

DRAFT

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NUMBER

AN ORDINANCE AMENDING CHAPTER 9 ANIMALS, GENERAL ORDINANCES, MARTIN COUNTY CODE; INCLUDING BUT NOT LIMITED TO AMENDING SECTION 9.1 DEFINITIONS AND SECTION 9.87 MINIMUM STANDARDS FOR THE CARE OF ANIMALS BY PET STORES, PET DEALERS, GROOMING ESTABLISHMENTS, KENNELS AND COMMERCIAL STATUS BY ADDING SECTION 9.87.A.19 TO PROHIBIT THE SALE OF RABBITS, DOGS AND CATS AT PET STORES, PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, APPLICABILITY, FILING WITH THE DEPARTMENT OF STATE, AN EFFECTIVE DATE AND CODIFICATION.

WHEREAS, the Board of County Commissioners of Martin County is authorized, pursuant to Sections 1 and 6, Article VIII, Constitution of the State of Florida, and Chapter 125, Florida Statutes, to adopt and amend ordinances; and

WHEREAS, the Board of County Commissioners has determined it is in the best interest of the public health, safety and welfare to periodically update Chapter 9, Animals; and

WHEREAS, there has been growing concern throughout Florida and the country involving the sale of rabbits, dogs and cats from pet stores; and

WHEREAS, most rabbits, dogs and cats sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits; and

WHEREAS, current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the sale of rabbits, dogs and cats in pet stores pose; and

WHEREAS, the Animal Care and Control Oversight Board has reviewed proposed changes to Chapter 9 to prohibit the retail sale of rabbits, dogs and cats and recommended approval; and

WHEREAS, the Board of County Commissioners has considered the recommendation of the Animal Care and Control Oversight Board and conducted a public hearing to consider the proposed changes and determined the prohibition of the retail sale of rabbits, dogs and cats in Martin County to be in the best interest of the health, safety and welfare of its residents and citizens and the public at large.

DRAFT

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, that:

Section 9.1 Definitions, Article 1, General Provisions

PART ONE: Chapter 9, General Ordinances, Martin County Code is hereby amended to read as follows:

Sec. 9.1. - Definitions.

The following words and phrases used in this chapter shall have the meaning set forth below, unless a different meaning is clearly required by the context:

Aggravated violation means a violation of sections 9.63.B., 9.93.E., and 9.94.B. of this chapter.

Animal means any live vertebrae creature including mammals, birds, reptiles, amphibians and fish, but not humans.

Animal Services Officer means a person employed or appointed by the County or a municipality, or authorized by interlocal agreement with the County, who is authorized to investigate, on public or private property, civil infractions related to animal control or cruelty, and to issue citations as provided in this chapter.

Animal Services Unit means the Animal Services Unit within the Martin County Sheriff's Department.

Animal shelter or private nonprofit organization means a nonprofit organization that is in the business of sheltering and adopting domestic companion animals and is maintained by or under contract with a state, county, or municipality or that is tax-exempt under Section 501(c)(3) of the United States Internal Revenue Code.

At large means any animal found running loose that has a current or traceable Martin County license, micro-chip or a license from any other jurisdiction.

Attack means an event whereby an unprovoked animal lunges at, runs after or otherwise chases or approaches a person or another animal and such event either occurs in a threatening or menacing manner or causes some type of injury or death.

Bite means an actual puncture or tear of the skin inflicted by the teeth of an animal.

Board means the Board of County Commissioners of Martin County, Florida.

Cat means any member of the species Felis Catus.

DRAFT

Citation means a written notice, issued to a person by an Animal Services Officer or a law enforcement officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of some designated provision(s) of this chapter and that the County court will hear the charge (if contested). The citation must meet the requirements of F.S. § 828.27(1)(f).

Commercial stable shall mean any premises where:

- 1. More than four equine are kept which do not belong to the owner or operator of the premises; or
 - 2. Equine are kept for boarding, pasturing, breeding, riding, training, riding lessons, resale or rearing, and for which advertising is used to promote such activities. Advertising for the purpose of this section shall mean any written statement (excluding real property leasehold arrangements) made in connection with the solicitation of such business and includes without limitation, statements and representations made in a newspaper or other publication, or on radio or television or contained in any notice, handbill, business card, sign, catalog, billboard, brochure, poster or letter.
- Nonprofit stables are not included in this definition.

Community cat means any un-owned, free-roaming cat that has been treated for fleas and ticks, sterilized, vaccinated against rabies and feline distemper, ear-tipped implanted with a microchip and returned to field and may be cared for by one or more residents who may be known or unknown.

Community cat caregiver means a person who provides food, water, and other care for one or more community cats but who does not own, harbor, keep or have custody, control or charge of such cats.

Compensation shall mean anything given or received as payment or in exchange for a service or product.

Control means the regulation of the possession, ownership, care and custody of animals.

County means Martin County, a political subdivision of the State of Florida.

County Health Department means the health department established and maintained by Martin County in accordance with F.S. § 154.001 et seq.

Cruelty means any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal, including any of the acts described in section 9.92.A..

Dangerous dog means any dog that, according to the records of the appropriate authority:

- 1. Has aggressively bitten, attacked, or 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;

DRAFT

3. Is used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or
4. Has, 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 or more persons and dutifully investigated by the appropriate authority.

Designated hearing officer means the County Administrator or his or her designee, other than the Animal Services Unit administrator.

Designated impoundment facility means any animal shelter which is operated by a nonprofit corporation or a licensed veterinarian practicing in Martin County and which is under contract with the board.

~~*Division* means the Animal Services Division within the Martin County Sheriff's Department.~~

Dog means any member of the species *Canis Lupus Familiaris*, or any genetic hybridization thereof, not under the jurisdiction of the Fish and Wildlife Conservation Commission.

Domestic animal means any tame animal, usually by generations of breeding, and living in a close association with humans as a pet, work animal or farm animal in such a way that creates a dependency on humans so that the animal loses its ability to live in the wild.

Ear-tipped or ear-tipping means notching or removing approximately a quarter-inch off the tip of the cat's left ear while the cat is anesthetized for sterilization. An ear-tip or notch on the left ear shall be presumptive evidence that a cat has been vaccinated against rabies and feline distemper, implanted with a microchip, sterilized and returned to the field.

Feral means any dog or cat existing in a wild or untamed state, or any dog or cat that has returned to an untamed state from domestication.

Free-roaming cats shall mean any cat found outdoors regardless of behavior or ownership status.

Grooming establishment shall mean any place of business (stationary or mobile) which accepts private pets for bathing, clipping, dipping pedicure or other related services (not to include breeding, dentistry, or overnight boarding).

Habitually means the fourth or subsequent violation of a particular offense.

Harbor means the act of caring for and keeping an animal or the act of providing a premise or residence to which the animal returns for food, shelter or care for a period of

DRAFT

at least ten days, or at the point where the caregiver is providing the primary source of sustenance for the animal; whichever time is shorter.

Hobby breeder shall mean a person who breeds and/or raises on his/her property dogs, cats, and/or companion animals, which sells no more than two litters, or 20 dogs, cats, and/or companion animals per year, whichever is greater.

Impound means to apprehend an animal for the purpose of confinement in a designated impoundment facility.

Kenel shall mean any place of business which dogs and cats are kept for sale, breeding, boarding, or training.

Law enforcement animal means a dog or other animal which is under the direct control of a public law enforcement officer.

License/identification tag means a numbered tag that provides proof of current rabies vaccination and Martin County registration for the tagged domesticated animal.

Licensed veterinarian means a person who has a veterinary medicine degree and possesses a valid license to practice, as a veterinary doctor, in the State of Florida.

Micro-chip means an electronic device used for the permanent identification of the host animal.

Owner means any person or entity other than a community cat caregiver, possessing, harboring, keeping or having custody or control of an animal. If the animal is owned by a person under age eighteen (18), owner shall be such person's parent or guardian.

Person means any individual, household, firm, partnership, corporation, company, society, association, and every officer, agent, or employee thereof.

Pet dealer means any person, firm, partnership, corporation, or other association which in the ordinary course of business, engages in the sale of more than two litters, or twenty (20) dogs, cats, or companion animals per year, whichever is greater, to the public and is regulated by F.S. § 828.29, as amended from time to time.

Pet Lemon Law shall mean the consumer information set forth in F.S. § 828.29, as amended from time to time, that has been compiled into a pamphlet by the Florida Veterinary Medical Association.

