

Chapter 5 - ANIMALS AND FOWL ^[145]

⁽¹⁴⁵⁾ **Editor's note**— Sections 1 and 3 of Ord. No. 08-10, adopted Jan. 22, 2008, deleted and replaced §§ 5-1—5-16 and 5-18—5-25, respectively, and enacted similar provisions to read as herein set out. Former §§ 5-1—5-16, 5-18—5-25 had derived from Ord. No. 58-5, adopted Feb. 18, 1958; Ord. No. 60-4, adopted Feb. 2, 1960; Ord. No. 72-1, adopted Jan. 4, 1972; Ord. No. 72-93, adopted Dec. 5, 1973; Ord. No. 73-40, adopted April 16, 1973; Ord. No. 75-9, adopted Feb. 4, 1975; Ord. No. 75-24, adopted April 2, 1975; Ord. No. 75-107, adopted Nov. 18, 1975; Ord. No. 76-50, adopted June 1, 1976; Ord. No. 77-50, adopted July 19, 1977; Ord. No. 77-51, adopted July 19, 1977; Ord. No. 78-3, adopted Jan. 3, 1978; Ord. No. 78-70, adopted Oct. 17, 1978; Ord. No. 79-4, adopted Jan. 9, 1979; Ord. No. 79-93, adopted Nov. 6, 1979; Ord. No. 81-66, adopted June 2, 1981; Ord. No. 79-106, adopted Dec. 4, 1979; Ord. No. 79-107, adopted Dec. 4, 1979; Ord. No. 84-45, adopted June 5, 1984; Ord. No. 89-92, adopted Sept. 26, 1989; Ord. No. 90-25, adopted March 20, 1990; Ord. No. 91-37, adopted March 19, 1991; Ord. No. 91-127, adopted Oct. 15, 1991; Ord. No. 91-128, adopted Oct. 15, 1991; Ord. No. 94-121, adopted June 21, 1994; Ord. No. 94-122, adopted June 21, 1994; Ord. No. 94-123, adopted June 21, 1994; Ord. No. 94-124, adopted June 21, 1994; Ord. No. 94-149, adopted July 14, 1994; Ord. No. 94-203, adopted Nov. 1, 1994; Ord. No. 95-121, adopted June 20, 1995; Ord. No. 95-215, adopted Dec. 5, 1995; Ord. No. 98-61, adopted May 5, 1998; Ord. No. 98-48, adopted April 21, 1998; Ord. No. 98-125, adopted Sept. 3, 1996; Ord. No. 01-74, adopted April 10, 2001; Ord. No. 01-132, adopted Sept. 13, 2001; and Ord. No. 02-228, adopted Nov. 19, 2002.

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Sec. 5-1. - Definitions.

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

- (1) *Animal* means any non-human living creature, including without limitation dogs, cats, ferrets, rabbits, turtles, gerbils, hamsters, cows, horses, sheep, and other domestic animals or livestock.
- (2) *Animal Control Officer* means a person employed by the Department who meets the qualifications set forth in Section 828.27, Florida Statutes. Animal Control Officers shall be authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty, to issue citations for violations of this chapter, and to assist in criminal investigations relating to animal control or cruelty.
- (3) *Animal Rescue Organization* means a humane society or other nonprofit organization that is: dedicated to the protection of animals; duly registered with the Florida Department of State and the Florida Department of Agriculture and Consumer Services; and properly organized as a charitable organization under § 501(c)(3) of the Internal Revenue Code.
- (4) *At large* means off the responsible party's property, and not under the responsible party's physical custody and control.
- (5) *Breeder* means any person or entity that causes animals to reproduce. An establishment used for breeding, except for a hobby breeder as provided in this chapter, shall be regulated as a kennel.
- (6) *Cat* includes both male and female.
- (7) *Control* means the possession, ownership, care, or custody of animals.
- (8) *Cruelty* means any neglect or act of torture or torment that causes pain or suffering to an animal.
- (9) *Department* means the Miami-Dade County Animal Services Department.
- (10) *Director* means the Director of the Miami-Dade County Animal Services Department.
- (11) *Dog* includes both male and female.
- (12) *Euthanasia technician* means an employee or agent of the Department that is certified to euthanize animals in accordance with Section 828.058(4)(a), Florida Statutes.
- (13) *Grooming* means caring for the appearance and hygiene of an animal, including, without limitation, bathing, clipping, dipping, brushing, pedicure services, expressing anal glands, and ear cleaning.

(14) *Hobby breeder* means a person or entity that is an active member of a national, state, or local breeder organization and that houses or breeds dogs or cats at or adjoining a private residence for the purpose of: improving the breed; exhibiting dogs or cats at shows operated by a national, state, or local breeder organization; or raising service animals or animals used for law enforcement or other types of work. A hobby breeder may sell two (2) litters of puppies or kittens per year per household, so long as the total number of dogs kept on the premises does not constitute a kennel as defined in this section. A hobby breeder that sells more than two litters per year per household shall be deemed to be a pet dealer.

(15) *Housing facility* means the larger structure within which primary enclosures containing animals are stored.

(16) *Intact* means that the animal has not been sterilized.

(17) *Kennel*. The following uses shall constitute a kennel:

(i) The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding, or treatment purposes, except by a hobby breeder as defined in this chapter or, as provided by law, in a dog hospital, dog beauty parlor, pet care center, pet shop, dog racing establishment, governmental agency, laboratory, or facility housing animals for medical research that is approved by a federal agency; or

(ii) The keeping of dogs, six (6) months of age or older, on premises used for residential purposes, in excess of the following numbers: (a) four (4) dogs on property that is less than 1 acre in gross area, or in any individual residence unit in a multifamily zoning district; (b) six (6) dogs on property that is at least 1 acre but less than 2 acres in gross area; and (c) eight (8) dogs on property that is 2 acres or more in gross area; or

(iii) The keeping of more than four (4) guard dogs on vacant property or on property used for business or industrial purposes.

(18) *Kitten* means a cat that is less than four (4) months old.

(19) *Official certificate of veterinary inspection* means a legible certificate of veterinary inspection signed by the examining veterinarian licensed by the state of origin and accredited by the United States Department of Agriculture, that shows the age, sex, breed, color, and health record of the dog or cat, the printed or typed names and addresses of the person or business from whom the animal was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian, and the veterinarian's license number. The official certificate of veterinary inspection must list all vaccines and deworming medications administered to the dog or cat, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of administration thereof, and must state that the examining veterinarian warrants that, to the best of his or her knowledge, the animal has no sign of contagious or infectious diseases and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks. The official certificate shall be on a form prescribed by the Florida Department of Agriculture and Consumer Services.

(20) *Person* means an individual or a corporation, proprietorship, partnership, trust, association, or other legal entity.

(21) *Pet care center* means an establishment, operating during daytime hours only, that provides

supervised care for cats or dogs in an air-conditioned indoor facility for the purpose of the animal's general well-being, including supervised interaction with other cats or dogs, boarding, feeding, and grooming services. A pet care center shall not include breeding services. For purposes of this chapter, this classification shall include dog beauty parlors and mobile facilities that provide grooming services.

(22) *Pet dealer* means any person that, in the ordinary course of business, engages in the sale to the public of more than two litters, or 20 dogs or cats, per year, whichever is greater. This classification shall include pet shops as well as breeders who sell directly to the consumer. Animal rescue organizations and hobby breeders shall be exempt from this classification.

(23) *Pet shop* means a retail establishment that, in the ordinary course of business, engages in the sale of dogs or cats.

(24) *Primary enclosure* means a structure where an animal is housed and maintained, including without limitation cages, pens, and runs.

(25) *Professional* means to provide a product or service, in commerce, for compensation or profit.

(26) *Puppy* means a dog that is less than six (6) months old.

(27) *Responsible party* means any person owning, harboring, or having custody or control of an animal. Wherever the term "owner" is used in this chapter, it shall mean responsible party.

(28) *Sale* means the transfer of ownership in exchange for compensation or profit, including money, goods, and services. This definition shall not include adoption fees charged by an animal rescue organization.

(29) *Service animal* means an animal individually trained to do work or perform tasks for the benefit of an individual with a disability (as defined in the Americans with Disabilities Act of 1990, 42 U.S.C. § 12102), including without limitation, guiding individuals with impaired vision, altering individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

(30) *Shelter* means a structure, including without limitation a dog house or a stable, that protects an animal from sun, rain, and other inclement weather or environmental conditions.

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

(32) *Structurally sound* means that the physical condition of the structure meets the construction standards established by the applicable building code or the manufacturing industry.

(33) *Veterinarian* means a person who is licensed to engage in the practice of veterinary medicine under Chapter 474, Florida Statutes, and is accredited by the United States Department of Agriculture.

(Ord. No. 08-10, § 1, 1-22-08)

Sec. 5-2. - Enforcement.

(a) The provisions of this chapter shall apply in the incorporated and unincorporated areas of Miami-Dade County. The Department, through Miami-Dade County Animal Control Officers, shall be

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responsible for enforcing the sections of this chapter. County and municipal law enforcement officers shall also be authorized to enforce the provisions of this chapter relating to cruelty to animals. The Director shall have the authority to amend and modify the administration of the Department's operating procedures and to establish rules, procedures, and forms to carry out the Department's responsibilities pursuant to this chapter.

(b) In addition to any other responsible party described in this chapter, the owner of any real property upon which any animal regulated herein is maintained, shall be responsible for that animal to the same extent as the responsible party.

(c) It shall not constitute a trespass for Animal Control Officers, in the performance of their lawful duties, to enter with any necessary equipment upon any public or private property in Miami-Dade County, except a building designated for and used for residential purposes. Nothing contained herein shall be construed to authorize an Animal Control Officer to enter upon private property without consent of the property owner or without a valid warrant where such warrant is required; provided, however, that an Animal Control Officer or law enforcement officer may take custody of a neglected or mistreated animal as provided in Section 828.073, Florida Statutes.

(d) It shall be unlawful to resist, obstruct, or oppose the Director or designee or any Animal Control Officer in the discharge of their duties under this chapter.

(e) Any person who shall violate a provision of this chapter, or fail to comply therewith, or with any of the requirements thereof, shall, upon conviction thereof in the County Court, be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment.

