a hearing in County court to answer the charges of a~~
27 ~~citation within thirty (30) days of issuance of the violation;~~
- 28 d. The applicant/permit holder, ~~or~~ his/her agent or a member of the household has
29 been convicted of a violation of law involving cruelty to animals or has had a
30 final judgment entered against him/her pursuant to Florida Statutes § 828.073; or

1 e. An animal under the care and responsibility of an applicant/permit holder has
2 been found to be in need of immediate veterinary care that, if not treated, would
3 result in suffering, pain or death.

4 ***

5 (h) *Fee waiver.* The Division shall waive the annual hobby breeder permit fee for any
6 person/applicant who applies for a hobby breeder permit on or before August 1, 2008,~~or~~
7 ~~for any person who applies for a permit within ninety (90) days of moving into the County~~
8 ~~and provides acceptable proof to the Division of such relocation.~~ For persons/applicants
9 who apply for a hobby breeder permit during this period, the Division shall also annually
10 waive the fee for two (2) unaltered dog or cat license tags. The fee waiver shall remain in
11 effect for a hobby breeder so long as the hobby breeder remains in compliance with this
12 chapter and F.S. ch. 828.

13 ***

14 **Sec. 4-30. Animal care and control Special Master hearings.**

15 ***

16 (i) Any aggrieved party may appeal an order of the Special Master, including the County, to
17 the Circuit Court of the Fifteenth Judicial Circuit Court in and for Palm Beach County.
18 Such appeal shall not be a hearing de novo but shall be limited to appellate review of the
19 record created before the Special Master. Any appeal filed pursuant to this Ordinance shall
20 be considered timely if it was filed within 30 days of the execution of the order to be
21 appealed. PBC may assess a reasonable charge for the preparation of the record to be paid
22 by the petitioner in accordance with F. S. § 119.07.~~Except as provided in section 4-27 with~~
23 ~~regard to aggressive, dangerous and vicious dogs, Any person may appeal a final order of a~~
24 ~~Special Master within thirty (30) days by filing a petition for writ of certiorari in the~~
25 ~~Circuit Court of the Fifteenth Judicial Circuit Court.~~

26 ***

27

28 **Section 2. REPEAL OF LAWS IN CONFLICT:**

29 All local laws and ordinances in conflict with any provisions of this Ordinance are
30 hereby repealed to the extent of such conflict.

1 **Section 3. SAVINGS CLAUSE:**

2 Notwithstanding anything to the contrary, all provisions of Palm Beach County Code
3 Chapter 4, codifying Palm Beach County Ordinance No. 98-22, as amended by Ordinances
4 2001-065, 2003-27, 2005-44, 2008-004, 2009-019, 2011-005 and 2015-027, are specifically
5 preserved and remain in full force and effect for the limited purpose of enforcing any alleged
6 violations of said Code which occurred prior to its repeal or amendment.

7 **Section 4. SEVERABILITY:**

8 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
9 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void,
10 such holding shall not affect the remainder of this Ordinance.

11 **Section 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

12 The provisions of this Ordinance shall become and be made a part of the Palm Beach
13 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish
14 such, and the word "ordinance" may be changed to "section," "article," or other appropriate
15 word.

16 **Section 6. ENFORCEMENT:**

17 This Ordinance is enforceable by all means provided by law. Additionally, the County
18 may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm
19 Beach County.

20 **Section 7. PENALTY:**

21 Any violation of any portion of this Ordinance shall be punishable as provided by law.

22 **Section 8. CAPTIONS:**

23 The captions, section headings, and section designations used in this Ordinance are for
24 convenience only and shall have no effect on the interpretation of the provisions of this
25 Ordinance.

26 **Section 9. EFFECTIVE DATE:**

27 The provisions of this Ordinance shall become effective upon filing with the
28 Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
County, Florida, on this the ____ day of _____, 2016.

SHARON R. BOCK, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____

By: _____ Attachment # 2
30

Deputy Clerk

Mary Lou Berger, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the ____ day of
_____, 20 ____.