Pet store shall mean any place or business where ~~pet/companion~~ animals (including small animals intended for use as reptile food) are kept for retail or wholesale purchase excluding rabbits, dogs or cats as prohibited by Section 9.87.A.19 herein. Excluded are those animals regulated and controlled by the Florida Fish and Wildlife Conservation Commission.

DRAFT

Premises means a parcel of land and the structures thereon.

Proper enclosure means while on the owner's property, the animal 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 animal from escaping over, under, or through the structure and shall also provide protection from the elements.

Quarantine means a strict confinement, isolation and observation imposed on animal(s) suspected of having rabies or any other infectious zoonotic disease, or premises or other defined geographic areas, to prevent the spread of disease or pests.

Rabbit means any member of the species *Oryctolagus Cuniculus*.

Severe injury means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

Shelter/housing means provision of and access to a three dimensional structure that has a roof, a minimum of four walls, and a floor, and is dry, sanitary, clean, weatherproof, and made of durable material. The structure must be sufficient in size to allow the sheltered animal(s) to stand up, turn around, and lie down comfortably. The structure must be designed to protect the animal from the adverse effects of the elements and environmental conditions. The structure must: (i) be free of standing water, accumulated waste, and debris; (ii) protect the animal(s) from injury; and (iii) have adequate ventilation. Wire, grid or slat floors of structures that permit the animal's feet to pass through openings, or sag under the animal's weight, or that otherwise do not protect the animal's feet or toes from injury are prohibited, except structures for birds where perches are provided. All of the foregoing are minimum standards by which a structure can qualify as shelter/housing and failure of a structure to meet any one or more of the standards set forth in this definition shall result in the structure failing to qualify as shelter/housing.

Sheriff means the Martin County Sheriff, or his/her designee.

Sterilized means a spayed or neutered animal.

Stray means any animal found 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, and that does not have an identification tag or micro-chip and for which there is no identifiable owner; however, community cats shall not be considered stray.

Temporary resident or nonresident means a person who resides in Martin County for less than six months in any calendar year, and whose Martin County residence is not the person's permanent residence.

DRAFT

Trap-neuter-vaccinate-return or *TNVR* means a County authorized program in which a free-roaming cat is humanely trapped, spayed or neutered, vaccinated against rabies and feline distemper, ear-tipped, implanted with a microchip and returned to field.

Unprovoked means 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 an animal.

Unsterilized means a nonspayed or nonneutered animal.

Vaccination/vaccinated means protection provided against rabies by inoculation with anti-rabies vaccine, as administered by a licensed veterinarian. Provided however for section 9.90D this term shall mean inoculation against rabies and feline distemper.

Zoonotic means relating to or constituting a disease of animals that can be transmitted to human beings.

ARTICLE 2. IMPOUNDMENT, QUARANTINE, AND DISPOSITION

Sec. 9.31. Impoundment.

Any animal received or taken into custody by an Animal Services Officer shall be properly delivered to the designated impoundment facility for handling and disposition in accordance with this chapter and any contractual agreement between the County and the operator of such facility.

Sec. 9.32. Observation and treatment; humane destruction of certain animals.

A licensed veterinarian shall observe and, if appropriate, treat any impounded animal believed to have rabies or other zoonotic disease, at the expense of the owner, and shall destroy any such animal, without compensation to the owner, upon certifying that the continued existence of such animal endangers the public health, safety, and welfare. The designated impoundment facility is hereby granted discretionary authority to act immediately and humanely to destroy or otherwise dispose of any injured, sick or diseased animal when, in the opinion of a licensed veterinarian, the animal's continued existence, in such condition, would be inhumane. Any animal reasonably suspected or believed to be infected with rabies or any zoonotic disease shall be quarantined as provided below, and all additional costs associated with special handling and treatment of the quarantined animal shall be paid, as an additional fee, by the owner prior to redemption of the animal. Such lawful exercise of discretion by the designated impoundment facility to destroy an animal shall not relieve the owner from liability for any and all violations, fines and accrued charges or fees with respect to such animal, regardless of the ultimate disposition of such animal.

DRAFT

Sec. 9.33. Redeeming impounded animal(s).

No impounded animal shall be released without the approval of the ~~Division~~ Animal Services Unit. In addition, an owner shall redeem (i.e., regain custody of) an animal impounded hereunder only upon payment of accrued impoundment fees, actual veterinary charges, and any other applicable fees relating to such impoundment. Prior to redeeming of an animal, the owner shall provide proof of ownership by way of license receipt, bill of sale, photograph, affidavit of neighbors, or other reliable documentary evidence, and proof that the animal has been properly vaccinated and licensed in accordance with the terms of this chapter. However, if an impounded animal requires vaccination and licensing prior to redemption, then the owner shall prepay the required vaccination and license/identification fees, in addition to any impoundment-related fees provided for in this chapter. A receipt for such prepayment shall be issued to the owner, who then shall have five business days in which to take the animal to a licensed veterinarian for vaccination. The owner shall provide proof of vaccination to the ~~Division~~ Animal Services Unit within the five-day period following redemption or shall be deemed to have further violated this chapter regarding required vaccination.

Sec. 9.34. Animals not redeemed; disposition; sterilization.

9.34.A. The following animals shall become the property of the designated impoundment facility:

1. Any stray which lacks a current Martin County license/identification tag or micro-chip if such animal has not been redeemed within five consecutive nights; and
2. Any animal at large which has a current Martin County license/identification tag or, micro-chip, or a current tag from any other jurisdiction, if such animal has not been redeemed within five consecutive nights.
3. Any stray litter, defined as three or more puppies or kittens under six months of age, immediately upon impoundment.
4. Any animal that is impounded by the ~~Division~~ Animal Services Unit due to the incarceration or hospitalization of the owner, if such animal has not been redeemed within ten consecutive nights.

9.34.B. The designated impoundment facility is hereby authorized to keep or otherwise dispose of such unredeemed animals, by adoption or destruction, as it deems most humane, in its sole discretion. Nothing in this section shall be construed to release the owner of an animal from the obligation to pay any fees, fines, and penalties due under the provisions of this chapter. Adoption fees for impounded animals shall be collected at a reasonable rate, as established by the designated impoundment facility, prior to the animal's release from the facility.

9.34.C. No dog or cat shall be released for adoption from an animal shelter or similar adoption facility without being sterilized or without a written agreement from the adopter or purchaser guaranteeing that such animal will be sterilized as required by F.S. § 823.15, as amended from time to time. All costs of sterilization pursuant to this subsection shall be paid by the prospective adopter unless otherwise provided. Failure by either party to comply with the provisions of F.S. 823.15, as amended from

DRAFT

time to time, with respect to sterilization of such an animal shall be deemed a violation of this section, and shall subject the person to the penalties prescribed by statute.

Sec. 9.35. Investigation of possible rabies exposure.

9.35.A. The County Health Department Administrator, in coordination with the ~~Division~~ Animal Services Unit, shall take action to have each reported animal bite or exposure investigated promptly, in accordance with the rules of the Florida Department of Health, as such rules may be amended from time to time, to determine whether there is cause to believe the animal in question has rabies.

9.35.B. Upon request from the official health agency of another state or country to the County Health Department Administrator, such department, in coordination with the ~~Division~~ Animal Services Unit, shall provide assistance in locating and placing in quarantine the suspect animal as required for proper completion of investigation of a potential rabies exposure incident in accordance with the rules of the Florida Department of Health, as such rules may be amended from time to time.

9.35.C. Bites of guinea pigs, hamsters, Lagomorpha (rabbits and hares), livestock, squirrels, gerbils, chipmunks, rats, mice, prairie dogs, and other rodents shall be evaluated on an individual basis, at the discretion of the County Health Department Administrator for a determination as to the need for laboratory examination.

9.35.D. Any free-roaming wild animal, other than a member of the species referred to in section 9.35.C. above, which has bitten or otherwise exposed a human or domestic animal to rabies shall be disposed of immediately in a manner allowing for the animal's brain to be submitted to a laboratory approved by the County Health Department for examination for rabies. When a free-roaming wild animal which is on a list of endangered or threatened animal species is involved in such a bite or incident of exposure, the Florida Fish and Wildlife Conservation Commission shall be notified and given the opportunity to obtain the specimen and other relevant information.

9.35.E. Captive wild animals lawfully kept in zoos, tourist attractions, and other private facilities which bite or become exposed to humans or domestic animal(s) must be managed as to quarantine and examination individually, in accordance with their history of possible exposure to rabies. Such management shall be at the discretion of the County Health Department Administrator.

Sec. 9.36. Quarantine of unvaccinated dogs, cats and ferrets.