(f) Any person who violates or fails to comply with this chapter shall also be subject to civil penalties in accordance with Chapter 8CC of this Code. Each day of violation or noncompliance shall constitute a separate offense. In addition to any other surcharges provided in Chapter 8CC, a \$5.00 surcharge shall be added to each civil penalty provided for in this chapter; proceeds shall be used to pay the costs of training for animal control officers. Civil penalties imposed pursuant to this provision may be appealed in accordance with Chapter 8CC, or in accordance with any other procedure allowed by law; it is provided, however, that the filing of any appeal shall be deemed to be a waiver of any other available appeal.

(g) Any person who violates a provision of this chapter or any lawful rule, regulation, or written order promulgated under this chapter is subject to injunction or other equitable relief to enforce compliance with or prohibit the violation of this chapter. Further, such person is liable for any damage to Miami-Dade County caused by such violation, and for the reasonable costs and expenses incurred by Miami-Dade County in enforcing the provisions of this chapter, including but not limited to the costs of enforcement inspections, preparation of enforcement reports, attorney's fees, photographs, title searches, postage, and other demonstrable administrative costs for enforcement and collection. All such sums shall become immediately due and payable upon expenditure by the County and shall become delinquent if not paid within thirty (30) days after receipt by the violator of the Department's bill itemizing the enforcement costs incurred in enforcing the provisions of this chapter (the "due date"). All such delinquent sums shall bear interest at the rate of twelve (12) percent per annum.

(h) In addition to the foregoing, any person who violates a provision of this chapter or any lawful rule, regulation, or written order promulgated under this chapter is subject to the judicial imposition of a civil penalty for each offense of an amount not to exceed five thousand dollars (\$5,000.00) per offense. In

assessing the penalty, the court may receive evidence in mitigation. Each day during any portion of which a violation occurs constitutes a separate offense.

(i) Upon the rendition of a judgment or decree by any of the courts of this State against any person and in favor of the Director or the County in any action to enforce compliance with or prohibit the violation of the provisions of this chapter, the court shall adjudge or decree against that person and in favor of the Director or the County a reasonable sum as fees or compensation for the attorney acting on behalf of the Director or the County in the suit in which recovery is had. Such fees or compensation shall be included in the judgment or decree rendered in the case. This provision shall apply to all civil actions filed after the effective date of this ordinance. Cessation of the violation of any of the provisions of this chapter prior to rendition of a judgment or prior to execution of a negotiated settlement, but after an action has been filed by the Director or the County to enforce the provisions of this chapter, shall be deemed for the purposes of this section the functional equivalent of a confession of judgment or verdict in favor of the Director or the County, for which attorney's fees shall be awarded as set forth in this section.

(j) The Director is hereby authorized to institute actions on behalf of the County in any court of competent jurisdiction in this State to seek enforcement of this chapter and all remedies for violations thereof.

(k) The Director or designee may, in his or her discretion, terminate an investigation or an action commenced under the provisions of this chapter upon execution of a written consent agreement between the Director or designee and the persons who are the subject of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of this chapter by such persons. The consent agreement may in addition provide for the following: Mitigation of injuries accruing on account of the violation investigated or sued upon; compensatory damages; punitive damages; civil penalties; costs and expenses of enforcement; attorneys' fees; and remedial or corrective action. Except as expressly and specifically provided in the executed written consent agreement, an executed written consent agreement shall neither be evidence of a prior violation of this chapter nor shall such agreement be deemed to impose any limitation or action by the Director or the County in enforcing any of the provisions of this chapter, nor shall the agreement constitute a waiver of or limitation upon the enforcement of any federal, state, or local law or ordinance. Each violation of any of the terms of an executed written consent agreement shall constitute a separate violation under this chapter by the persons who executed the agreement and by their respective officers, directors, agents, servants, employees, attorneys, heirs, successors and assigns, and by any persons in active concert or participation with any of the foregoing persons and who have received actual notice of the consent agreement. Each day during any portion of which each such violation occurs constitutes a separate offense under this chapter.

(l) Nothing in this section shall be construed to permit or require the Director to bring an action on behalf of any private person.

(m) Nothing in this chapter shall be construed to affect the powers and duties of: the Department of Planning and Zoning to enforce Chapter 33 of this Code; municipal zoning authorities to enforce municipal zoning regulations; or the Florida Fish and Wildlife Conservation Commission to regulate animals subject to Chapter 372, Florida Statutes, including without limitation wild animals, birds, freshwater organisms, marine life, fur-bearing animals, and reptiles.

(Ord. No. 08-10, § 1, 1-22-08)

Sec. 5-3. - Wild animals and reptiles.

(a) It shall be unlawful for any person to possess, maintain, or have custody or control of any wild animal, bird, freshwater organism, marine life, fur-bearing animal, or reptile without first complying with the provisions of Chapter 372, Florida Statutes, and all regulations promulgated by the Florida Fish and Wildlife Conservation Commission.

(b) Wolf-hybrids that are 25% or less domestic dog are considered wild animals subject to the regulations promulgated by the Florida Fish and Wildlife Conservation Commission. Wolf-hybrids not regulated by the Florida Fish and Wildlife Conservation Commission shall be regulated as dogs in accordance with this chapter. It is provided, however, that no wolf-hybrid that is 50% or less domestic dog may be bred, sold, or purchased in Miami-Dade County. "Wolf-Hybrid" shall mean any domestic dog with genetic makeup from a wolf in its inheritance, as the result of breeding between a dog and a wolf. In determining whether an animal is subject to the provisions of this section, the Department shall rely on genetic tests, expert opinions, or other reliable evidence.

(Ord. No. 08-10, § 1, 1-22-08)

Sec. 5-4. - Cruelty to animals.

(a) *Legislative intent.* It is the intent of the Board of County Commissioners of Miami-Dade County, Florida, to provide an orderly and consolidated procedure wherein cruelty to animals may be corrected and the animals protected.

(b) *Acts deemed cruelty to animals.* It shall be unlawful to commit any act that constitutes cruelty to animals. The following acts shall be deemed cruelty to animals (see Sections 828.12, 828.13 and 828.16, Florida Statutes):

(1) To torture, torment, mutilate, kill, or unnecessarily overdrive any animal or to cause the same to be done. Using an animal for the purpose of fighting, including, without limitation, dog fighting or cock fighting, shall be deemed to be a violation of this provision.

(2) To intentionally commit an act to any animal which results in the cruel death of the animal, or the excessive or repeated infliction of unnecessary pain or suffering to the animal, or to cause the same to be done.

(3) To deprive an animal of necessary sustenance, whether by neglect or refusal. For purposes of this section, "necessary sustenance" means: food and water that is 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; food and water that is free of contaminants and vermin and insect infestation; and proper medical attention for any illness, injury, infection, skin disorder, and internal parasite. Feeding a cow on feed that produces impure or unwholesome milk shall be deemed to be a violation of this section.

(4) To deprive an animal of shelter.

(5) To impound or confine an animal in any place and during such confinement: to fail to supply the animal with a sufficient quantity of good and wholesome food and water; to fail to provide the animal with wholesome exercise and change of air; to keep the animal in an enclosure that does not permit the animal to make normal postural movements; to keep the animal in an enclosure that contains excess excreta. Enclosing an animal in a vehicle without adequate ventilation shall be

deemed to be a violation of this provision.

(6) For a responsible party to abandon an animal in a street or other public place, or to abandon an animal if it is maimed, infirm, or diseased. For purposes of this section, "abandon" means to forsake an animal for which one is responsible without providing for its care, necessary sustenance, protection, and shelter.

(7) If an animal is known to have or to have been exposed to a contagious or infectious disease: to transfer possession of such animal without first disclosing the condition of the animal to the person to whom the animal is transferred; to knowingly permit such animal to run at large; or to knowingly permit such animal to come into contact with any animal of another person without the other person's knowledge or permission.

(8) To transfer or offer to transfer ownership of any live animal as a prize in any game, drawing, sweepstakes or other promotion.

(9) To intentionally trip, fell, rope, or lasso the legs of a horse by any means for the purpose of entertainment or sport. As used in this subsection, "trip" means any act that consists of the use of any wire, pole, stick, rope, or other apparatus to cause a horse to fall or lose its balance, and "horse" means any animal of any registered breed of the genus Equus, or any recognized hybrid thereof. The provisions of this subsection shall not apply when tripping is used:

- (i) To control a horse that is posing an immediate threat to other livestock or human beings;
- (ii) For the purpose of identifying ownership of the horse when its ownership is unknown; or
- (iii) For the purpose of administering veterinary care to the horse.

(c) *Enforcement.*

(1) Whenever any person complains of cruelty to animals or upon independent observation of an Animal Control Officer, an Animal Control Officer will attempt to ascertain and investigate whether the facts alleged in the complaint or observation constitute an act of cruelty to animals. Nothing contained herein shall authorize an Animal Control Officer to enter upon private property without consent of the property owner or without a valid warrant where such warrant is required; provided, however, that an Animal Control Officer or law enforcement officer may take custody of a neglected or mistreated animal as provided in Section 828.073, Florida Statutes.

(2) If the Animal Control Officer has reason to believe, subsequent to his investigation, that an act of cruelty to animals may have been committed, the Department will immediately institute appropriate proceedings against the person responsible for the act of cruelty, issue the appropriate civil violation notice, and/or, where appropriate, seek custody of the animal as provided in Section 828.073, Florida Statutes. Nothing herein contained shall restrict a private citizen from instituting an appropriate proceeding pursuant to the Florida Statutes. Nothing contained in this section shall restrict enforcement by criminal penalty pursuant to Chapter 828, Florida Statutes.

(Ord. No. 08-10, § 1, 1-22-08)

Sec. 5-5. - Adoption of animals from the department; sterilization requirements; requirements for animal rescue organizations; authority to negotiate and enter into agreements.

(a) The Department shall encourage the adoption of animals in its custody. The Department may charge fees for transferring ownership of such animals and for vaccination, sterilization, and other medical care provided to such animals. Fees shall be fixed by implementing order approved by the Board of County Commissioners, provided that animal rescue organizations acquiring ownership of animals may be charged reduced fees in accordance with this section.

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

(1) The new owner enters into a written agreement guaranteeing that sterilization will be performed within thirty (30) days from the date custody is acquired or as soon as sterilization is medically permissible. Breach of the agreement shall be a separate violation of this section. A person acquiring ownership of an intact dog or cat from the Department shall also give the Department a sufficient, refundable deposit per animal to ensure that the animal will be sterilized, as required by Section 823.15, Florida Statutes. The Department shall refund the deposit upon presentation of written evidence by the veterinarian performing the sterilization that the animal has been sterilized. The amount of the deposit shall be established by implementing order approved by the Board of County Commissioners.

(2) The Department may, at its sole discretion, transfer unsterilized animals to animal rescue organizations that comply with the requirements set forth in subsection (c).

(c) The Department may, at its discretion, transfer animals to an animal rescue organization for medical care, for adoption, for adoption to third parties, or for any other lawful purpose, in accordance with the following provisions:

(1) The animal rescue organization shall be registered with the Department and shall provide proof that it is duly registered with the Florida Department of State and the Florida Department of Agriculture and Consumer Services and properly organized as a charitable organization under § 501(c)(3) of the Internal Revenue Code.

(2) The animal rescue organization shall enter into a written agreement signed by the Director and approved by the County Attorney's Office as to form and legal sufficiency that provides for the following: a guarantee that the organization will comply with the sterilization requirements set forth in Section 823.15(2)(b), Florida Statutes; a requirement that the organization periodically report to the Department on the disposition of animals acquired from the Department; and that the Department shall have the right to reclaim animals that are being maintained in violation of this chapter or other provisions of this Code. Breach of the agreement shall be a separate violation of this section.

(3) In deciding whether to transfer animals to an animal rescue organization, the Director may consider, among other factors:

- (i) The resources of the organization to care for animals.
- (ii) The facilities where the animals will be kept.

(iii) The prior experience of the organization or its members or agents in the field of animal care.

(iv) Whether the organization or its members or agents are, or have previously been found to be, operating in violation of any of the provisions of this chapter, of any federal, state, or local laws governing public health or sanitation, or of the applicable zoning code governing the keeping of animals.

(v) Any additional burdens on the Department for partnering with the organization.

(d) *[Authority.]* The Director is hereby delegated the authority to negotiate and enter into agreements, which require no expenditure of additional funds by the County, with other persons to encourage the adoption of animals or to provide for animals in the custody of the Department.

(Ord. No. 08-10, § 1, 1-22-08)

Sec. 5-6. - Vaccination against rabies for dogs, cats, and ferrets.

(a) All dogs, cats, and ferrets that are four (4) months of age or older shall be vaccinated by a licensed veterinarian against rabies with a vaccine that is licensed by the United States Department of Agriculture for use in that species. Every owner of a dog, cat, or ferret shall have the animal revaccinated 12 months after the initial vaccination. Thereafter, the interval between vaccinations shall conform to the vaccine manufacturer's directions. The cost of vaccination shall be borne by the animal's owner.

(b) Evidence of vaccination shall consist of an official certificate prescribed for that purpose by the State of Florida Department of Agriculture and Consumer Services, and signed by the licensed veterinarian administering the vaccine. The certificate in triplicate shall show:

- (1) The date and type of vaccination;
- (2) The name and address of the owner;
- (3) For dogs and cats, the breed, age, color, and sex, and the year and serial number of the registration tag, if applicable; and
- (4) The microchip number, if applicable, and other pertinent data for proper identification of the dog, cat, or ferret.

The original certificate shall be given to the owner, one (1) copy shall be filed by the veterinarian with the Animal Services Department, and one (1) copy shall be retained by the veterinarian. Evidence of circulating rabies-virus-neutralizing antibodies shall not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations.

(c) A dog, cat, or ferret shall be exempt from vaccination against rabies where a licensed veterinarian has examined the animal and signed a written certificate stating that at such time vaccination would endanger the animal's health because of its age, infirmity, debility, or other medical consideration. The certificate shall state the period of exemption from the vaccination requirement and shall not be valid for more than twelve (12) months from date of issuance. Postmarked no later than the tenth day of each month, all veterinarians providing such certificates shall, as to each dog certified, deliver to the Department one (1) copy of the certificate prepared the previous month. An exempt animal shall be vaccinated against rabies as soon as its health permits.

- (d) It shall be a violation of this section to fail to timely vaccinate or revaccinate an animal.
- (1) The Department may issue a courtesy notice before the animal is due for vaccination or revaccination. It is provided, however, that issuance of a courtesy notice shall not be deemed to be a prerequisite to enforcement of the provisions of this section.
- (2) If an animal has been untimely revaccinated, the due date of the next rabies revaccination shall be based on the date of the untimely revaccination.
- (f) Exemptions. This section shall not apply to greyhounds kept, maintained, or brought into the County for the purpose of racing at licensed greyhound tracks, or to animals used as part of entertainment acts when properly controlled, or to animals that remain in the County for a period of less than thirty (30) days.

(Ord. No. 08-10, § 1, 1-22-08)

Sec. 5-7. - License tags required for all dogs; conditions for issuance of tags.

- (a) Every person owning, keeping, or harboring any dog over four (4) months of age within Miami-Dade County, Florida, or bringing any dog over four (4) months of age into this County shall, within thirty (30) days of the dog entering this County, register the dog with the Department and obtain a license tag, which the dog shall wear at all times.
- (b) The Department shall require, as a prerequisite to the issuance of a license tag for any dog, satisfactory proof that such dog has been vaccinated against rabies in accordance with the provisions of Section 5-6. The official certificate prescribed pursuant to Section 5-6 shall be accepted as conclusive evidence as to the fact and time of vaccination, or a certificate providing that vaccination for rabies would endanger the health of the particular dog, as provided by Section 5-6 of this chapter, may be accepted.
- (c) Each license tag shall be renewed annually by the anniversary of the dog's most recent rabies vaccination, even if the rabies vaccination is effective for more than one year; it is provided, however, that the Department may issue a multi-year license tag that is valid for the duration of a multi-year rabies vaccination, and such license tag shall not require renewal until the revaccination is due. If the dog is not timely revaccinated, and the license tag not timely renewed, then the responsible party shall be subject to civil penalties in accordance with this chapter, but thereafter the due date for the renewal of the license tag shall be the anniversary of the untimely revaccination.
- (d) License fees shall be established by implementing order approved by the Board of County Commissioners based on the following categories:
- (1) Sterilized dog 12 months old or more;
 - (2) Intact dog 12 months old or more;
 - (3) Dog between 4 months old and 12 months old ("Junior tag");
 - (4) Dog less than 4 months old ("Puppy tag"), which shall be provided free of charge;
 - (5) Dog owned by an indigent person as defined by implementing order approved by the Board of County Commissioners; and

(6) Replacement for a lost or damaged license tag.

(7) Service animals and working police dogs and fire rescue dogs shall be exempt from license fees.

(e) It shall be a violation of this section to fail to timely register a dog, to fail to timely obtain or renew a license tag, or to fail to have the dog wear the license tag.

(1) The Department may issue a courtesy notice before the dog is due for registration or the license tag is due for renewal. It is provided, however, that issuance of a courtesy notice shall not be deemed to be a prerequisite to enforcement of the provisions of this section.

(2) Any person who is fined under this section for an intact dog may have the penalty reduced to the level of a sterilized dog by having the dog sterilized within thirty (30) days of receipt of the civil violation notice.

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

(f) Exemptions. This section shall not apply to greyhounds kept, maintained or brought into the County for the purpose of racing at licensed greyhound tracks, or to dogs used as part of entertainment acts when properly controlled, or to dogs that remain in the County for a period of less than thirty (30) days.

(Ord. No. 08-10, § 1, 1-22-08; Ord. No. 09-16, § 1, 3-3-09)

Sec. 5-8. - Voluntary registration of cats.

The Director is hereby authorized to establish a voluntary cat registration program. The Department shall require, as a prerequisite to the issuance of a registration tag for any cat, satisfactory proof that such cat has been vaccinated against rabies in accordance with the provisions of Section 5-6 of this chapter. The official certificate prescribed pursuant to Section 5-6, or a certificate of a qualified veterinarian certifying that inoculation for rabies would endanger the health of the particular cat, as provided by Section 5-6 of this chapter, may be accepted. Upon payment of the fee prescribed herein, a registration tag shall be issued to each cat owner for each cat, said tag to be worn at all times by the cat for which issued, unless the cat owner chooses to have the registration number tattooed on the inner thigh of the cat or to have the cat implanted with a microchip, which shall be registered with the applicable national registry as well as the Department. A record of the name and address of the cat owner and a description of the cat, as well as the registration number, microchip number, and other identifying information assigned thereto, shall be maintained by the Department on each cat registration, and such other information that the Director may deem proper. The registration fee shall be established by implementing order approved by the Board of County Commissioners. Registration shall be valid for the life of the cat. The fee may be reduced by one-half if a certificate that the cat has been sterilized is presented upon application for registration hereunder. There shall be a fee established by implementing order approved by the Board of County Commissioners for the duplication of a lost cat tag. Registration of cats shall be voluntary, and this section does not require a cat owner to purchase a tag as provided hereunder.

(Ord. No. 08-10, § 1, 1-22-08)

Sec. 5-9. - Standards of care for kennels, pet dealers, and pet care centers.

In addition to complying with the provisions of Section 5-4 of this Code regarding cruelty to animals, all kennels, pet dealers, and pet care centers located in or engaging in business in Miami-Dade County shall comply with the following minimum standards for the care of animals:

(a) *Housing facilities.* Indoor and outdoor housing facilities for animals shall be maintained so as to contain the animal on the property at all times and to protect the animal from injury.

(b) *Storage of food.* Supplies of food shall be stored in sealed containers or other containers which protect the food against insect and vermin infestation and contamination. Refrigeration shall be provided where necessary to prevent the spoiling of food.

(c) *Ventilation.* Indoor housing facilities for animals shall be ventilated with fresh air by means of windows, doors, vents, fans, or air-conditioning to provide for the animals' health, comfort and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation. Ambient temperature in an indoor housing facility shall be maintained between fifty (50) degrees and eighty-five (85) degrees Fahrenheit.

(d) *Primary enclosures.* All primary enclosures for animals shall conform to the following minimum requirements, except where indicated otherwise in writing by a licensed veterinarian for medical reasons.

(1) Primary enclosures shall be structurally sound and constructed so as to permit the animal within them to remain dry.