9.36.A. Any unvaccinated dog, cat or ferret that bites a human shall be captured alive if possible and quarantined under observation for a period of ten nights, beginning with the first night of impoundment. If confinement or capture of the dog, cat, or ferret is not possible and practical, such animal shall be destroyed as humanely as possible and the head submitted to one of the County Health Department's laboratories for examination for rabies. If such animal cannot be located, the person bitten shall be notified.

9.36.B. The quarantine of all unvaccinated dogs, cats and ferrets shall be in a designated impoundment facility having recognized quarantine procedures approved by the County Health Department Administrator in accordance with the rules of the Florida

DRAFT

Department of Health, as such rules may be amended from time to time, or in the hospital of a licensed veterinarian at the sole expense of the animal owner. When such facilities are not available within a reasonable distance, the County Health Department Administrator may make an exception and approve confinement at the owner's home or at another acceptable location, provided that the location and confinement meet all criteria for impoundment facilities as developed by the County Health Department Administrator in accordance with the rules of the Florida Department of Health, as such rules may be amended from time to time.

- 9.36.C. Quarantined dogs, cats, or ferrets shall not be released or removed from the place of quarantine unless permission is obtained from the ~~Division~~ Animal Services Unit. Rabies immunization shall not be administered to any such animal during the ten-night quarantine period.
- 9.36.D. If the dog, cat, or ferret dies or shows signs of rabies during the ten-night quarantine period, then the County Health Department Administrator shall be notified immediately.
- 9.36.E. If the quarantined dog, cat, or ferret dies or is destroyed, then such animal's head shall be detached from the body without mutilation, properly iced or otherwise preserved, and forwarded to a laboratory approved by the County Health Department for examination to determine whether the animal died from rabies virus infection. The cost of such examination shall be borne by the animal's owner.

Sec. 9.37. Quarantine of vaccinated dogs, cats, and ferrets.

- 9.37.A. The ~~Division~~ Animal Services Unit administrator shall allow a dog or cat with a current rabies vaccination to be confined in quarantine at the owner's home or another acceptable location, unless otherwise directed by the County Health Department Administrator, or unless the ~~Division~~ Animal Services Unit administrator has a reasonable belief that such animal should be quarantined in the same manner as an unvaccinated dog or cat.
- 9.37.B. Each ferret vaccinated in accordance with this ordinance must be quarantined when necessary, according to the rules of the Florida Department of Health, as such rules may be amended from time to time.

Sec. 9.38. Domestic animals bitten by, or exposed to, apparently rabid animals.

- 9.38.A. Any domestic animal with a current rabies vaccination which is bitten by, or exposed to, an animal which is known, or appears, to be rabid shall be revaccinated immediately by a licensed veterinarian and restrained for 45 days at the owner's home or other reasonable location. Such an animal may be taken outdoors but only on the premises of the owner, and must be attended on a chain or leash on such occasions.
- 9.38.B. Any domestic animal without a current rabies vaccination that is bitten by, or exposed to, an animal which is known, or appears, to be rabid shall be disposed of or, at the owner's request, placed under rabies quarantine for six months at the owner's sole expense, in a place approved by the County Health Department

DRAFT

Administrator. Such an animal shall be revaccinated one month prior to release from quarantine.

9.38.C. If the domestic animal becomes ill or dies during the quarantine or restraining period, then the procedures outlined in section 9.36.D. and 9.36.E. above shall apply.

Secs. 9.39—9.60. Reserved.

ARTICLE 3. VACCINATION AND LICENSING REQUIREMENTS; OFFICERS' AUTHORITY; ISSUANCE OF CITATIONS AND OTHER ENFORCEMENT MEASURES

Sec. 9.61. Vaccination required.

9.61.A. It shall be unlawful, and shall render the responsible person subject to all penalties provided below, for such person to own, keep, harbor, maintain, or have custody of any dog, cat or ferret which has attained the age of four months, unless such dog, cat or ferret has been currently vaccinated, licensed, and collared or harnessed in accordance with the following provisions. Community cats are exempt from this requirement. Such animals shall be vaccinated against rabies with a vaccine that is licensed by the United States Department of Agriculture for those species and licensed annually. The owner of each dog, cat, or ferret shall have the animal vaccinated 12 months after the initial vaccination. Thereafter the interval between vaccinations must conform to the vaccine manufacturer's direction. Evidence of circulating rabies-virus-neutralizing antibodies may not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations. If the State of Florida mandates rabies vaccinations for any other species, then the provisions of this section and related provisions of this chapter shall apply to such species.

9.61.B. Evidence of a rabies vaccination shall consist of a fully completed rabies vaccination certificate, in conformance with Florida Statutes, and of the National Association of State Public Health Veterinarians (NASPHV) and signed by or using the signature stamp of the veterinarian administering the vaccine. One copy shall be retained by the veterinarian for at least one year after the vaccine expires. The other copies shall be distributed to the owner and to the ~~Division~~ Animal Services Unit "Rabies Vaccine Certificate."

9.61.C. A dog, cat, or ferret is exempt from vaccination against rabies if a licensed veterinarian has examined the animal and has certified in writing that at that time vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. An exempt animal must be vaccinated against rabies as soon as its health permits.

Sec. 9.62. Issuance of animal license/identification tags and vaccination certificates.

9.62.A. All owners of dogs and cats, other than community cats meeting the definition in section 9.1 of this chapter, in Martin County shall obtain a Martin County

DRAFT

license/identification tag for each dog and cat they own, keep, harbor, maintain, or have in custody, in accordance with the latest date referred to in the following timetable:

1. When the dog or cat reaches the age of six months; or
2. Within 30 calendar days of acquiring the dog or cat that is at least six months old; or
3. Within 30 calendar days of arrival in Martin County as a new resident with a dog or cat that is at least six months old.

License/identification tags must be securely fastened about the animal's neck by a collar or other device allowing the tags to be clearly visible at all times. Failure by an owner to ensure that a required tag remains fastened will result in the animal being labeled as a stray and the owner being in violation of Section 9.90 of this chapter, which may result in the issuance of a citation and impoundment of such animal. Dogs and cats, other than community cats meeting the definition in Section 9.1 of this chapter, housed in a secure enclosure may be exempt from wearing the required tag while kept in the enclosure, provided the tag is securely fastened to a collar/harness and that device is attached to the enclosure housing the dog or cat. The above licensing requirements do not apply to community cats meeting the definition of Section 9.1 of this chapter.

9.62.B. Licensed veterinarians shall issue a vaccination certificate pursuant to subsection 9.61.B of this article and, if applicable, a sterilization certificate, to each owner for each animal vaccinated and sterilized. Such a certificate must accompany each application for a Martin County license/identification tag unless the veterinarian issues the license/identification tag on the ~~Division~~ Animal Services Unit's behalf, in which case only the rabies certificate must be submitted to the ~~Division~~ Animal Services Unit. The ~~Division~~ Animal Services Unit may rely upon such certificates in order to ensure that persons who have obtained such certificate also obtain a license/identification tag.

9.62.C. Each license/identification tag registration is valid for one year from the date of issuance or date of the rabies vaccination, whichever is earlier, and must be renewed before or at the expiration of such period of time. Any owner who fails to renew a required tag within the designated period shall at a minimum pay a late fee, as established by resolution of the board.

9.62.D. Owners of dogs and cats shall purchase such license/identification tags directly from participating veterinarian's office; the County's designated impoundment facility; or at any branch office of the Martin County Tax Collector. The fees required for license/identification tags are established by resolution of the board. Required fees are based upon whether a dog or cat is micro-chipped, unsterilized or sterilized, and whether a dog is classified as "dangerous" under the provisions of this chapter and state law.

9.62.E. Every licensed veterinarian, acting on behalf of himself/herself or a veterinary hospital or other facility with which he/she is associated, may participate in the licensing/identification program, either by issuing a license/identification tag with each rabies certificate issued or by issuing a license/identification tag for an animal

DRAFT

upon determining that the animal has been vaccinated elsewhere, but is not currently licensed in Martin County. The County shall pay veterinarians and the County's designated impoundment facility, respectively, the sum to be determined by resolution of the board for each license/identification tag sold by these parties.

9.62.F. Any person who owns, harbors or maintains five or more dogs, cats, or any combination thereof shall license all such animals at the same time; provided however, upon submission to the ~~Division~~ Animal Services Unit of a written plan specifying in detail the steps the owner will take with respect to the animals in the event of a man-made or natural disaster, payment shall be waived for all animals over and above the first five animals; and provided further that any unsterilized animals shall be among the five animals for which licenses are obtained and paid. The written plan will enable the ~~Division~~ Animal Services Unit to be better prepared in the event of any man-made or natural disaster.