(2) The floors of the primary enclosure that are not a solid surface shall be of an open-weave construction, where the openings are smaller than the size of the flattened foot of the animal contained inside. The solid surface of the mesh which the floor is made shall be not less than one-fourth ($\frac{1}{4}$) inch wide in diameter. Where the floor of the primary enclosure is a solid surface, newspaper or a receptacle containing litter shall be provided to contain excreta.

(3) Primary enclosures shall be maintained in good repair and shall not have sharp points or edges that could injure an animal.

(4) Separation. The following restrictions apply to primary enclosures that house multiple dogs and cats:

(i) Intact females in heat (estrus) shall not be housed in the same primary enclosure with males, except for breeding purposes.

(ii) Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams or surrogate dams.

(iii) Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animal.

(e) *Sanitation.* Housing facilities shall be cleaned at least daily. Primary enclosures, including top, sides, floor, grate, and door, shall be cleaned with soap and disinfectant at least daily. Pet care centers shall clean each primary enclosure after each animal occupant departs for the day.

(f) *Quarantine.* Animals under quarantine or treatment for a communicable disease shall be housed according to generally accepted veterinary medical requirements, except that a pet care center shall not accept any animal that has a known or suspected communicable or infectious disease.

(g) *Records and medical release forms.* For all animals currently on the premises, records identifying the animal, including any license tag information, and containing the owner's name, address, and emergency telephone number shall be maintained. Pet care centers, kennels, and pet dealers keeping an animal that is the property of a third party shall also obtain from the owner of each animal a medical emergency release form providing that emergency treatment may be provided if the animal shows signs of illness or is injured while in the care and custody of the pet care center, kennel, or pet dealer. The medical release form shall include the owner's name, address, emergency telephone number, veterinarian, and veterinarian's telephone number.

(h) *Grooming.* Where grooming services are provided:

- (1) Clippers, combs, brushes and any other grooming equipment shall be disinfected after each animal.
- (2) Clean, separate drying towels shall be used for each animal.
- (3) Grooming bathtubs shall be cleaned with soap and disinfectant and rinsed after each animal and shall be maintained free of mold and mildew.
- (4) All grooming equipment shall be maintained in good repair.

(i) County-operated or City-operated animal control agencies shall be exempt from this section.

(Ord. No. 08-10, § 1, 1-22-08)

Sec. 5-10. - Requirements for sales of dogs and cats.

(a) Before a dog is offered for sale it shall receive from a veterinarian vaccines and anthelmintics against the following diseases and internal parasites:

- (1) Canine distemper.
- (2) Leptospirosis.
- (3) Bordetella (which shall be administered in the State of Florida once before sale by intranasal inoculation or by an alternative method of administration if deemed necessary by the attending veterinarian and noted on the official certificate of veterinary inspection).
- (4) Parainfluenza.
- (5) Hepatitis.
- (6) Canine parvo.
- (7) Rabies, if the dog is four (4) months of age or older and the inoculation is administered by a veterinarian.
- (8) Roundworm.

(9) Hookworm.

(10) Whipworm.

Each dog over six (6) months of age shall be tested for heartworm before being offered for sale.

(b) Before a cat is offered for sale it shall receive from a veterinarian vaccines and anthelmintics against the following diseases and internal parasites:

(1) Panleukopenia.

(2) Feline viral rhinotracheitis.

(3) Calici virus.

(4) Rabies, if the cat is four (4) months of age or older and the inoculation is administered by a veterinarian.

(5) Hookworm.

(6) Roundworm.

Each cat shall also be tested for feline leukemia virus and feline immunodeficiency virus (FIV) before being offered for sale.

(c) The tests, vaccines, and anthelmintics shall be administered prior to the dog or cat being offered for sale, unless a veterinarian certifies on the official certification of veterinary inspection that to vaccinate or deworm the dog or cat is not in the best medical interest of the dog or cat, in which case the vaccine or anthelmintic may not be administered to that particular dog or cat.

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

(e) All dogs and cats sold in the County shall have a microchip implanted prior to sale. The seller shall register the microchip with the national registry associated with the microchip and shall provide the microchip number and other identifying information to the Department. The seller shall also notify the Department and the applicable national registry within 48 hours of the sale of the dog or cat and shall provide the name, address, and telephone number of the new owner of the dog or cat.

(f) Each dog and cat shall be accompanied by an original current official certificate of veterinary inspection at all times while being offered for sale within the County. The buyer shall receive the original certificate. Copies of these certificates shall be held by the seller and the veterinarian for a period of three (3) years.

(g) The examination of each dog and cat by a veterinarian shall take place no more than thirty (30) days before the sale within the County.

(h) No person may offer to sell or transfer any dog or cat that is less than eight (8) weeks of age.

(i) County-operated or City-operated animal control agencies and animal rescue organizations shall

be exempt from the requirements of this section.

(Ord. No. 08-10, § 1, 1-22-08)

Sec. 5-11. - Report and sale of license tags.

(a) Legislative intent. This section utilizes the authority and powers of Miami-Dade County in order to secure for the citizens of this County the protection of their health, safety and welfare. It is applicable to all practicing licensed veterinarians and pet dealers. This section is designed to regulate veterinarians by requiring that license tags be available for purchase at the time and place of vaccination of a dog against rabies, and that a report be forwarded to the Department containing the names of persons refusing to purchase these license tags. This section further requires that license tags be available for purchase by the dog owner at the time and place of sale or transfer of a dog, and that puppy tags be sold with every puppy sold or transferred. These measures are intended to ensure that the County has the necessary information and capital resources to enforce the County's already existing licensing ordinance. The unique history and lack of success with other measures attempted at controlling stray dogs and enforcing the licensing ordinance have been determined to require the special regulations and provisions contained within this section which the County Commission hereby finds reasonable and necessary.

(b) Postmarked no later than the tenth day of each month, all veterinarians administering rabies vaccinations shall, as to each dog vaccinated, deliver to the Department one (1) copy of the certificate prescribed under Section 5-6 as evidence of each vaccination administered the previous month.

(c) It shall be the duty of all veterinarians, upon vaccinating a dog against rabies, to have Miami-Dade County license tags required by Section 5-7 available for purchase at the time and place of vaccination. All veterinarians shall also have Miami-Dade County license tags available for purchase, at the time and place of presentation, by a responsible party who presents evidence to the veterinarian that the party's dog has a current rabies vaccination.

(d) All pet dealers who sell dogs shall have Miami-Dade County license tags required by Section 5-7 available for purchase at the time and place a dog is sold. Pet dealers who sell dogs that are less than 4 months old shall provide puppy tags free of charge.

(e) Veterinarians and pet dealers who sell Miami-Dade County license tags may collect as payment for each tag no more than the value of the tag as established by Miami-Dade County, and a maximum premium of twenty (20) percent of the value of the tag, except that puppy tags shall be provided free of charge. Veterinarians and pet dealers shall be responsible for the value of all tags held by them for sale to dog owners.

(f) Postmarked no later than the tenth day of each month, each veterinarian and pet dealer shall deliver to the Department one (1) payment containing the value of any and all license tags sold or lost, destroyed, or stolen the previous month. Along with each month's remittance, each veterinarian and pet dealer shall submit to the Department documentation to be provided by Miami-Dade County covering all tags sold, lost, destroyed, or stolen, and shall submit all registration information for all puppy tags provided the previous month. The Department shall have the authority to assess interest for any payments received after the deadline established in this section.

(g) All veterinarians and pet dealers shall provide all persons who obtain a dog from them or who bring a dog to them for vaccination against rabies with literature, prepared by Miami-Dade County for this purpose, stating that Miami-Dade County law requires that every dog be vaccinated against rabies

and that every dog wear a license tag that must be renewed annually.

(h) Violations of the requirements of this section shall subject the veterinarian or pet dealer to civil penalties, except when such requirement would violate a confidential doctor-client relationship.

(i) The Director may authorize animal rescue organizations approved by the Department to sell license tags, but an animal rescue organization that chooses to sell license tags shall comply with this section.

(Ord. No. 08-10, § 1, 1-22-08; Ord. No. 09-16, § 1, 3-3-09)

Sec. 5-12. - Additional restrictions on sales of animals.

(a) It shall be unlawful for any person to possess, sell, or otherwise transfer within the County any dyed or artificially colored rabbit or other animal, baby chicken, duckling or other fowl.

(b) It shall be unlawful for any person to sell, offer for sale, or otherwise transfer a live turtle except where adequate bacteriological proof is submitted to the Miami-Dade County Department of Public Health that such turtles are free from salmonella contamination. Adequate bacteriological proof as used herein shall consist of a statement issued by the chief public health official of the State from which the lot of turtles is shipped certifying that the turtles have been found free of salmonella based upon laboratory examination, and stating the examinations upon which the statement is based. Such certificates shall accompany and be provided to the dealer of any turtle to be sold from an approved lot. The Director of the Miami-Dade County Department of Public Health may, in addition thereto, withhold approval of any lot of turtles whether certified or not, until a series of at least six (6) consecutive cultures taken at intervals of not less than one (1) week have been found negative for salmonella in a laboratory approved for this purpose by the Miami-Dade County Department of Public Health. The results of such examinations shall be submitted on a form to be provided by the Miami-Dade County Department of Public Health. The Director of the Miami-Dade County Department of Public Health or his duly authorized representative may at any time take samples of tank water or any other appropriate samples from turtles offered for sale and order the immediate euthanasia or transshipment of any lot of turtles found contaminated with salmonella.

(c) The following warning shall be posted conspicuously at every display of turtles for retail sale:

CAUTION. Turtles may transmit bacteria causing disease in humans. It is important to wash the hands thoroughly after handling turtles or material in a turtle bowl; not to allow water or any other substance from a turtle bowl to come into contact with your food or areas where your food is prepared; and to make sure that these precautions are followed by children or others handling turtles.

(Ord. No. 08-10, § 1, 1-22-08)

Sec. 5-13. - Kennel, pet dealer, pet care center, and hobby breeder license requirements; appeal procedures.

(a) No person shall act as or perform services as a kennel, pet dealer, pet care center, or hobby breeder in Miami-Dade County without first obtaining the applicable license from the Department. No person may keep, maintain, or otherwise harbor the number of dogs set forth in Section 5-1(17) of this chapter without first obtaining a kennel license as provided in this section; hobby breeders shall be subject to this requirement. Hobby breeders who sell more than two litters per year per household shall

be deemed to be pet dealers and shall be regulated as such for purposes of this chapter.

(b) A separate license shall be required for each location that the services of a kennel, pet dealer, pet care center, or hobby breeder are being performed, provided that, if multiple services are offered at the same location, only one license shall be required for that location. No license shall be issued unless the subject location is zoned or approved for that use by Chapter 33 of this Code or by the applicable municipal zoning code.

(c) Application for a license shall be on a form prescribed by the Director for a kennel, pet dealer, pet care center, or hobby breeder, respectively.

(d) Terms of licenses. Each license for a kennel, pet dealer, pet care center, or hobby breeder shall be renewed annually. All licenses shall expire on September 30 of each year. Each licensee shall be responsible for renewing his license on or before October first of each year as long as the kennel, pet dealer, pet care center, or hobby breeder operates in Miami-Dade County. Notwithstanding the foregoing, a person who validly registered as a hobby breeder with Miami-Dade County prior to the effective date of this ordinance shall not be required to annually renew the hobby breeder license or to pay any additional license fee; it is provided, however, that such person shall otherwise comply with the requirements of this section.

(e) Licenses shall not be transferable.

(f) The license fee for each type of license shall be established by implementing order approved by the Board of the County Commissioners. Animal control agencies operated by a municipality that are subject to this section shall be registered with the Department but shall be exempt from license fees.

(g) Premises on which animals are kept and records required to be maintained shall be subject to inspection by the Department for compliance with this chapter.

(1) Hobby breeders shall not be subject to the requirements of Section 5-9 of this chapter. It is provided, however, that upon request from the Department, hobby breeders shall provide records demonstrating that they have not exceeded the sales limit of two litters per year per household. In addition, upon receipt of a complaint, the Department may inspect the premises on which a hobby breeder maintains animals for compliance with Section 5-4 of this chapter.

(h) The Director may deny, suspend, or revoke a license or renewal where the applicant/licensee:

(1) Has refused to allow the Department to inspect the premises on which animals are kept or the records required to be maintained by this chapter or by state law, provided that the first such refusal shall result in suspension of the license until inspection is allowed;

(2) Has outstanding unpaid fines for violations of this chapter;

(3) Has been found guilty of repeat violations of this chapter;

(4) Has been found guilty of animal cruelty or neglect under this chapter, Chapter 828, Florida Statutes, or the laws of any other state;

(5) Has been an officer, principal, director, partner, division, shareholder owning or controlling ten (10) percent or more of the stock, or other organizational element of a business organization recognized by the State of Florida that meets any of the criteria specified in subsections (1) through (4) above; or

(6) Is a business organization recognized by the State of Florida, and any of its officers, principals, directors, partners, divisions, shareholders owning or controlling ten (10) percent or more of the stock, or other organizational elements meet any of the criteria specified in subsections (1) through (5) above.

(i) The applicant/licensee shall receive written notice of the Director's determination to deny, suspend, or revoke a license or renewal. The Director's determination may be appealed by providing, within seven (7) calendar days of receipt of the written notice, a written request for an administrative hearing; the request shall be delivered to the address provided on the written notice. If a request for a hearing is received more than seven (7) calendar days from the date of the written notice, the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely. An administrative hearing shall be conducted in accordance with the provisions set forth in Chapter 8CC of this Code. No person aggrieved by a determination of the Director may apply to the Court for relief unless they have first exhausted the remedies provided for herein and taken all available steps provided in this section. While an appeal is pending, the Director's determination shall be stayed.

(j) Operating as a kennel, pet dealer, pet care center, or hobby breeder after suspension, revocation, or denial of a license or renewal is a violation of this section.

(Ord. No. 08-10, § 1, 1-22-08)

Sec. 5-14. - Trapping of dogs and cats.

(a) Trapping of dogs and cats shall be conducted in a humane manner and shall comply with the following minimum standards:

(1) Traps shall be in good condition in that they will not cause any bodily injury to the trapped animal and a trapped animal shall have access to adequate food, water, and shelter.

(2) Use of poisons, poisoned substances or stupefying substances in a trap shall be prohibited.

(3) All traps shall be plainly identified with the name, telephone number, address, and Department-issued trapping license number of the owner of the trap, if applicable.

(4) All traps shall be inspected daily, and no animal shall remain in a trap for longer than twelve (12) hours.

(5) Traps shall be removed in the event of a hurricane warning or tropical storm warning.

(6) All animals that have been trapped shall be brought to the Department, a County-approved animal rescue organization, or a licensed veterinarian for proper disposition.

(b) It shall be unlawful for any person to disturb the trap of another.

(c) The Department may provide traps for rent for private, noncommercial use. In that event, the Department may collect a rental fee and may also collect a deposit that shall be refunded upon return of the trap. The amount of the rental fee and the deposit shall be established by implementing order approved by the Board of County Commissioners.

(Ord. No. 08-10, § 1, 1-22-08)

Sec. 5-15. - Transportation of animals.

(a) It shall be unlawful to transport a live animal in an animal carrier that does not allow the animal to make normal postural movements.

(b) It shall be unlawful for any person to transport a live animal in an open-bed truck or other similar vehicle from which the animal can easily escape, unless: the animal is confined in a humane manner inside an animal carrier, which shall be secured within the vehicle so as to be immovable when the vehicle is in motion; or the animal is restrained by a minimum of two tethers, with one tether being affixed to each side of the vehicle, and both tethers being attached to the harness of the animal, provided that tethers shall not be attached to an animal's collar.

(c) It shall be unlawful for any person to transport a live animal in an enclosed vehicle trunk.

(Ord. No. 08-10, § 1, 1-22-08)

Sec. 5-16. - Taking of peafowl prohibited.

(a) It shall be unlawful for any person to take any peafowl.

(b) As used in this section, "take" means taking, attempting to take, hunting, molesting, capturing, or killing any peafowl, their nests or eggs, by any means, whether or not such actions result in obtaining possession of peafowl or their nests or eggs.

(c) Exceptions.

(1) The prohibitions of this section shall not apply on property zoned for agricultural use and used for a bona fide agricultural purpose.

(2) Nothing in this section shall prevent a property owner from removing peafowl from his or her own property in a manner that does not physically injure the peafowl.

(Ord. No. 08-10, § 1, 1-22-08)

Sec. 5-17. - Legislative intent.

This article is intended to utilize the authority and powers of Miami-Dade County in order to secure for the citizens of this County the protection of their health, safety and welfare. It is intended to be applicable to dogs which are commonly referred to as "pit bulls" and which are defined herein. This article is designed to regulate these pit bull dogs and to ensure responsible handling by their owners through confinement, registration, and liability insurance. The unique history, nature and characteristics of pit bull dogs have been determined to require the special regulations and provisions contained within this article which the County Commission hereby finds reasonable and necessary.

(Ord. No. 89-22, § 2, 4-4-89)

Sec. 5-17.1. - Definition and identification of a pit bull dog.

(a) The term "pit bull dog" as used within this article shall refer to any dog which exhibits those distinguishing characteristics which:

(1) Substantially conform to the standards established by the American Kennel Club for American Staffordshire Terriers or Staffordshire Bull Terriers; or

(2) Substantially conform to the standards established by the United Kennel Club for American Pit Bull Terriers.

(b) The Standards of the American Kennel Club and the United Kennel Club referred to in subsection (a) above, are attached hereto and incorporated herein by reference as "Exhibit A" and shall remain on file with the Animal Services Division of the Public Works Department of Miami-Dade County.

(c) Technical deficiencies in the dogs' conformance to the standards described in subsection (b) shall not be construed to indicate that the subject dog is not a "pit bull dog" under this article.

(d) Testimony by a veterinarian, zoologist, animal behaviorist, or animal control officer that a particular dog exhibits distinguishing physical characteristics of a pit bull shall establish a rebuttable presumption that the dog is a pit bull.

(Ord. No. 89-22, § 3, 4-4-89)

Sec. 5-17.2. - Confinement of pit bull dogs.

(a) Because of the pit bull dog's inbred propensity to attack other animals, and because of the danger posed to humans and animals alike by a pit bull dog when running loose or while running together in a pack, pit bull dogs must at all times be securely confined indoors, or confined in a securely and totally enclosed and locked pen, with either a top or with all four (4) sides at least six (6) feet high, and with a conspicuous sign displaying the words "Dangerous Dog."

(b) At any time that a pit bull dog is not confined as required in subsection (a) above, the dog shall be muzzled in such a manner as to prevent it from biting or injuring any person or animal, and kept on a leash with the owner or custodian in attendance. Provided, however, that no pit bull dog may be walked within fifty (50) feet of any public school ground nor enter onto such school ground.

(c) An exception to these confinement requirements is hereby provided for any pit bull dog in attendance at, and participating in, any lawful dog show, contest or exhibition sponsored by a dog club, association, society or similar organization.

(d) An exception to these confinement requirements is hereby provided for any pit bull dog when the dog is actually engaged in the sport of hunting in an authorized area and supervised by a competent person.

(Ord. No. 89-22, § 4, 4-4-89)

Sec. 5-17.3. - Evidence of financial responsibility required to be maintained by owners of pit bull dogs.

In order to protect the public and to afford relief from the severe harm and injury which is likely to result from a pit bull dog attack, every owner of a pit bull dog shall maintain and be able to provide evidence of the owner's financial ability to respond in damages up to and including the amount of fifty thousand dollars (\$50,000.00) for bodily injury to or death of any person or damage to property which may result from the ownership, keeping or maintenance of such dog. Proof of ability to respond in damages shall be given by filing with the Animal Control Office a certificate of insurance from an insurance company authorized to do business in the State, stating that the owner is and will be insured against liability for such damages; or by posting with the Animal Control Office a surety bond conditioned upon the payment of such damages during the period of such registration; or by posting a personal bond secured by a mortgage in real property or security interest in personal property; or a sworn statement of the

owner of his/her financial ability to respond in damages up to and including the amount of fifty thousand dollars (\$50,000.00).

(Ord. No. 89-22, § 5, 4-4-89; Ord. No. 89-127, § 1, 12-19-89)

Note—See § 5-17.6(a) for the effective date of this section.