9.62.G. The licensing provisions of this chapter shall not apply to:

- 1. Any owner who is a nonresident or temporary resident, as defined in this chapter, provided that the owner's cat(s) and/or dog(s) has been vaccinated for rabies in some other jurisdiction, which vaccination remains valid under the laws of Martin County for the duration of the anticipated stay within this County (although all other requirements, including restraint obligations, shall apply); or
- 2. The ownership, care, custody, or maintenance, in the ordinary course of business, of any cat or dog by a research or veterinary medical facility, government-operated or authorized animal shelter, private nonprofit organization as defined in Section 9.1 of this chapter, or commercial pet shop, provided that such shelter, facility or shop is operating in accordance with all applicable occupational licensing and zoning requirements, and all applicable state and federal regulations.
- 3. Community cats meeting the definition of Section 9.1 of this chapter.

9.62.H. No license/identification tag may be transferable from one cat or dog to another, or from one owner to another. Upon transfer of a previously licensed cat or dog to a new owner, such owner shall have a period of 30 calendar days within which to comply with the requirements of this chapter.

Sec. 9.63. Authority of, and interference with, Animal Services Officers; citations; costs; entry on public or private property.

9.63.A. An Animal Services Officer duly authorized under the provisions of F.S. (2019) ch. 828, and any other law enforcement officer, may issue citations to any person, if the officer has probable cause to believe that the person has committed any act(s) or omission(s) in violation of the provisions of this chapter. Each day a violation of any provision of this section exists shall constitute a separate and distinct violation.

9.63.B. No person may knowingly hinder, resist, or oppose any Animal Services Officer or other employee of the ~~Division~~ Animal Services Unit in the performance of his or her duties under this chapter; knowingly interfere with any animal trap set by, or at the direction of, such Animal Services Officers or other employees; or molest or

DRAFT

release any animal caught in such a trap, unless directed to release such an animal by an Animal Services Officer or other employee of the ~~Division~~ Animal Services Unit. Unless authorized by a court of competent jurisdiction or having first complied with the redemption requirements of this chapter, no person may seek to, or actually release or remove, any animal from the custody of an Animal Services Officer or a designated impoundment facility, or tear down, burn, deface, destroy or otherwise injure any property, vehicle, or equipment of any designated impoundment facility, or of the ~~Division~~ Animal Services Unit.

- 9.63.C. If the cited person fails to pay the civil penalty within the time set forth on the citation, or fails to appear in court to contest the citation, then the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against that person for an amount up to the maximum civil penalty. The maximum civil penalty for a person who fails to appear or contests the citation may be up to \$500.00, per violation, excluding additional court costs and other statutory fees that may be imposed. If a person who has committed the civil infraction does not pay the civil penalty within the time frame set forth on the citations, and instead appears in court but does not contest the citation, the civil penalty shall be less than the maximum civil penalty. Court costs and other statutory fees may still be imposed. Each day a violation of any provision of this section exists shall constitute a separate and distinct violation.
- 9.63.D. If a cited person fails to pay the required civil penalty, as reflected on the citation within 30 calendar days of the issuance of the citation; fails to appear in court to contest the citation; or fails to appear in court to contest a citation for any violation(s) requiring a mandatory court appearance, then, upon motion of the County Attorney's office, the court may issue an order to show cause requiring such person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such an order fails to appear in response to the court's directive, then that person may be held in contempt of court.
- 9.63.E. In accordance with the provisions of F.S. § 828.27, any person who willfully refuses to sign and accept a citation issued by an Animal Services Officer, or a law enforcement officer, is guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 or 775.083.
- 9.63.F. In any case in which a County Court Judge finds a person guilty of any violation(s) of this chapter, as reflected in a citation, then the judge may direct the person to pay applicable investigative, legal and/or court costs, and restitution in addition to any monetary civil penalty(ies) imposed.
- 9.63.G. For purposes of discharging the duties imposed by this chapter, including the investigation of possible violations of, and enforcement of the provisions of, this chapter, Animal Services Officers and law enforcement officers are empowered to enter upon any public or private property, not including any dwelling house or structure or fenced enclosure, and to demand that an animal, or if applicable, the license/identification and vaccination tag or certificate of a dog or cat, be exhibited to such officer. Animal Services Officers and law enforcement officers acting pursuant to the provisions of this chapter further are empowered to enter upon private property,

DRAFT

including fenced enclosures, but not a dwelling house or structure, for the purpose of apprehending any animal reasonably believed to be rabid, any animal in need of immediate medical attention (including a neglected or cruelly treated animal), and any dangerous dog not properly controlled by the dog's owner.

9.63.H. Owners and tenants of premises, whether public or private, shall allow Animal Services Officers and law enforcement officers, in the course of performing their duties pursuant to the provisions of this chapter, to enter upon such premises, as authorized by this section. Such officers, in the course of performing their duties pursuant to the provisions of this chapter, shall be immune from prosecution, whether civil or criminal, for reasonable, good faith entry upon any real property, as authorized by this section.

Sec. 9.64. Impoundment and other enforcement options; impoundment fees.

9.64.A. Upon determining that an owner of an animal is in violation of this chapter, an Animal Services Officer, or law enforcement officer, may take one or more of the following steps, as deemed most appropriate to protect the safety of the public and the animal at issue:

1. Impoundment of the animal, with redemption, disposition and notification to occur in accordance with applicable provisions of this chapter;
2. Issuance of a citation including a citation requiring mandatory court appearance for an aggravated or repeat violations as further set forth in this chapter, which shall contain the following information:
 - a. The date and time of issuance.
 - b. The name and address of the person.
 - c. The date and time the civil infraction was committed.
 - d. The facts constituting probable cause.
 - e. The ordinance violated.
 - f. The name and authority of the officer.
 - g. The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear in court as required under F.S. § 828.27(6).
 - h. The applicable civil penalty if the person elects to contest the citation.
 - i. The applicable civil penalty if the person elects not to contest the citation.
 - j. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
 - k. A conspicuous statement that if the person is required to appear in court as mandated by F.S. § 828.27(6), he or she does not have the option of paying a fine in lieu of appearing in court.

DRAFT

3. Pursuit of injunctive relief with assistance from the County Attorney's Office, including an injunction prohibiting an owner from possessing animals within Martin County, or criminal sanctions, as imposed by a court of competent jurisdiction.
- 9.64.B. Upon the second impoundment of a particular dog or cat the ~~Division~~ Animal Services Unit determines to be stray or at large, the animal will have a microchip implanted at the owners expense, fee to be collected at the time of redemption of the particular dog or cat.
- 9.64.C. Upon the third confirmed impoundment of a particular dog or cat the ~~Division~~ Animal Services Unit determines to be stray or at large, the animal will be spayed or neutered, unless at the time of redemption a licensed veterinarian has examined the animal and has certified in writing that at the time sterilization would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. All fees for sterilization will be paid by the owner at the time of redemption of the particular dog or cat.
- 9.64.D. Impoundment shall be mandatory, regardless of the means chosen by the Animal Services Officer to prosecute a particular violation in any case in which failure to impound an animal reasonably can be expected to result in immediate and substantial destruction of life or property, or endangerment of the health, safety, and welfare of the public, the animal, or any other animal(s).
- 9.64.E. Upon the fourth impoundment of a particular animal, the ~~Division~~ Animal Services Unit, in consultation with the County Attorney's office, may seek an injunction prohibiting the animal's owner from possessing the animal, or any other domestic animal, within Martin County.
- 9.64.F. Upon the issuance to a particular person of a citation for an aggravated violation, as defined in this chapter; a second or subsequent citation for any of the acts described in subsection 9.92.A. of this chapter; or a third or subsequent citation for any other violation of this chapter, the person cited shall be required, as indicated on the citation, to make a mandatory County Court appearance to respond to the citation. A person required to appear in court, pursuant to this subsection, does not have the option of paying the designated fine.
- 9.64.G. The schedule of mandatory fees for impoundment, payable whether or not the animal is redeemed by the owner, shall be established by resolution of the board.
- 9.64.H. Fees are to be paid upon redemption or disposition of the animal to the designated impoundment facility for deposit to the animal act fund of Martin County, which will be used for the sole purpose of enforcement of this chapter.

ARTICLE 4. ANIMAL CONTROL, CARE AND TREATMENT

Sec. 9.87. - Minimum standards for the care of animals by pet stores, pet dealers, grooming establishments, kennels and commercial stables.