Sec. 5-17.4. - Registration of pit bull dogs.

Every owner of a pit bull dog in Miami-Dade County shall register the dog with the Animal Services Division of the Public Works Department of the County. The registration shall include the following: Name, address and telephone number of the dog's owner; the address where the dog is harbored, if different from the owner's address; a complete identification of the dog including the dog's sex, color and any other distinguishing physical characteristics; a color photograph of the dog; a description of the method of compliance with the confinement requirements; proof of the liability insurance or other evidence of financial responsibility required pursuant to this article; and a registration fee.

(Ord. No. 89-22, § 6, 4-4-89)

Annotation—AO 4-51A.

Sec. 5-17.5. - Enforcement.

It shall be the duty and responsibility of all Miami-Dade County Animal Control Officers to enforce the provisions of this article.

(Ord. No. 89-22, § 7, 4-4-89)

Sec. 5-17.6. - Time for compliance.

(a) All persons subject to this article shall have ninety (90) days from the effective date of this section [April 14, 1989] to comply with all confinement and registration and requirements. The provisions of Section 5-17.3, entitled "Liability Insurance or Other Evidence of Financial Responsibility Required to be Maintained by Owner of Pit Bull Dogs," shall be effective on January, 1, 1990.

(b) No pit bull dogs may be sold, purchased, obtained, brought into Miami-Dade County, or otherwise acquired by residents of Miami-Dade County anytime after the passage of ninety (90) days after the effective date of Ordinance Number 89-22. No such newly-acquired pit bull dogs may be kept, maintained, or otherwise harbored within Miami-Dade County, and each day any such newly-acquired pit bull is so kept, maintained, or harbored shall constitute a separate violation of this section.

(1) Violation of subsection (b) may result in the issuance of a civil violation notice, and

(2) Humane destruction of the pit bull dog by order of a court of competent jurisdiction. The County Manager or his designee may apply to the court for such order pursuant to this paragraph.

(c) Failure to register a pit bull dog as required by this article within the ninety-day grace period shall be prima facie evidence that the pit bull dog is a newly-acquired pit bull dog.

(Ord. No. 89-22, § 8, 4-4-89; Ord. No. 89-63, § 1, 7-11-89)

Sec. 5-17.7. - Pit bull signs in veterinary offices, kennels, commercial breeders, commercial animal establishments, pet shops, and dog grooming businesses.

(1) *Signs Required.* Every veterinary office, kennel, commercial breeder, commercial animal establishment, pet shop, and dog grooming business must post a sign stating in English, Spanish and Creole the following:

BOTH PURE AND MIXED BREED PIT BULL DOGS ARE CLASSIFIED AS DANGEROUS. IT HAS BEEN ILLEGAL TO ACQUIRE A NEW PIT BULL DOG SINCE JANUARY 1, 1990. FAILURE TO REGISTER, MUZZLE, CONFINE, AND INSURE A PIT BULL IS A VIOLATION OF THE LAW SUBJECT TO SEVERE PENALTY. Section 5-17.1, Miami-Dade Code.

IF YOU OR YOUR FAMILY IS AT RISK BECAUSE SOMEONE LIVING NEAR YOU ILLEGALLY KEEPS A PIT BULL, CONTACT THE MIAMI-DADE COUNTY DANGEROUS DOG INVESTIGATOR AT [HERE INSERT CURRENT PHONE NUMBER PROVIDED BY MIAMI-DADE COUNTY].

The sign must be prominently displayed to the public and clearly legible.

(2) *Penalties.* Failure to post a sign as required by this section shall be a civil violation subject to a \$500.00 civil penalty. Every day a sign is not posted shall be a separate violation.

(Ord. No. 99-159, § 1, 11-16-99)

Sec. 5-18. - Impounding; animals found in distress; redeeming by owner; disposition of unredeemed animals.

(a) The Department may impound an animal at a place maintained or designated for that purpose whenever:

- (1) An animal is a stray or has been found at large in any manner in violation of Section 5-20; or
- (2) The animal's owner has voluntarily surrendered ownership of the animal to the Department;
or
- (3) An animal has been abandoned. For purposes of this section, "abandon" means to forsake entirely or to neglect or to refuse to provide or perform the legal obligations for care and support of an animal by its owner or the owner's agent. An animal shall be deemed abandoned if it has been placed in the custody of a licensed veterinarian or kennel and it has not been redeemed after a period of more than ten (10) days after written notice is given to the owner or the owner's agent at the last known address; any such animal may be turned over to the Department for disposition at the discretion of the Director or designee in any lawful manner, as provided in Section 705.19, Florida Statutes. Abandonment shall constitute the relinquishment of all rights and claim by the owner to such animal; or
- (4) An Animal Control Officer finds that an animal is or will be without proper care because the owner is unable to care for the animal due to injury, illness, incarceration, or other involuntary absence; or
- (5) The Department receives an animal from a law enforcement agency.

(b) Prior to disposing of any animal, the Department will make reasonable efforts to identify and notify

the animal's owner. The owner may redeem the animal upon payment of the redemption fees provided in this section. Missing animals may be reported to the Department, on a form prescribed by the Director for that purpose. An animal voluntarily surrendered by its owner to the Department, however, shall become the immediate property of the Department and may be immediately disposed of pursuant to this section.

(c) Confinement period. Animals impounded pursuant to this section shall be confined by the Department for a period of five (5) days, except as provided herein.

(1) The confinement period shall be five business days for: animals impounded because the owner is unable to care for the animal due to injury, illness, incarceration, or other involuntary absence; and animals received from a law enforcement agency.

(2) The confinement period for puppies and kittens shall be 24 hours.

(3) Animals that have been voluntarily surrendered by their owners to the Department shall not be subject to any confinement period.

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

(d) Animals impounded by the Department shall be released to their owners upon presentation of proof of ownership and after proper vaccination, licensing, and payment of impounding fees and redemption charges established by implementing order approved by the Board of County Commissioners. An owner's agent may redeem an animal upon presentation of the foregoing information as well as proof of agency.

(1) For purposes of this section, proof of ownership shall include: information registered with the Department; information contained on a microchip implanted in the animal and registered with the Department and/or the applicable national microchip registry; pictures of the animal; the reaction of the animal to the purported owner; and evidence provided by a licensed veterinarian who has treated the animal.

(2) Additional fees or redemption charges, established by implementing order approved by the Board of County Commissioners, shall be assessed in the following circumstances:

(i) Impoundment of a female dog while "in heat."

(ii) Impoundment of an intact dog.

(iii) An owner has, within a twelve-month period, redeemed more than one animal or the same animal on more than one occasion.

(e) Those animals not redeemed by an owner within the foregoing confinement period may, at the discretion of the Director or designee, be put up for adoption, released to approved animal rescue organizations, humanely euthanized, or such other humane disposition as the Director or designee shall deem appropriate. It is provided, however, that such animals may not be released to any medical school, college, university, person, association, corporation, or individual for experimentation or vivisection purposes, or to any person, firm, corporation, or individual providing, selling, or supplying animals to any medical school, college, university, person, association, corporation, or individual for experimentation or vivisection purposes.

(f) Nothing contained in this section shall restrict the ability of an Animal Control Officer or law enforcement officer to take custody of a neglected or mistreated animal as provided in Section 828.073, Florida Statutes.

(Ord. No. 08-10, § 3, 1-22-08)

Sec. 5-19. - Rabies quarantine; report of animal bites.

(a) It shall be the duty of every attending practitioner licensed to practice medicine, osteopathic medicine, or veterinary medicine, and every other person knowing of or witnessing an incident, to promptly report to the Department of Health every instance in which a human is bitten by an animal.

(b) Any animal that has bitten a human shall be captured alive, if possible. If the animal shows signs of rabies during the quarantine period provided herein, the animal shall be humanely euthanized in accordance with Section 5-24 of this chapter, and its head shall be detached without mutilation and submitted to the local Department of Health laboratory without delay. An animal that dies before capture or during the quarantine period shall also have its head detached and submitted to the Department of Health. Notwithstanding any other provision in this chapter, stray, abandoned, or surrendered animals may be humanely euthanized and have their heads submitted for testing immediately at the end of the applicable confinement period set forth in Section 5-18 of this chapter.

(c) Any animal that has bitten a human shall be, at the discretion of the Director or the Director of the Department of Public Health: impounded and quarantined for ten (10) days from the date of the bite at the responsible party's expense at a place designated for that purpose by the Director or by the Director of the Department of Health; or placed in the custody of a licensed veterinarian; or quarantined at the responsible party's home.

(d) Any animal suspected of having rabies or any animal that has been bitten by a known rabid animal shall be impounded and quarantined at the responsible party's expense at a place designated by the Director or the Director of Public Health for that purpose or placed in the custody of a licensed veterinarian for ten (10) days.

(e) If an animal is quarantined at the home of the responsible party pursuant to this section, the responsible party shall be liable for failing to properly confine the animal during the quarantine period.

(f) Upon completion of the quarantine period, the responsible party shall take the animal to a licensed veterinarian for certification that the animal is in good health and that its rabies vaccinations are current. The responsible party shall provide the veterinarian's certification to the Department within ten (10) days of the veterinary examination.

(g) Service animals and animals used for law enforcement purposes shall be exempt from the quarantine requirements of this section, provided that the animal's rabies vaccination is current and was administered in accordance with this chapter.

(Ord. No. 08-10, § 3, 1-22-08)

Sec. 5-20. - Regulations on dogs in public areas.

(a) Legislative intent. It is deemed in the best interests of the health, safety and welfare of the citizenry and visitors of Miami-Dade County, Florida, that all necessary precautions be implemented to prevent cutaneous larva migrans (a frequently severe skin disorder caused by the infective larvae of a dog hookworm which is transmitted by the contact of the human skin with soil contaminated by dog

feces), and visceral larva migrans (a disease caused by the ingestion of larvae dog roundworms which commonly occurs when young children swallow dirt).

(b) It shall be unlawful for a responsible party to allow, whether willfully or through failure to exercise due care or control, a dog into or upon any public park or beach in the county; provided, however, this provision shall not apply to parkways, wayside parks, or other park areas in which dogs are specifically authorized.