DRAFT

9.87.A. All pet stores, pet dealers, grooming establishments and kennels located in, or engaging in business in Martin County, shall comply with the minimum standards contained in this section, for the care of animals as indicated below:

1. Each establishment shall meet all fire safety requirements in accordance with local fire and zoning regulations. A plan and diagram to evacuate all animals in case of fire shall be displayed in a prominent location. All aisles shall be kept clear to provide safe, free access throughout the establishment.
2. Each establishment shall have a working telephone available at all times in case of emergency. The name of the establishment's veterinarian and the veterinarian's phone number shall be posted and made available to all employees, and a back up veterinarian in the event the primary veterinarian is unavailable for any reason.
3. All equipment, plumbing, electrical wiring and electrical appliances/equipment shall be in good repair and appropriate for the intended use.
4. A protective minimum three-foot horizontal barrier from ground level to the top of the three-foot barrier preventing human physical contact to the animal enclosure shall be erected from the outside edges of cages where animals are kept to the public access. No animals shall be handled by the public. A separate 'get acquainted' area shall be set aside for animals and prospective buyers. The animal shall be brought to this area by a designated employee of the establishment and returned to its shelter/housing by a designated employee of the establishment.
5. Each establishment shall have sufficient lighting to permit routine inspection and cleaning of the establishment and for clear observation of the animals. Animal areas must be lighted at least eight hours a day, by either natural or artificial light corresponding to the natural period of day light. Animal enclosures must be placed so as to protect animals from excessive light and or spotlights directly on cages.
6. Indoor and outdoor shelter/housing for animals shall be maintained in accordance with normal facility maintenance practices; shall protect the animal from injury; and shall contain the animal.
7. Water free of debris and accessible to the animal at all times shall be provided, except when directed otherwise in writing by a licensed veterinarian.
8. Supplies of food shall be stored in sealed containers or other containers which protect the food against insect infestation and/or contamination. Refrigeration shall be provided for supplies of food whose labeling requires it.
9. All animals shall be fed at least once a day or as necessary in relation to species, except as other wise directed in writing by a licensed veterinarian. The food shall be accessible, free from contamination and/or insect infestation, and shall be of sufficient quantity and nutritive value to meet the minimal daily requirements for the condition and size of the animal as set forth by the commercial food industry or by a licensed veterinarian.

DRAFT

10. All establishments providing indoor or outdoor shelter/housing for animals shall conform to the minimum requirements of this chapter, except where indicated otherwise in writing by a licensed veterinarian.
11. Shelter/housing facilities for animals shall be ventilated with fresh air either by means of windows, doors, vents or air conditioning.
12. Outdoor shelter/housing shall provide each animal with shade that protects each animals entire body from the rays of the sun.
13. Shelter/housing shall be cleaned at least daily. All areas of each establishment shall be clean, and free of garbage, unused food, standing water, litter, and refuse. Garbage shall be kept in garbage cans with lids and shall be disposed of daily. Animal excrement shall be removed by spot cleaning regularly throughout the work day.
14. All cleaning solutions and disinfectants shall be stored to prevent any contact with animal's food, dishes, bedding, or medication and used in accordance with manufacturer's instructions, properly labeled as to content, and shall be stored to prevent any contact with animals.
15. Separation. The following restrictions apply to animals housed in the same shelter/housing in all establishments:
 - a. Females in season shall not be housed in the same shelter/housing with males, except during planned breeding purposes.
 - b. Puppies or kittens shall not be housed in the same shelter/housing with adult dogs or cats other than their dams or surrogate dams.
 - c. Dogs shall not be housed in the same shelter/housing with cats, nor shall dogs or cats be housed in the same shelter/housing with any other species of animals.
 - d. Animals under quarantine or treatment for a communicable disease shall be maintained in individual cages in an isolated location, with a separate ventilation system, where they cannot directly or indirectly come into contact with any other animals or the public. Any medication given to such animal is to be done under the guidance of a licensed veterinarian.
16. A copy of "Pet Lemon Law" shall be conspicuously displayed by all pet dealers. A copy also must be given to every consumer purchasing an animal from any pet dealer in Martin County.
17. A written disaster plan specifying in detail the steps to be taken with respect to the animals in the event of a natural or man-made disaster shall be maintained on the premises where animals are housed.
18. All dogs and cats shall be seen and given the appropriate tests, vaccines, and anthelmintics as set forth in Section 828.29, Florida Statutes (2001), as amended from time to time, within two business days of arrival into Martin County, and before being offered for sale, by a veterinarian licensed and practicing within the State of Florida, and receiving a current health certificate from the State of Florida Department of Agriculture and Consumer Service. Animals which show signs or symptoms of injury, contagious or infectious disease shall be seen by a veterinarian within 24 hours and at

DRAFT

least one other time prior to being sold to certify that they are free of illness or injury.

19.a. Pet stores shall not sell or offer for sale rabbits, dogs or cats. This subsection shall not prohibit pet stores from collaborating with animal shelters or private nonprofit organizations as defined in Section 9.1 of this chapter to offer space for such entities to showcase adoptable rabbits, dogs and cats provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of these animals.

b. Amortization period. Any existing pet store that is lawfully operating on or before June 30, 2022, shall be permitted to continue the retail sale of rabbits, dogs and/or cats until June 30, 2023.

1. As a condition of continued operation during the amortization period, a pet store shall not increase or enlarge its floor space.

2. An existing pet store shall provide proof of its retail sales existing as of June 30, 2022 to the Animal Services Unit through sales receipts, franchise agreements, leases or other documentation readily authenticated as true and accurate documents. Proof of its retail sales existing as June 30, 2022 shall be provided to the Animal Services Unit within thirty (30) days after June 30, 2022. Failure to provide required documentation will result in the loss of nonconforming status.

3. Any existing pet store that voluntarily abandons the retail sale for a period of more than thirty (30) days, or ceases retail sale as a result of destruction by fire or other peril shall lose its nonconforming status.

9.87.B. All commercial stables located in, or engaged in business in Martin County, shall comply with the minimum standards contained in this section, for the care of equine as indicated below:

1. *Record keeping requirements.*

a. Commercial stables shall keep a reference file on all animals. These files shall be maintained on each animal individually. The information in these files shall include but not be limited to vaccination records, medical treatment administered at the facility, owner's name, address, emergency telephone number, proof of owners identification, and name and telephone number of owner's veterinarian.

b. A medical release must be obtained from the owner or his designee, for each animal and shall become part of the animals record so that emergency treatment may be given if the animal shows signs of illness or injury while in the care, custody, and control of the commercial stable.

c. A copy of a current (within the past 12 months) negative Coggins test (equine infectious anemia) shall be on record for each equine (except nursing foals) boarded or kept at a commercial stable. No equine shall be accepted for boarding unless a current (within the past 12 months) negative Coggins test record is produced by the owner.

DRAFT

d. All records shall be made available to the inspecting officer upon request.

2. *Physical facility requirements.*

a. *Barn.*

- i. All barns shall be well ventilated so as to have free flow of air or forced ventilation.
- ii. All feed and tack rooms shall be kept clean and orderly, clear of litter and refuse. Aisles shall be kept clear to provide free exit of stabled animals.
- iii. All barns or structures shall be in good repair with no water leaks. The floor of all stalls shall be free of standing water. There shall be sufficient drainage on the property to prevent accumulation of persistent standing water in paddock areas.
- iv. Manure which has been removed from stalls and paddocks shall be maintained at least 75 feet from the nearest animal stall, or contained so as to prevent run off into stalls or paddocks. Manure shall be situated so as to assure that there shall be no run-off into canals or retention ponds. Compliance with section 9.87.B.2.a.iv. shall be mandatory six months from the effective date of this code.

b. *Pasturing.*

- i. Every owner or manager of any commercial stable shall make daily observation of all animals housed or boarded on the property.
- ii. Adequate water containers shall be available in all pasture areas sufficient to supplement all equine during dry periods when retention ponds lack sufficient clean water. Stagnant water with floating algae is unacceptable for drinking.
- iii. Separate feed buckets for each equine shall be used when feeding. When a feeding trough or bunker is used, there shall be two lineal feet per head or a two-foot feed box for each animal.
- iv. Adequate shade, either natural or manmade, shall be made available to all equine while pastured.
- v. Every commercial stable shall have sufficient drainage in order to provide sufficient dry land for all animals pastured and to prevent accumulation of persistent standing water over the entire pasture.
- vi. As necessary, all pasture areas shall be dragged to spread and remove manure. Pasture rotation is recommended if sufficient pasture area is available.

c. *Exercise area.* For the purposes of this section, exercise area shall be defined as, an area designated for the purpose of training and exercising equine.

DRAFT

- i. A designated safe exercise area, which is a minimum of 2,500 square feet, shall be provided for all equine.
 - ii. This exercise area shall be appropriately fenced and contain only one equine at any one time.
3. *Food and water supplies.*
 - a. Opened food bags shall be stored in rodent, pest and moisture resistant containers with lids and properly labeled as to content.
 - b. Unopened food bags shall be stored off the ground and kept clean and dry.
 - c. Stored hay shall be kept clean and dry.
 - d. Fresh water, free of algae, shall be available to all animals at all times.
 - e. Hay provided to equine must be distributed to prevent contamination from manure, urine, and stagnant water.
4. *Animal housing requirements.*
 - a. The owner or manager of any commercial stable that has an animal with a known or suspected contagious or infectious disease must seek immediate veterinary care for that animal and follow veterinary instructions.
 - b. Any animal having a known contagious disease or suspected of having a contagious disease, shall be contained in an area away from other animals. This area shall be clearly and visibly posted with signage stating: "CONTAINS QUARANTINED ANIMALS."
 - c. Stalls which are used to house animals shall be large enough to allow the animal to stand in an erect position, turn without touching the sides or move about without restriction.
 - d. All animals must be securely confined and not permitted to run at large.
 - e. All fences must be secure and safe to prevent injury (no broken rails, exposed nails, etc.; barbed where permitted) or any other kind of wire must be taut and sufficiently marked to be visible to livestock.
5. *Cleaning procedures.*
 - a. Stalls shall be cleaned daily. Paddocks shall be cleaned as often as necessary. Manure, urine soaked hay, shavings, straw or bedding must be removed daily and replaced with clean dry hay, shavings, straw or bedding.
 - b. All stalls and paddock areas shall be free of safety hazards (e.g. nails, wire, rocks, wood, other debris or loose fencing upon which animals may become injured).
 - c. All water containers, buckets, troughs, and the like shall be maintained in such a manner as to be kept free of floating algae.

DRAFT

- d. All chemicals, pesticides, cleaning solutions and disinfectants shall be stored in accordance with manufacturer's instructions, properly labeled as to content and away from contact with animals.
- 9.87.C. The County retains the option of obtaining a second opinion from a licensed veterinarian other than the veterinarian contracted by the establishment at the sole discretion of the ~~Division~~ Animal Services Unit for any animal that appears to be in need of care. Payment for such service shall be the responsibility of the pet stores, pet dealers, grooming establishment, kennels, and commercial stables where the animal is housed.
- 9.87.D. Noncompliance by any pet store, pet dealer, grooming establishments, kennel, or commercial stables with any provision of this section shall be a violation hereof, and punishable in accordance with the provisions hereof and, further with any fine or fines as set forth in a separate resolution of the board.
- 9.87.E. Any premises on which animals are kept for commercial breeding and all pet stores, pet dealers, grooming establishment, kennels, and commercial stables shall be subject to inspection by the ~~Division~~ Animal Services Unit for compliance with the provisions of this section. Refusal to allow such inspections shall be a violation hereof, and punishable in accordance with the provisions hereof and, further with any fine or fines as set forth in a separate resolution of the board.
- 9.87.F. Nothing in this chapter (section) shall be construed to delete or modify any provision of the Martin County Code of Laws and Ordinances, including without limiting the generality of the foregoing, any land development regulations.
- 9.87.G. Grooming establishments and The Humane Society of the Treasure Coast, Inc., a 501(c)(3) organization, shall be exempt from the provisions of section 9.87.A.4. only.

Sec. 9.88. Reserved.

Sec. 9.89. Public contact; exhibition of wildlife.

- 9.89.A. Unconfined captive wildlife shall be maintained under rigid supervision and control, so as to prevent injuries to members of the public. No captive wildlife shall be tethered outdoors unsupervised. To provide for public safety, all wildlife shall be controlled in such a manner as to prevent physical contact with the public, except as provided in Section 9.89.B:
- 9.89.B. Public contact exhibition.
1. *General.* All wildlife that will be used for contact with the public shall have been evaluated by the exhibitor to insure compatibility with the uses intended. All wildlife shall be exhibited in a manner that prevents injuries to the public and the wildlife. The exhibitor shall take reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of citizens or wildlife. When any conditions exists that result in a threat to human safety, or the welfare of the wildlife, the animals(s) shall, at

DRAFT

- the direction of the ~~Division~~ Animal Services Unit, be immediately removed from public contact for an interval necessary to correct the unsafe or deficient condition.
2. *Class I wildlife*. Class I wildlife as defined in Rule 68A-6.002 FAC, Categories of Captive Wildlife shall only be permitted to come into physical contact with the public in accordance with the following:
 - a. Full contact with Class I wildlife is prohibited. For the purpose of this section, full contact is defined as situations in which an exhibitor or employee handler maintains proximate control and supervision, while temporarily surrendering physical possession or custody of the animal to another.
 - b. For the purpose of this section, incidental contact is defined as situations in which an exhibitor or employee handler maintains control, possession and supervision of the animal while permitting the public to come into contact with it. Incidental contact with Class I wildlife is authorized only as follows:
 - i. Class I carnivores that weigh not more than 40 pounds;
 - ii. Chimpanzees, orangutans, and gorillas that are not less than six months of age and weigh not more than 40 pounds;
 - iii. Gibbons and siamangs that are not less than four months of age, and not more than two years of age.
 - c. Elephant rides. No person, firm, or corporation shall use elephants for rides.
 3. *Public contact or handling intervals for Class I wildlife*. Public contact or handling intervals for Class I wildlife shall be limited as to frequency, intensity and duration so that such handling will not adversely affect the health, welfare, or safety of the animals, nor expose the public to injury.
 4. *Escaped wildlife*. Any condition which results in wildlife escaping from its enclosure, cage, leash, or other constraint, or which results in injury to any person, shall be considered a violation of this section, punishable by civil penalty to be established by resolution of the board.

Sec. 9.90. Animal restraint law, service animals, and trap neuter vaccinate and return program.¹

9.90.A. It shall be presumed to be unlawful for the owner of any animal to permit his/or her animal to be off the owner's property unless the animal is under restraint or control of a competent person by means of a chain, leash, or other similar device, or is in a secure cage or other secure enclosure. This provision shall not apply to working dogs and hunting dogs that are working or hunting on property that is zoned for agricultural use or otherwise authorized for hunting use by state law, are under

¹Editor's note(s)—Ord. No. 1102, pt. 1, adopted June 4, 2019, renamed § 9.90 from "animal restraint law" to "animal restraint law, service animals, and trap neuter vaccinate and return program."

DRAFT

their handlers' direct and immediate voice control, and are responsive to their handlers' commands.

9.90.B. No animals, with the exception of service animals (as defined in F.S. § 413.08) or law enforcement animals, shall be allowed at County owned parks, athletic fields and/or facilities during any County sponsored activity or function unless such activity or function necessarily involves animals and is specifically permitted by the County Parks and Recreation Department.

9.90.C. The board establishes the following trap neuter vaccinate and return program requirements:

9.90D. The Board establishes the following Trap Neuter Vaccinate and Release program requirements:

1. All community cats must be cared for on the private property owned by the caregiver or on property owned by another with written permission of the property owner, including any city, state, or federal government agency. No community cat(s) shall be released or cared for at any government-owned land including but not limited to a managed park, natural area, environmentally sensitive land or on any easement adjacent to such lands without approval from the applicable government entity. Properties with community cats shall maintain a minimum buffer distance of 250 feet from schools, public parks and playgrounds and a minimum buffer distance of 750 feet from environmentally sensitive lands, conservation lands, or property subject to a preserved area management plan. This requirement may be waived if specific written waiver by the property owner of such schools, public parks and playgrounds or conservation land is given to the community cat caregiver.
2. A free community cat caregiver certification program may be developed to educate interested persons about community cats, the importance of a veterinary provider, common disease(s) and proper care, good management practices, and maintenance of community cats.
3. All community cats must be treated for fleas and ticks, sterilized, vaccinated against rabies and feline distemper, implanted with a microchip, and ear-tipped for easy identification. Upon meeting these requirements, a community cat shall be exempt from licensing, stray, at-large and other provisions of this section, including the provisions of section 9.34 and provisions which apply to owned animals, including section 9.62 of this chapter.
4. All community cat caregivers must provide certain necessities to each community cat under his/her care on a regular/ongoing basis, including, but not limited to, proper nutrition and medical care as needed.
 - a. If medical care is unavailable or too expensive, the community caregiver must not allow a sick or injured cat to suffer.
 - b. Food must be provided in the proper quantity for the number of cats being managed and must be supplied no less than once per day. Food must be maintained in proper feeding containers. Dumping in the ground or dispensing