(c) It shall be unlawful for a responsible party to allow, whether willfully or through failure to exercise due care or control, a dog to commit any nuisance upon: the sidewalk of any public street; the floor of any common hall in any apartment house, hotel, or other multifamily dwelling; or any entranceway, stairway or wall immediately abutting on a public sidewalk; or the floor of any theatre, shop, store, office building or other building used in common by the public. "Nuisance," for the purposes of this section, shall be defined as defecation and/or urination. If a dog defecates on the grassy swale of a public right-of-way or other such public property, or on private property without the express or implied consent of the property owner, the responsible party shall remove the defecation and deposit it in an appropriate trash receptacle, sanitary disposal unit, or other sealed container.

(d) It shall be unlawful for a responsible party to allow, whether willfully or through failure to exercise due care or control, a dog to be unrestrained or to be at large in any manner in or upon: public property; a common area of a private building or development; or the private property of others without the express or implied consent of the property owner. Notwithstanding the foregoing, a dog may be unrestrained and shall not be deemed to be at large if it is supervised by a competent person and is: (i) in a park area in which dogs are specifically authorized by a municipality or by the County to be unrestrained; or (ii) engaged in the sport of hunting in an authorized area. An intact dog running at large shall be subject to higher civil penalties than a sterilized dog; provided, however, that if the dog is sterilized within 30 days of receipt of the civil violation notice, the penalty shall be reduced to the amount for a sterilized dog. An intact dog shall be sterilized if it has received more than two civil violation notices for violations of this section that, if appealed, have been affirmed.

(e) It shall be unlawful for a responsible party to fail to exercise proper care and control of his dog or dogs so as to allow the dog or dogs to become a public nuisance. Chasing vehicles or persons and trespassing upon public or private property in such a manner as to damage property shall be deemed a public nuisance.

(f) Exceptions. Subsections (b) through (d) of this section shall not apply to a person using a service animal or to a law enforcement officer using an animal for law enforcement purposes. Subsection (e) shall not apply to a law enforcement officer using an animal for law enforcement purposes.

(Ord. No. 08-10, § 3, 1-22-08; Ord. No. 10-27, § 1, 5-4-10)

Sec. 5-20.1. - Confinement of intact female dog during estrus.

An intact female dog in heat (estrus) shall be confined during such period of time so that no other dog may gain access to the confined animal, except for intentional breeding purposes.

(Ord. No. 08-10, § 3, 1-22-08)

Sec. 5-21. - Tethering of dogs.

(a) As used in this section, tether means to restrain a dog by tying the dog to any object or structure,

including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include using a leash to walk a dog.

(b) It shall be unlawful for a responsible party to tether a dog while outdoors, except when all of the following conditions are met:

(1) The dog is in visual range of the responsible party, and the responsible party is located outside with the dog.

(2) The tether is connected to the dog by a buckle-type collar or a body harness made of nylon or leather, not less than one inch in width.

(3) The tether has the following properties: it is at least five times the length of the dog's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than $\frac{1}{4}$ of the dog's weight; and it is free of tangles.

(4) The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement.

(5) The dog is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes.

(6) The dog has access to water, shelter, and dry ground.

(7) The dog is at least six months of age. Puppies shall not be tethered.

(8) The dog is not sick or injured.

(9) Pulley, running line, or trolley systems are at least 15 feet in length and are less than 7 feet above the ground.

(10) If there are multiple dogs, each dog is tethered separately.

(c) Nothing in this section shall be construed to excuse a violation of section 5-20 of this chapter.

(d) This section shall not apply to the transportation of dogs, and in the event of a conflict with Section 5-15 of this chapter, Section 5-15 shall govern.

(e) For a first-time violation, the Department shall issue a warning notice to the responsible party and shall wait at least thirty (30) days before taking any further enforcement action against the responsible party. Thereafter, each violation of this section shall be subject to enforcement in accordance with Section 5-2 of this chapter. For all civil penalties for violations of this section collected pursuant to Chapter 8CC, 75% of the amount collected shall be paid to the Animal Services Trust Fund, created by Miami-Dade County Resolution No. R-1385-06, as may be amended from time to time.

(Ord. No. 08-120, § 1, 10-7-08)

Sec. 5-22. - Dangerous dogs; authority to designate dog as dangerous; confiscation; appeal procedures.

(a) For purposes of this section and Section 5-23 of this chapter, the following definitions shall apply:

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(1) "Dangerous dog" means any dog that has been designated as dangerous by the Department pursuant to this section.

(2) "Unprovoked" means that the victim was acting peacefully and lawfully when encountering the dog and that the dog was not acting defensively or responding to a threat.

(3) "Severe injury" means any physical injury that results in: wounds from multiple bites; a deep puncture wound that requires drainage; a broken bone; or a disfiguring laceration requiring sutures or reconstructive surgery.

(4) "Proper enclosure of a dangerous dog" means that, while on the responsible party's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure, and shall also provide protection from the elements. The pen or structure shall allow the dog to make normal postural movements and to walk around and shall also comply with the minimum standards for primary enclosures set forth in Section 5-9(d)(1)—(3) of this chapter.

(b) The responsible party shall be liable if a dog commits any of the following acts:

(1) To, when unprovoked, endanger, attack, or bite a human;

(2) To, when unprovoked and while off the responsible party's property, severely injure or kill a domestic animal;

(3) To have been used for dog fighting, or to be trained for dog fighting; or

(4) To, when unprovoked, chase or approach a human in a menacing fashion or apparent attitude of attack upon the streets, sidewalks, or any other public property or common area of a private building or development.

(c) The Director or designee shall designate a dog as dangerous if the dog commits one (1) or more of the acts specified in subsection (b) above.

(1) An individual desiring to have a dog designated as dangerous shall attest in a sworn affidavit to the incident giving rise to the request and shall submit the affidavit to the Department within 30 days of the incident.

(2) Upon receipt of a sworn affidavit, an Animal Control Officer will investigate the complaint and will, if possible, interview the party responsible for the dog under investigation before designating the dog as dangerous.

(d) Notwithstanding any other provision of this section, the responsible party shall not be liable, and the dog shall not be designated as dangerous, if the threat, injury, or damage was sustained:

(1) By a human who, at the time, was unlawfully on the property of the responsible party; or

(2) By a human who, while lawfully on the property of the responsible party, was tormenting, abusing, or assaulting the dog, the responsible party, or another person lawfully on the property; or

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(3) While the dog was protecting or defending a human within the immediate vicinity of the dog from an unjustified attack or assault; or

(4) By a human who was engaged in or attempting to engage in a criminal activity at the time of the attack; or

(5) While the dog was engaged in a legal hunt or in a legal sport or exhibition such as an obedience trial, conformation show, field trial, hunting/retrieving trial, or herding trial; or

(6) While the dog was engaged in law enforcement work under the direction of a law enforcement officer.

(e) Confiscation and confinement. Animal Control Officers are hereby authorized to confiscate dogs that are the subject of dangerous dog investigations, and the Director is hereby authorized to institute appropriate proceedings in any court of competent jurisdiction if necessary to effectuate the seizure of the dog. The Animal Control Officer shall issue the responsible party a written notice of the confiscation. Any animal that is the subject of a dangerous dog investigation and that is not impounded by the Department shall be humanely and safely confined by the responsible party in a securely fenced or enclosed area, pending the outcome of the investigation and resolution of any hearings related to the dangerous dog designation. The address of where the animal resides shall be provided to the Department. The responsible party shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedures.

(f) A dog that is the subject of a dangerous dog investigation shall not be relocated or have its ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog designation. In the event that a dog is to be euthanized, the dog shall not be relocated, and ownership of the dog shall not be transferred.

(g) If the Director or designee determines that there is sufficient cause to designate the dog as dangerous, written notification of that determination shall be delivered to the responsible party by registered mail, certified hand delivery, or service of process in conformance with Chapter 48, Florida Statutes. That determination, and any related fines issued pursuant to Chapter 8CC of this Code, may be appealed by providing, within seven (7) calendar days of receipt of the written notification, a written request for an administrative hearing; the request shall be delivered to the address provided on the written notice. If a request for a hearing is received more than seven (7) calendar days from the receipt of the written notification, the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely.

(h) Appeal procedures. Upon receipt of a timely written request for an administrative hearing, the Director or designee shall schedule an administrative hearing to be held not later than 21 calendar days, and not sooner than 5 days, after receipt of the written request. The administrative hearing shall be conducted in accordance with the provisions set forth in Chapter 8CC of this Code. Determinations of dangerousness and fines based on the same incident shall be heard at the same administrative hearing. No person aggrieved by a determination to designate a dog as dangerous may apply to the Court for relief unless he has first exhausted the remedies provided for herein and taken all available steps provided in this section. While an appeal is pending, the determination shall be stayed; provided, however, that pending resolution of the appeal, the responsible party shall confine the dog in a securely fenced or enclosed area. If the Department has confiscated the dog, the responsible party shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the dog during any appeal procedures.

- (i) The responsible party shall be liable for failing to properly confine a dog pending an appeal.
- (j) The responsible party shall be liable if a dog that has not previously been declared dangerous attacks and causes severe injury or death to a human when unprovoked.

(1) The dog shall be immediately confiscated by the Department, placed in quarantine and impounded, held for ten (10) business days after the responsible party is given written notice of the confiscation and the determination of the Department to euthanize the dog, and thereafter euthanized in accordance with Section 5-24 of this chapter.

(2) The euthanasia determination, and any related fines issued pursuant to Chapter 8CC of this Code, may be appealed by providing, within the ten-day impoundment period, a written request for an administrative hearing; the request shall be delivered to the address provided on the confiscation notice. The administrative hearing shall be conducted in accordance with this section. If a request for a hearing is received after the expiration of the ten-day impoundment period, the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely.

(Ord. No. 08-10, § 3, 1-22-08)

Sec. 5-23. - Additional regulations relating to dangerous dogs.

(a) Within fourteen (14) days after a dog has been designated as dangerous, or a dangerous dog designation is upheld on appeal, the responsible party shall obtain a certificate of registration for the dog from the Department. The responsible party shall renew the certificate annually. Certificates of registration and renewals thereof shall only be issued to competent persons who are at least eighteen (18) years of age and who present to the Department sufficient evidence that:

- (1) The dog has been vaccinated in accordance with Section 5-6 of this chapter;
- (2) The dog has been sterilized;
- (3) The dog has been implanted with a microchip, the microchip has been registered with the national registry applicable to the microchip, and the microchip number and other identifying information have been provided to the Department;
- (4) The dog shall be confined in a proper enclosure of a dangerous dog; and
- (5) A clearly visible warning sign at all entry points informs both children and adults of the presence of a dangerous dog on the property.