DRAFT

- food in quantities in excess of the amount that will be immediately eaten by the community cats on the property is prohibited. Feeding areas must be maintained in a clean and sanitary condition.
- c. Water must be clean, potable, and free from debris and algae.
 - d. If shelter is provided, it shall be unobtrusive, safe, and of the proper size for the number of cat(s) to be sheltered.
5. Community cat caregivers shall make any and all reasonable efforts to remove young kittens from the field for domestication.
 6. The ~~Division~~ Animal Services Unit has the right to remove or authorize removal of any free-roaming or community cat because of immediate public health or safety concerns.
 7. Healthy community cats that have been impounded by the ~~Division~~ Animal Services Unit or otherwise taken to the designated impoundment facility shall be first evaluated for current vaccinations, and shall be revaccinated for rabies and feline distemper if needed and then may be returned to field, released to a community caregiver or adopted. Whenever an impounded cat is visibly injured or diseased and appears to be suffering to the extent that such cat cannot be expeditiously cured and returned to field, transferred to a private shelter or sanctuary, or placed in foster care, the cat may be humanely euthanized in accordance with applicable laws.
 8. Any community cat caregiver who violates the requirements of this section will no longer qualify for the exceptions provided herein and may be cited by the ~~Division~~ Animal Services Unit for violation of sections 9.63.A, 9.63.C, 9.63.D, and 9.63.E. of this chapter.

Sec. 9.91. Duty of persons, physicians and hospitals to report animal bite incidents or animal attacks; duty of veterinarians to report rabies suspect.

- 9.91.A. Any person having knowledge of an animal bite or exposure of a human or animal to an animal which is known, or appears, to be rabid shall immediately report such a bite or exposure to the County Health Department, the Martin County Sheriff's Department or the ~~Division~~ Animal Services Unit.
- 9.91.B. In addition to the duty set forth in section 9.91.A., every physician and hospital shall report animal bite incidents and animal attacks to the Martin County Sheriff's Department and to the County Health Department immediately upon gaining knowledge of treatment of such animal bites and attacks. The report shall contain the names and addresses of victims and the animal owner, and such additional information as appears helpful.
- 9.91.C. The Martin County Sheriff's Department shall confirm each bite incident and attack with the County Health Department and the ~~Division~~ Animal Services Unit, and shall assist such agencies, as needed, in regulatory enforcement.
- 9.91.D. Every licensed veterinarian shall report to the County Health Department the existence of any animal reasonably believed by him/or her to have rabies.

DRAFT

Sec. 9.92. Animal care and treatment.

9.92.A. The following shall constitute violations relating to the proper care and treatment of domestic animals:

1. Keeping or harboring an animal under unsanitary or inhumane conditions;
2. Failing to provide an animal with potable water at all times;
3. Failing to provide an animal with food daily;
4. Failing to provide an animal with shelter/housing;
5. Failing to provide prompt medical attention for any sickly, diseased or injured animal;
6. No dog shall be tethered unless all of the following conditions are met:
 - a. The dog is in visual range of the responsible party, and the responsible party is located outside with the dog.
 - b. Any tethering system employed shall not allow the animal to leave the owner's property.
 - c. The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement.
 - d. The dog is not sick or injured.
 - e. The dog has access to water, shade, and dry ground.
 - f. If there are multiple dogs, each dog is tethered separately.
 - g. The dog may not be tethered under weather conditions which endanger the health, safety or welfare of the animal; including, but not limited to, hurricanes, tropical storms or tornadoes.
 - h. The tether is attached to a properly fitting collar or harness worn by the dog. Prong, choke or chain collars are prohibited in the use of tethering animals. A "choke" collar as used in this section shall mean any slip or sliding collar that restricts the animal's airway.
 - i. The length and weight of the tether shall be appropriate for the animal breed and shall be a minimum of ten feet long or five times the length of the animal, as measured from the tip of the nose to the base of the tail, whichever is greater.
7. Leaving any known poisonous substance mixed with food otherwise exposed in a manner that allows such substance to be made available for consumption by any animal, except rats, mice or other hazardous vermin;
8. Failing, upon injuring a domestic animal by any means, to immediately notify the owner of such animal, if known, the ~~division~~ Animal Services Unit, or the Martin County Sheriff's Department;
9. Maliciously teasing, molesting, or otherwise mistreating an animal;

DRAFT

10. Leaving an animal unattended in a motor vehicle, trailer, or other enclosure under circumstances which endanger the health, safety or welfare of the animal;
 11. Transporting or carrying any animal on any public roadway in a vehicle unless the animal is safely enclosed within the vehicle. If the animal is located in the bed of an open vehicle (including, but not limited to, convertibles, pickup and flatbed trucks without a topper), the animal must be confined by a secured, well ventilated container of proper size that is fastened to the vehicle and will prevent the animal from falling or jumping from the vehicle;
 12. Abandoning or disposing of an animal on the property of another or on public property or abandoning or leaving an animal in a person's former residence when that person relocates to another residence or otherwise terminates the former residence;
 13. Dogs, cats and small domestic animals shall not be kept outside in crates, whether metal, wood, plastic, or other materials;
 14. Dogs, cats, and small domestic animals may be kept outside in a fenced enclosure if the fenced enclosure contains a shelter/housing which meets all of the requirements for a shelter/housing under Section 9.1, Article 1, Martin County Code.
- 9.92.B. The owner of an animal shall be responsible for the removal of any excreta deposited by the animal on public walks, recreation areas, other public areas, or the private property of another person. A person's failure to do so will constitute grounds for "affidavit of complaint" as a nuisance animal.
- 9.92.C. An animal may be put to death only in accordance with recognized techniques of humane euthanasia as provided in applicable State statute, as amended from time to time.
- 9.92.D. All deceased domestic animals shall be disposed of by means of cremation or controlled burial. It shall be unlawful for any person(s) to dispose of a deceased domestic animal by use of garbage collection, or otherwise within a landfill.
- 9.92.E. A person or organization, whether for profit, nonprofit, or charitable, may not offer an animal as a prize in response to participation in a game, contest, raffle, drawing of chance, or any other similar event.

Sec. 9.93. Fighting or baiting animals.

9.93.A. As used in this section:

1. "Baiting" means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, "baiting" means the use of live animals in the training of racing greyhounds.
2. "Animal fighting" shall mean fighting between dogs or any other wild or domestic animals.

DRAFT

3. "Person" means every natural person, firm, partnership, association, or corporation.
- 9.93.B. Any person who commits any of the following acts is guilty of a violation of this section, punishable by civil penalty amount to be established by resolution of the board:
1. Baiting, or using any animal for the purpose of fighting or baiting any other animal.
 2. Knowingly owning, managing, or operating any facility kept or used for the purpose of fighting or baiting any animal.
 3. Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals.
- 9.93.C. Any person who willfully commits any of the following acts is guilty of a violation of this section, punishable by civil penalty as established by resolution of the board.
1. Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or
 2. Attending the fighting or baiting of animals.
- 9.93.D. The provisions of this section shall not apply to:
1. Any person using animals to pursue or take wildlife or to participate in any hunting regulated or subject to being regulated by rules and regulations of the Florida Fish and Wildlife Conservation Commission.
 2. Any person using animals to work livestock for agricultural purposes.
 3. Any person using animals to hunt wild hogs or to retrieve domestic hogs.
- 9.93.E. Nothing in this section shall be construed to prohibit, impede or otherwise interfere with recognized animal husbandry and training techniques or practices not otherwise specifically prohibited by law.

Sec. 9.94. Animals involved in biting or attack incidents.

- 9.94.A. The owner of an animal shall ensure that the animal does not attack or maliciously bite another animal or human.
- 9.94.B. The owner of an animal shall ensure that the animal does not bite another animal or human such that the bitten animal or human sustains a severe injury or dies.
- 9.94.C. After an investigation into the circumstances, the ~~Division~~ Animal Services Unit is authorized to impose reasonable restrictions on any dog determined to be involved in a biting or attack incident that does not result in severe injury or death.
- 9.94.D. Any attack incident may be investigated by the ~~Division~~ Animal Services Unit, and the ~~Division~~ Animal Services Unit is authorized to impose reasonable restrictions on the dog determined to be involved in the attack.