(b) Prior to issuance of the certificate of registration and renewals thereof, the responsible party shall pay the Department a fee set by implementing order approved by the Board of County Commissioners.

(c) The responsible party shall immediately notify the Department in writing:

- (1) When a dangerous dog is loose or unconfined;
- (2) When a dangerous dog has bitten a human or attacked another animal;
- (3) Prior to a dangerous dog being sold or given away, or when a dangerous dog dies; or
- (4) When a dangerous dog is moved to another address.

(d) If a dangerous dog is sold or given away, the former responsible party shall provide the name, address, and telephone number of the new responsible party to the Department, shall update all relevant information with the national registry applicable to the microchip, and shall provide the Department with confirmation that the microchip information has been updated. The new responsible party shall comply with all of the requirements of this chapter, even if the animal is later moved from this County to another county within the State. If a dog that has been designated by another jurisdiction as dangerous, aggressive, or similar classification is brought into Miami-Dade County, the responsible party shall immediately register the dog with the Department in accordance with this section.

(e) It shall be unlawful for the responsible party to permit a dangerous dog to be outside a proper enclosure unless the dog is muzzled and restrained by a chain or leash, and under the 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. When being transported, a dangerous dog shall be safely and securely restrained within a vehicle, provided, however, that nothing contained herein shall be construed to excuse a violation of Section 5-15 of this chapter. The responsible party may exercise the dog on the responsible party's property in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the responsible party remains outside with the dog and only members of the responsible party's immediate household or persons eighteen (18) years of age or older are allowed in the enclosure when the dog is present.

(f) The responsible party shall be liable if a dangerous dog attacks or bites a human or a domestic animal when unprovoked.

(1) The dog shall be immediately confiscated by the Department, placed in quarantine and impounded, held for ten (10) business days after the responsible party is given written notice of the confiscation and the determination of the Department to euthanize the dog, and thereafter euthanized in accordance with Section 5-24 of this chapter.

(2) The euthanasia determination, and any related fines issued pursuant to Chapter 8CC of this Code, may be appealed by providing, within the ten-day impoundment period, a written request for an administrative hearing; the request shall be delivered to the address provided on the confiscation notice. If a request for a hearing is received after the expiration of the ten-day impoundment period, the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely. The administrative hearing shall be conducted in accordance with Section 5-22 of this chapter.

(3) The Director is hereby authorized to institute appropriate proceedings in any court of competent jurisdiction if necessary to effectuate the seizure of a dog while a violation of this section is under investigation.

(4) Notwithstanding any other provision in this section, an attack or bite by a dangerous dog shall not be a violation of this section if the dog could not be designated as dangerous for the same conduct pursuant to Section 5-22(d) of this chapter.

(g) Upon the euthanasia of a dog based on a violation of Section 5-22 or of this section:

(1) The Department shall provide the responsible party written notice containing all costs and fees incurred by the Department in the confiscation, maintenance, quarantine and euthanasia of the dog, with a deadline of not less than thirty (30) days from receipt of the notice of payment of the costs and fees.

(2) Miami-Dade County may thereafter institute proceedings in a court of competent jurisdiction to compel payment of the fees and costs incurred by the Department in the confiscation, maintenance, quarantine and euthanasia of the dog. A certified copy of an order awarding the County its fees and costs may be recorded in the public records and thereafter shall constitute a lien against the land of the violator or, if the violator does not own the land, upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the sheriffs of this State, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After one (1) year from the filing of any such lien which remains unpaid, Miami-Dade County may foreclose on the lien.

(h) Nothing contained herein shall prevent any person from applying to a court of competent jurisdiction for the seizure, impoundment, or euthanasia of a dangerous dog based on the responsible party's failure to comply with the requirements of this section.

(Ord. No. 08-10, § 3, 1-22-08)

Sec. 5-24. - Euthanasia of injured and diseased animals, impounded animals, and abandoned animals.

(a) *Legislative intent.* Some animals suffer so greatly from illness, injury, or neglect that human compassion calls for their immediate euthanasia. In addition, some animals become infected with dangerous transmissible diseases that pose a risk to the residents of Miami-Dade County. In addition, the Department maintains an animal shelter where it houses animals that have been impounded pursuant to law and that, in many cases, either possess no evidence of ownership, or have been abandoned by their owners. Some of those animals also suffer greatly from illness, injury, disease, or neglect. The Board of County Commissioners hereby finds that public necessity, human compassion, and the protection of the health, safety, and welfare of the people and animals of Miami-Dade County require the enactment of the following regulations to govern the humane euthanasia of animals.

(b) *Methods of euthanasia.* Animals shall be euthanized only in accordance with the following procedures, unless provided otherwise in this section.

(1) Sodium pentobarbital, a sodium pentobarbital derivative, or other agent the Board of Veterinary Medicine may approve by rule, shall be the only methods used for euthanasia. A lethal solution shall be used in the following order of preference:

- (i) Intravenous injection by hypodermic needle.
- (ii) Intraperitoneal injection by hypodermic needle.
- (iii) Intracardial injection by hypodermic needle if the animal is unconscious.
- (iv) Solution or powder added to food.

Before euthanasia is performed, an animal may be tranquilized with a humane substance approved by Board of Veterinary Medicine.

(2) Succinylcholine chloride, curare, curariform mixtures, any substance which acts as a neuromuscular blocking agent, or a chamber which causes a change in body oxygen, except a chamber that uses commercially bottled carbon monoxide gas, may not be used on an animal for any purpose. However, whenever an emergency situation exists which requires the immediate euthanasia of an injured, diseased, or dangerous animal, a law enforcement officer, a veterinarian,

a certified euthanasia technician, or an Animal Control Officer may humanely euthanize the animal as provided in subsection (a) above.

(3) Euthanasia shall be performed only by a licensed veterinarian or certified euthanasia technician.

(4) Euthanasia shall be performed in a humane and proficient manner.

(5) No animal may be left unattended between the time euthanasia procedures are first begun and the time death occurs, nor may its body be disposed of until death is confirmed by a licensed veterinarian or certified euthanasia technician.

(c) *Euthanasia of animals impounded by the Department.* An animal impounded by the Department pursuant to Section 5-18 of this chapter may be humanely euthanized in accordance with this section after the minimum period of confinement has expired.

(1) Prior to the euthanasia of any animal pursuant to this section, the Director or designee will make reasonable efforts to review the official reports of missing animals that were filed with the Department in the fourteen days preceding the proposed date of euthanasia. If a pertinent report is discovered, the Director or designee will make reasonable efforts to notify the person(s) listed on the official missing animal report of the impoundment and proposed euthanasia of the animal. If the animal is not redeemed in accordance with Section 5-18 of this chapter within five (5) days of notification, the Department may proceed with the euthanasia.

(2) The Department may euthanize an animal without regard to any minimum period of confinement when the animal has been voluntarily surrendered to the Department by the owner or when all of the following three (3) conditions are met:

(i) The animal does not bear a Miami-Dade County license tag or other evidence of its owner's identity, or the Department has been unable to contact the owner after making reasonable efforts.

(ii) The animal is certified in writing by a Florida-licensed veterinarian or certified euthanasia technician either: to be suffering from, or afflicted with, a contagious, infectious or communicable disease which is proclaimed in a validly promulgated regulation of the Director to be of a dangerous and transmissible nature; or to be manifesting symptoms of debilitating pain and is certified to be suffering from disease, injury, or extreme neglect. Certification shall be accomplished prior to the euthanasia of the animal and shall include the date and time of examination and certification. All such certifications shall be public records open to the public inspection in accordance with law.

(iii) The euthanasia of the animal is recommended in writing by the Director, a veterinarian, or a certified euthanasia technician.

(3) The Director or designee is authorized to order the immediate euthanasia of any animal within the Department's custody when the owner authorizes such euthanasia. The Department shall maintain a written record of the names and addresses of persons delivering animals to the Department's custody and of persons authorizing the euthanasia of their animals. This record shall include a description of all such animals. Nothing herein shall prohibit the Department from treating, or seeking treatment for, animals within the Department's custody.

(d) *Immediate euthanasia of an injured or diseased domestic animal.*

(1) The purpose of this section is to provide a swift and merciful means whereby domestic animals which are suffering from disease, injury, or extreme neglect may be euthanized without unconscionable delay and in a humane and proficient manner.

(2) The term "officer" as used in this section means any law enforcement officer, any veterinarian, any certified euthanasia technician, any animal control officer, or the Director.

(3) Whenever any domestic animal is so injured or diseased as to be in a suffering condition, and it reasonably appears to an officer that such animal is imminently near death and the officer has made a reasonable and concerted, but unsuccessful, effort to locate the responsible party or a veterinarian, then such officer, acting in good faith and upon reasonable belief, may immediately euthanize such animal by shooting the animal or injecting it with a barbiturate drug. If the officer locates the responsible party, the officer shall notify the responsible party of the animal's location and condition. If the officer locates only a veterinarian, the officer shall euthanize the animal only upon the advice of the veterinarian.

(4) This section does not prohibit a responsible party from euthanizing his/her own domestic animal in a humane and proficient manner when the conditions described in this section exist.

(5) No officer or veterinarian acting in good faith and with due care pursuant to this section shall be liable either criminally or civilly for such act, nor shall any civil or criminal liability attach to the employer of the officer or veterinarian.

(6) A court order shall not be necessary to carry out the provisions of this section.

(Ord. No. 08-10, § 3, 1-22-08)

Sec. 5-25. - Municipalities authorized to adopt additional regulations.

Any municipality may adopt and enforce additional regulations governing the control of dogs within the boundaries of such municipality; provided that any such municipal regulation shall not conflict with the provisions of this chapter, and that the costs of the enforcement of such additional municipal regulations shall be borne by the municipality.

(Ord. No. 08-10, § 3, 1-22-08)

⁽¹⁴⁵⁾ **Cross reference**— Keeping of animals and fowl which cause frequent and loud noises, § 21-28(c); definition of dog kennel, § 33-1(40). (Back)