DRAFT

9.94.E. The imposition of reasonable restrictions on any dog pursuant to sections 9.94.C. and 9.94.D. does not prohibit such dog from being subsequently classified as a dangerous dog in accordance with the provisions of section 9.95.

Sec. 9.95. Dangerous dogs.

9.95.A. In accordance with the provisions of F.S. § 767.12, as amended from time to time:

1. The ~~Division~~ Animal Services Unit shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, including any Animal Services Officer or law enforcement officer, desiring to have a dog classified as dangerous, as defined in this chapter. Any animal that is the subject of a dangerous dog investigation may be impounded by the Animal Services. Any animal that is not impounded by Animal Services shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification. The address of where the animal resides shall be provided to the ~~Division~~ Animal Services Unit. No dog that is the subject of a dangerous dog investigation may be relocated or have ownership transferred pending the outcome of such an investigation or any hearings related to the determination of a dangerous dog classification. In the event that a dog is to be destroyed, the dog shall not be relocated or ownership transferred.
2. A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing or assaulting the dog or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
3. After the investigation, the ~~Division~~ Animal Services Unit shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall afford the owner an opportunity for a hearing before the designated hearing officer prior to making a final determination. The ~~Division~~ Animal Services Unit shall provide written notification of the sufficient cause finding, to the owner, by registered mail, certified hand delivery, or service in conformance with the provisions of F.S. ch. 48, as amended from time to time, relating to service of process. The owner may file a written request for a hearing before the designated hearing officer within seven calendar days from the date of receipt of the notification of the sufficient cause finding and, if requested, the hearing shall be held as soon as possible, but not later than 21 calendar-days and no sooner than five business days after receipt of the request from the owner.
4. The final determination of classification of a dog as a dangerous dog will be made by the ~~Division~~ Animal Services Unit if the owner has not duly filed request for hearing, or by the designated hearing officer at the conclusion of the hearing.

DRAFT

Formal rules of evidence shall not apply at the hearing, but fundamental due process for all parties shall be observed and shall govern the proceeding.

5. If the ~~Division~~ Animal Services Unit makes the final determination classifying the dog as a dangerous dog, the ~~Division~~ Animal Services Unit shall provide written notification to the owner by registered mail, certified hand delivery or service. If the designated hearing officer made the final determination classifying the dog as a dangerous dog, the County shall provide the final order to the owner by registered mail, certified hand delivery or service. The owner may appeal the final order issued by the County to the court of appropriate jurisdiction in accordance with the Florida Rules of Appellate Procedure. If the dog is not held by the ~~Division~~ Animal Services Unit or the appropriate facility approved by the ~~Division~~ Animal Services Unit, the owner must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal.
 6. Within 14 days after a dog has been classified as dangerous by the ~~Division~~ Animal Services Unit or the conclusion of any appeal that affirms such final order, the owner of the dog must obtain a certificate of registration for the dog from the ~~Division~~ Animal Services Unit, and the certificate shall be renewed annually. The ~~Division~~ Animal Services Unit is authorized to issue such a certificate of registration, and renewals thereof, only to persons who are at least 18 years of age and who present to the ~~Division~~ Animal Services Unit sufficient evidence of:
 - a. A current certificate of rabies vaccination for the dog; and
 - b. A proper enclosure to confine the dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property; and
 - c. Permanent identification of the dog, by electronic implantation (micro-chip); and
 - d. A current veterinarian certification of sterilization of the dangerous dog.
- 9.95.B. The ~~Division~~ Animal Services Unit shall impose an annual fee for the issuance of certificates of registration required by this section, as established by resolution of the board and a related late fee, if the annual fee is not paid in a timely manner.
- 9.95.C. The owner of a dangerous dog shall immediately notify the ~~Division~~ Animal Services Unit when a dog that has been classified as dangerous:
1. Is loose or unconfined;
 2. Has bitten a human being or attacked another animal;
 3. Is sold, given away or dies; or
 4. Is moved to another address.
- 9.95.D. Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the ~~Division~~ Animal Services Unit. The new owner must comply with all of the requirements of F.S. § 767.12, and this chapter, even if the animal is moved from Martin County to another local jurisdiction within the State. The animal control authority/animal services officer

DRAFT

must be notified by the owner of the dog classified as dangerous that the dog is in his/her jurisdiction.

- 9.95.E. It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within his/her sight and only members of the immediate household or persons 18 years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.
- 9.95.F. Hunting dogs are exempt from the provisions of this section when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibition in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from the provisions of this section when engaged in any legal procedures. However, such dogs at all other times in all other respects shall be subject to this section and any other applicable sections of this chapter. Dogs that have been classified as dangerous shall not be used for hunting purposes.
- 9.95.G. This section does not apply to dogs used by law enforcement officials for law enforcement work.

Sec. 9.96. Animal creating a public nuisance.

- 9.96.A. The owner of any animal which habitually barks, whines, howls, squawks, screeches, crows or causes any other noise which is objectionable due to pitch, frequency, timing, or any combination thereof; which is habitually at large, or habitually chases or runs after persons, other animals or vehicles; which unreasonably interferes with, destroys, or damages the property of other persons; which causes serious annoyance to neighboring residents or interferes with the reasonable use and enjoyment of other persons' property; which causes the fouling of the area by odor or attracts insects or other vermin, thereby creating unreasonable annoyance or discomfort for persons on adjacent properties, or otherwise causes a sanitary nuisance as defined in F.S. § 386.01; which is being kept in violation of any provision of F.S. ch. 372, and related regulations promulgated by the Florida Fish and Wildlife Conservation Commission; or which is otherwise offensive such that it creates a nuisance, as defined in the Florida Statutes or at common law, shall be deemed to be permitting a public nuisance and to be committing an act in violation of this chapter, and shall be punished as provided for by law.
- 9.96.B. An Animal Services Officer shall investigate an alleged violation of this section upon the receipt of three sworn affidavits of complaint from three individuals residing at different addresses in the vicinity of the animal(s) allegedly creating a nuisance. Such affidavits shall specify the address of the complainant; the address where the alleged offending animal(s) is (are) kept; the nature of the alleged act(s); the time(s) and date(s) of the alleged act(s); the name of the owner of the animal(s), if known;

DRAFT

and a description of the animal(s). At the reasonable discretion of the animal services unit supervisor, based upon the unusual location of a particular property, or circumstance, where an alleged nuisance-creating animal is kept, an Animal Services Officer may rely upon only one or two sworn affidavits of complaint in conducting an investigation to determine whether probable cause exists for the officer to believe that a violation of this section has (have) occurred.

9.96.C. Upon the receipt of sworn affidavits of complaint as provided for in section 9.96.B. and further investigation providing the Animal Services Officer with probable cause to believe a violation of this section exists, an Animal Services Officer shall issue the appropriate citation(s) to the owner of the animal(s) alleged to be causing the violation(s).

Sec. 9.97. Female animals in estrus ("heat").

9.97.A. The owner of any female animal in estrus ("heat") shall keep the animal confined in a building, veterinary hospital, or boarding kennel, such that the female animal is inaccessible to any male animals, except for controlled and intentional breeding purposes.

9.97.B. The owner of a female animal in estrus ("heat") shall not allow the animal to be outside unless the animal is under restraint and control by a competent person by means of a secure chain, leash or other singular device, except for controlled and intentional breeding purposes.

Sec. 9.98. Penalties and other enforcement measures not exclusive.

None of the penalties set forth in this chapter is to be construed as exclusive, and the imposition by or failure of Martin County to impose such a penalty may not be construed as prohibiting the imposition of any other penalty or other method of enforcement allowed by law.

Part Three - Conflicting Provisions.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning the adoption or amendment of the Martin County Comprehensive Growth Management Plan.

Part Four - Severability.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

DRAFT

Part Five - Applicability of Ordinance.

This ordinance shall be applicable throughout the unincorporated area of Martin County and to the incorporated areas of Martin County to the extent permitted by Article VIII, Section 1(f) of the Constitution of the State of Florida.

Part Six - Filing with Department of State.

The Clerk be and hereby is directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

Part Seven - Effective Date.

This ordinance shall take effect immediately upon filing with the Department of State.

Part Eight - Codification.

Provisions of this ordinance shall be incorporated in the County Code, except parts Two to Seven shall not be codified. The word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered or re-lettered.

ADOPTED this ____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

DOUG SMITH, CHAIRMAN

APPROVED AS TO FORM & LEGAL
SUFFICIENCY:

SARAH W. WOODS, COUNTY ATTORNEY

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at www.martin.fl.us/accessibility-feedback